

Tenth Ordinance
Amending the
SARS-CoV-2 Infection Protection Ordinance

From 29 October 2020

On the basis of § 32 sentences 1 and 2 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 October 27, 2020 (GVBl. p. 836), is amended as follows:

“Part 1 Basic Obligations, Protection and Hygiene Regulations

§ 1
Basic Obligations

(1) Each person is required to reduce physical social contact with other people outside of his or her own household to an absolute necessary minimum. This applies in particular to persons who have symptoms of an infection with Covid-19 as described by the criteria of the Robert Koch Institute at the time.

(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.

(4) Staying in outdoor public spaces, especially in particular on streets, paths, squares, places, and in green areas parts between the hours of 23:00 and 6:00 of the following day is only permitted with the persons mentioned listed in § 1(3), or for members of the same household and two additional) and for up to five persons from different multiple households or for members of the same household and members of one additional household; the maximum number of persons present at the same time is ten. Sentence 1 shall not apply to children up to the age of 12 years if they are together in a childcare or lesson group members of two households. § 5(7) and § 6 remained unaffected.

(5) Subsection 4 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, planes, 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,
4. for carrying out pedagogical activities outdoors by public schools and independent schools, including second chance schools and private-sector facilities within the meaning of the Schools Act of January 26, 2004 (GVBl., p. 26), as last amended by Article 1 of the Act from June 11, 2020 (GVBl., p. 538), as well as day care facilities and day care services within the meaning of the Child Care Support Act of June 23, 2005 (GVBl., p. 322), as last amended by Article 1 of the Act from June 11, 2020 (GVBl., p. 535), and in the context of privately organised childcare and youth welfare services,
5. for homeless people, as far as and to the extent that they are not provided housing by the municipal government according to regulatory or local laws, and the upper limit of ten persons present at the same time is not exceeded.

§ 2

Protection and Hygiene Plan

(1) Those responsible for events in companies and other establishments, in particular businesses, restaurants, hotels, sales outlets, 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. The persons responsible according to sentence 1 must ensure that the protective measures included in the protection and hygiene plan are adhered to. 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 as described in § 6(4) 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, and the provisions of this Ordinance and the Ordinance referred to in subsection 3 are to be observed. 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) The Senate Administration responsible in each case can, in agreement with the Senate Administration responsible for health, set down a sector-specific framework hygiene policy that regulates details on the requirements for the protection and hygiene concept according to subsection 2, including provisions on threshold limits and access and visiting regulations. The responsible Senate Administration is also authorised, in agreement with the Senate Administration responsible for health, to make provisions according to sentence 1 by legal ordinances according to § 32 sentence 1 of the Infection Protection Act.

(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. canteens,
3. hotels,
4. (repealed)
5. (repealed)
6. companies offering close-contact services,
7. the practice of sport in covered sport facilities including indoor swimming pools, rooms used for sport and for sport-related 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. Those responsible for events must also document attendance if the event takes place wholly or partly outdoors. Those responsible for canteens must also keep documentation of attendance where food or drink is served outdoors or is served for consumption by self-service in the 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. 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 and shopping centres (malls) 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 hairdressers, also by personnel who work in close contact with customers,
3. in restaurants by staff with guest contact and guests,
4. by visitors to libraries and archives,
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 and similar premises used for the practicing sport, except while practicing sport,
8. in vocational education and training, where the minimum distance of 1.5 metres cannot be observed, with the exception of vocational schools,
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.

(1a) Each person is required to wear a mouth-and-nose covering in outdoor public spaces in which the minimum distance according to § 1(2) sentence 1 can typically not be maintained, especially on shopping streets and other crowded streets and plazas. A mouth-and-nose covering is to be worn at markets, in queues and in areas listed in Appendix to this Ordinance. Sentence 2 shall not apply during the use of vehicles

outside pedestrian areas; subsection 1 number 1 shall apply to the use of enclosed vehicles.the following areas:

(2) A mouth-and-nose covering must be worn by participants in 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 outdoor assemblies

- a) with no more than 20 participants in total, provided that they refrain from chanting and singing, or
- b) that are carried out as marches but only use motor vehicles;

2. at assemblies in enclosed rooms if the participants stay in their seats.

