Ordinance

on Measures Necessary to Stem the Spread
of the Novel Coronavirus SARS-CoV-2 (COVID-19) in Berlin
(SARS-CoV-2 Containment Measures Ordinance - SARS-CoV-2-EindmaßnV)

From March 22, 2020

On the basis of § 32(1) of the Protection against Infection Act of July 20, 2000 (Federal Law Gazette (BGBl.) I, p. 1045), last amended by Article 1 of the Act of February 10, 2020 (BGBl I, p. 148), the following is hereby enacted:

Part 1
Provisions for Events and Social Institutions and Facilities

§ 1
Events, Assemblies, Meetings and Gatherings

(1) Public and private events, assemblies, meetings and gatherings are prohibited from taking place.

(2) The prohibition in subsection 1 does not include events and gatherings that perform tasks under public law, including meetings of the German Bundestag and its committees, the Bundesrat and its committees, the House of Representatives and its committees, the Federal Government, the Senate of Berlin, the Berlin Constitutional Court, the district assemblies and their committees or those of foreign diplomatic missions, the courts, the bodies and authorities of the Federal Government and the Länder, and other such bodies and institutions.

(3) Also excluded are events and gatherings which serve to maintain public safety and order, the provision of services under public law, utilities, the health care of the population, the maintenance of the operation of commercial enterprises, or the fulfillment of tasks under staff representation law.

(4) The prohibition in subsection 1 does not include stays outside the home by several persons under the conditions of § 14(3) letter i. Also excluded from the prohibition in subsection 1 are private or family events and gatherings of up to ten persons if these are absolutely necessary for compelling reasons. This includes in particular visiting persons who are dying and funeral ceremonies.

(5) Unavoidable meetings and gatherings in connection with activities authorised under this Ordinance, in particular when using local public passenger transport, shall also be exempt from the prohibition in subsection 1.

(6) In the case of events and gatherings excluded by subsection 3 and subsection 4 sentence 2, all persons present must be recorded in an attendance list, which shall contain at least the following information: Name and surname, full address and telephone number. The attendance list must be kept for a period of four weeks after the end of the event and handed over in full to the responsible authority on request.

(7) For gatherings outdoors of up to 20 people, the administrative authority may allow exceptions to the prohibition in subsection 1 upon request if the infection risk posed by the
gathering is considered acceptable in the individual case. The responsible public health authority shall be involved in the decision pursuant to sentence 1.

§ 2
Special Types of Commercial Enterprises

(1) Commercial enterprises of the following types 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 15 of the Act from November 22, 2019 (BGBl. I, p. 1746), are prohibited from being open to the public:
Dance venues, trade fairs, exhibitions, special markets, gambling halls, casinos, betting shops and similar businesses.

(2) Amusement venues as detailed in the Building Utilisation Ordinance (Baunutzungsverordnung) in the version published on November 21, 2017 (BGBl. I, p. 3786) are prohibited from being open to the public.

(3) Cinemas, theatres, concert halls, museums and similar educational establishments, whether publicly or privately owned, are prohibited from being open to the public.

(4) 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.

(5) 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. This does not apply to medically necessary treatments.

§ 3
Restaurants and Hotels

(1) Restaurants within the meaning of the Restaurant Act (Gaststättengesetz) 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), including shisha bars, are prohibited from opening to the public. They may offer food and beverages for pick-up or delivery. For pick-up, including by food delivery services, appropriate precautions must be taken to ensure good hygiene, control access and avoid queues.

(2) Hotels and other accommodation establishments are prohibited from offering accommodation to tourists.

§ 3a
Retail Shops

(1) Retail shops within the meaning of the Berlin Shop Opening Act (Berliner Ladenöffnungsgesetz) of November 14, 2006 (Law and Ordinance Gazette (GVBl.), p. 1045), last amended by the Act from October, 2010 (GVBl., p. 467), are prohibited from opening.

(2) Excluded from the prohibition in subsection 1 are retail shops for food and beverages, including late sale outlets, pick-up and delivery services, weekly markets limited to the products permitted for the retail shops in this subsection, pharmacies, establishments with medical supplies and for the purchase of hearing and sight aids, drugstores, petrol stations,
laundries, newspaper and book sales, retail shops for building, horticultural and animal supplies, bicycle shops, craft and artisan shops and wholesale trade.

