

General decree
Enforcement of Infection Protection Act
Measures to be taken during the corona pandemic
Outline of hygiene requirements to prevent the spread of coronavirus disease 2019
(COVID-19)
Announcement by the Saxon State Ministry for Social Affairs and Social Cohesion
of 8th January 2021 Ref.: 21-0502/3/9-2021/2204

The Saxon State Ministry of Social Affairs and Social Cohesion issues a decree on the basis of § 28(1) clauses 1 and 2 and § 28a(1)(2) clause 1 and (3) of the Infection Protection Act of 20 July 2000 (BGBl. I p. 1045), of which § 28(1) clause 1 is amended by Article 1(16) of the Act of 18 November 2020 (BGBl. I. p. 2397), § 28 (1) clause 2 was revised by Article 1(6) of the Act of 27 March 2020 (BGBl. I p. 587) and § 28a(1)(2) clause 1 and (3) were amended by insertion of Article 1(17) of the Act of 18 November 2020 (BGBl. I. p. 2397), as follows

General decree

In order to prevent the spread of the coronavirus disease 2019 (COVID-19) and in view of the currently rising infection numbers, the following regulations are laid down:

I. General

1. Principles

- The Ordinance of the Saxon State Ministry for Social Affairs and Social Cohesion for protection against the coronavirus SARS-CoV-2 and COVID-19 (Saxon Corona Protection Ordinance – SächsCoronaSchVO) of 08 January 2021 (SächsGVBl. p. 2) serves as a basis. Additional regional restrictions imposed by the competent local authorities must be respected.
- Only persons not suspected of being infected with COVID-19 may visit or use businesses, facilities and services.
- Coughing and sneezing etiquette must be observed and complied with.
- In addition to the SächsCoronaSchVO, the wearing of a face covering is strongly recommended in closed rooms if regular intensive ventilation and compliance with a minimum distance of 1.5 metres cannot be guaranteed. § 3 (2) and (3) clause 1 of the SächsCoronaSchVO applies accordingly. This must be taken into account when drawing up hygiene concepts.
- Distance markings on the floor can be helpful as orientation. If necessary, the distance regulations should also be pointed out in front of the building.
- Narrow areas should be avoided and, if necessary, redesigned. Measures should be taken to guide visitors.
- All hygiene regulations applicable at the respective location should be clearly and concisely presented on signs/posters, using pictograms where appropriate.
- Arrangements must be made to ensure that all persons can wash or disinfect their hands after entering the places referred to in point II.
- Frequent hand washing and, if necessary, disinfection should be given preference over wearing disposable gloves.

- Rooms in use must be thoroughly ventilated frequently. Office rooms must be thoroughly ventilated at least hourly, seminar and meeting rooms every 20 minutes.
- A person responsible for compliance with the hygiene and infection control requirements must be appointed in businesses, shops and public institutions.
- Employers must implement special occupational health and safety measures on the basis of an updated risk assessment. In this regard, you must take into account the SARS-CoV-2 occupational safety standard published by the Federal Ministry of Labour and Social Affairs, the SARS-CoV-2 occupational safety regulations and, if available, their industry-specific amendments by the responsible accident insurance institution or the occupational safety authority, as well as the relevant recommendations of the Robert Koch Institute for infection protection in its current version, and additional concepts and recommendations of the professional associations.
- Use of the federal Corona-Warn-App is strongly recommended.

2. Air conditioning, room ventilation systems

- Since overflow and swirling of the air cannot be avoided when using the rooms, distance rules and hygiene measures remain unaffected by the ventilation concept of a room.
- Ventilation in areas **with** special medical requirements

For ventilation systems in areas with special medical requirements, e.g. for patients in intensive care units, flow requirements must be observed according to the applicable standards or recommendations (e.g. from the German Society for Hospital Hygiene) for air conditioning systems in medical facilities.

- Ventilation in areas **without** special medical requirements

For other rooms in medical and nursing areas, no additional requirements for ventilation measures in connection with the pandemic will be imposed. COVID-19 patients do not have to be accommodated in rooms with mandatory ventilation. Existing ventilation does not have to be switched off.

