

**Ordinance on Measures Required to Protect the Population from Infections
with the SARS-CoV-2 Coronavirus (SARS-CoV-2 Infection Protection Measures
Ordinance - InfSchMV) from December 14, 2000, in the Version of the First Ordinance
Amending the SARS-CoV-2 Infection Protection Measures Ordinance
from December 22, 2020**

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Part 1
Basic Obligations, Protection and Hygiene Regulations

§ 1
Ordinance objective; definitions

1. The objective of this Ordinance is to control the progressive spread of SARS-CoV-2 coronavirus and COVID-19 disease caused by it; this is to be done by taking measures to protect public health and manage the disease's impact on the public health system.

(2) For the purposes of this Ordinance, public space includes all places outside the private dwelling and the associated property (private space).

(3) An event within the meaning of this Ordinance is a planned event to take place for a limited time in which a group of people take part with a defined objective or intention, a program sequence with thematic, related content or purpose in the definable responsibility of an organiser, a person, an organisation or an institution. Assemblies according to Article 8 of the Basic Law and Article 29(1) of the Berlin Constitution are not considered events.

(4) A gathering within the meaning of this Ordinance occurs when persons come together and interact with each other but which is not an event as defined in subsection 3 or an assembly as defined in Article 8 of the Basic Law and Article 26 of the Berlin Constitution.

(5) A community mask (mouth-and-nose covering) is a textile barrier made of commercially available cloth material, 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 community mask 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.

§ 2
Contact restrictions, conduct in public spaces

(1) Each person is required to reduce physical social contact with people who are not part of his or her own household to an absolute necessary minimum and to refrain from travelling. 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. Employers are urged to enable employees to work from home without bureaucratic hurdles. Leaving one's own home or usual accommodation is permitted only for valid reasons.

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

(3) Valid reasons meant by subsection 1 sentence 4 include, in particular:

1. preventing danger to life, limb or property,
2. exercising professional, mandate-related, volunteer or other activities as described in subsection 5 number 2, even if the location of these activities changes,
3. accompanying, caring and nursing persons in need of support and minors, as well as running errands and conducting business for these persons,
4. attending appointments with authorities, courts, legal application offices, bailiffs, solicitors and notaries, including participating in court proceedings as part of the public,
5. complying with official, public prosecutor's or police summons,
6. individual quiet contemplation in churches, mosques, synagogues and houses of other faith and world-view communities as well as participation in worship services,
7. using medical and veterinary services (e.g. visits to doctors, medical treatment, blood donations) and visits to members of the assisting professions where this is medically necessary (e.g. psychotherapists, physiotherapists and those named in § 17(1) sentence 2),
8. purchasing items for personal use in sales outlets and using services permitted by this Ordinance,
9. visiting spouses or life partners and exercising custody rights or rights of access in the respective private sphere,
11. caring for animals,
11. caring for horticultural or agricultural areas,
12. attending and conducting any event, assembly, visitation or private gathering permitted by this Ordinance,
13. traveling to schools, care facilities, facilities to assist the disabled and childcare facilities for the purpose of using the care services offered there and to accompany or collect people who are cared for there,
14. sports in accordance with § 18 and outdoor exercise.

(4) When leaving the home or usual accommodation for a valid reason as described in subsection 3, staying in outdoor public spaces, especially on streets, paths, squares and in green areas is only permitted with the persons mentioned in subsection 2, or with members of one additional household; the maximum number of persons present at the same time is five, whereby the children of these two households who have not yet turned 13 years of age are not counted toward the maximum number of persons.

(5) Subsection 4 shall not apply

1. for stays in public places outdoors for the purpose of reporting by representatives of the press, radio, film or other media,
2. for the exercise of professional, mandate-related or voluntary activities, including the seasonally necessary cultivation of agricultural, horticultural and forestry land, and for political advertising by no more than two persons to individuals or individual groups of persons within the meaning of subsection 3 for the support of parties and voter communities as well as for referendums, popular initiatives, citizens' petitions and residents' motions,
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,
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 (*Schulgesetz*) of January 26, 2004 (Law and Ordinance Gazette (GVBl.), p. 26), as last amended by Article 35 of the Act from October 12, 2020 (GVBl., p. 807), as well as day care facilities and day care services within the meaning of the Child Care Support Act (*Kindertagesförderungsgesetz*) of June 23, 2005 (GVBl., p. 322), as last amended by Article 30 of the Act from October 12, 2020 (GVBl., p. 807), 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,
6. for the provision of integration assistance services and assistance for homeless persons,
7. for participation in outdoor events and assemblies permitted under this Ordinance and
8. for engaging in sports permitted under this Ordinance.

§ 3

Distance requirement

(1) In public spaces, a minimum distance of 1.5 metres must be maintained when having contact with persons other than those named in § 2(2), 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 (BGBl.) I p. 2022), last amended by Article 3(5) of the Act of October 9, 2020 (Federal Law Gazette I p. 2075), in schools including institutions of the second educational pathway within the meaning of the Schools Act of January 26, 2004 (GVBl. p. 26), last amended by Article 35 of the Act of October 12, 2020 (GVBl. p. 807), and in vocational training,
 3. the provision of close-contact services,
 4. in structurally small spaces that must be used by several people at the same time, for example in public transport or motor vehicles, or
 5. if a sector-specific general hygiene policy pursuant to § 6(3) or a legal ordinance passed based on § 27 as an exception permits less than the minimum distance of 1.5 metres and other measures are in place to ensure protection against infection.
- (2) Subject to § 2(2), every person is required to maintain the minimum distance specified in subsection 1 wherever possible, even in private spaces.