(3) If stores in the categories listed in subsection 2 open, precautions must be taken to ensure hygiene, control access and avoid queues.

§ 4
Swimming Pools and Sports Facilities

(1) The practice of sports on and in all public and private sports facilities, swimming pools, fitness studios, saunas, solariums and similar facilities is prohibited.

(2) Exceptions to the prohibition under subsection 1 may be permitted in specially justified individual cases only by written permission from the Senate Department responsible for sports. This applies in particular to

a) the sport activities of cadre athletes in preparation for the 2020 Olympic and Paralympic Games, where the training sessions requested are strictly necessary for preparation,

b) sports activities involving animals if this is absolutely necessary for animal welfare.

c) the training of Bundesliga teams and professional athletes.

(3) If another department of the State of Berlin was responsible for the public sports facility before the entry into force of this Ordinance, the Senate Department responsible for sports shall involve this body in the decision on an exception.

Part 2
Provisions for hospitals and nursing homes, for benefits of integration assistance as well as for benefits according to chapter 8 of the Social Code Book XII (SGB XII) and similar institutions

§ 5
Hospitals

(1) Hospitals within the meaning of the State Hospital Act (Landeskrankenhausgesetz) of September 18, 2011 (GVBl. p. 483), as last amended by Article 15 of the Act from February 2, 2018 (GVBl. p. 160), which participate in emergency care must, as far as medically justifiable, suspend all plannable admissions, operations and interventions, if this frees up personnel and other capacities for the treatment of patients with COVID-19 or suspected COVID-19 patients. The same obligation will apply to other hospitals as of March 25, 2020.

(2) Hospitals shall take the necessary measures to immediately train their medical and nursing staff in the field of intensive care with respiratory units and the treatment of patients with COVID-19 or suspected COVID-19.

(3) As far as it is medically justifiable, hospitals shall focus their personnel and other resources on the treatment of patients with COVID-19 or suspected COVID-19.

§ 6
Visiting Regulations
(1) Patients in hospitals are prohibited from receiving visits, subject to paragraph 2.

(2) Children under 16 years of age may receive one visit a day from one close relative for one hour, but not from persons with respiratory infections. Seriously ill persons may receive visits from notaries and, with medical permission, from persons close to them, especially if the purpose of the visit is to be with them when they die.

(3) Residents of nursing homes and special forms of housing within the meaning of Book Nine of the Social Code (Sozialgesetzbuch) of December 23, 2016 (BGBl. I, p. 3234), last amended by Article 8 of the Act from December 14, 2019 (BGBl. I, p. 2789), may receive visits once a day from a person for one hour, but not from children under 16 years of age or from people with respiratory infections. As part of a risk assessment for the residents, the operator of the facility may restrict the visitation arrangements pursuant to the first sentence or impose a ban on visits pursuant to subsection (1) subject to subsection (2). The competent supervisory authority must be notified if there is a ban on visits.

(4) Patients in institutions providing terminal care and residents of such institutions are not subject to any restrictions on receiving visits.

(5) Persons giving birth in a hospital may be accompanied by one person of their own choice. Newborns and their mothers may be visited once a day by one person for one hour, but not by children under 16 years of age, excluding brothers and sisters of the newborn, or by people with respiratory infections.

(6) Visits by persons in charge of pastoral care shall always be permitted, if necessary under the condition of necessary rules of conduct.

§ 7
Day and Night Care Facilities

(1) Day and night care facilities within the meaning of Book Eleven of the Social Code - Social Care Insurance - (Article 1 of the Act of May 26, 1994, BGBl. I, p. 1014, 1015), last amended by Article 2a of the Act from March 4, 2020 (BGBl. I, p. 437), are prohibited from opening for care operations, subject to paragraph 2.

(2) Institutions of the kind referred to in paragraph 1 may offer limited services for absolutely necessary care of persons in need of care, whose relatives carry out a professional activity necessary for the maintenance of public life, in particular in the field of health, nursing, public security and care, or for those cases where professional nursing care is necessary and cannot otherwise be ensured.

