

Regulation
of the Sachsen Ministry for Social Affairs and Social Cohesion
for protection against coronavirus SARS-CoV-2 and COVID-19
("Sächsische Corona-Schutz-Verordnung – SächsCoronaSchVO")

of 25 August 2020

On basis of § 32 (1) in connection with § 28 (1) and (2) of the Infection Protection Act ("Infektionsschutzgesetz") from 20 July 2000 (Bundesgesetzblatt (BGBl) Part I p 1045), of which § 28 (1) Sentence 1 and 2 has been amended by Article 1 No. 6 of the act from 27 March 2020 (BGBl I p 587), in connection with § 7 of the Regulation of the Sachsen Government and of the Sachsen Ministry for Social Affairs and Social Cohesion for the regulation of responsibilities according to the Infection Protection Act and for the reimbursement of costs for vaccines and other prophylactic measures from 9 January 2019 (SächsGVBl p 83), which has been amended by the regulation from 13 March 2020 (SächsGVBl p 82), the Sachsen Ministry for Social Affairs and Social Cohesion enacts:

§ 1

Basic tenets

(1) During the Corona Pandemic, every person shall halt physical social contact with people other than the members of their household, partner or persons who have custodial or visitation rights, or shall reduce it to the required level with members of other households or with a group of up to ten other people. Wherever possible, a distance of at least 1.5 metres to other persons shall be maintained and other measures to prevent infection (limiting contact) shall be observed. These basic tenets concern all spaces, including places of work.

(2) When in public spaces, especially with high-risk persons, wearing a mouth and nose covering is strongly recommended, in order to reduce the risk of infection to oneself and others. Good hand hygiene and avoiding hand-to-face contact also reduce the risk. Parents and legal guardians should make sure that their children or wards also heed these recommendations if they are capable. People with disabilities and those with health restrictions can refrain from wearing the mouth and nose covering if they are not able to do so. It is permissible to temporarily refrain from covering the mouth and nose in contact with hearing impaired people who depend on reading lip movements.

§ 2

Limiting contact, distancing rules, mouth and nose covering

(1) Private gatherings at home are permitted without limit to the number of people.

(2) Gathering in public spaces is only allowed alone or accompanied by a member of the household, partner, or person with custodial or visitation rights, and

1. with members of another household or
2. with up to ten other people.

(3) Family celebrations (weddings, birthdays, funerals, anniversaries, first day of school celebrations with family, etc.) at restaurants or rooms closed off (also in the respective outside area) to third parties with up to 100 persons out of the circle of family, friends and acquaintances are allowed. The hygiene rules should be observed.

(4) Company and association celebrations are permitted with up to 50 people. The hygiene rules should be observed.

(5) (5)The providers of child and youth welfare services according to §§ 11 to 14, § 16, § 29 and § 32 of the Eighth Book of the Social Code - Children and Youth Welfare - in the version published on 11 September 2012 (BGBl I p. 2022), which was last amended by Article 16a (6) of the law from 28 April 2020 (BGBl. I p 960), need to create and implement concepts that ensure compliance with hygiene regulations. The responsible persons shall set upper limits for the number of persons allowed in the establishment based on the size and available space of the facility in order to ensure that sufficient distancing is possible. If the offers can be carried out in fixed recurring groups with data protection compliant and data-efficient collection of contact data within the meaning of § 7 (1) Sentences 4 to 7, the minimum distance does not have to be observed within the group. Paragraph 2 does not apply to the occupation of bedrooms in tourist accommodation with measures of children and youth recuperation with regard to parties, recurring groups. The State Ministry for Social Affairs and Social Cohesion can regulate other requirements by general decree. Sentences 1 to 3 and 5 apply accordingly to other measures of child and youth retreats.

(6) The minimum distance of 1.5 metres does not apply in facilities for day care, in schools and at school events. Alternative measures can be provided by the general ruling of the Ministry for Social Affairs and Social Cohesion for regulating the operation of facilities for day care, schools and boarding schools in the context of fighting the SARS-CoV-2 pandemic. Sentence 1 applies accordingly to training and further training facilities and other facilities for school training as well as to offers of care during holidays as part of inclusion assistance.

