

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

of 10 November 2020

On basis of § 32 (1) in connection with § 28 (1) Sentence 1 and 2 of the Infection Protection Act ("Infektionsschutzgesetz") from 20 July 2000 Federal Law Gazette (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) Owing to the corona pandemic everyone is required to reduce the physical-social contacts to other people apart from the members of the own household to the absolutely necessary minimum. 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) Beyond the regulations in § 3 it is urgently recommended to wear a mouth and nose covering when making contact in public areas in order to reduce the risk of infections for 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 when in contact with hearing impaired people who depend on reading lip movements. Closed rooms should be ventilated regularly. The use of the corona warning app of the federal government is urgently recommended in order to improve the contact traceability to infected persons.

(3) It is urgently recommended to generally refrain from private travel and visits – also to relatives, except for valid reasons. This also applies in Germany and to national tourist excursions.

§ 2

Contact restriction, social distancing regulation

(1) Spending time in public is only permitted with members of one's own and one further household up to a maximum total of ten persons. Private gatherings, meetings, events as well as parties in the own home are permitted with members of one's own and one further household up to a maximum total of ten persons or with a maximum total of five persons.

(2) In institutions and facilities and with offers according to § 5, the minimum distance of 1.5 metres is to be adhered to.

(3) The minimum distance of 1.5 metres as well as Subclause 1 shall not apply in day-care facilities, in school buildings and on school premises, at school events and in offerings pursuant to § 32 Book Eight of the German Social Code [*Achtes Buch Sozialgesetzbuch – SGB VIII*] Child and Youth Services in the version promulgated on 11 September 2012 (BGBl. I p. 2022), last amended by Article 3 (5) of the law of 9 October 2020 (BGBl. I S. 2075). The minimum distance or alternative protective measures can be provided by the general ruling of the Ministry of State for Social Affairs and Social Cohesion regulating the operation of day care facilities, schools and boarding schools in the context of the fight against the SARS-CoV-2 pandemic. Sentence 1 shall apply mutatis mutandis to education and training establishments which provide vocational, school or academic training.

(4) Subclause 1 shall not apply to meetings in churches and rooms of religious communities for the purpose of religious practice, nor to funerals.

(5) Subclause 1 shall not apply to meetings of the regional parliament, the state government and the local representative bodies, nor of the authorities, courts, public prosecutors' offices or other bodies performing public duties, nor to measures serving to supply or provide health care for the population, nor to meetings of local councils and of their committees and organs, nor to nomination meetings of political parties and voters' associations, nor to necessary committee meetings of legal entities under private and public law, works meetings and events of the parties to collective bargaining agreements.

§ 3

Mouth and nose covering

(1) A mouth and nose covering is to be worn:

1. when using public transport means for the transport of persons, including taxis, or regular transport services for the purpose of transport between the place of residence/the dwelling and facilities of people with disabilities, people in need of care or patients for their treatment,

2. when spending time in wholesale and retail stores as well as shops,

3. when spending time in healthcare facilities according to § 23 (3) No. 1 of the Infection Protection Act as well as by employees of outpatient nursing services when performing nursing and care. This does not apply to the specific treatment rooms or to the admitted inpatients at the seat where they eat and drink and in their rooms

4. when visiting facilities according to § 36 (1) No. 2 of the Infection Protection Act,

5. when spending time in all premises accessible for the public with regular public traffic:

a) in shopping centres, accommodation facilities (transport and common areas, dining areas until the square is reached) and public administrations,

b) in banks, savings banks and insurance companies,

c) in all catering facilities, including snack bars and cafés, for the delivery and collection of take-away food and drinks,

d) in churches and rooms of religious communities, with the exception of the ritual reception of food and drink,

e) in education and training establishments providing vocational, school or academic training, and on their premises, with the exception of teaching at colleges of music and dance, or if the minimum distance of 1.5 metres is observed,

6. when staying in school buildings, on the premises of schools and at school events; this does not apply,

- a) if the minimum distance of 1.5 metres is observed,
- b) for the primary level,
- c) for after-school care,
- d) in lessons for pupils at secondary level I,
- e) in teaching at special schools at secondary level I, also for teachers and other staff employed in teaching,
- f) in the teaching of the work stage of special schools with a focus on intellectual development,
- g) in inclusive lessons for the main areas of hearing and speech as well as
- h) to take food and drinks in the school building and

7. when staying at bus stops, railway stations, pedestrian areas, areas dedicated to sport and games (except for children under the age of ten), weekly markets and outdoor sales stands. This applies from 6.00am to 12.00 midnight. Excluded are the movement without stopping with means of transport and sporting activities.