The assembly authority may also order mouth-and-nose coverings be worn in the cases referred to in number 1 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, as certified by a physician,
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 for professionals or as part of religious worship 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 according to § 32 sentence 1 of the Infection Protection Act.

(3a) In the field of integration assistance and social assistance, the Senate Administration responsible for social affairs may lay down regulations in ordinances in accordance with § 32 sentence 1 of the Infection Protection Act which ensure basic provision for those entitled to benefits. Service providers with agreements based on § 123 of Book Nine of the Social Code (Sozialgesetzbuch) or § 75 of Book Twelve of the Social Code - Social Assistance - (Article 1 of the Act from December 27, 2003, BGBl. I, p. 3022, 3023), last amended by Article 11 of the Act from December 14, 2019 (BGBl. I, p. 2789), are authorised to occupy their personnel with tasks others than those described in the service agreement, in order to mitigate dangers to staff and those receiving services as long as the tasks are related to the content of their services. It must be ensured that all persons receiving services are given basic, essential care and supplies.

(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 permitted by this Ordinance, 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 two 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 canteens, 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 two 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.

(7) Subject to sentence 2, sport may only take place alone or with one other person without contact and in compliance with the distance regulations according to § 1(2). The restriction of sentence 1 shall not apply to the following groups of persons:

- a) for the group of persons referred to in § 1(3),
- b) for federal and state cadre athletes, professional leagues and professional sportsmen and sportswomen and
- c) for children up to the age of 12 years, if the outdoor sports are practised in fixed groups of maximum 10 persons present plus one supervising person.

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) Professional sport competitions in the national and international leagues and similar professional competitive systems are permitted, provided that they take place within the framework of a usage and hygiene concept made by the respective sports association. Spectators are prohibited. Sentence 2 shall not apply to the if the usage and hygiene concept of the respective sports association does not foresee a lower upper limit, persons required for the operation of the sport.

(9) Swimming pools may be opened exclusively for the use of federal and state cadre athletes, professional sportsmen and sportswomen, for sport as a teaching subject at public schools and independent schools, at vocational training institutions, as a study-related teaching activity at universities and for therapeutic treatment. Open-air swimming pools and beach pools remain closed.

(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) (repealed)

(12) State, private and denominational universities, including their institutions, are prohibited from opening to the public up to and including March 31, 2021. From November 2, 2020, universities are to conduct their teaching activities in the winter semester 2020/2021 using online formats rather than face-to-face teaching. Practical formats that cannot be carried out digitally and examinations can be carried out in a face-to-face format 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. In particular, sentence 3 includes the following:

1. practical courses, especially those that require specialised laboratory or working rooms at the universities,
2. practical lessons in medical-clinical courses of study,
3. artistic lessons,
4. practical sports exercises and
5. face-to-face formats for the introduction of first-year students.

In practical formats according to sentence 4, the maximum number of 25 participating students may not be exceeded. In justified cases, the universities may grant limited access to persons in derogation of sentence 1. Sentence 1 shall not apply to academic libraries and the Botanical Garden.

Part 2 Maximum Number of Persons and Bans

§ 6

Maximum Number of Persons for Events

(1) Outdoor events with more than 100 persons present at the same time are prohibited up to and including November 30, 2020.

(2) Events in closed rooms with more than 50 persons present at the same time are prohibited up to and including November 30, 2020.

(2a) By way of derogation from subsections 1 and 2, concerts, theatre, opera and concert hall performances, musical and artistic performances before a physically present audience, including dance performances and events of a cultural, recreational or entertainment nature are prohibited.

(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 subsection 1, private events and private gatherings outdoors are only permitted under the provisions of § 1(4). By way of derogation from sentence 1, funerals and celebrations on the occasion of a funeral are permitted outdoors with up to 25 persons present at the same time and By way of derogation from subsection 2, private events or in closed rooms with up to 20 are only permitted among the group of persons named in § 1(3) or the members of two households or the members of one household with up to five other persons present at the same time. The persons required for the performance of the funeral and the celebrations on the occasion of a funeral shall not be taken into account in the calculation of the upper limit for in sentence 2. Subsection 3 number 1 shall remain unaffected.

