

Federal law consolidated: Entire legislation for COVID-19 Compulsory Vaccination Act, version of 18.03.2022

Long title

Federal Act on the Obligation to Vaccinate against COVID-19 (COVID-19 Vaccination Compulsory Act – COVID-19-IG)
 StF: [Federal Law Gazette I No. 4/2022](#) (NO: GP XXVII [IA 2173/A](#) [AB 1312](#) p. 139, BR: [10863](#) [AB 10871](#) S. 937.)

Alteration

[Federal Law Gazette I No. 22/2022](#) (NO: GP XXVII [IA 2215/A](#) [AB 1351](#) P. 143, BR: [10879](#) [AB 10887](#) S. 938.)

Preamble/promulgation clause

The National Council has decided:

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for temporary non-application, see [Federal Law Gazette II No. 103/2022](#)

Text

Compulsory vaccination

§ 1. (1) In order to protect public health, persons who have reached the age of 18 and who have a place of residence in Germany in accordance with § 2 Z 1 have undertaken to undergo a protective vaccination against COVID-19 in accordance with this federal law (compulsory vaccination).

(2) If a person reaches the age of 18 after the entry into force of this Federal Act, the vaccination obligation applies at the end of the following month after the age of 18. For persons who do not have a place of residence in Germany in accordance with § 2 Z 1, the vaccination obligation applies at the end of the following month after the establishment of a place of residence in accordance with § 2 Z 1 in Germany.

(3) Compulsory vaccination must not be enforced by direct coercion.

Definitions

§ 2. The following definitions apply to this Federal Act:

- "Residence" means an upright residence in accordance with § 1 Paragraph 6 of the Registration Act 1991 (MeldeG), [Federal Law Gazette No. 9/1992](#), or an upright centre of life relationships in a municipality, if a confirmation of main residence in accordance with § 19a MeldeG has been issued.
- "Vaccination against COVID-19" means a protective vaccination consisting of one or more vaccinations with a centrally approved or recognised vaccine against COVID-19.
- 'Centrally authorised vaccines' are referred to in the central procedure provided for in Regulation (EC) No 726/2004. OJ No L 136, 30.04.2004 p. 1, vaccines authorised by the European Commission. The vaccines currently approved centrally are to be published on the website of the Federal Minister responsible for health care.
- "Recognized vaccines against COVID-19" are vaccines according to a regulation according to § 4 Paragraph 3, which have one of the in Z 3 The epidemiological efficacy and safety of the vaccines referred to above have comparable epidemiological efficacy and safety.
- "Confirmed infection with SARS-CoV-2" is a surviving infection with SARS-CoV-2,
 - which has been confirmed by molecular biology, or
 - on the basis of which a separation notice was issued to the infected person.
- "Vaccination interval" is the one in a regulation according to § 4 Paragraph 3 and 4 periods to be determined between vaccinations.
- "Reminder date" is the one issued by ordinance in accordance with § 5 date to be determined on which the persons subject to vaccination for the purpose of remembrance in accordance with § 8 and subsequently the subsequent reference dates at intervals of six months from that date.
- "Vaccination date" means the date of vaccination by ordinance in accordance with § 9 date to be determined on which the persons subject to vaccination for the purpose of conducting criminal proceedings in accordance with § 11 and subsequently the subsequent

reference dates at intervals of six months from that date.

9. "Proof of compliance with the vaccination obligation" is proof in accordance with § 4b Paragraph 1 Z 3 in conjunction with § 4e of the Epidemic Act 1950 (EpiG), [Federal Law Gazette No. 186/1950](#), a corresponding entry in the vaccination certificate, an entry in the central vaccination register (§ 24c of the Health Telematics Act 2012 [GTelG 2012], [Federal Law Gazette I No. 111/2012](#)) or a medical certificate of vaccination.
10. "Vaccination series" is a sequence of vaccinations consisting of a vaccination or an initial vaccination and other vaccinations.

Note for the following provision

for temporary non-application, see [Federal Law Gazette II No. 103/2022](#) as amended by [Federal Law Gazette II No. 198/2022](#)

Exceptions

§ 3. (1) The vaccination obligation does not apply to:

1. Expectant mother
2. Persons
 - a) who are not without a concrete and serious risk to life or health with a vaccine in accordance with § 2 Z 3 can be vaccinated,
 - b) in which an immune response to vaccination against COVID-19 is not to be expected for medical reasons,
 - c) who have not developed an immune response to vaccination after repeated vaccination against COVID-19, and
3. Persons who have survived a confirmed infection with SARS-CoV-2 for a period of 180 days from the day of sampling.

