

Decree
of the Saxon Ministry for Social Affairs and
Social Cohesion
for protection against coronavirus SARS-CoV-2 und COVID-
19 ("Sächsische Corona-Schutz-Verordnung –
SächsCoronaSchVO") From 25 June 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 Number 6 of the act from 27 March 2020 (BGBl I p 587), in connection with § 7 of the Regulation of the Saxon Government and of the Saxon 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 Saxon 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 meters 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, graduations, etc) at restaurants or rooms closed off to third parties with up to 100 persons out of the circle of family, friends and acquaintances are allowed. The rules of good hygiene should be observed.

(4) The minimum distance of 1.5 meters does not apply in day care centres, 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 childcare facilities and of schools in the context of fighting the corona pandemic.

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

1. when using public transport, coach buses and periodic shuttle services that transport people with disabilities or people in need of care between the domicile and the institution and
2. when visiting businesses and shops.

Sentence 1 does not apply if other protection measures have been embraced or if there is no contact with the client. § 1 (2) Sentence 3 through 5 apply accordingly. In this respect, the transport use and the business visit according to Sentence 1 cannot be denied out of infection protection law reasons.

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

(7) In deviation from (2), gatherings in public spaces while observing the 1.5-meter distancing rule are allowed. § 5 still holds.

(8) Beyond the gatherings listed in (2), (3), (6), and (7), gatherings in public spaces 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 (8) is brought forth.

(2) Excluded from (1) are:

1. folk festivals, fairs, discotheques, dances,
2. sports events with an audience,
3. steambaths and saunas,
4. prostitution facilities, events, mediation, transport.

(3) Persons from a district or an independent city in the Free State of Saxon or in the Federal Territory or persons from city states with more than 50 cumulative new infections per 100.000 inhabitants within the last 7 days may only stay at a lodging or accommodation if the person has on them

a doctor's certificate which confirms that no signs of infection with coronavirus SARS-CoV-2 are present. The medical certificate must be based on a molecular biological test that was carried out at most 48 hours before arrival. Areas with an increased risk of infection in accordance with Sentence 1 shall be determined by the Ministry for Social Affairs and Social Cohesion and announced on the website www.coronavirus.Saxon.de in the customary manner.

§ 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 standards ("SARS-CoV-2-Arbeitsschutzstandards") of the Federal Ministry for Work and Social Affairs in addition to existing binding 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 corona virus.

(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 plans must be approved by the responsible communal office before implementation in the following facilities:

1. public pools, baths and saunas, if not handled by a lodging, rehabilitation or membership facility (eg fitness studio),
2. leisure and amusement parks,
3. trade fairs,
4. theatres, musical theatres, cinemas, concert halls, concert venues, opera houses, music halls (without dancing).

(5) 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.

(6) Measures to rally family, children and youth may be carried out with individual hygiene plans and the rules of the hygiene plan of the respective institution.

§ 5

Large events

Large events with a number of participants of more than 1,000 persons are prohibited until 31. August 2020. Sentence 1 does not apply to assemblies within the meaning of the Assembly Act ("Versammlungsgesetzes").

§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 Saxon 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 Saxon 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 Number 1 and 3 of the Infection Protection Act from 20 July 2000 [BGBl I p 1045], which was last amended by Article 2 of the act from 19 May 2020 [BGBl I p 1018),
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) Number 3 and 4, § 42 (1) Sentence 2 and § 42a (1) of the Eighth Book of the Social Code – Children and Youth Welfare – in the version of the notice from 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), as well as dwellings in which integration services are provided to children and adolescents.

(2) The facilities in accordance with paragraph 1 are obliged to draw up regulations on visits and, if necessary, on entering and leaving the facilities as part of a hygiene plan in accordance with § 36 (1) Number 1 and 2 or § 23 (5) of the Infection Protection Act. In particular, the regulations must contain provisions on hygiene measures to be observed, the number of visitors, the duration of the visit and the traceability of possible chains of infection. § 7 (1) Sentences 4 through 7 apply accordingly.

(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) Number 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 with the return to the institution, in particular regarding transport and work flows. Sentences 1 through 3 shall apply accordingly to other day-structuring services for people with disabilities, whereby the work safety and hygiene plan shall be replaced by the hygiene plan pursuant 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 from guardians ad litem and other parties to the proceedings.

(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 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) Number 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 immediately 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 Saxon 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 according to § 1 (1) Sentence 1 of the Regulation of the Saxon Government and the Saxon Ministry for Social Affairs and Social Cohesion

the regulation of responsibilities according to the Infection Protection Act and for the reimbursement of costs for vaccines and other prophylactic measures, the responsible authorities have

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 Saxon Government and of the Saxon 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 Saxon Government and of the Saxon 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

to implement. 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 Saxon Occupational Health and Safety Regulation from 6 July 2008 (Arbeitsschutzzuständigkeitsverordnung (SächsGVBI) p 416), which was last amended by the regulation from 8 October 2019 (SächsGVBI p 706) remain unaffected.

(2) In violation of the law in the meaning of § 73 (1a) Number 24 of the Infection Protection Act are those 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 provided by third parties, if the permitted number of persons is exceeded as a result,
 - c) contrary to § 2 (7), does not observe the minimum distance in meetings and gatherings in public spaces,
2. negligently or wilfully
 - a) contrary to § 3 (2) Number 1, organises or visits folk festivals, fairs, discotheques, or dances,
 - b) contrary to § 3 (2) Nummer 2, organises or visits a sports event with an audience
 - c) contrary to § 3 (2) Number 3, operates or attends a steambath or steam sauna,
 - d) contrary to § 3 (2) Number 4, organises or visits prostitution facilities, events, mediation or vehicles
 - e) contrary to § 3 (3), accommodates persons from an area with an increased infection risk,
 - f) contrary to § 4 (2) and (4), runs events and services without a hygiene plan or does not comply with the hygiene plan,
 - g) contrary to § 6 (2), does not draw up an independent plan for visiting, entering and leaving the facility.

§ 9

Effective date, expiry

(1) This decree enters into force on 27 June 2020. At the same time, § 5 of the Saxon Corona Protection Regulation from 3 June 2020 (SächsGVBl pp 262, 272) is rendered invalid.

(2) The Saxon Corona Protection Regulation from 3 June 2020 (SächsGVBl p 262, 272) shall be repealed with effect upon the entry into force of this regulation.

(3) § 5 shall expire on 31 August 2020. Furthermore, this regulation shall expire at the end of 17 July 2020.

Dresden, 25 June 2020

The Ministry for Social Affairs and Social Cohesion

Petra Köpping