Since experts (e.g., the Clean Air Commission of the VDI) currently estimate the probability of transmission of SARS-CoV-2 via heating, ventilation and air conditioning (HVAC) systems in restaurants, shops, etc., to be very low, air conditioning systems should not be shut down. The requirements of the guideline VDI 6022 apply. Maintenance must be carried out regularly. For HVAC systems using fresh air, the volume of fresh air should be increased in order to ensure appropriate air exchange. In rooms with an HVAC system without an external air supply and in rooms without mechanical ventilation, cross-ventilation should be provided as often as possible during use, as fresh air contributes to the rapid dilution of the airborne virus.

II. Special regulations

The following special regulations are made:

1. **Hygiene rules for the delivery and collection of take-away meals and drinks as well as the operation of canteens and cafeterias according to § 4 (2) No. 24 SächsCoronaSchVO, including the provision of food as part of emergency childcare and in cases of**

face-to-face training permitted from 18th January 2021 for specific graduating classes and graduating years according to § 5a SächsCoronaSchVO

- A hygiene and infection protection concept must be drawn up and implemented for all facilities. It is mandatory to include the provisions of this general decree. Any additional or deviating provisions in the general decree governing the operation of daycare facilities, schools and boarding schools in connection with the fight against the SARS-CoV-2 pandemic must be observed by the respective institutions in connection with the emergency care.
- The hygiene concepts of the facilities must include provisions for face coverings for staff who come into contact with customers. A face covering must be worn when in direct contact with the customer if no other effective protective measures (transparent partitions or barriers, distance) are provided. Plastic visors and similar items are not regarded as face coverings within the meaning of this general decree
- Canteens and refectories must inform visitors in the entrance area of the hygiene rules in accordance with the hygiene and infection protection concept by means of information boards or pictograms.
- In the case of snack bars or food stalls, the regulations for shops and stores must also be observed indoors and outdoors: In queues, a distance of 1.5 metres must be maintained and a face covering must be worn.
- Indoors, a distance of at least 1.5 metres between occupied chairs at adjacent tables must be maintained for occupied tables. Sitting and standing areas must be designed in such a way that a distance of at least 1.5 metres between guests, with the exception of groups of people as defined in § 2(1) of the SächsCoronaSchVO, is safely ensured. § 2(3) of the SächsCoronaSchV applies accordingly.
- Particular care must be taken to ensure that hygienic criteria are adhered to when cleaning and rinsing dishes, glasses and cutlery. Dishes, glasses and cutlery must be completely dry before reuse.
- The following applies to the self-service distribution of food and beverages in canteens and refectories: Cutlery should be handed out individually by the service personnel. Tray and dish removal points, as well as food offered in buffet form must be protected from sneezing and coughing by customers. For food self-service, tongs or comparable implements must be used. Tongs or similar implements must be cleaned and disinfected regularly. Service personnel must supervise compliance with the hygiene rules for buffets. The formation of queues must be avoided.
- In principle, when handling food in these establishments, the general rules for food hygiene with regard to preparation, delivery and transport of food and general everyday hygiene must be observed. Regular hand washing must be ensured.
- Disinfectant dispensers must be set up in the entrance area to canteens and refectories, as well as in the serving area for takeaway food and beverages.
- Persons in close contact (contact persons of category I according to RKI) with persons infected with SARS-CoV-2 are prohibited from working in the above-mentioned facilities within 14 days of the most recent contact. This period may be shortened by a negative test for SARS-CoV-2 after the 10th day.

- After a positive COVID-19 test result, work may be resumed only after 10 days of isolation and at least 48 hours without symptoms. Other activity and employment prohibited in accordance with IfSG remain unaffected by this.
- Staff must be given documented training and instruction on how to comply with hygiene rules during the corona pandemic.