(2) The exemption from the obligation to vaccinate in accordance with paragraph 1 Z 1 and 2 shall apply in each case until the end of the following month after the exception ceases to apply.

(3) The grounds for derogation referred to in paragraph 1 Z 1 and 2 are to be proven by a confirmation of a technically suitable outpatient clinic of a hospital for the patients undergoing treatment there determined by the Federal Minister responsible for health care by means of an ordinance or by an official medical or epidemic medical confirmation. The medical certificate must be in the form of an exemption certificate (§ 3b) to be carried out. The professionally suitable outpatient clinics of hospitals, medical officers and epidemic doctors have as data protection controllers (§ 6 Paragraph 8) the following information on the existence of an exceptional reason in the central vaccination register (§ 24c GTelG 2012) in compliance with the requirements of § 24d Paragraph 1 GTelG 2012 to save:

1. Personal details (name, date of birth, gender and the area-specific personal identifier health);
2. Information on the storing health authority or hospital as well as on the doctor storing the reason for the exception (name, role, professional address, date of storage);
3. the existence of an exceptional reason against a COVID-19 vaccination in accordance with paragraph 1, exclusively denominating in "exception COVID-19 vaccination";
4. Date of elimination of the ground for exemption pursuant to paragraph 2 is to be determined.

(4) For the issuance of a certificate by medical officers or epidemic doctors, the persons concerned shall have to carry out all the necessary measures to assess the existence of the ground for exemption in accordance with paragraph 1. Z 1 and 2 required documents. Specialists in gynaecology and obstetrics shall, at the request of the pregnant woman, have confirmation of the existence of the exceptional reason pursuant to paragraph 1 Z 1 to the locally competent medical officer or epidemic doctor for the purpose of registration in accordance with paragraph 3 to be transmitted.

(5) The reason for derogation pursuant to paragraph 1 Z 3 is covered by a certificate of convalescence (§ 4b Paragraph 1 Z 2 in conjunction with § 4d EpiG), a medical certificate or a segregation notice. At the request of the persons concerned, the locally competent district administrative authority has subsequently registered a surviving infection with SARS-CoV-2, which has been confirmed by molecular biology, in the register in accordance with § 4 EpiG.

(6) The Federal Minister responsible for health care may, by ordinance, impose more detailed requirements on

1. the minimum requirements and the period of validity of medical certificates referred to in paragraph 3 and 9 and
2. the form, minimum requirements, period of validity and minimum contents of medical certificates referred to in paragraph 5

fix.

(7) The Federal Minister responsible for health care shall determine by ordinance the conditions under which a ground for exemption pursuant to paragraph 1 Z 2 is available.

(8) In the event of a change in the legal situation with regard to the approval of vaccines or a change in the state of scientific knowledge, in particular with regard to the likelihood of further spread of SARS-CoV-2 by certain groups of persons, the Federal Minister responsible for health care has, by decree of paragraph 1: to adopt derogations where this is necessary to protect public health or to safeguard the rights of data subjects. New exceptions must be provided for or – with the exception of Z 2 – to deviate from existing exceptions, for example with regard to conditions or duration.

(9) Proof of a newly created exception pursuant to paragraph 8 can be provided by an official or epidemic medical certificate. In this case, the medical officers and epidemic physicians may be responsible for data protection (§ 6 Paragraph 8) this information as an exceptional reason in compliance with Paragraph 24d Paragraph 1 GTelG 2012 according to paragraph 3 Z 1 up to 4 in the central vaccination register.

(10) Notwithstanding § 24c Paragraph 6 GTelG 2012 are the exceptional reasons stored in the central vaccination register in accordance with paragraph 3 and paragraph 8 to cancel automatically after the end of the following month after the exception has ceased to apply.

Note for the following provision

for temporary non-application, see [Federal Law Gazette II No. 103/2022](#) as amended by [Federal Law Gazette II No. 198/2022](#)

Digital exception management

§ 3a. (1) For the purpose of processing exceptions and, if necessary, their entry in the central vaccination register by official and epidemic doctors (§ 3 Paragraph 3 and 9) the Governors are authorized to provide electronic applications with which

1. it is possible for persons subject to vaccination to:
 - a) the information according to § 6 Paragraph 1 Z 1 lit. a to c and e,
 - b) proof of their identity, in particular by means of a copy of an official photo ID, and
 - b) the documents according to § 3 Paragraph 4, 5 and 9 to be transmitted to the district administrative authorities in digital form, and
2. the data according to Z 1 can be automatically transferred to the file management system of the respective country and further processed.