§ 7a
Provisions for benefits of integration assistance as well as for benefits according to chapter 8 of the Social Code Book XII (SGB XII)

(1) Workshops for persons with disabilities and day care facilities for persons with disabilities (this includes the benefit types BFBTS, TSHIV and TBTSB) and offers from other service providers according to § 60 of Book Nine of the Social Code of December 23, 2016 (BGBl. I, p. 3234), last amended by Article 8 of the Act from December 14, 2019 (BGBl. I, p. 2789), are prohibited from opening if they are not providing absolutely necessary care for persons with disabilities,
1. for whom there is no other possibility of care (e.g. by relatives, outpatient or in special forms of housing),
2. whose relatives carry out a professional activity necessary for the maintenance of public life, in particular in the field of health, nursing, public security and care, or
3. for whom, in individual cases, care is urgently needed to stabilise the person’s state of health.

Workshops for disabled persons which provide or carry out services or support work in connection with medical and/or care-relevant products are excluded from the first half of sentence 1; this exclusion also applies to laundries. Also excluded from sentence 1 are those operating areas of workshops for people with disabilities which supply meals in medical and/or care-related facilities. The institutions providing absolutely necessary care in accordance with sentence 1 and the institutions providing workshops for people with disabilities which are excluded from sentence 1 shall in all cases take suitable measures to ensure that distance and hygiene rules are observed and close contact is prevented to the extent possible.

(2) 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 other than those described in the service agreement in order to mitigate dangers to staff and those receiving services. It must be ensured that all persons receiving services are given basic, essential care and supplies. If personnel capacity is freed up by significantly reducing the scope of care for certain service offers, these personnel must be used by the service providers for other services in order to ensure that care is provided in these areas.

Part 3
Provisions for Schools and Educational Institutions according to the School Act (Schulgesetz) and for Nurseries and Other Child Care Offers according to the Child Care Support Act (Kindertagesförderungsgesetz)

§ 8
Schools and Educational Institutions according to the School Act, Nurseries and Other Child Care Offers according to the Child Care Support Act

(1) Subject to paragraphs 2 and 3, public schools and independent schools, including second chance schools and offers of supplemental support and care, adult education centres, music schools, youth art centres, youth driving training centres, horticultural 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 April 9, 2019 (GVBl., p. 255), 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 December 19, 2017 (GVBl., p. 702), are prohibited from opening for teaching or child care purposes.

(2) Examinations may be carried out provided that a distance of at least 1.5 metres between the participants is guaranteed.

(3) Institutions of the kind referred to in paragraph 1 may offer limited services for emergency care of children of parents who work in an area necessary for the maintenance of public
life, in particular in the field of health, nursing, public security and public infrastructure. The Senate department responsible for the school system decides on the selection of facilities, with the exception of day care facilities and child care services in accordance with the Child Care Support Act. Emergency care in day care facilities and child care services should be offered in principle in all day care facilities and child care centres; the Senate department responsible for youth and family affairs will regulate further details.

§ 9
Health Care and Nursing Schools and Other Vocational Training Institutions

(1) Health care and nursing schools and other vocational training institutions are prohibited from opening for teaching.

(2) § 8(2) shall apply mutatis mutandis.

Part 4
Provisions for Institutions in the Area of Science and Research

§ 10
Universities

(1) State, private and denominational universities, including their institutions, are prohibited from opening to the public and from teaching in person.

(2) Examinations that are state examinations may be carried out by the state examination offices in exceptional cases on-site, provided that a distance of at least 1.5 metres between the participants is guaranteed.

§ 11
Libraries

Libraries are prohibited from opening to the public. Online services can be offered.

§ 12
Cafeterias

Studierendenwerk cafeterias are prohibited from being opened.

§ 13
Non-University Research Institutions

The provisions in §§ 10 and 11 shall apply mutatis mutandis to non-university research institutions in the State of Berlin, irrespective of their legal form.