§ 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.

(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) Fitness and dance studios, saunas, steam baths, thermal baths and similar facilities must remain closed. Sentence 1 also applies to corresponding areas in hotels and similar establishments.

(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 prohibited from opening to the public. They may offer food and beverages for pick-up or delivery. For pick-up, appropriate precautions must be taken to control how the process is carried out and avoid too many people gathering. Sentence 1 shall not apply to the operation of canteens.

(5) Christmas markets and fairs are prohibited.

(5a) When opening retail shops, department stores and shopping centres (malls) to the public, a guideline of a maximum of one person (customers) per 10 square metres of sales area and business space applies for controlling access and ensuring a minimum distance can be maintained. If the size of the sales floor is less than 10 sqm, a maximum of one customer may be admitted at a time. Incentives to stay must not be created, and § 1(4) shall apply *mutatis mutandis*.

(6) Serving, distributing, and selling alcoholic beverages shall be prohibited between 11 p.m. and 6 a.m. of the the following day.

(7) Personal care service industries such as beauty parlours, massage parlours, tattoo parlours and similar establishments are prohibited from opening to the public or offering their services. Sentence 1 shall not apply to hairdressing establishments and medically necessary treatments, in particular physiotherapy, occupational therapy and logotherapy, podiatry, chiropody and alternative practitioners.

(8) Cinemas, theatres, opera and concert halls, museums, memorials and cultural event sites, whether publicly or privately owned, are prohibited from being open to the public. Libraries may lend media.

(9) Amusement venues as detailed in the Building Utilisation Ordinance (*Baunutzungsverordnung*) in the version published on November 21, 2017 (BGBl. I, p. 3786), amusement arcades, casinos, betting shops and similar establishments are prohibited from being open to the public.

(10) The animal houses and the aquarium of the Berlin Zoo and the animal houses of Berlin-Friedrichsfelde Zoo may not be opened to the public.

(11) Tourist overnight stays in hotels and other similar establishments are prohibited.

(12) Prostitution facilities within the meaning of the Prostitute Protection Act (*Prostituiertenschutzgesetz*) of October 21, 2016 (BGBl I, p. 2372), amended by Article 57 of the Act from November 20, 2019 (BGBl. I, p. 1626), are prohibited from opening to the public, and prostitution services are prohibited from being offered outside of the facilities. The provision and use of sexual services with physical contact and erotic massages are prohibited.

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. For the obligation to report and provide information pursuant to sentences 1 and 2, the information pursuant to No. I number 1 sentences 1 to 3 of the Ordinance on Passenger Traffic following the determination of an epidemic situation of national importance established by the German Bundestag on 6 August 2020 (BAnz AT 07.08.2020 B5) in the currently valid version must be reported; this report may also be made via the disembarkation card to be used by carriers in international rail, bus, air or shipping traffic pursuant to Annex 2 of this Ordinance.

(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,
 - c) the functioning of the constitutional organs of the state and Länder or
 - d) 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. 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; if the test takes place before entering the Federal Republic of Germany, it may not have been carried out more than 48 hours before entering the Federal Republic of Germany. The medical certificate in accordance with sentences 1 and 2 must be submitted to the competent health authority immediately upon its request, but at the latest after 72 hours, and must be retained for at least 14 days after entry. § 8(2) shall remain unaffected.

(4) Besides the exemptions covered in subsections 1 to 3, exemptions from § 8(1) may also be granted in duly justified cases by the responsible public health office, 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.