(2) Children up to the age of six years are exempt from the obligation under Subclause 1. Subclause 1 shall not apply to staff where other protective measures have been taken or there is no client contact. § 1 (2) Sentences 4 and 5 apply accordingly. The granting of access to a severely disabled person's pass or a medical certificate shall suffice to substantiate an exemption from the obligation under Subclause 1. In this respect, the use and stay according to Subclause 1 cannot be denied for reasons of protection against infection. Persons who, contrary to the obligation under Subclause 1, do not wear a mouth and nose covering, without an exception under Sentences 2 to 4 are prohibited from use under Subclause 1 Sentence 1 No. 1 Alternative 1 and stay under Subclause 1 Sentence 1 No. 2 to 7.

§ 4

Closure of facilities and services

(1) The opening and operation are prohibited with the exception of admissible online offers of:

1. Education and training establishments which do not provide vocational, school or academic training,
2. open-air swimming pools, indoor swimming pools, spas, thermal baths unless they are rehabilitation facilities,
3. steam baths, steam saunas and saunas,
4. fitness studios and similar facilities, unless they are used for medically necessary treatment,
5. amusement arcades, casinos, betting shops and similar establishments,
6. places and facilities for leisure and amateur sports, with the exception of individual sports alone, in pairs or with one's own household and school sports. This does not apply to training organised for individual sports and their sports competitions without an audience as well as for sportsmen and women,
 - a) for whom there is an employment contract which obliges them to perform a sporting activity in return for remuneration, the main purpose of which is to earn a living, or
 - b) who belong to the federal squad (Olympic squad, perspective squad, junior squad 1) and junior squad 2 of the German Olympic Sports Federation or the top squad of the

German Disabled Sports Association or the squad in a junior performance centre in the Free State of Saxony;

7. leisure parks, amusement parks, botanical and zoological gardens, animal parks, leisure activities,
8. folk festivals, fairs, Christmas markets,
9. discos, dance parties,
10. trade fairs, conferences and congresses,
11. museums, music schools, adult education centres, cinemas, theatres, opera houses, concert halls, concert venues, music theatres, clubs and music clubs and appropriate public facilities,
12. libraries, with the exception of media lending and with the exception of specialist libraries and libraries at universities, the Saxon State and University Library and the German National Library,
13. offers of child and youth welfare services without socio-educational care, facilities and offers of child and youth recreation,
14. circuses,
15. prostitution facilities, prostitution events, prostitution agencies, prostitution vehicles,
16. tourist bus tours,
17. school trips,
18. accommodation, with the exception of overnight stays for necessary professional, social or medical reasons,
19. events that serve as entertainment,
20. restaurants, bars, pubs and similar establishments. The delivery and collection of take-away food and beverages and the operation of canteens and refectories are excluded;
21. establishments providing body-care services, with the exception of medically necessary treatment and hairdressers,
22. all other institutions and facilities that serve the leisure time.

(2) The access and working by operators and employees are not covered by the ban according to Subclause 1.

§ 5

Facilities, companies and offers with a hygiene concept and contact data collection

- (1) The facilities, companies and offers, which are not prohibited according to § 4 (1) are permitted by complying with the hygiene regulations according to Paragraphs 2 to 4 as well as the contact data collection according to Subclause 6.
- (2) In wholesale and retail stores as well as shops, no more than one customer may be located per ten square metres of sales area.
- (3) The SARS-CoV-2-occupational protection standard of the Federal Ministry of Labour and Social Affairs, the SARS-CoV-2 occupational protection rules as well as available industry-specific specifications of the accident insurance funds respectively the supervisory authority and the relevant recommendations of the Robert Koch-Institute for infection protection in their respective version or concepts and recommendations of

the specialist associations are to be taken into consideration. Further protection regulations are to be complied with, in accordance with the General Order of the Sachsen Ministry for Social Affairs and Social Cohesion for the order of hygiene conditions for the prevention of the spreading of the corona virus and the General Order of the Sachsen Ministry for Social Affairs and Social Cohesion for the regulation of the operation of facilities of day cares, schools and boarding schools in connection with the combatting of the SARS-CoV-2 pandemic.

- (4) A written hygiene plan based on the recommendations and guidelines listed in (3) is to be created and implemented. This must include, in particular, the regulation of distance from other persons in addition to other hygiene measures. The hygiene concept will name a responsible contact on site for the compliance with and implementation of the hygiene concept, the applicable contact restrictions and social distancing regulations as well as regarding the wearing of a mouth and nose covering. The responsible authority can review the hygiene plan and oversee its compliance.
- (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 authorities.
- (6) Personal data for the tracking of infections are to be collected by organisers of events and operators of facilities, offers and companies which are not forbidden according to § 4 (1),; excluded is the sector of wholesale and retail stores, shops and sales stands as well as with the delivery and pick-up of take-away food and drinks. The following personal data are to be processed for this purpose: Name, telephone number or email address and postcode of the visitors and the period of the 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. They must be provided to them on request; processing for other purposes is not permitted, insofar as not otherwise derived from federal law regulations. The data must be deleted or destroyed immediately after the holding period ends.
- (7) If a digital collection of contact data is envisaged according to Subclause 6
 1. an analogue collection of contact data of the visitor and
 2. a barrier-free data collectionis additionally to be made possible.