§ 4

Community mask (mouth-and-nose covering)

- (1) A community mask (covering for the mouth and nose) 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, also by personnel who work in close contact with customers,
 3. in restaurants by guests and by staff with guest contact,
 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 practicing sport, except while practicing sport,
 8. in vocational education and general adult education,
 9. in schools pursuant to § 3(2) sentence 2 number 2, with the exception of instruction and extra-curricular or supplementary support and supervision,

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,
11. in lifts,
12. by participants at assemblies in enclosed rooms in accordance with the provisions of § 10(2),
13. if this is required in addition to the occasions specified in numbers 1 to 12 in a sector-specific hygiene concept in accordance with § 6(3) or a legal ordinance issued on the basis of § 27.

(2) A community mask must be worn outdoors:

1. in public spaces
 - a) at markets,
 - b) in queues,
 - c) in car parks,
 - d) on train platforms and at public transport stops,
 - e) in areas listed in Appendix to this Ordinance and
 - f) without prejudice to letter d, on footpaths in front of buildings in which retail shops, service outlets and craft businesses directly accessible from the footpath are located.

this shall not apply when using vehicles outside pedestrian areas; subsection 1 number 1 shall apply to the use of enclosed vehicles; and

2. by participants at outdoor assemblies in accordance with the provisions of § 10(2),
Each person is also required to wear a community mask outdoors where the minimum distance according to § 3(1) sentence 1 can typically not be maintained, especially on shopping streets and other crowded streets and plazas.

(3) The obligation to wear a community mask shall not apply to

1. children up to the age of six,
2. persons who cannot wear a community mask 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 § 1(5) such that the spread of potentially infectious droplets and aerosols is reduced,
4. deaf persons and the hard of hearing as well as persons who communicate with them, as well as persons accompanying them or
5. if additional exceptions are provided for in a sector-specific hygiene concept in accordance with § 6(3) or a legal ordinance issued on the basis of § 27.

§ 5

Documentation of attendance

(1) The persons responsible for

1. events,
2. canteens,
3. hotels,
4. companies offering close-contact services,
5. 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 § 18,
6. state, private and denominational universities for event rooms in which on-site courses are held and
7. other institutions stated in a sector-specific hygiene concept in accordance with § 6(3) or a legal ordinance issued on the basis of § 27,

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 approved outdoor dining area.

(2) The attendance list 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. Borough 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) The information in accordance with subsection 2 sentence 1 must be provided 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 § 9(3) numbers 2 and 3.

§ 6

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 § 9(7) 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 sector-specific ordinances issued based on § 27 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 sufficiently airing out 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 Department responsible in each case can, in agreement with the Senate Department 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.

(4) Subsections 1 to 3 shall not apply to events pursuant to § 9(3) numbers 2 and 3.

Part 2
Further Hygiene and Protection Rules for Particular Sectors

§ 7
Singing in enclosed rooms

Singing together in enclosed rooms shall only be permitted for professional reasons or as part of religious worship if the hygiene and infection protection standards laid down in a general hygiene concept according to § 6(2) or a legal ordinance from the Senate Department responsible for culture issued based on § 27 are observed. Sentence 1 shall not apply to persons listed in § 2(2).

§ 8
Serving, distribution, and sale of alcoholic beverages; consumption in public places

(1) Serving, distributing, and selling alcoholic beverages shall be prohibited between 11 p.m. and 6 a.m. of the following day. The sale and distribution of alcoholic beverages intended or suitable for immediate consumption according to their form of presentation, especially in glasses, cups or disposable beverage containers, are prohibited at all times. Sentence 2 shall not apply to commercially closed beverage bottles, cans or bags.

(2) The consumption of alcoholic beverages in outdoor public spaces is prohibited.

§ 9
Events, maximum number of persons

(1) Outdoor events with more than 100 persons present at the same time are prohibited.

(2) Events in closed rooms with more than 50 persons present at the same time 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,
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,

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 and
5. events according to § 17(2) of the Works Constitution Act (*Betriebsverfassungsgesetz*) in the version published on September 25, 2001 (BGBl. I p. 2518), as last amended by Article 6 of the Act of May 20, 2020 (BGBl. I p. 1044).

(4) 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 § 2(2) 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. At outdoor events, the minimum distance according to sentence 1 may be reduced provided that protection against droplet infections and aerosols is ensured. For points of sales and food and beverages, § 14(1), (3) and (5) and § 15(2) apply *mutatis mutandis*.

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

(6) By way of derogation from subsections 1 and 2, events that are of a recreational or entertainment nature are prohibited.

(7) By way of derogation from subsections 1 and 2, events or gatherings with family, acquaintances or friends (private events) are only permitted with the persons mentioned in § 2(2), or with members of one additional household; the maximum number of persons who may be present at the same time is five, whereby the children from these two households who have not yet turned 13 years of age are not counted toward the maximum number of persons. For the period from December 24 to the end of December 26, 2020, private events are permitted only among the persons named in § 2(2) or with members of up to four other households, subject to an upper limit of five persons present at the same time, whereby the children from these five households who have not yet turned 15 are not counted toward the maximum number of persons, or with up to four relatives in the direct ascending line who do not belong to one's own household, siblings and their household members, and their children who have not yet turned 15. Sentence 2 shall apply *mutatis mutandis* for stays in outdoor public spaces according to § 2(4).