2. Hygiene rules for shops and markets for daily needs and basic supplies in accordance with § 4 (1) clause 2 of the SächsCoronaSchVO

- Pursuant to § 3(1) SächsCoronaSchVO, the staff in contact with customers must wear a face covering, provided no other protective measures (e.g. acrylic glass panes) have been taken, and the customers must wear a face covering while in the shop.
- It is recommended that businesses offer separate opening hours for senior citizens.
- In the entrance area, disinfectants must be made available for use by customers and signs must be used to indicate their use. Customers must be informed by means of a notice that entering the shop with a suspected COVID-19 infection is not permitted. Cash registers operated by employees must be shielded (e.g., by acrylic glass panes). Surfaces and objects frequently touched by customers, including the handles of shopping baskets and trolleys, must be cleaned and disinfected regularly – at least twice per working day. It must be made possible for customers to clean or disinfect shopping baskets and trolleys before use. For this purpose, retail shops are to develop hygiene plans taking into consideration the individual conditions, as well as the current industry standards, which must be presented to customers and authorities for inspection upon request.
- There must be markings on the floor to ensure compliance with the minimum distances in the checkout area.
- The introduction of a 'one-way street system' is recommended.
- As far as technically possible, cashless payment methods should be offered.
- The maximum number of customers in the shop must be regulated according to § 5(2) SächsCoronaSchVO. Depending on the size and layout of the shop, responsible persons must determine an upper limit for the number of customers that can be tolerated in the shop simultaneously, while safely maintaining a minimum distance between customers. If this number of customers is reached, regulated access must be put in place to ensure that the permitted number is not exceeded ('one in – one out').
- Persons in close contact (contact persons of category I according to RKI) with persons infected with SARS-CoV-2 are prohibited from working in the above-mentioned facilities within 14 days of the most recent contact. This period may be shortened by a negative test for SARS-CoV-2 after the 10th day.
- After a positive COVID-19 test result, work may be resumed only after 10 days of isolation and at least 48 hours without symptoms. Other activity and employment prohibited in accordance with IfSG remain unaffected by this.
- Staff must be given documented training and instruction on how to comply with hygiene rules during the corona pandemic.

Specific hygiene rules in **food retail** that go beyond this

- Where loose, unpackaged food is supplied on a self-service basis and is not washed or peeled before consumption, removal tongs or comparable implements or disposable gloves must be used by customers. Removal tongs or similar implements must be cleaned or disinfected regularly.
- For reasons of protection against infection, there are no objections to the filling of containers brought in by customers.

Additional special hygiene rules for the sale of **cosmetic products**:

- Cosmetic items such as lipsticks or make-up may not be tried on before purchase in such a way that they are shared by several people. Creams from opened jars may be removed only with thoroughly washed hands and using a clean spatula.

3. Hygiene rules for overnight stays according to § 4(2) No. 21 SächsCoronaSchVO for essential professional, medical or social reasons

- In principle, the occupancy of bedrooms is only permitted in accordance with § 4(2) No. 21 in conjunction with § 2 (1) clause 1 SächsCoronaSchVO.
- If areas in the accommodation have to be used by different people in justified individual cases, e.g. common areas, sanitary rooms and kitchens, and if the minimum distance of 1.5 meters cannot be guaranteed, organisational measures must be taken to avoid contact between the individual persons. For example, different usage times should be established in advance. In addition, a time interval must be provided between the respective uses in order to consistently rule out contact. In addition, the rooms must be adequately ventilated between uses.
- For accommodation in collective accommodation, compliance with the SARS-CoV-2 occupational safety standard published by the Federal Ministry of Labour and Social Affairs must also be ensured.
- Restaurants in accommodation establishments may offer food and drink only to overnight guests. For the supply of food and beverages, the hygiene rules according to section II 1. must be observed.

4. Hygiene rules for businesses offering services involving close physical proximity, where medically necessary treatments are provided

- The operator must ensure, through access restrictions and organisational regulations, that the minimum distance of 1.5 meters can be maintained in all areas.
- Depending on the size and layout of the facility, an upper limit for the number of persons present at the same time should be specified in the concept, which allows the minimum distance to be maintained.