Part 5
Temporary Contact Restrictions

§ 14
Contact Restrictions within the City Limits of Berlin

(1) Persons in the city limits of Berlin in accordance with Article 4(1) of the Berlin Constitution of November 23, 1995 (GVBl. p. 779), as last amended by the Act from March 22, 2016 (GVBl. p. 114), shall stay in their home or usual accommodation at all times, subject to
other provisions of this Ordinance. This also applies to homeless persons if they are accommodated by local or other regulatory authorities.

(2) Proof of reasons for leaving the home or usual residence in accordance with the provisions of this Ordinance must be shown to the police and the responsible regulatory authorities. For any stay outside the home or usual residence, a minimum distance of 1.5 metres to other persons must be maintained to the extent possible.

(3) Reasons meant by subsection 2 include, in particular:

a) exercising professional, mandate-related or volunteer activities, including if these take place at varying locations,
b) 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 and physiotherapists),
c) purchasing items for personal use in sales outlets and using services with the exception of those prohibited under § 2(5), §§ 3 ff,
d) visiting spouses or life partners and exercising custody rights or rights of access in the respective private sphere,
e) visiting elderly or ill persons or persons with disabilities outside facilities; within facilities only in accordance with § 6,
f) accompanying persons in need of assistance and minors,
g) accompanying the dying as well as funerals in the immediate family or circle of friends,
h) leaving and re-entering the city of Berlin, provided that this is taking place on a direct route from or to the home or usual residence,
i) sport and exercise outdoors, alone, with members of the same household or with one other person, without any other group members,
j) caring for animals,
k) caring for horticultural or agricultural areas,
l) attending events or gatherings permitted or approved according to § 1,
m) participating in examinations,
n) attending urgently needed appointments with authorities, courts, legal application offices, bailiffs, solicitors and notaries,
o) complying with official, public prosecutor's or police summons,
p) individual quiet contemplation in churches, mosques, synagogues and houses of other faith and world-view communities.

§ 15
Schools, Nursing Institutions, Assistance for the Disabled and Child Care

Traveling to facilities within the meaning of § 7, § 7a and § 8 is permitted for the purpose of taking advantage of the care services offered there and to accompany or collect people who are cared for there.

§ 16
Personal Assistance

In order to assist persons who are unable to travel the routes referred to in this Ordinance or take care of their personal business themselves, it is permissible for the routes or business to be carried out by a chosen assistant.

§ 17
Compulsory Identification

An identity card or other official photo ID together with a document showing the person's residential address must be carried and presented to the police and the responsible authorities on request.

Part 6
Quarantine Measures

§ 17
Domestic Quarantine for Incoming and Returning Travelers, Observation

(1) Persons who enter the state of Berlin by land, sea, or air from a country outside the Federal Republic of Germany 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 subsection 1 shall not be permitted to receive visits from persons not belonging to their household.

(2) The persons mentioned 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 sentence 1. The persons covered by subsection 1 sentence 1 are also obligated to inform the health office responsible for them immediately if symptoms of illness occur.

(3) During the period of isolation in accordance with subsection 1 sentence 1, the persons subject to quarantine shall be subject to observation by the public health office.

§ 18
Exceptions to Domestic Quarantine

(1) The following persons are excluded from § 17(1) sentence 1:

1. those who, for professional reasons, transport other persons, goods and merchandise across borders by road, rail, sea or air,

2. those whose activities are absolutely necessary for the maintenance of
   a. the functioning of the health care system, including care facilities, and other critical infrastructures,
   b. public safety and order,
   c. maintaining diplomatic and consular relations,
   d. the functioning of the judicial system,
   e. the functioning of the representation of the people, the government and administration of the Federation, the Länder and the municipalities, or
   f. 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; this certificate must be carried by persons,
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 and buses, have spent time outside the federal territory,

4. who regularly cross the federal border between their place of residence and their place of work (commuters) or who enter the territory of the Federal Republic of Germany for up to five days for professional reasons which are absolutely necessary and cannot be postponed, or

5. who have stayed abroad for less than 48 hours or who have any other valid reason for travelling; this includes in particular social aspects such as shared custody, visiting a partner who is not living in the same household, urgent medical treatment or assistance or care for vulnerable persons.

In addition, the competent public health office may grant further exemptions on request in justified individual cases.