(8) For burials and funerals at cemeteries or in funeral parlours, subsection 3 number 1 applies mutatis mutandis. By way of derogation from subsection 7, funerals and celebrations on the occasion of a funeral that are not included in sentence 1 are permitted outdoors with up to 50 persons present at the same time and in enclosed rooms with up to 20 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 persons in sentence 2.

§ 10 Assemblies

(1) When holding assemblies as defined in Article 8 of the Basic Law and Article 26 of the Berlin Constitution, the minimum distance of 1.5 metres between participants must always be observed, with the exception of the persons named in § 2(2). § 3(1) sentence 2 shall not apply. 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.

(2) A community mask must be worn by assembly participants in accordance with Article 8 of the Basic Law and Article 26 of the Berlin Constitution. Notwithstanding § 4(3), the obligation to wear a community mask 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 numbers 1 based on § 15 of the Assembly Act (*Versammlungsgesetz*) in the version published on November 15, 1978 (BGBl. I, p. 1789), last amended by Artikel 150 of the Ordinance on June 19, 2020 (BGBl. I, p. 1328) if the measures foreseen by the responsible person in the protection and hygiene concept pursuant to subsection 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 does not preclude the wearing of a community mask to protect against infection.

§ 11 Hospitals

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.

§ 12 Integration assistance, social assistance, assistance for the homeless

(1) Service providers with agreements based on § 123 of Book Nine of the Social Code from December 23, 2016 (BGBl. I, p. 3234), last amended by Article 3(6) of the Act from October 9, 2020 (BGBl. I, p. 2075) 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 3 of the Act from October 9, 2020 (BGBl. I, p. 2075), 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.

(2) The daytime and overnight assistance programs for homeless persons shall remain open to ensure adequate care for those affected.

§ 13 Childcare centres, universities, education

(1) Regular operations for childcare shall not run. Parents whose children are cared for in childcare facilities are requested to organise care elsewhere as far as possible and to use childcare services only in absolutely necessary cases in order to reduce contacts in this area as well. 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 Care Support Act (*Kindertagesförderungsgesetz*).

(2) State, private and denominational universities, including their institutions, are prohibited from opening to the public. 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 the Botanical Garden. Academic libraries may only offer lending and online services.

(3) Subject to subsections 5 and 6, public schools and independent schools, including second-chance educational institutions and extracurricular and supplementary support and supervision services, may not provide any face-to-face teaching or supervision.

(4) *Volkshochschulen* and other adult education centres, music schools, youth art schools, youth traffic schools, gardening schools as well as independent institutions within the meaning of the Schools Act and similar education institutions for minors may not provide any face-to-face teaching or supervision.

(5) Examinations in accordance with the Schools Act and performance assessments at public schools and alternative schools may be carried out according to the Senate Department responsible for schools provided that a distance of at least 1.5 metres between the participants is guaranteed. Degree certificates may be issued by public schools and alternative schools.

(6) Schools may offer limited services for emergency care, especially for children of parents who work in an area necessary for the maintenance of public life. The Senate Department responsible for schools decides on the selection of facilities and those who have a right to use the emergency care services.

§ 14

Retail shops, markets

(1) Retail shops within the meaning of the Berlin Shop Opening Act (*Berliner Ladenöffnungsgesetz*) of November 14, 2006 (GVBl., p. 1045), last amended by the Act from October, 2010 (GVBl., p. 467), are prohibited from opening. Excluded from the prohibition in sentence 1 are retail shops for food and beverages, tobacco products, writing supplies, newspapers, magazines, books and products necessary to care for animals,

pharmacies, establishments with medical supplies and hearing and sight aids, sales points only selling Christmas trees, drugstores, health food shops, petrol stations, pick-up and delivery services, weekly markets limited to products permitted for retail shops, bicycle and car repair shops.

(2) Sales outlets pursuant to subsection 1 may not open on Sundays and public holidays pursuant to § 6(1) and (2) of the Berlin Shop Opening Act. § 4 and § 5 of the Berlin Shop Opening Act remain unaffected.

(3) Selling and providing fireworks and other pyrotechnic objects is prohibited.

(4) Selling non-food products with the exception of fuel for heating may not be expanded beyond that sold on December 15, 2020.

When opening retail shops, department stores and shopping centres (malls) to the public, a guideline for the maximum permissible number of customers according to the sales area and business space applies for controlling access and ensuring a minimum distance can be maintained. For shops with a sales area of up to 800 square metres, a guideline of a maximum of one customer per 10 square metres of sales area applies. For shops with a total sales area of 801 square metres or more, a guideline of no more than one customer per 10 square metres of sales area applies to a sales area of 800 square metres and no more than one customer per 20 square metres of sales area in excess of 800 square metres. For shopping centres, the respective total sales area is decisive. If the size of the sales floor or business space is less than 20 sqm, a maximum of one customer may be admitted at a time. Incentives for staying in the business are not permitted.

(6) Christmas markets, fairs, art and second-hand markets (flea markets), special markets and public festivals are prohibited.