(2) When making the electronic application available in accordance with paragraph 1, the Governors shall: the confidentiality of the data in accordance with § 6 GTelG 2012 and the transmitted data immediately after the purpose has been achieved from the application in accordance with paragraph 1 to delete. When processing the data in accordance with paragraph 1 Z 2 is § 6 Paragraph 5 Z 3 Apply.

(3) The Governors must ensure that the transmission of the data in accordance with paragraph 1 Z 1 can also be done in postal form.

(4) For the processing of the data in accordance with paragraph 1 Z 1 in connection with the assessment of the existence of an exceptional reason from the obligation to vaccinate, the respective medical officers and epidemic doctors are the persons responsible under data protection law (Art. 4 Z 7 GDPR).

Note for the following provision

for temporary non-application, see [Federal Law Gazette II No. 103/2022](#)

Scope of compulsory vaccination

§ 4. (1) Anyone who has a valid vaccination status against COVID-19 after March 15, 2022 will meet the vaccination requirement.

(2) A valid vaccination status against COVID-19 is available to anyone who is involved in an initial vaccination and – in the case of protective vaccinations consisting of several vaccinations – within the scope of a regulation in accordance with paragraph 4 has subjected the specified vaccination intervals to the further vaccinations required within the framework of the respective vaccination series.

(3) The Federal Minister responsible for health care has issued an ordinance in which recognised vaccines against COVID-19 in accordance with § 2 Z 4 the conditions for compliance with the obligation to vaccinate with regard to vaccination intervals, number of vaccinations and, if necessary, combination of vaccines in accordance with paragraph 4 to regulate.

(4) In accordance with the state of medical science, the Federal Minister responsible for health care must determine by ordinance:

1. how many vaccinations are required for a vaccination series and at what vaccination intervals the vaccinations of a vaccination series are to be carried out,
2. the vaccination intervals at which the vaccinations of a vaccination series are to be carried out if an infection with SARS-CoV-2 has been confirmed by molecular biology before the start of the vaccination series or between vaccinations or if there is evidence of the presence of neutralising antibodies,
3. at what vaccination intervals the vaccinations of a vaccination series are to be continued if the vaccination series was already started before the date of entry into force of this Federal Act,
4. at what intervals vaccinations, if necessary starting with a new vaccination series, are to be made up, if the intended vaccination intervals are not observed,
5. in which combinations of vaccines vaccinations are to be carried out, if necessary,

where necessary, this shall be determined separately for the centrally authorised or recognised vaccines.

(5) The district administrative authorities, in their role as a public health service, have documented vaccinations against COVID-19 in the central vaccination register (§ 24c GTelG 2012) at the request of the data subject, provided that

1. the data subject is domiciled in Austria,
2. the vaccination against COVID-19 was not administered in Austria and
3. it is not reasonable for the affected person to be vaccinated against COVID-19 in accordance with § 24c Paragraph 4 GTelG 2012 to be added to the central vaccination register.

The district administrative authorities and ELGA GmbH are joint controllers in accordance with § 27 Paragraph 17 in conjunction with § 24c Paragraph 3 GTelG 2012; the division of obligations is carried out in accordance with § 4a up to § 4e of the eHealth Regulation (eHealthV), [Federal Law Gazette II No. 449/2020](#).

Reminder date

§ 5. By ordinance, the Federal Government has issued a cut-off date for the identification of persons subject to vaccination for the purpose of remembrance in accordance with § 8 (date of remembrance). The reminder date is in accordance with the technical possibilities for the implementation of automated data comparison in accordance with § 6 to determine.

