

Saxon State Ministry for social and social cohesion

General Disposal Implementation of the Infection Protection Act Measures on the occasion of the corona pandemic ban on events

Announcement from the Saxon State Ministry for Social Affairs and Social Cohesion

20 March 2020 Az

.: 15-5422/5

The Saxon State Ministry for Social Affairs and Social Cohesion (SMS) issues on the basis of § 28 para. 1 Infection Protection Act (IfSG) following

General Disposal

1. Public and non-public events as well as other gatherings where people meet, as well as gatherings regardless of the number of participants are prohibited. Bathing establishments are to be closed.

An exception to this rule are:

- a) Events of the Saxon State Government, the ministries of the Free State of Saxony, the Saxon Constitutional Court, the courts and public prosecutors of the Free State of Saxony, the authorities of the Free State of Saxony, other public authorities (in particular federal authorities) and other bodies or institutions that are open to the public - perform legal tasks.
- b) Events that serve to maintain public security and order, to provide services under public law, to supply the population or to provide health care for the population.
- c) Events in the private or family sector (such as weddings, funerals and similar events) if they do not exceed the number of 50 participants.

The possibility for the competent authority to take measures under the Infection Protection Act remains unaffected.

For reasons of infection protection, it is recommended to postpone or cancel private events.

Operating and visiting retail outlets are not considered events within the meaning of this General Decree.

2. Shops, cafeterias and university cafeterias are generally closed. Exceptions apply to retail for groceries, weekly markets, pick-up and delivery services, beverage markets, pharmacies, medical supply stores, drug stores, petrol stations, banks and savings banks, post offices, dry cleaners, laundries,

newspaper sales, pet supplies markets and wholesale. Sunday sales bans are generally suspended for these areas until further notice.

These facilities are opened taking into account the requirements for hygiene, control of access and the avoidance of queues, which are included as an attachment. Service providers and artisans who are not open to the public can continue to work. All healthcare facilities remain open, taking into account the increased hygienic requirements.

3. Businesses within the meaning of the trade regulations in the version of the announcement of February 22, 1999 (GewO, BGBl. I S. 202, last amended by Article 15 of the Law of November 22, 2019, BGBl. I p. 1746) of the following types may not be opened to the public:

- a) Dance amusements (such as clubs, discotheques, music clubs; this also includes bars without dance offer, in which crowds of people with limited space cannot be ruled out during normal operation),
- b) pubs,
- c) Trade Fairs & Events
- d) Special markets and fairs,
- e) Folk festivals,
- f) Gaming Facilities,
- g) Casinos,
- h) Betting agencies and similar companies. It is pointed out that weekly markets within the meaning of the trade regulations are not covered by the prohibition.

Furthermore, overnight offers from hotel and accommodation providers in Germany may only be used for necessary and expressly not for tourist purposes. If necessary, hotel and accommodation facilities are given additional requirements by the health authorities to minimize the risk of the spread of the Corona virus, for example by regulating the number of visitors, hygiene measures and instructions.

4. Restaurants in the sense of the Saxon Restaurants Act in the version of the announcement of July 3, 2011 (SächsGVBl. P. 198, as last amended by Article 27 of the Law of April 26, 2018, SächsGVBl.