§ 15 Gastronomy

(1) 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, subject to § 8(1). For pick-up, appropriate precautions must be taken to control how the process is carried out and avoid too many people gathering.

(2) By way of derogation from subsection 1, in canteens, food and beverages may only be consumed at tables or sitting at bars and counters. 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 § 3(2); no persons may be present within this distance. By way of derogation from sentence 2 and § 3(1) sentence 1, 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.

§ 16

Tourist offers, accommodation

(1) Excursions within the meaning of the Public Transport Act (*Personenbeförderungsgesetz*) in the version published in August 8, 1990 (BGBl I, p. 1690), last amended by Article 329 of the Ordinance from June 19, 2020 (BGBl. I, p. 1328), city sightseeing tours, boat excursions and similar offers for tourist purposes are prohibited.

(2) Overnight stays in hotels, tourist accommodation, holiday homes and similar facilities are prohibited and may not be offered by the operators of such facilities. Exceptions are permitted for overnight stays for business trips and for necessary personal reasons. Before concluding a contract, the operators of the facilities named in sentence 1 must inquire about the purpose of the rental or accommodation and document this together with the recorded personal data of the guest. Guests must provide complete and truthful information in this regard.

§ 17 Services

(1) Personal care service industries such as hairdressers, 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 medically necessary treatments, in particular physiotherapy, occupational therapy and logotherapy, podiatry, chiropody and alternative practitioners.

(2) Prostitution facilities within the meaning of the Prostitute Protection Act (*Prostituiertenschutzgesetz*) of October 21, 2016 (BGBl. I, p. 2372), amended by Article 7 of the Act from November 30, 2020 (BGBl. I, p. 2600), 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.

§ 18 Sports

(1) 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 § 3(1). The restriction of sentence 1 shall not apply to the following groups of persons:

1. for the group of persons referred to in § 2(2),
2. for federal and state cadre athletes, professional leagues and professional sportsmen and sportswomen,
3. 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 and
4. for medically prescribed rehabilitation sport or medically prescribed functional training within the meaning of § 64(1) numbers 3 and 4 of Book Nine of the Social Code in fixed groups of up to ten persons plus one person in charge of the exercise; in cases of particular hardship to be justified in the individual case, the participation of further persons is permitted if this is absolutely necessary to enable the participants to participate in rehabilitation sport or functional training.

Before starting the sport, the responsible persons must point out the necessity of complying with the protection and hygiene concept according to § 6(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 and subsection 2.

(2) The practice of sports in covered sports facilities, gyms, dance studios and similar facilities shall be permitted only to the extent that it is necessary

1. for the sport activities of the group of persons named in subsection 1 sentence 2 number 2,
2. for equestrian sports to the extent that is absolutely necessary from an animal protection point of view,
3. for therapeutic treatments and uses in accordance with subsection 1 sentence 2 number 4.

Otherwise, it is prohibited.

(3) 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 persons required for the operation of the sport.

(4) The practice of sports in swimming pools is permitted exclusively for 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, for therapeutic treatment and for use according to subsection 1 sentence 2 number 4. The use of outdoor swimming pools and beach pools is prohibited.

§ 19

Cultural facilities

Cinemas, theatres, opera halls, 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.

§ 20

Recreational facilities

(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) Saunas, steam baths, thermal baths and similar facilities must remain closed. Sentence 1 also applies to corresponding areas in accommodation facilities and similar establishments.

(3) 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.

(4) 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.

Part 3 Quarantine Measures

§ 21

Domestic quarantine for incoming and returning travellers 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 as described in § 2(17) of the Infection Protection Act at any time within the ten days before entering the state of Berlin shall be obliged to go directly to their own home or second residence or other accommodation that allows for isolation immediately after entry and to remain there without interruption for a period of ten 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. Immediate transit by a direct route without overnight stay in a risk area shall not be considered a stay within the meaning of sentence 1.

(2) The persons included in subsection 1 sentence 1 are obligated to contact the health office responsible for them without delay after arrival and to report that they are subject to domestic quarantine according to the obligation described in subsection 1 sentence 1. The obligation pursuant to sentence 1 shall be fulfilled by means of a digital entry registration at <https://www.einreiseanmeldung.de>. During digital entry registration, the personal data pursuant to Section I, point 1, sentence 1 of the Regulations concerning travel after the German Bundestag established an epidemic situation of national importance on November 5, 2020 (BAnz AT 06.11.2020 B5) must be transmitted in full and the confirmation of successful digital entry registration received must be carried when arriving. The digital entry registration must be presented to the transport provider upon request, in the case of Section I, point 1, sentence 5 of the Regulations on Passenger Traffic, after the German Bundestag established an epidemic situation of national importance, to the authority responsible for police control of cross-border traffic. If digital entry registration was not possible in exceptional cases, the obligation pursuant to the first sentence above shall be fulfilled by submitting a written substitute declaration in accordance with the model in Annex 2 of the Regulations concerning passenger traffic after the German Bundestag established an epidemic situation of national importance to the transport provider, in the case of Section I, point 1, sentence 5 of these Regulations to the authority responsible for police control of cross-border traffic. The persons covered by subsection 1 sentence 1 are also obliged to inform the competent public health office immediately if typical symptoms of an infection with the

coronavirus SARS-CoV-2 such as cough, fever, stuffy nose or loss of smell and taste occur within ten days of entry.