Identification of persons subject to vaccination

§ 6. (1) For the purpose of identifying the persons subject to vaccination, on the date of remembrance:

1. the Federal Minister of the Interior as processor (Art. 4 Z 8 GDPR) of the registration authorities as joint controllers (Art. 4 Z 7 in conjunction with Article 26 Regulation [EU] 2016/679 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC [General Data Protection Regulation], OJ No. OJ No L 119, 04.05.2016 p. 1, as amended by the Corrigendum No L 074 of 04.03.2021 p. 35, [hereinafter: GDPR]) for the purposes of maintaining the Central Population Register (ZMR) by means of automated data transmission to registered persons who have reached the age of 18,
 - a) the surname and the first name(s) as well as any pre- and postgraded academic degrees,
 - b) gender,
 - c) the date of birth,
 - d) the address code and the municipal code, and
 - e) the address of the main residence or, if such a residence does not exist, of the last established further residence, or, if such a residence does not exist, of the contact point (§ 19a Paragraph 2 MeldeG),

from the ZMR according to § 16 MeldeG and to collect this collected data as a processor for the master number registration authority (§ 7 of the E-Government Act [E-GovG], [Federal Law Gazette I No. 10/2004](#)) with the encrypted area-specific personal identifier health (vbPK-GH), and

2. ELGA GmbH as the person responsible for the central vaccination register (§ 27 Paragraph 17 GTelG 2012 in conjunction with § 4b Paragraph 1 eHealthV) the data stored in the central vaccination register on COVID-19 vaccinations of persons who have reached the age of 18, namely:
 - a) the sector-specific personal identification number health (bPK-GH),
 - b) the surname(s) and the first name(s), as well as any pre- and postgraded academic degrees,
 - c) gender,
 - d) the date of birth,
 - e) the date of administration of the vaccination and the name of the vaccine (in accordance with the authorisation or trade name) for each vaccination, and
 - f) the information according to § 3 Paragraph 3 Z 2 up to 4to the Federal Minister responsible for health care free of charge.

(2) For the purpose of identifying and reminding persons subject to vaccination in accordance with § 8, the Federal Minister responsible for health care as data protection controller (Art. 4 Z 7 GDPR)

1. by comparing the to identify those persons transmitted,
 - a) who have fulfilled the vaccination obligation by vaccination on the respective reminder date in accordance with the COVID-19 entries stored in the central vaccination register, and
 - b) for the COVID-19 entries stored in the central vaccination register on the respective reminder date, a temporally valid exception (§ 3 Paragraph 3 and 9) is storedand to delete the data of these persons immediately after the comparison has been carried out, and
2. by comparing the after deletion in accordance with Z 1 Final part of the remaining data with the register of notifiable diseases (§ 4 EpiG) to identify those persons for whom there is no obligation to vaccinate on the respective reminder date, whereby the requirements laid down by ordinance in accordance with § 4 Paragraph 3 and 4 must be taken into account; the data of these persons must be deleted immediately after the comparison.

(3) On the date of vaccination, the Federal Minister of the Interior, as a processor (Art. 4 Z 8 GDPR) for the master number registration authority (§ 7 E-GovG) the data according to paragraph 1 Z 1 with the encrypted area-specific personal identification number Central implementation of administrative criminal proceedings (vbPK-VS), the encrypted area-specific personal identifier delivery (vbPK-ZU) and the encrypted area-specific personal identifier for use in the transparency database (vbPK-ZP-TD) and must equip the Federal Minister of the Interior as processor (Art. 4 Z 8 GDPR) for the registration authorities, the data equipped with the encrypted area-specific personal identifiers in accordance with paragraph 1 Z 1 and ELGA GmbH the data in accordance with paragraph 1 Z 2 to the Federal Minister responsible for health care free of charge. The latter shall have the comparison in accordance with paragraph 2 on the date of vaccination and the following data remaining after the comparison, namely:

1. the sector-specific personal identification number health (bPK-GH),
2. the encrypted area-specific personal identification number Central Implementation of Administrative Criminal Proceedings (vbPK-VS),
3. the encrypted area-specific personal identification number delivery (vbPK-ZU),
4. the encrypted area-specific personal identifier for use in the transparency database (vbPK-ZP-TD),
5. the surname and the first name(s) as well as any pre- and postgraduated academic degrees,
6. gender,
7. the date of birth,
8. the address code and the municipal code,
9. the address referred to in paragraph 1 Z 1 lit. e,
10. the date of vaccination and the name of the vaccine (in accordance with the authorisation or trade name) for each vaccination;
11. the date of sampling (§ 3 Paragraph 1 Z 3),
12. the tort code, and
13. the date of discontinuation of the reason for exemption (§ 3 Paragraph 3 Z 4)

as data protection controller (Art. 4 Z 7 GDPR) of the locally competent district administrative authority for the purpose of initiating administrative criminal proceedings in accordance with § 11 to be made available immediately in a secure manner in accordance with the state of the art. The locally competent district administrative authority is to be determined on the basis of the municipal code.