(7) A mouth and nose covering is to be worn

1. when using public transport, coaches or regular transport services for the purpose of transporting people with disabilities or persons in need of care between their place of residence/home and facilities, and
2. when using coach buses, unless the minimum distance of 1.5 metres can be maintained,
3. when visiting businesses and shops, and
4. in so far as provided for in the general ruling of the Ministry of State for Social Affairs and Social Cohesion for regulating the operation of day-care facilities, schools and boarding schools in the context of fighting the SARS-CoV-2 pandemic.

Children up to the attainment of the age of six years old are excluded. Sentence 1 No. 1 to 3 does not apply if other protection measures have been embraced or if there is no contact with the client. § 1 (2) Sentence 4 to 5 apply accordingly. The submission of a seriously disabled persons pass or a medical certificate is sufficient for substantiation of an exemption from the obligation according to Sentence 1. In this respect, the transport use and the business visit according to Sentence 1 cannot be denied out of infection protection law reasons. Persons, who contrary to the obligation existing according to Sentence 1 do not wear any mouth-nose covering, are forbidden from the use according to Sentence 1 Number 1 Alternative 1 and Number 2 as well as the stay according to Number 3.

(8) In deviation from (2), sport operations under observation of hygiene rules are allowed according to § 4.

(9) In deviation from (2), gatherings in public spaces while observing the 1.5-metre distancing rule are permitted, while § 5 still holds. The minimum distance for facilities and services in accordance with § 4 (4) No. 7 and for facilities and services of religious communities can be reduced, provided that a mandatory, data protection-compliant and data-saving collection of contact data within the meaning of § 7 (1) Sentences 4 to 7 has been implemented and suitable hygiene rules have been put in place.

(10) Beyond the meetings and gatherings listed in (2) to (6) and (8), meetings and gatherings in public places are forbidden.

§ 3

Trade operations, service providers and other operations, institutions, sports facilities, food service industry, hotels, lodging, businesses and shops or public means of transport as well as events

(1) The opening of trade operations, service providers and other operations, institutions, sports facilities, food service industry, hotels, lodging, businesses and shops or public means of transport as well as events under observation of hygiene rules according to § 4 is allowed. In this respect, no forbidden gathering according to § 2 (10) is brought forth.

(2) The opening of

1. discos, dances in closed rooms,
2. steambaths, saunas,
3. prostitution events, prostitution mediation, prostitution vehicles and
4. prostitution facilities remain forbidden, unless it concerns the payment-based provision of sexual services without sexual intercourse with a hygiene concept approved by the responsible municipal authority as well as tracking conditions.

(3) Operators of lodging facilities are not allowed to accommodate persons who have arrived from or resided in a district or an independent city in the Free State of Sachsen or in the Federal Territory or city states with more than 50 cumulative new infections per 100,000 inhabitants within the last seven days. As long as the infection can be localised and the responsible authorities have only ordered regionally limited measures, the accommodation ban only applies to people who arrive from these regional areas or who are resident there. This does not apply to persons who have a medical report that confirms after biological testing that no evidence of an infection with the SARS-CoV-2 coronavirus is present. The test must have been carried out at most 48 hours before arrival. Areas with an increased risk of infection according to Sentence 1 or 2 shall be determined by the Ministry for Social Affairs and Social Cohesion and announced on the website www.coronavirus.sachsen.de in the customary manner.

(4) A party that employs persons, who

1. for the purpose of an at least three-week work stay temporarily enter the region of the Free State of Saxony (seasonal workers),
2. live in communal accommodation and
3. work in companies, in which at the same time more than ten employees including temporary workers, are employees of a contractor and others persons operate,

must ensure that these at the start of the employment have medical findings pursuant to (3) Sentences 3 and 4 in the German or English language. Persons, who do not have the proof according to Sentence 1, may not be employed. The owner of the business, who employs seasonal workers, is respectively obligated to report the commencement of work of the seasonal workers principally 14 days before their start to the responsible municipal authority. A later report is only sufficient if the business owner makes it credible that an earlier report was not possible for mandatory operational or other reasons. The report has to include the names of the seasonal workers, their place of accommodation, type and period of time of activity as well as the contact data of the business owner. The reporting obligation shall also exist if the seasonal workers change the company or employer during their stay in the Federal Republic of Germany.