(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.

§ 22

Exceptions to domestic quarantine

(1) § 21(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 to complete the transit.

(2) The following are excluded from § 21(1) sentence 1:

1. repealed,
2. People whose activities are absolutely necessary for the maintenance of
 - a) Maintaining diplomatic and consular relations, especially as members of diplomatic or consular services, parliaments and governments,
 - 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 bodies of the state and Länder,
 - d) The functioning of the institutions of the European Union and international organisations or
 - e) The transnational fight against crime by police authoritiesif these are absolutely necessary. The absolute necessity must be reviewed and certified in writing by the employer, person or body requiring travel or
3. for stays of less than 72 hours in the state of Berlin or in a risk area according to § 2 number 17 of the Infection Protection Act
 - a) Persons entering on the occasion of a visit by first or second degree relatives, spouses or life partners who do not belong to the same household, or to exercise a common or shared custody or access right,
 - b) In compliance with appropriate protection and hygiene concepts, persons whose work is absolutely necessary and indispensable for the provision of vital medical care, in particular in the field of transplant medicine, and whose work is certified by the employer or contracting body,
 - c) In compliance with appropriate protection and hygiene concepts, persons who, for professional reasons, transport persons, goods or merchandise across borders by road, rail, sea or air,

- d) In compliance with appropriate protection and hygiene concepts, persons 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 as part of their job,
4. In compliance with appropriate protection and hygiene concepts, persons,
- a) who have their place of residence in the state of Berlin and who, as a matter of absolute necessity, travel to their place of work, study or training in a risk area pursuant to § 2 number 17 of the Infection Protection Act for the purpose of pursuing their profession, studies or training and return to their place of residence regularly, at least once a week (cross-border commuters), or
 - b) who have their place of residence in a risk area pursuant to § 2 number 17 of the Infection Protection Act and who, as a matter of absolute necessity, travel to their place of work, study or training in the state of Berlin for the purpose of pursuing their profession, studies or training at least once a week (cross-border commuters);

the absolute necessity as well as the compliance with appropriate protection and hygiene concepts must be certified by the employer, client or educational institution.

(3) The following are excluded from § 21(1) sentence 1:

- 1. People whose activities are absolutely necessary for the maintenance of
 - a) the functioning of the health care system, in particular doctors, nurses, supporting medical staff and 24-hour care workers,
 - b) public safety and order,
 - c) the functioning of the judicial system and
 - d) the functioning of critical infrastructure,

The absolute necessity must be certified by the employer, person or body requiring travel,

- 2. Persons entering the state of Berlin
 - a) on the occasion of a visit by first or second degree relatives, spouses or life partners who do not belong to the same household, or to exercise a common or shared custody or access right,
 - b) due to urgent medical treatment or
 - c) to assist or care for persons in need of protection or assistance,
- 3. Persons who travel for absolutely necessary professional reasons that cannot be postponed for up to five days, who have stayed in a risk area in accordance with § 2 number 17 of the Infection Protection Act because of their training or studies, or who enter the federal territory; the absolute necessity must be certified by the employer, client or educational institution,
- 4. Persons who are accredited by the respective organising committee for the preparation, participation, implementation and follow-up of international sporting events

or who are invited by a national sports federation to participate in training and courses or

5. Persons who return from a risk area as defined in § 2 number 17 of the Infection Protection Act as holiday returnees and who immediately prior to their return journey have carried out a test in their holiday destination with a negative result for infection with the coronavirus SARS-CoV-2, provided that
 - a) on the basis of an agreement between the Federal Republic of Germany and the affected national government on site, special epidemiological precautions (protection and hygiene concept) have been taken for a holiday in this risk area (see the website of the Federal Foreign Office at www.auswaertiges-amt.de and the Robert Koch Institute at www.rki.de),
 - b) the infection situation in the respective risk area does not prevent the non-fulfilment of the obligation pursuant to § 21(1) sentence 1 and
 - c) the Federal Foreign Office has not issued a travel warning at <https://www.auswaertiges-amt.de/de/ReiseUndSicherheit/reise-und-sicherheitshinweise> for the affected region because of an increased risk of infection.
6. Persons who, in the course of their artistic profession and on the basis of contractual obligations, take part in rehearsals or events in the state of Berlin in opera, theatre, dance theatre or concerts.

Sentence 1 shall only apply if the persons have a negative test result for an infection with the coronavirus SARS-CoV-2 on paper or in an electronic document in German, English or French and they present this immediately to the competent public health office on request within ten days of entry. The test must either have been taken no more than 48 hours before entry or must be taken on entry into the Federal Republic of Germany. The test must meet the requirements of the Robert Koch Institute, which are published on the Internet at <https://www.rki.de/covid-19-tests>. The test result in accordance with sentence 2 must be retained for at least ten days after entry.

(4) The following are excluded from § 21(1) sentence 1:

1. Persons according to § 54a of the Infection Protection Act,
2. Members of foreign armed forces within the meaning of the NATO Staff Regulations, the NATO Partnership for Peace (PfP Staff Regulations) and the Staff Regulations of the Member States of the European Union (EU Staff Regulations), who enter or return to Germany for official purposes, or
3. Members of the armed forces and police officers returning from deployment or from similar obligations abroad and
4. Persons who enter the federal territory for the purpose of taking up work for at least three weeks if, at the place where they are accommodated and where they work, operational hygiene measures and measures to avoid contact outside the working group are taken in the first ten days after their entry which are comparable to quarantine under § 21(1) sentence 1, and leaving the accommodation is only permitted in order to carry out their work; The employer shall report the commencement of

work to the responsible health office before it begins and document the measures taken in accordance with sentence 1. The responsible health office shall verify compliance with the requirements pursuant to sentence 1.