(4) For the performance of the tasks referred to in paragraph 2 and 3, the Federal Minister of IT Services of Sozialversicherung GmbH (ITSV GmbH), who is responsible for the health sector, may act as a processor (Art. 4 Z 8 GDPR).

(5) The Federal Minister responsible for health care, the registration authorities, the district administrative authorities, ELGA GmbH as well as the hospitals and official doctors and epidemic doctors (§ 3 Paragraph 3) must take appropriate data security measures, in particular:

1. a transfer of personal data processed in accordance with the provisions of this Federal Act to third parties and further processing of personal data for other purposes is not permitted, unless expressly provided otherwise in this Federal Act,
2. the Federal Minister responsible for health care shall ensure that the data, unless they have already been collected in accordance with paragraph 2 were deleted, two weeks each
 - a) according to the respective reminder according to § 8 as well as
 - b) after transmission to the district administrative authorities in accordance with paragraph 3 be deleted,
3. the district administrative authorities have
 - a) to define and document the access rights for the individual staff of the respective authority individually according to the respective area of responsibility. Persons entitled to access must be excluded from exercising their access authorisation if they no longer need it to fulfil the tasks assigned to them or if they do not process the data in accordance with their intended purpose, as well as
 - b) ensure, by means of organisational and technical precautions, that access to the information they have in accordance with paragraph 3 data provided, in particular access to rooms in which such access is located, is only possible for the officials of the Authority entrusted with the relevant tasks. If it is necessary for party traffic to take place in rooms with such an access option, it must in any case be ensured that an inspection in accordance with paragraph 3 data provided by third parties is not possible,
4. WHEN transmitting the data in accordance with paragraph 1, ELGA GmbH Z 2 § 6 GTelG 2012 and
5. elga GmbH's access to the central vaccination register for the purpose of transmission to the Federal Minister responsible for health care in accordance with paragraph 1 as well as the accesses of hospitals and medical officers and epidemic doctors in accordance with § 3 Paragraph 3 and 8 to the central vaccination register in accordance with § 24f Paragraph 5 GTelG 2012.

(6) The data stored in the central vaccination register in accordance with § 3 Paragraph 3 Z 1 up to 4 in conjunction with § 3 Paragraph 9 may be approved by the Federal Minister responsible for health care by way of ELGA GmbH as its processor (Art. 4 Z 8 GDPR) for the purpose of quality assurance, plausibility check and in particular to carry out necessary investigations for the initiation of proceedings in accordance with § 10 Paragraph 4 be evaluated personally. If irregularities are found in these evaluations which give the impression that hospitals, medical officers and epidemic doctors unjustifiably make exceptions pursuant to § 3 Paragraph 3 and 9 in the central vaccination register, the Federal Minister responsible for health care is entitled to use the evaluated data of the locally responsible district administrative authority for the purpose of carrying out necessary investigations in accordance with § 10 Paragraph 4 to provide the state of the art in a secure manner in accordance with the state of the art. For this purpose, ELGA GmbH must transmit the evaluated data to the Federal Minister responsible for health care.

(7) A specific access authorization to the central vaccination register in accordance with § 24f Paragraph 4 GTelG 2012

1. the Federal Minister responsible for the health care system for the evaluations referred to in paragraph 6 as well as for data quality management according to § 7,
2. ELGA GmbH to fulfil the obligation pursuant to paragraph 1 Z 2,
3. hospitals, medical officers and epidemic doctors in accordance with § 3 Paragraph 3 for the storage of exceptions in accordance with § 3 Paragraph 3 and 9 as well as
4. the district administrative authorities for the purposes of § 10 Paragraph 3 and § 11 Paragraph 1.

(8) ELGA GmbH and the respective hospitals, medical officers and epidemic doctors in accordance with § 3 Paragraph 3 are in accordance with Art. 4 Z 7 in conjunction with Article 26 GDPR joint controllers. The division of obligations takes place in accordance with § 4a up to § 4d eHealthV.

Data Quality Management

§ 7. (1) The Federal Minister responsible for health care may set up and operate a body for data quality management ("notified body") and appoint a processor for this purpose (Art. 4 Z 8 GDPR). The task of the notified body is to receive inquiries and complaints from persons in connection with the reminders in accordance with § 8.

(2) The specific access authorization according to § 6 Paragraph 7 Z 1 to fulfil the provisions of paragraph 1 the task is limited to read access.