§ 4

Observation of hygiene rules in trade operations, service providers and other operations, institutions, sports facilities, food service industry, hotels, lodging, businesses and shops or public means of transport as well as events

(1) The SARS-CoV-2 work protection standard (“SARS-CoV-2- Arbeitsschutzstandard”) of the Federal Ministry for Work and Social Affairs, the SARS-CoV-2 Work Protection Rule as well as existing sector-specific statements of the accident insurer or of the supervising body and the applicable recommendations of the Robert Koch Institute for infection protection in their current versions or conceptions and recommendations of the professional associations are to be observed by service providers in trade operations, service providers and other operations, institutions, sports facilities, food service industry, hotels, lodging, businesses and shops, public means of transport or the realisation of events. Further instructions for protection are to be in compliance with the general provisions of the Ministry for Social Affairs and Social Cohesion for the imposition of hygiene restrictions for stopping the spread of the coronavirus.

(2) A written hygiene plan based on the recommendations and guidelines listed in (1) is to be created and implemented. This should particularly include rules about distance to other persons in addition to other hygiene measures.

(3) The responsible communal office can review the hygiene plan and oversee its compliance.

(4) Hygiene concepts approved by the responsible municipal authorities must be available for the following facilities and offers with a number of visitors up to 1,000 persons before these are commissioned:

1. public pools, spas, thermal baths and saunas, if not handled by a lodging, rehabilitation or membership facility (e.g. fitness studio),
2. sports competitions with an audience (except for leisure and mass sports with a number of visitors of up to 50 people),
3. leisure and amusement parks,
4. folk festivals, fairs, Christmas markets,
5. wanting to dance outdoors,
6. trade fairs and
7. conference and congress centres, theatres, musical theatres, cinemas, concert halls, concert venues, opera houses, music clubs (without dancing) and circuses.

Otherwise § 5 will apply.

(5) For the fee-paid provision of sexual services without sexual intercourse reference is made to § 3 (2) No. 4.

(6) In the case of persons accommodated or working in reception facilities or collective accommodation for refugees, the accommodation authorities shall make rules based on the facility and subject in coordination with the responsible communal authorities.

(7) If a digital collection of contact data is envisaged according to § 7 (1) Sentence 4 to 7,

1. an analogue collection of contact data of the visitor and
2. a barrier-free data collection

is additionally to be made possible.

§ 5

Major events and sporting events with an audience

(1) Large-scale events and sporting events with an audience of more than 1,000 people may take place, if

1. data protection-compliant and data-saving collection of contact data according to § 7 (1) Sentences 4 to 7 is possible and
2. a hygiene concept approved by the responsible municipal authority referring to the type of event is available.

(2) For meetings within the meaning of the Sachsen Assembly Act of 25 January 2012 (SächsGVBl p. 54), which was last amended by Article 7 of the law from 11 May 2019 (SächsGVBl. S. 358), the prerequisites of Paragraph 1 will not apply.

(3) From 20 new infections with 100,000 inhabitants within seven days before the start of the event in the administrative district or in the district-free town, large events and sports events according to (1) are forbidden without a further official decision. The responsible municipal authority can approve the execution of the event if it concerns a concrete delimitable outbreak and the execution of the event is therefore feasible. The ban according to Sentence 1 shall apply as long as the number of new infections falls short of the threshold of 20 for more than seven days. This shall also apply to already approved large and sports events.

§ 6

Visiting rules for health and social care facilities

(1) The following facilities may be visited under the conditions set out in (2):