(5) Besides the exemptions covered in subsections 1 to 4, exemptions from § 21(1) sentence 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.

(6) Subsections 1 to 5 shall only apply if the persons designated therein do not exhibit typical symptoms of infection with the coronavirus SARS-CoV-2 such as cough, fever, stuffy nose or loss of smell and taste. Persons referred to in subsections 2 to 5 must consult a doctor or a test centre for a test if typical symptoms of infection with the coronavirus SARS-CoV-2 such as cough, fever, stuffy nose or loss of smell and taste occur within ten days of entry.

(7) § 21(2) shall not apply to persons who, after entering the State of Berlin, are immediately in state accommodation if the obligations according to § 21(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.

§ 23

Shortening domestic quarantine

(1) Isolation according to § 21(1) sentence 1 shall end at the earliest on the fifth day after entry if the person has a negative test result for an infection with the coronavirus SARS-CoV-2 on paper or in an electronic document in German, English or French and presents this immediately to the competent public health office on request within ten days of entry.

(2) The test must either have been taken at the earliest on the fifth day after entry into the Federal Republic of Germany. The test must meet the requirements of the Robert Koch Institute, which are published on the Internet at <https://www.rki.de/covid-19-tests>.

(3) The person must retain the medical certificate for at least ten days after entry.

(4) The isolation pursuant to § 21(1) sentence 1 shall be suspended for the time required to carry out a test pursuant to subsection 1.

(5) Persons referred to in subsection 1 must consult a doctor or a test centre for another test if typical symptoms of infection with the coronavirus SARS-CoV-2 such as cough, fever, stuffy nose or loss of smell and taste occur within ten days of entry.

(6) Subsections 1 to 5 shall not apply to persons who are in one of the categories in § 22(4) number 4.

Part 4

Special Regulations for the Turn of the Year 2020/21

§ 24

Serving, distribution, and sale of alcoholic beverages

On December 31, 2020, in the period from 2 p.m. to 6 a.m. of the following day, the serving, distribution and sale of alcoholic beverages is prohibited, by way of derogation from § 8(1) sentence 1.

§ 25

Use of fireworks; stays in crowded places

For the period from December 31, 2020, until and including January 1, 2021, by way of derogation from § 2(1) sentence 4, § 2(3) and (4), the presence and use of fireworks and other pyrotechnic objects is prohibited on public streets, squares and green spaces specially designated by the Senate Department responsible for the interior in agreement with the Senate Department responsible for health to ensure compliance with infection control regulations. The designation shall be published in the Official Gazette for Berlin and may also provide for exceptions for the professional use of fireworks and other pyrotechnic objects. Passing through the places mentioned in sentence 1 is not considered a stay. The ban on stays in these places does not apply in cases of emergency or special needs.

§ 26

Assemblies

In the period from December 31, 2020, up to and including January 1, 2021, by way of derogation from § 10, assemblies within the meaning of Article 8 of the Basic Law and Article 26 of the Constitution of Berlin are prohibited.

Part 5

Authorisation to issue ordinances; transitional and final provisions

§ 27

Authorisation to issue ordinances

The responsible Senate Department for the respective matter is also authorised, in agreement with the Senate Administration responsible for health, by way legal ordinances according to § 32 sentence 1 of the Infection Protection Act,

1. to issue ordinances according to § 6(3),
2. to regulate exceptions to the requirement to maintain a minimum distance of 1.5 metres beyond those in § 3(1) sentence 2,

3. to determine situations beyond § 4(1) and (2) in which the obligation to wear a community mask, as well as to determine requirements for community masks to be worn in certain situations that deviate from § 1(5),
4. to regulate exceptions to the obligation to wear a community mask that go beyond § 4(3) and
5. to determine area-specific regulations for the maintenance of attendance documentation in addition to § 5(1) sentence 1, in particular also for responsible persons from facilities other than those specified in § 5(1) sentence 1.

(2) The Senate Department responsible for education is authorised, in agreement with the Senate Department responsible for health, to extend by ordinance in accordance with the first sentence of § 32 of the Infection Protection Act the obligation to wear community masks beyond the situations stated in § 4(1) number 9, which may also include areas outside enclosed spaces. It is further authorised, in agreement with the Senate Department responsible for health and in accordance with the first sentence of § 32 of the Infection Protection Act, to issue ordinances to impose conditions on the continued operation of schools as well as childcare facilities and day care services for children and other child and youth welfare facilities or to order their closure; this shall be without prejudice to § 13(1) and the possibility of general requirements on another legal basis for the purpose of containing the SARS-CoV-2 pandemic, such as, in particular, under § 45 of the Eighth Book of the Social Code.

(3) The responsible Senate Department for the respective matter is also authorised, in agreement with the Senate Department responsible for health, by way legal ordinances according to § 32 sentence 3 of the Infection Protection Act, to regulate planned admissions, operations and treatments in accredited hospitals. It is also authorised to use legal ordinances according to § 32 sentence 3 of the Infection Protection Act to establish conditions and requirements, especially hygiene requirements, for nursing care facilities as well as regulations on entering or visiting health care facilities, especially hospitals and nursing care facilities.