(2) § 17 shall not apply to persons who enter the federal territory for the purpose of taking up work for at least three weeks (seasonal workers) 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 14 days after their entry which are comparable to quarantine under § 1(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 health office shall verify compliance with the requirements pursuant to sentence 1.

(3) § 17 shall not apply to members of the armed forces and police officers returning from deployment or from similar obligations abroad.

(4) Furthermore, § 17 shall not apply to persons who enter the state of Berlin only for the purpose of transit; such persons shall leave the territory of the state of Berlin by direct route. The necessary transit through the territory of the state of Berlin is permitted.

(5) §§ 1 to 4 shall only apply if the persons named therein do not exhibit any symptoms that indicate an infection with COVID-19 in the sense of the currently valid criteria of the Robert Koch Institute.

§ 19 Data Transmission

To ensure the monitoring of the domestic quarantine in accordance with § 17 (1) sentence 1, the public health office responsible for the Reinickendorf district shall transmit the necessary personal data of those returnees within the meaning of § 17 (1) sentence 1 who enter the city of Berlin by air at Berlin-Tegel Airport "Otto Lilienthal" to the public health office responsible for the place of residence of the person concerned. To this end, the public health office responsible for the district of Reinickendorf requests the airlines to make available without delay the personal data they hold on the persons mentioned in sentence 1.
§ 20
Continued Application of the Protection against Infection Act (Infektionsschutzgesetz, IfSG)

The provisions of the German Protection against Infection Act shall otherwise remain unaffected. In particular, the public health office is authorised to prematurely terminate the quarantine pursuant to § 17 (1) sentence 1 in individual cases.

§ 21
Transitional Provisions

(1) For persons who are already in domestic quarantine on the basis of § 17(1) sentence 1 of the SARS-CoV-2 Containment Measures Ordinance in the version of April 2, 2020, and who meet the requirements for an exception in accordance with § 18(1) or (3), the obligation for domestic quarantine shall lapse with immediate effect, subject to sentence 2. In the event of an exception under Section 18(1) no. 2, the employer must immediately certify in writing that the activity is absolutely necessary and the persons must carry this certificate with them.

(2) For persons who are already in domestic quarantine on the basis of § 17(1) sentence 1 of the SARS-CoV-2 Containment Measures Ordinance in the version of April 2, 2020, and who meet the requirements for an exception in accordance with § 18(2), the time in which they have already been in quarantine may be deducted from the required time period of 14 days according to § 18(2). For the remaining period of the quarantine, the provisions of § 18(2) sentence 1 shall apply. § 18(2) sentences 2 and 3 shall apply.

(3) For persons who are already in domestic quarantine on the basis of § 17(1) sentence 1 of the SARS-CoV-2 Containment Measures Ordinance in the version of April 2, 2020, and who do not fall under subsections 1 or 2, § 18(1) sentence 2 shall apply.

Part 7
Final Provisions

§22
Administrative Offences

It is an administrative offence within the meaning of § 73(1a) no. 24 IfSG to intentionally or negligently disregard the requirements and prohibitions contained in §§ 1-4, 6-14, 17 and 18 of this Ordinance. Administrative offences can be punished with a fine of up to 25,000 euros.

§ 23
Entry into Force, Expiration, Evaluation

(1) This Ordinance shall enter into force on March 23, 2020, and shall expire at the end of the day on April 19, 2020.

(2) The legislator will evaluate on an ongoing basis whether the conditions for maintaining these restrictions on fundamental rights continue to exist.

(3) When this Ordinance enters into force, the SARS-CoV-2 Containment Measures Ordinance of March 17, 2020, which was published on March 17, 2020, in accordance with § 2(1) of the Act on the Publication of Laws and Ordinances, last amended by the Ordinance on March 21, 2020, also published on March 21, 2020, in accordance with § 2(1) of the Act on the Publication of Laws and Ordinances, shall expire.
Article 2

This Ordinance shall enter into force on April 10, 2020.

Berlin, April 9, 2020

The Senate of Berlin

Michael Müller
Governing Mayor

Dilek Kalayci
Senator for Health, Care and Equality