5. Hygiene rules for permissible offers at training and further education institutions according to § 4(2) No. 1 SächsCoronaSchVO, as well as for specialist and university libraries, the Saxon State and University Library and the German National Library as well as media lending

- Precautions must be taken to ensure that all persons wash their hands after entering the buildings. For this purpose, sufficient suitable facilities equipped with liquid soap must be provided; ideally, disposable towels should be provided for drying. Electric hand dryers are less suitable, but can be left in place if they are already installed.
- The generally valid distance rule must be observed, if necessary, with smaller groups with space between the persons. Pursuant to § 2(3) clause 3 of the SächsCoronaSchVO, this does not apply to training and further training institutions which provide school, vocational or academic education.
- Access is permitted only to persons without a suspected COVID-19 infection. Controls using fever measurements or the like are not recommended.
- Signs and posters should clearly and concisely present all hygiene requirements that apply in the facility, using pictograms where appropriate.
- Routine, frequent cleaning of surfaces and objects must be maintained. Surface disinfection beyond this is not recommended. There are no special cleaning obligations for the rooms used or obligations to provide disinfectants.
- The use of interactive concepts with additional contact (key operation, touch screens, etc.) is to be avoided at present.
- Wherever possible, work equipment must be personalised. Where this is not possible, the equipment should be cleaned.
- Examinations must be held in large rooms with sufficient distancing.
- In particular, rooms used need to be frequently and thoroughly ventilated.
- The required face covering must be brought by visitors to the facility.
- Depending on the size and layout of the facility, an upper limit for the number of persons present simultaneously must be specified in the concept, which allows the minimum distance to be maintained. Pursuant to § 2(3) clause 3 of the SächsCoronaSchVO, this does not apply to training and further training institutions which provide school, vocational or academic education.

6. § 7 SächsCoronaSchVO supplementary hygiene rules for health and social care institutions

- When staying in facilities pursuant to § 23(3) clause 1 of the Infection Protection Act (outpatient and inpatient medical facilities), face coverings must be worn. Exceptions are the treatment rooms, as well as admitted inpatients seated for the consumption of food and beverages and in their rooms.
- Visitors to facilities in accordance with § 36(1) No. 2 of the German Infection Protection Act (Infektionsschutzgesetz) (full or partial inpatient facilities for the care and accommodation of

elderly, disabled or care-dependent people) are obliged to wear a face covering. This applies to staff in accordance with the RKI recommendation and the SARS-CoV-2 occupational health and safety standards published by the Federal Ministry of Labour and Social Affairs, according to which the wearing of masks is required for contact with all risk groups.

- The relevant recommendations by the Commission for Hospital Hygiene and Infection Prevention and the Robert Koch Institute must be observed.

- According to §§ 23 or 36 of the Infection Protection Act, internal procedures for infection hygiene must be specified in hygiene plans by hospitals, preventive care or rehabilitation facilities providing medical care comparable to that provided by hospitals, all other health care facilities, including all professional practices providing human health care, outpatient nursing services, full or partial inpatient facilities for the care and accommodation of elderly, disabled or care-dependent persons, as well as homes for minors. This also includes the relevant regulations for the prevention of SARS-CoV-2 infection. For facilities according to § 7(1) of the SächsCoronaSchVO, both § 36(1) clause 1 No. 2 of the Infection Protection Act and § 3(2) Nos. 10 and 12 of the Saxon Care and Quality of Living Act apply.

7. Hygiene rules for permissible child and youth welfare services with educational support, for activities that serve to avert and intervene in impending and existing child welfare endangerment, and for mobile child and youth work according to § 4 (2) No. 16 SächsCoronaSchVO

- Providers of child and youth welfare services must draw up and implement hygiene and infection protection concepts which contain measures for guiding visitors through the facility, distancing and basic hygiene measures and which are based on the general hygiene rules of this general decree. It is mandatory to include the general provisions of this general decree.

- As an exception to § 2(1) of the SächsCoronaSchVO, the upper limit for persons simultaneously present in facilities offering child and youth welfare services is based on local conditions and must be specified in the respective hygiene concept. Where possible, it must be ensured that the minimum distance between persons can be maintained, according to § 2(2) SächsCoronaSchV. This also applies to fixed recurring groups. In this context, measures must be implemented for the collection of contact data in a manner that complies with privacy and data-saving regulations within the meaning of § 5(6) and (7) of the SächsCoronaSchVO.