(4) The Senate Department responsible for social matters is authorised, in the field of integration assistance and social assistance, to use legal ordinances in accordance with § 32 sentence 1 of the Infection Protection Act to ensure basic provision for those entitled to benefits.

(5) The Senate Department responsible for culture is also authorised, in agreement with the Senate Department responsible for health, by way legal ordinances according to § 32 sentence 5 of the Infection Protection Act, to regulate hygiene and infection protection standards for singing in enclosed rooms.

§ 28

Restriction of fundamental rights

This Ordinance 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).

§ 29

Administrative Offences

(1) The prosecution of administrative offences shall be governed by § 73(1a) number 24 and subsection 2 of the Infection Protection 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 3 of the Ordinance from November 30, 2020 (Federal Law Gazette p. 2600), 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 Infection Protection Act to deliberately or negligently,

1. in violation of § 2(1) sentence 4, leave the home or usual accommodation if there is no valid reason according to subsection § 2(3),
2. in violation of § 2(4), stay in an outdoor public space with persons other than those named and no exception under § 2(5) exists,
3. in violation of § 2(4) in conjunction with § 9(7) sentence 2, stay in an outdoor public space with persons other than those named between December 24, 2020, and December 26, 2020,
4. in violation of § 3(1) sentence 1, not observe the minimum distance of 1.5 metres to persons other than those mentioned in § 2(2) and there is no exception under § 3(1) sentence 2 or § 18,
5. in violation of § 4(1) or (2) number 1 first phrase or number 2 or in violation of § 19(2) sentence 1, not wear a community mask and no exception under § 4(2) number 1 second phrase, § 4(3) or § 10(2) sentence 2 applies,
6. in violation of § 3(1), (2) or (4), not keep attendance documentation as the person responsible, not keep it or save it for a period of four weeks, not hand it over, make it accessible, or otherwise provide it 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,
7. in violation of § 5(3), give incomplete or inaccurate information according to § 5(2) sentence 1, unless an exception under § 3(5) applies,

8. in violation of § 6(1), as the person responsible, not submit a protection and hygiene plan at the request of the responsible authority, unless an exception under § 6(4) exists, or not ensure the protective measures in the protection and hygiene concept are adhered to,
9. in violation of § 6(2) sentence 4, as the person responsible or in charge, does not submit a hygiene plan on request, unless an exception under § 6(4) applies,
10. in violation of § 7 sentence 1, sing together in closed rooms without complying with the standards of hygiene and protection against infection laid down in a framework hygiene concept or in a legal ordinance from the Senate Department responsible for culture, and no exception under § 7 sentence 2 applies,
11. in violation of § 8(1), serve, distribute or sell alcoholic beverages between 11 p.m. and 6 a.m. of the following day, or distribute or sell alcoholic beverages outside of these times that are intended or suitable for immediate consumption and no exception under § 8 sentence 3 applies,
12. in violation of § 8(2), consume alcoholic beverages in outdoor public spaces,
13. in violation of § 9(1), as the person responsible for an outdoor event, not guarantee compliance with the number of participants permitted and no exception under § 9(3) applies,
14. in violation of § 9(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 § 9(3) applies,
15. in violation of § 9(4), as the responsible organiser of an event, not ensure compliance with the rules on hygiene and distance,
16. in violation of § 9(5), carry out concerts, theatre, opera and concert performances, musical and artistic performances before a physically present audience, including dance performances and other events of a cultural nature,
17. in violation of § 9(6), as the responsible organiser of an event, carry out events of a recreational or entertainment nature,
18. in violation of § 9(7) sentence 1, as the person responsible, carry out private events or gatherings with family, acquaintances or friends (private events) with persons other than those named in that provision,
19. in violation of § 9(7) sentence 2, carry out a private event between December 24, 2020, and December 26, 2020, with persons other than those named in that provision,
20. in violation of § 9(8) sentence 2, as the person responsible for a funeral or celebration events related to a funeral, not guarantee compliance with the number of participants permitted,

21. in violation of § 10(1) sentences 2 and 3, 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,
22. in violation of § 10(1) sentence 4, as the person organising the assembly, not ensure compliance with the protection and hygiene plan when holding the assembly,
23. in violation of § 14(1) sentence 1, as the responsible operator, open a sales point in the meaning of the Berlin Shop Opening Act and no exception according to § 14(1) sentence 2 applies,
24. in violation of § 14(2) sentence 1, as the responsible operator, open a sales point on a Sunday or holiday and no exception according to § 14(2) sentence 2 applies,
25. in violation of § 14(3), sell or distribute fireworks or other pyrotechnic objects,
26. in violation of § 14(5), 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 create incentives to stay,
27. in violation of § 14 (6), hold Christmas markets, fairs, art and second-hand markets (flea markets), special markets or public festivals,
28. in violation of § 15(1) sentence 1, 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,
29. in violation of § 15(2), as the responsible operator of a canteen, not ensure compliance with the rules on hygiene and spacing,
30. in violation of § 16(1), conduct sightseeing tours, boat excursions or similar offers for tourist purposes,
31. in violation of § 16(2) sentence 1, as the responsible operator of a hotel, accommodation facility, holiday home or similar facility, offer overnight accommodation and no exception according to § 16(2) sentence 2 applies,
32. in violation of § 16(2) sentence 3, before concluding a contract, as the responsible operator of a hotel, accommodation facility, holiday home or similar facility, not inquire about the purpose of the rental or accommodation and document this together with the recorded personal data of the guest,
33. in violation of § 16(2) sentence 4, as the guest of a hotel, accommodation facility, holiday home or similar facility, not give complete or true information,
34. in violation of § 17(1) sentence 1, open up services in the area of personal hygiene to the public or offer services in the field of personal hygiene and there is no exception under sentence 2,
35. in violation of § 17(2) sentence 1, engage in the business of prostitution within the meaning of the Prostitute Protection Act,
36. in violation of § 17(2) sentence 2, purchase sexual services with physical contact or erotic massages,