- P. 198) are to be closed. Personal restaurants and canteens are excluded from 6:00 a.m. to 6:00 p.m. if they comply with the conditions listed in the appendix. Out-of-home sales by restaurants between 6:00 a.m. and 8:00 p.m. or a corresponding delivery and pick-up service without time limit is also permitted.
5. Places of amusement within the meaning of the Building Usage Ordinance in the version of the notice dated 21 November 2017 (BGBl. I p. 3787) may not be opened to the public.
 6. The following facilities or offers may not be opened to the public:
 - a) Theater (including musical theater)
 - b) Film theater (cinemas),
 - c) Concert halls and venues,
 - d) Operas,
 - e) Museums,
 - f) Exhibition houses,
 - g) Offers in district cultural centers and civic centers,
 - h) Offers of open children and youth work,
 - i) Public Libraries,
 - j) Planetariums,
 - k) zoological exhibitions in closed rooms,
 - l) Offers from adult education centers,
 - m) Offers of language and integration courses by integration course providers,
 - n) Offers from music schools,
 - o) Offers in literary houses,
 - p) Offers from public and private educational institutions,
 - q) Saunas and steam baths,
 - r) Fitness and sports studios,
 - s) Playgrounds,
 - t) Meeting places for seniors,
 - u) Coach travel.
 7. The following are prohibited:
 - a) Gatherings in churches, mosques, synagogues and gatherings of other faith communities as well
 - b) Meetings in clubs and other sports and leisure facilities.
 8. Sports on and in all public and private sports facilities are prohibited. This applies both to outdoor and indoor sports facilities (e.g. soccer and tennis halls, shooting ranges, etc.) and to indoor playgrounds. Exceptions to this, in particular for senior athletes, can be permitted in particularly justified individual cases with the written approval of the Saxon State Ministry of the Interior. The Saxon State Ministry for Social Affairs and Social Cohesion has to be professionally involved.
 9. Prostitutes in the sense of the prostitute protection law of October 21, 2016 (BGBl. I p. 2372, as last amended by Article 57 of the Law of 20. November 2019, BGBl. I S. 1626, 1661), may not be opened to the public. Prostitution mediation within the meaning of the prostitute protection law must be stopped. Prostitution events within the meaning of the prostitute protection law may not be carried out.
 10. These orders are in accordance with § 28 paragraph 3 in conjunction § 16 paragraph 8 IfSG immediately enforceable.
 11. This general decree comes into force on the day after its announcement in the Saxonian Official Journal. At the same time, the announcement of the Saxon State Ministry for Social Affairs and Social Cohesion from March 18, 2020, Az.: 15-5422/5 (general decree - enforcement of the infection protection law - measures on the occasion of the corona pandemic - ban on events) inoperative.
 12. This general decree initially applies until April 20, 2020 inclusive.
 13. A distinction must be made between violations of this general decree:
 - a) Violations of the ban on events/gatherings and the closure of bathing establishments in accordance with § 28 para. 1 sentence 2 IfSG,
 - b) Violations of protective measures according to § 28 para. 1 sentence 1 IfSG and
 - c) intentionally committed violations of protective measures according to § 28 para. 1 sentence 1 IfSG in conjunction with § 74 IfSG.
 Violations of letters a) and c) are punishable. Otherwise, violations are punished as an administrative offense.

Legal Instructions

An action against this general order can be filed within one month of its notification at the locally responsible Saxon Administrative Court in writing, to the clerk of the court's office or electronically in a form approved for the replacement of the written form.

The Saxon Administrative Court, in whose district the plaintiff is based or domiciled, is locally responsible:

- Administrative court Chemnitz, Zwickauer Straße 56, 09112 Chemnitz,
- Administrative Court Dresden, Specialist Court Center, Hans-Oster-Strasse 4, 01099 Dresden,
- Administrative Court Leipzig, Rathenaustrasse 40, 04179 Leipzig.

The Administrative Court of Dresden, Specialist Court Center, Hans-Oster-Strasse 4, 01099 Dresden, has local jurisdiction for plaintiffs without a seat or domicile in the Free State of Saxony.

The lawsuit must identify the plaintiff, the defendant (Free State of Saxony) and the subject of the claim, and should contain a specific request. The facts and evidence on which they are based are intended to indicate that the contested decision should be annexed in original or in transcript. The lawsuit and all written submissions should be accompanied by copies for the other parties involved.

Note regarding legal recourse :

- There is no provision for an objection to be filed against administrative acts of the Saxon State Ministry for Social Affairs and Social Cohesion. By filing an objection, the claim period is not met.

- The filing for a legal remedy by simple E-mail is not permitted and leads to no legal effects.
- If the lawsuit is filed in electronic form, the electronic document must either be provided with a qualified electronic signature of the person responsible or be signed by the person responsible and securely transmitted in accordance with Section 55a (4) of the Administrative Court Ordinance (VwGO) be submitted. The further stipulations for the transmission of the electronic document result from Chapter 2 of the Ordinance on the Technical Framework Conditions for Electronic Legal Transactions and on the Special Electronic Authorities Mailbox (Electronic Legal Transactions Ordinance - ERVV).
- Under federal law, a procedural fee is due in litigation before the administrative courts as a result of the filing of the lawsuit.

Reason

The purpose of the Infection Protection Act is to prevent communicable diseases in humans, to recognize infections at an early stage and to prevent their further spread. According to Section 28 Paragraph 1 Sentence 1 IfSG, the competent authority can take protective measures. According to Section 28 Paragraph 1 Sentence 2 IfSG, it can restrict or prohibit the events or other gatherings of a large number of people that favor the spread of pathogens.