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),
- 1a. in violation of § 1(4), stay in a public space with persons other than those named and no exception under § 1(5) exists,
2. in violation of § 2(1), as the person responsible, not submit a hygiene plan on request, unless an exception under § 2(4) exists, or not ensure the protective measures in the protection and hygiene concept are adhered to,
3. in violation of § 2(2) sentence 4, as the person responsible or in charge, 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 or subsection 1a sentence 2 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 canteen, not ensure compliance with the rules on hygiene and spacing,
13. in violation of § 5(7) sentence 1, not keep sports contactless or practice sport with more than one other person and no exception under § 5(7) sentence 2 letters a) to g) applies,
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, does not observe these regulations or permits spectators,
15. in violation of § 5(9), as the responsible operator of a swimming pool, open it for persons other than those stated in the provision,
16. (repealed)
17. (repealed)
18. (repealed)
19. (repealed)
20. (repealed)
21. (repealed)
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,
- 23a. in violation of § 6(2a) as the person responsible or in charge of an event mentioned there,
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 according to § 1(4),
25. in violation of § 6(4) sentence 2, as the person responsible for a funeral or celebration events related to a funeral, not ensure 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 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 fitness or dance studio, sauna, steam bath, thermal bath or a similar facility,
30. (repealed)
31. in violation of § 7(4), as the responsible operator of a restaurant, open to the public or not take measures to control the process of purchasing food or to avoid groups of people gathering,
32. (repealed)
- 32a. in violation of § 7(5a) sentences 1 to 3, as the responsible operator of a point of sale, a department store or a shopping centre (mall) admit more than the maximum number of persons permitted by the area of the business premises or creates incentives to stay,
33. in violation of § 7(6), serve, distribute or sell alcoholic beverages between 11 p.m. and 6 a.m. of the following day,
- 33a. (repealed)) sentence 1, open up services the field of personal hygiene to the or offer servicesthe field of personal hygienethere is sentence 2,
- 33b. in violation of) sentence 1, open to the public cinemas, theatres, opera and concert halls, museums, memorials and cultural event sites, whether publicly or privately owned,
- 33c. in violation of § 7(9) open to the public amusement venues as detailed in the Building Utilisation Ordinance (*Baunutzungsverordnung*) in the version published on November 21, 2017 (BGBl. I, p. 3786), amusement arcades, casinos, betting shops and similar establishments,
- 33d. in violation of § 7(11) offer tourist overnight stays in hotels and other similar establishments,
- 33e. in violation of § 7(12) sentence 1, engage in the business of prostitution within the meaning of the Prostitute Protection Act,
- 33f. in violation of § 7(12) sentence 2, purchase sexual services with physical contact or erotic massages,
34. (repealed)
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, not 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 November 30, 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 November 2, 2020.

Berlin, 29 October 2020

The Senate of Berlin

Michael Müller
Governing Mayor

Dilek Kalayci

Senator for Health,
Care and Equality

Appendix

(for § 4(1a) sentence 2)

Designation of the areas in which a mouth-and-nose covering is to be worn

I. Streets

1. Alte Schönhauser Straße in the district Mitte,
2. Bergmannstraße in the district Kreuzberg,
3. Bölschestraße in the district Friedrichshagen,
4. Friedrichstraße in the district Mitte,
5. Hermannstraße in the district Neukölln,
6. Karl-Liebknecht-Straße in the district Mitte,
7. Karl-Marx-Straße in the district Neukölln,
8. Kurfürstendamm in the districts Wilmersdorf und Charlottenburg,
9. Rathausstraße in the district Mitte,
10. Schloßstraße in the district Steglitz,
11. Sonnenallee in the district Neukölln,
12. Tautenzienstraße in the districts Charlottenburg und Schöneberg,
13. Turmstraße in the district Moabit,
14. Unter den Linden in the district Mitte,
15. Wilmersdorfer Straße in the district Charlottenburg

II. Squares

1. Alexanderplatz,
2. Bebelplatz,
3. Boxhagener Platz,
4. Breitscheidplatz,
5. Europaplatz,
6. Hardenbergplatz,
7. Hermannplatz,
8. Lausitzer Platz,
9. Leipziger Platz,
10. Olympischer Platz, if events, in particular football matches, are held there or in the Olympic stadium,
11. Pariser Platz,
12. Potsdamer Platz,
13. Rosa-Luxemburg-Platz,
14. Rosenthaler Platz,
15. Washingtonplatz,
16. Wittenbergplatz

III. Other Locations

1. Old city of Spandau,
2. Hackescher Markt,
3. Kottbusser Tor,
4. Lustgarten”