§ 6

Seasonal workers

Anyone who employs people who

1. enter the Free State of Saxony temporarily from abroad for the purpose of taking up work for at least three weeks on a regular basis or at a certain time within a year (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 have medical findings in the German or English language at the start of the employment, from which it is clear that a molecular biological test has revealed no evidence of an infection with the SARS-CoV-2 corona virus. The test must have been carried out at most 48 hours before arrival. Persons, who do not have a medical certificate 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 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.

§ 7

Visiting and entry regulations 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 according to Subclause 1 are obliged to maintain the possibilities for attendance and visits. Within the framework 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, regulations on visits and, if necessary, on residents leaving and entering the facilities must ensure that the regulations do not lead to complete social isolation of those affected (facility-based, resident-oriented visit concept). The regulations in particular have to include provisions relating to hygiene measures that are to be complied with, relating to the number of visitors, to the traceability of possible infection chains and for ensuring the continuous practical training in the healthcare and nursing specialist professions. § 5 (6) and (7) apply accordingly. The visiting and entry regulations are to be adjusted to the current regional infection situation and must stand in a reasonable relation between the protection of the persons who are cared for 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 § 5 (3) and (4). 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 § 5 (4).

(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 access by employees of supervisory authorities, the home supervision as well as the medical services of the statutory and private health insurance as well as for medical and therapeutic care is also permitted.

(7) 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.

§ 8

Measures of the responsible municipal authorities

(1) The responsible municipal authorities can take tighter measures, depending on the current regional infection situation, which serve to contain the occurrences of infections. This in particular includes the order of the obligation to wear a mouth-nose covering in public areas at places, at which people meet standing closer together or for a longer period of time. The measures are to be announced customary for local conditions. Taken measures are to be checked by the responsible municipal authorities with regard to whether these are to be upheld.

(2) In the event of a specific, spatially limited increase in the number of infections (hotspot), correspondingly limited measures are sufficient.

§ 9

Meetings

(1) 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. p. 358), are permitted outdoors exclusively in one fixed location and with a maximum of 1,000 participants, if

1. all participants in the meeting, the head of the meeting as well as stewards wear a mouth and nose covering. § 3 (2) shall apply accordingly;

2. A minimum distance of 1.5 metres is to be adhered to between all participants in the meeting.

(2) Meetings with more than 1,000 participants can be approved if the risk of infection can be reduced to a reasonable extent by the person registering the meeting by means of technical and organisational measures, which go beyond Subclause 1.

(3) The Sachsen Assembly Act shall otherwise remain unaffected.

§ 10

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..

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 (1) Sentence 1 spends time in public with more than two households up to a maximum total of ten persons,
 - b) contrary to § 2 (1) Sentence 2 takes part in a private gathering, meetings, events as well as parties in their own home with more than two households up to a maximum total of ten persons or with more than a maximum total of five persons,
 - c) contrary to § 2 (2) does not keep the minimum distance of 1.5 metres,
 - d) contrary to § 4 (1) opens, operates, carries out, visits or uses facilities, companies or events, and no exception exists according to (1) No. 2, 4, 6, 12, 18, 20 or 21 or (2) or
 - e) contrary to § 9 (1) organises a meeting, which is not at one fixed location or with more than 1,000 participants, and no exception exists according to § 9 (2).
2. negligently or wilfully
 - a) contrary to § 3 (1) No. 1 to 5 or 7 or § 9 (1) No. 1 does not wear a mouth-nose covering and no exception exists according to § 3 (1) No. 3, No. 5 lit. c, d or e, No. 7 or (2) or § 9 (1) No. 1,
 - b) contrary to § 5 (4) Sentence 1 opens, operates or carries out facilities, companies and offers without a hygiene concept or does not comply with the hygiene concept,
 - c) contrary to § 5 (4) Sentence 3 does not stipulate a contact on site,
 - d) contrary to § 5 (4) Sentence 3 does not assert the contact restrictions, social distancing regulations or the obligation to wear a mouth-nose covering,
 - e) contrary to § 5 (6) does not collect personal data and no exception exists according to § 5 (6) Sentence 1, Halfsentence 2,
 - f) contrary to § 6 Sentence 1 employs a person without proof or does not carry out the report according to § 6 Sentence 4 or not in time and no exception exists according to § 6 Sentence 5,

- g) contrary to § 7 (2), does not draw up an independent plan for visiting, entering and leaving the facility.

§ 11

Effectuality

(1) This Regulation shall enter into force on the day following its promulgation. At the same time, the Sachsen Corona Protection Regulation of 30 October 2020 (SächsGVBl p. 557) shall become invalid.

(2) This ordinance shall cease to apply with the expiry of 30 November 2020.

Dresden, 10 November 2020

Ministry for Social Affairs
and Social Cohesion
Petra Köpping