Due to the predominant transmission pathway of SARS-CoV-2 (droplets), for example through coughing, sneezing or partly mildly ill or asymptotically infected persons, transmission from person to person can occur. Transfers can occur in the private and professional environment, but also at events and gatherings of people. Larger outbreaks have been described in connection with conferences (Singapore) or carnival events (Germany). A large number of SARS-CoV-2 transfers can occur at events or gatherings of people.

The restrictions under numbers 1 to 9 are necessary in order to protect particularly vulnerable groups of people against infection with SARS-CoV-2 according to the current state of medical knowledge. Because of the dynamic spread that has been seen in the past few weeks and days, the medical and epidemiological findings must be taken into account when deciding that there is a latent and increased risk of contagion among people. The restrictions listed in numbers 1 to 9 take into account the protection of the population, since they can at least delay the spread of a large number of people. The resulting delay in the occurrence of further infections is necessary in order not to overload the health care system and to keep the necessary capacities available for the treatment of the sick, but also for other illnesses.

According to the current state of knowledge, it must be assumed that, as a rule, no protective measures can be taken by the operators or organizers of the events, commercial enterprises or facilities mentioned under numbers 1 to 9 that are equally effective but less intervention-intensive. This is supported by the high risk factors of a large number of people, such as

the duration, number and intensity of the contact options, and the traceability of the participants, which is not always guaranteed.

Regarding paragraph 1:

On the basis of current developments and findings, in particular the rapidly increasing spread of SARS-CoV-2, it is now generally to be assumed that events and gatherings among 1,000 expected participants will not result in protective measures that are equally effective, but are less intervention-intensive than not holding the event or assembly. At necessary events of the Saxon State Government, the ministries of the Free State of Saxony, the Saxon Constitutional Court, the courts and public prosecutors of the Free State of Saxony, the authorities of the Free State of Saxony (including the police and fire service) and other public authorities are excluded from the ban on events (in particular federal authorities) as well as other bodies or institutions that perform public law tasks. The ban also excludes events that serve the maintenance of public security and order, the provision of public services, the supply of the population or the health care of the population. In order to maintain proportionality, private, family events with up to 50 participants can take place. The possibility for the competent authority to issue additional measures under the Infection Protection Act remains unaffected. For the purpose of clarification, meetings within the meaning of Article 8 GG (cf. § 28 paragraph 1 sentence 3 IfSG) are explicitly mentioned in section 1 of the order.

Regarding paragraph 2:

Section 2 specifies the exceptions for shops and enables requirements for hygiene, for controlling access and avoiding queues.

Regarding paragraph 3:

In the commercial enterprises affected by the prohibition of opening to the public according to paragraph 3 (dance amusements - such as clubs, discotheques, music clubs - trade fairs, exhibitions, special markets, arcades, casinos and betting shops and similar companies) there is regularly a high risk of infection due to the proximity of the people present in the normal business to one another and the average duration of their stay. It is therefore necessary and appropriate to close the above-mentioned businesses for public traffic by the time specified in paragraph 12. For this reason, bars without dance offer are also recorded, in which crowds of people with limited space cannot be excluded during the normal operation. The specialty markets covered in the sense of the trade code are regular, time-recurring events at which a large number of suppliers sell certain goods. This does not expressly include (specialized) retail stores. A fair in the sense of the trade regulations is a regularly recurring, time-limited event, at which a large number of suppliers sell goods of all kinds. A fair in the sense of the trade regulations is a regularly recurring, time-limited event, at which a large number of providers perform entertaining activities and sell goods,

that are usually offered at events of this kind. Weekly markets (§ 67 GewO) are not covered by the prohibition because they serve to supply the population with food.

Regarding paragraph 4:

The reasoning for paragraph 3 also applies accordingly to restaurants within the meaning of the Restaurants Act. An exception rule will be created for staff restaurants and canteens insofar as the seats for guests are arranged in such a way that a distance of at least 1.5 meters between the tables is guaranteed. This also applies to the design of the standing room.

Regarding paragraph 5:

The justification for paragraph 3 applies accordingly. In the amusement venues mentioned, that is to say commercial establishments, which are characterized in different ways by a commercial leisure activity and an amusement facility, there is a high risk of infection in their normal operation due to the proximity of the people present and their length of stay.