1. retirement and nursing homes,
2. institutions pursuant to § 2 (1) of the Sachsen Care and Quality of Living Act from 12 July 2012 (Sächsischen Betreuungs- und Wohnqualitätsgesetz (SächsGVBl) p 397), which was last amended by the act from 6 June 2019 (SächsGVBl p 466), and outpatient assisted living communities and residential groups with people with disabilities in accordance with § 2 (2) and (3) of the Sachsen Care and Quality of Living Act, insofar as Part 2 of the act applies to them,
3. hospitals as well as preventive and rehabilitation facilities in which medical care comparable to that of hospitals is provided (facilities in accordance with § 23 (3) Sentence 1 No. 1 and 3 of the Infection Protection Act from 20 July 2000 (BGBl I p. 1045), which was last amended by Article 3 of the law from 19 June 2020 (BGBl. I p. 1385) and
4. inpatient facilities for child and youth welfare requiring approval in accordance with § 13 (3) Sentence 1, § 19 (1) Sentence 1, § 34 Sentence 1, § 35, § 35a (2) No. 3 and 4, § 42 (1) Sentence 2 and § 42a (1) of the Eighth Book of the Social Code as well as dwellings in which inclusion assistance is provided to children and adolescents.

(2) The facilities in accordance with (1) are obliged to draw up regulations on visits and, if necessary, on residents leaving and entering the facilities as part of a hygiene plan in accordance with § 36 (1) No. 1 and 2 or § 23 (5) of the Infection Protection Act or an independent concept (facility-based, resident-oriented visit concept). In particular, the regulations must contain provisions on hygiene measures to be observed, on the number of visitors and on the traceability of possible chains of infection. § 7 (1) Sentence 4 to 7 apply accordingly. The visitation rules are to be adjusted to the current regional infection events and must stand in a reasonable relation between the protection of the cared persons and their personal rights and rights to freedom.

(3) Workshops for disabled people and offers from other service providers according to § 60 of the Ninth Book of the Social Code from 23 December 2016 (BGBl I p. 3234), which was last amended by Article 8 of the law from 14 December 2019 (BGBl. I p 2789), must have a work safety

and hygiene plan that takes into account the recommendations and guidelines mentioned in § 4 (1). In the case of employees who live in facilities in accordance with (1) No. 2, the work safety and hygiene plan shall be coordinated with the respective management of the workshop employees' residential facility. For this, rules are to be made in connection to the return to the institution, in particular regarding transport and workflows. Sentences 1 to 3 shall apply analogously to other day-structuring services for people with disabilities, whereby the occupational health and safety and hygiene concept shall be replaced by the hygiene concept according to § 4 (2).

(4) Judicial hearings may take place in any of the facilities referred to in (1). This includes the right to legal counsel, guardian ad litem and other parties to the proceedings to be present.

(5) On-site contacts by employees of the Social Welfare and Youth Welfare Office, guardians, lawyers, notaries, court registrars and legal guardians are also permitted, as well as by guardians if personal care matters need to be taken care of, and parents with visiting and access rights. Additionally, visits for pastoral care purposes are permitted. The visit must be coordinated with the facility management in advance; the facility management may make admission subject to conditions. In cases of suspicion, access must always be denied in accordance with the guidelines of the Robert Koch Institute.

(6) The Ministry for Social Affairs and Social Cohesion may issue further regulations and hygiene rules by general decree. Exceptions to this may be permitted by the responsible local authorities in individual cases, if they are necessary or feasible to protect against infection.

§ 7

Areas with increased infection risk

(1) Depending on the regional infection parameters, the responsible authorities may need to take more stringent measures to control the infection. If 35 new infections per 100,000 inhabitants occur within seven days at the latest, the first of such measures must be taken. This concerns in particular the collection of personal data for the tracking of infections by organisers and operators of businesses, sports facilities, food service providers, hotels and lodging facilities as well as gatherings in public places. For this purpose, it is permissible to collect and store the name, telephone number or e-mail address of visitors and the period of their visit. This data shall be collected, protected from inspection by third parties and kept available for the responsible authorities for a period of one month after the end of the visit (§ 8 (1) No. 1). They must be provided to them on request; processing for other purposes is not permitted. The data must be deleted or destroyed immediately after the holding period ends. The more stringent measures must be promptly announced in accordance with local practice. In the event of 50 new infections per 100,000 inhabitants within seven days at the latest, further measures must be taken to contain the outbreak and prevent the spread of infection past the region; these measures shall also include limiting contact. Measures taken shall be reassessed with regard to their continued maintenance as soon as the number of new infections has fallen below the threshold that triggered them for more than seven days.

(2) In the event of a specific, spatially limited increase in the number of infections (hotspot), correspondingly limited measures are sufficient. The enforcement of the Infection Protection Act remains unaffected. In the event of an increase in the number of infections in a workplace, the Occupational Health and Safety Department of the Sachsen Directorate must be informed.