- Providers should ensure that the minimum distance can be maintained in all areas, in particular, by means of restricted access and organisational arrangements.

8. Hygiene rules for permissible integration assistance services for people with disabilities

- The provisions of the general decree regulating the operation of day care facilities, schools and boarding schools in connection with combating the SARS-CoV-2 pandemic apply accordingly to partial inpatient services for children and young people with disabilities, such as full-time care/holiday care, in which integration assistance services are provided in accordance with SGB (Social Security Code) IX.

- The management of a workshop for disabled persons or the management of another service provider in accordance with § 60 SGB IX must be responsible for ensuring, for residents of:

(a) facilities for adults with mental or psychological disorders

(b) facilities for disabled adults

(c) 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 Section 2 of the Saxon Care and Quality of Living Act applies to them

that the hygiene concept according to § 5(4) SächsCoronaSchVO is coordinated with the management of the workshop users' residential facility. Arrangements must be made in connection with return to the institution, especially with regard to transport and work organisation.

- In the case of regular journeys by transport services for the purpose of transporting people with disabilities between the place of residence and facilities, a face covering shall be worn in accordance with § 3(1) No. 1 SächsCoronaSchVO. § 3(2) and (3) clause 1 SächsCoronaSchVO shall apply accordingly. The transport services' hygiene concept according to § 5(4) SächsCoronaSchVO must be coordinated with the respective facilities.

9. Hygiene rules for partial inpatient facilities according to the Eleventh Book of the Social Security Code (SGB XI)

The providers of day care facilities pursuant to § 71(2) No. 2, 2nd alternative SGB XI are obliged, according to § 36(1) clause 1 No. 2 of the Infection Protection Act, to draw up specifications for carers entering and leaving the facilities, as part of a hygiene plan or an independent concept. In particular, the concept must contain rules for hygiene measures, the number of guests present simultaneously, transport to the facility and home, and the traceability of possible chains of infection. It is mandatory to include the provisions of this general decree.

10. Hygiene rules for fitness studios and similar facilities, insofar as they serve medically necessary treatments

- The minimum distance must always be observed with the exception of providing therapy to the patient.
- The number of persons permitted in each case depends on the respective type of treatment in question, should allow a minimum distance of at least 1.5 metres to be maintained during treatment and must be reflected in the concept of the fitness studio or facility.
- The minimum distance must also be observed in the changing rooms and sanitary areas. Under these conditions, changing rooms and showers may be opened. Facilities for washing hands (with appropriate spacing) must be equipped with liquid soap and disposable towels for drying. Electric hand dryers are less suitable, but can be left in place if they are already installed.
- Treatment units should be designed in such a way that physical contact is kept to a minimum.
- Treatment equipment or other medical aids must be cleaned after use.
- If possible, the counter should be provided with protective shields (e.g. acrylic glass panes).
- A ventilation concept must be drawn up and implemented to ensure an increased supply of fresh air before, during and after training or treatment.

11. Hygiene rules for open-air pools, indoor pools, spas and thermal baths, as long as these are rehabilitation facilities

- For outdoor pools, indoor pools, spas and thermal baths, as long as these are rehabilitation facilities, an individual hygiene concept must be drawn up based on the recommendations of the relevant professional associations, e.g., the pandemic plan for pools of the Deutsche Gesellschaft für das Badwesen e. V.
- The principles and contact restrictions applicable under §§ 1 and 2 of the SächsCoronaSchVO also apply within these facilities. In particular, the minimum distance of 1.5 metres from other persons must be maintained.
- The operator must ensure by means of restricted access and organisational regulations that the minimum distance can be maintained both in the water and in all areas outside the water, e.g., in lying and resting areas, in changing rooms, sanitary rooms, as well as in the entrance and cashier areas. Under these conditions, changing rooms and showers may be opened. Facilities for washing hands (with appropriate spacing) must be equipped with liquid soap and disposable towels for drying. Electric hand dryers are less suitable, but can be left in place if they are already installed.
- Depending on the size and layout of the bathing facility, an upper limit must be set for the number of people present simultaneously, to ensure that the minimum distance is maintained.
- Rules of conduct and hygiene requirements must be communicated to users (e.g., by means of signs) and compliance with them must be ensured.