Regarding paragraph 6:

The justification for paragraph 3 applies accordingly. Also in theaters, music theaters, film theaters (cinemas), concert halls and venues, museums, exhibition halls, public libraries, offers in district culture centers and community centers, planetariums, zoological exhibitions in closed rooms, offers in adult education centers, music schools, in the offers of private educational institutions, swimming pools (including so-called fun pools), saunas and steam baths, in fitness and sports studios as well as in senior citizens' hangouts, there is a high risk of infection in their normal operation due to the proximity of the people present and their length of stay. The same applies to the language courses and integration courses offered by the integration course providers, to the cafeterias and cafés of the universities and other educational institutions in the Free State of Saxony.

Regarding paragraph 7:

At the meetings mentioned, there is a high risk of infection due to the proximity of the people present and their average length of their stay. It is therefore necessary and appropriate to close the meetings according to the time specified in paragraph 10.

Dresden, March 20, 2020

Uwe Gaul
State
Secretary

Regarding paragraph 8:

The justification for paragraph 3 applies accordingly. Sports activities on and in all public and private sports facilities regularly result in physical proximity of the sports people and in some cases their physical contact. This results in a considerable risk of infection. In order to maintain proportionality, exceptions to this can be permitted in particularly justified individual cases by written approval from the Saxon State Ministry of the Interior. The Saxon State Ministry for Social Affairs and Social Cohesion has to be professionally involved.

Regarding paragraph 9:

In prostitution facilities and prostitution events within the meaning of the prostitution protection law, there is regularly a particularly high risk of infection due to the physical contact of the people present.

Regarding paragraph 10:

As an epidemic measure, the order according to § 28 para. 3 in connection with § 16 para. 8 IfSG is immediately enforceable. Objections and appeals have no suspensive effect.

Regarding paragraph 11:

Due to the high urgency, the general disposition comes into force on March 22, 2020, 0.00 a.m. For reasons of legal clarity, it is clarified that the previously applicable general decree of March 18, 2020 will be replaced by the new general decree.

Regarding paragraph 12:

Due to the existing ambiguities regarding the further development of the epidemic situation, the orders are initially limited. In the event of a corresponding future risk assessment, the orders are extended or shortened.

Regarding paragraph 13:

Violations of the instructions contained in numbers 1 to 9 were sanctioned differently by the federal legislature. Attention is drawn to the respective criminal and administrative consequences.

Appendix to paragraphs 2 and 4

The following requirements must be observed:

1. Hygiene

- Personnel with increased body temperature/fever and cold symptoms are not allowed to work in sales.
- Sufficient washing facilities, soap and disinfectants must be made available to the staff.
- Shopping trolleys, baskets, cash register tapes etc. must be disinfected at short intervals.
- Visible dirt must be removed immediately.
- Disinfectants must be provided in the sales rooms.
- Self-service for open baked goods is prohibited.
- People with recognizable cold symptoms (cough, runny nose) can be denied access; refer to alternative forms of purchasing such as pre-ordering with collection etc.
- Unless automated, entrance and exit doors must be kept open and not operated by the customers.
- Electronic payment devices should preferably be used in the contactless form; when using a PIN entry/electronic signature, the devices must be disinfected after each use.
- All measures/rules of conduct/hygiene regulations must be clearly displayed at the entrance.
- In service companies, a minimum distance of at least 1.5 meters between customers must be observed.

2. Controlling access/avoiding queues

- Only so many customers may be granted access at the same time that there are no queues of more than three customers at the cash registers.
- Customers should be advised that they must keep a minimum distance of 1.5 meters from everyone who is not in your household when shopping.
- These measures are to be ensured by admission controls/access controls.

3. Staff restaurants and canteens

- Staff restaurants, canteens and gastronomic offers in accommodation establishments for the catering of overnight guests may only be opened to the public if
 1. no more than 50 people are present at the same time, and
 2. the seats for the guests are arranged so that there is a minimum distance of 1.5 meters between the tables. Standing room should be designed so that a distance of at least 1.5 meters between the guests is guaranteed.
- People with recognizable cold symptoms (cough, runny nose) can be denied access.
- All measures/rules of conduct/hygiene regulations must be clearly displayed at the entrance.