37. in violation of § 18(1) sentence 1, not keep sports contactless or practice sport with more than one other person and no exception under § 18(1) sentence 2 applies,
38. in violation of § 18(2), as the responsible operator of a covered sports facility, fitness or dance studio or similar facility, open it for the use of persons other than those stated in the provision,
39. in violation of § 18(3), conduct a competition without a usage and hygiene concept from the respective sports federation approved by the Senate Department responsible for sports, not observe these regulations or permit spectators,
40. in violation of § 18(4) sentence 1, as the responsible operator of a swimming pool, open it for the purposes permitted,
41. in violation of § 18(4) sentence 2, use an outdoor swimming pool or beach pool,
42. in violation of § 19, open cinemas, theatres, opera halls, concert halls, museums, memorials and cultural event sites, whether publicly or privately owned, to the public,
43. in violation of § 20(1), as the responsible operator, open a dance performance or a similar undertaking to the public,
44. in violation of § 20(2), as the responsible operator, open a sauna, steam bath, thermal bath or a similar facility,
45. in violation of § 20(3), open to the public any amusement venues as detailed in the Building Utilisation Ordinance (*Baunutzungsverordnung*) in the version published on November 22, 1999 (BGBl. I, p. 2020), amusement arcades, casinos, betting shops or similar establishments,
46. in violation of § 21(1) sentence 1, as a traveller entering or returning from a risk area pursuant to § 8(4), not immediately after entry take the direct route to his or her own home or other suitable accommodation, unless an exception pursuant to § 22(1) to (5) applies,
47. in violation of § 21(1) sentence 1, not self-isolate as a traveller entering or returning from a risk area pursuant to § 2 number 17 of the Infection Protection Act for a period of ten days after entry, unless an exception pursuant to § 22(1) to (5) or § 23 applies,
48. in violation of § 21(1) sentence 2, as a traveller entering or returning from a risk area pursuant to § 2 number 17 of the Infection Protection Act, receive visits from persons who do not belong to his or her own household during the period of self-isolation,
49. in violation of § 21(1) sentence 2, visit a person who is subject to the obligation of self-isolation under § 21(1) sentence 1,
50. in violation of § 21(2) sentence 1, as a person entering or returning from a risk area in accordance with § 2 number 17 of the Infection Protection Act, fail to contact the

- competent public health office immediately and draw attention to the obligation to self-isolate in accordance with § 21(1), unless an exception under § 22(7) applies,
51. in violation of § 21(2) sentence 7, as a person entering or returning from a risk area in accordance with § 2 number 17 of the Infection Protection Act, fail to contact the competent public health office immediately if typical symptoms of an infection with the coronavirus SARS-CoV-2 such as cough, fever, stuffy nose or loss of smell and taste arise within ten days after arrival, unless an exception under § 22(7) applies,
52. in violation of § 22(2) number 3 letter b or number 4 letter a or b, fail to issue a certificate truthfully,
53. in violation of § 22(6) sentence 2, if typical symptoms of an infection with the coronavirus SARS-CoV-2 such as cough, fever, stuffy nose or loss of smell and taste arise within ten days after arrival, fail to contact a doctor or test centre to carry out a test,
54. in violation of § 24, serve, distribute or sell alcoholic beverages between 2 p.m. on December 31, 2020, and 6 a.m. of the following day,
55. in violation of § 25 sentences 1 and 2, in the period from December 31, 2020, up to and including January 1, 2021, be present in the public streets, squares or green spaces specially designated in the official gazette or use fireworks or other pyrotechnic objects there and no exception under § 25 sentence 4 exists,
56. in violation of § 26, in the period from December 31, 2020, up to and including January 1, 2021, hold an assembly within the meaning of Article 8 of the Basic Law and Article 26 of the Constitution of Berlin,
57. in violation of § 26, in the period from December 31, 2020, up to and including January 1, 2021, participate in an assembly within the meaning of Article 8 of the Basic Law and Article 26 of the Constitution of Berlin,

§ 30

Transitional Provisions

For the administrative offence proceedings already initiated before December 16, 2020, based on the SARS-CoV-2 Infection Protection Ordinance of June 23, 2020 (GVBl. p. 562), last amended by the Ordinance from November 26, 2020 (GVBl. p. 922), the SARS-CoV-2 Infection Protection Ordinance effective at the time the offence was committed continues to apply.

§ 31

Expiration

This Ordinance shall expire at the end of the day on January 10, 2021.