(3) For areas with an increased infection risk which extend over more than one county or city, the Ministry for Social Affairs and Social Cohesion can determine more stringent measures by general decree.

§ 8

Enforcement assistance, regulatory offences

(1) The authorities responsible according to § 1 (1) Sentence 1 of the Regulation of the Sachsen Government and the Sachsen Ministry for Social Affairs and Social Cohesion for the regulation of responsibilities according to the Infection Protection Act and for the reimbursement of costs for vaccinations and other prophylactic measures have to implement

1. the provisions of this regulation,
2. the duties and powers exercised by the supreme state health authority pursuant to § 1 (1) Sentence 3 of the Regulation of the Sachsen Government and of the Sachsen Ministry for Social Affairs and Social Cohesion for the regulation of responsibilities according to the Infection Protection Act and for the reimbursement of costs for vaccines and other prophylactic measures in perceived urgent cases and
3. the measures taken by the highest state health authority in accordance with § 1 (2) of the Regulation of the Sachsen Government and of the Sachsen Ministry for Social Affairs and Social Cohesion for the regulation of responsibilities according to the Infection Protection Act and for the reimbursement of costs for vaccines and other prophylactic measures.

umzusetzen. The principle of proportionality must be observed. They may request enforcement assistance from the local police authorities. Responsibilities for the enforcement of occupational health and safety provisions according to the Sachsen Occupational Health and Safety Regulation from 6 July 2008 (Arbeitsschutzzuständigkeitsverordnung (SächsGVBl p. 416), which was last amended by the regulation from 8 October 2019 (SächsGVBl p. 706) remain unaffected.

(2) In regulatory offence within the meaning of § 73 (1a) No. 24 of the Protection against Infection Act is anyone who

1. wilfully
 - a) contrary to § 2 (2), takes part in an assembly or meeting, if the permissible number of persons is exceeded as a result,
 - b) contrary to § 2 (3), organises or takes part in a family celebration in restaurants and in closed premises (also in the respective outdoor area) provided by third parties, if the permitted number of persons is exceeded as a result,
 - c) contrary to § 2 (4), takes part in company or association celebration, if the permissible number of persons is exceeded as a result,
 - d) contrary to § 2 (7) Sentence 1 No. 1 Alternative 1, No. 2 and 3 does not bear any mouth-nose covering and there is no exception according to § 1 (2) Sentences 4 to 5 or § 2 (7) Sentences 2 and 3 or
 - e) contrary to § 2 (9), does not observe the minimum distance in meetings and gatherings in public spaces,
2. negligently or wilfully
 - a) contrary to § 3 (2) No. 1, organises or visits discos or dance events,
 - b) contrary to § 3 (2) No. 2, operates or attends a steambath or steam sauna,
 - c) contrary to § 3 (2) No. 3, organises or visits prostitution events or prostitution mediation or uses prostitution vehicles accordingly,
 - d) contrary to § 3 (2) No. 4 operates a prostitution facility,
 - e) contrary to § 3 (3) Sentences 1 and 2, accommodates persons from an area with an increased infection risk,

- f) contrary to § 3 (4) Sentence 2 a person is employed without a proof or does not carry out the report according to § 3 (4) Sentence 3 or not in time and there is no exception according to § 3 (4) Sentence 4,
- g) contrary to § 4 (2) and (4), runs events and services without a hygiene plan or does not comply with the hygiene plan,
- h) contrary to § 5 holds large events or sports events with an audience without collection conform to data protection and data economy collection of contact data or without a hygiene concept or does not comply with the hygiene concept or
- i) contrary to § 6 (2), does not draw up an independent plan for visiting, entering and leaving the facility.

§ 9

Effectuality

(1) This regulation will enter into force on 1 September 2020. At the same time, § 5 of the Sachsen Corona Protection Regulation from 14 July 2020 (SächsGVBl p. 367) shall become invalid.

(2) This ordinance shall cease to apply with the expiry of 2 November 2020.

Dresden, 25 August 2020

Ministry for Social Affairs
and Social Cohesion
Petra Köpping