12. Hygiene rules for tour bus journeys

- Insofar as travel in tour buses is undertaken within the meaning of § 3(1) No. 1 of the SächsCoronaSchVO, a hygiene concept must be drawn up and implemented. It is mandatory to include the general provisions of this general decree.
- Precautions must be taken to ensure that all persons disinfect their hands every time they board the bus.
- Buses must be ventilated thoroughly and frequently or constantly.

13. Hygiene rules for sporting activities by athletes within the meaning of § 4(2) No. 8 2nd half-clause SächsCoronaSchVO

- According to SächsCoronaQuarVO (Saxon Corona Quarantine Ordinance), all persons who have travelled from a risk area abroad are required to spend ten days in domestic quarantine. These persons are prohibited from visiting the sports facilities. Exceptions are permitted according to §§ 3(3) No. 3 and 4 SächsCoronaQuarVO.
- Training and competitions are to be carried out in accordance with the specifications of the federal professional associations.

III. Further hygiene protection measures are reserved.

IV. This general decree comes into force on 11th January 2021. It is valid up to and including 7th February 2021. At the same time, the general decree Enforcement of Infection Protection Act - Measures to be taken during the corona pandemic - Outline of hygiene requirements to

prevent the spread of coronavirus - Announcement by the Saxon State Ministry for Social Affairs and Social Cohesion of 12th December 2020, in the consolidated version valid from 16th December 2020, Ref.: 21-0502/3/8-2020/48377 ceases to be in force.

V. This general decree, including the reasons for it, can be inspected at the Sächsisches Staatsministerium für Soziales und Gesellschaftlichen Zusammenhalt, Referat 15 Rechtsangelegenheiten und Beschaffungsstelle (Saxon State Ministry of Social Affairs and Social Cohesion, Department 15 Legal Affairs and Procurement Office), Albertstraße 10, 01097 Dresden, Monday to Friday from 9 a.m. to 3 p.m.

Right of appeal

An appeal against this general decree may be lodged within one month of its notification, with the Saxon administrative court with local jurisdiction, in writing, transcribed by the registry clerk of this court, or electronically in a form permitted for written submission.

The Saxon administrative court in whose district the plaintiff is based or resides has local jurisdiction:

- Chemnitz Administrative Court, Zwickauer Straße 56, 09112 Chemnitz
- Dresden Administrative Court, Fachgerichtszentrum, Hans-Oster-Straße 4, 01099 Dresden
- Leipzig Administrative Court, Rathenaustraße 40, 04179 Leipzig

For plaintiffs whose registered office or residence is not in the Free State of Saxony, the Dresden Administrative Court, Fachgerichtszentrum, Hans-Oster-Straße 4, 01099 Dresden, Germany has local jurisdiction.

The claim must identify the claimant, the defendant (State of Saxony) and the subject of the claim and must contain a specific request. Supporting facts and evidence should be indicated and a copy of the contested general decree decision should be attached. The application and all pleadings should be accompanied by copies for the other parties.

Information on the right of appeal

- There is no provision for an appeal procedure against administrative acts of the Saxon State Ministry for Social Affairs and Social Cohesion. The deadline for bringing an action is not upheld by the lodging of an appeal.
- The lodging of an appeal by email is not permitted and has no legal effect.
- If the action is filed in electronic form, the electronic document must either be provided with the qualified electronic signature of the person responsible or be signed by the person responsible and submitted via a secure transmission channel in accordance with § 55a(4) of the Code of Administrative Court Procedures (VwGO). Other requirements for the transmission of the electronic document are set out in Chapter 2 of the Regulation on the technical framework for electronic legal transactions and on the special electronic mailbox for public authorities (Electronic Legal Transactions Regulation – ERVV).
- By virtue of federal law, a procedural fee is payable in proceedings that come before the administrative courts as a result of the filing of an action.

Dresden, 08 January 2021

Dagmar Neukirch
State Secretary
Saxon State Ministry
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