(3) Do the enquiries and complaints referred to in paragraph 1 concern the central vaccination register (§ 24c GTelG 2012), the notified body shall have the existence, if applicable the nature of the error and the respective health service provider in accordance with § 24c Paragraph 2 Z 1 GTelG 2012, which has stored the data in the central vaccination register, and to collect the correction of the data stored in the central vaccination register at this, or in the event of its unavailability at the district administrative authority (§ 24c Paragraph 3 GTelG 2012), and to monitor the implementation. Health service providers and the district administrative authorities must make the correction without delay.

Correction or deletion of the data stored in the central vaccination register by the notified body is not permitted. When verifying an information or complaint referred to in paragraph 1, the notified body may: if no error is detected, the person must be informed immediately. The access of the notified body to the central vaccination register is in accordance with § 24f Paragraph 5 GTelG 2012.

(4) Do the enquiries and complaints referred to in paragraph 1 concern the register of notifiable diseases (§ 4 EpiG), the notified body shall record the nature of the error and carry out the correction of the diseases notifiable in the register itself or arrange for it to be made by the district administrative authority and to supervise its implementation. The notified body and the district administrative authorities shall make the correction without delay. When verifying an information or complaint referred to in paragraph 1, the notified body may: if no error is detected, the person must be informed immediately. The access of the notified body to the register of notifiable diseases is in accordance with § 4 Paragraph 9 EpiG.

(5) The measures used to correct errors in accordance with paragraph 3 and 4 required data shall be provided by the notified body in personal form. The processing of this data must be carried out in accordance with the state of the art.

(6) The employees of the notified body are informed in writing about data secrecy in accordance with § 6 before starting their work. of the Data Protection Act (DSG), [Federal Law Gazette I No. 165/1999](#), to inform. This data secrecy also applies beyond the termination of the employees' activities.

Reminders

§ 8. (1) The Federal Minister responsible for health care shall have the persons with regard to whom the fulfilment of the vaccination obligation on the reminder date in accordance with § 6 Paragraph 2 cannot be determined, to inform about it and to remind that the respective vaccination must be made up as soon as possible. At the same time, he has to inform about vaccinations against COVID-19 and about relevant counselling services. For this purpose, the Federal Minister responsible for health care may process the following data:

1. the surname and the first name(s) as well as any pre- and postgraduated academic degrees,
2. gender, and
3. the address according to § 6 Paragraph 1 Z 1 lit. e.

(2) For the performance of the tasks referred to in paragraph 1 the Federal Minister responsible for health care of the umbrella organisation of social security institutions may act as a processor (Art. 4 Z 8 GDPR).

Vaccination deadline

§ 9. In accordance with the technical possibilities for the implementation of automated data comparison in accordance with § 6, the Federal Government may: By ordinance, a cut-off date for the identification of persons subject to vaccination for the purpose of conducting criminal proceedings in accordance with § 11 (vaccination date), if this is necessary to ensure compliance with the vaccination obligation. The vaccination date may not be more than one month after the date of remembrance.

Note for the following provision

for temporary non-application, see [Federal Law Gazette II No. 103/2022](#)

Penal provisions

§ 10. (1) Anyone who does not comply with the vaccination obligation after 15 March 2022 commits an administrative offence and is to be punished with a fine of up to EUR 3 600. If a fine is imposed, a substitute custodial sentence shall not be imposed in the event of the fine being irrecoverable.

(2) When calculating the fine, in accordance with § 19 Paragraph 2 of the Administrative Criminal Law 1991 (VStG), [Federal Law Gazette No. 52/1991](#), to take into account the income and financial circumstances and any custody duties of the accused.

(3) The criminal liability does not apply if the fulfillment of the vaccination obligation within two weeks at the latest

1. after notification of a vaccination penalty order, or
2. in the event that the district administrative authority does not proceed by means of a vaccination penalty order, after a request pursuant to § 40 Paragraph 2 VStG

is demonstrably made up. For this purpose, the district administrative authorities are entitled to access the data stored in the central vaccination register (§ 24c Paragraph 2 Z 2 GTelG 2012) of persons against whom administrative criminal proceedings pursuant to § 11 is pending, under application of § 24d Paragraph 1 GTelG 2012 to find out about their vaccination status. The accesses of the district administrative authority are subject to application of § 24f Paragraph 5 GTelG 2012.

(4) Who, as a doctor of a hospital, medical officer or epidemic doctor intentionally

1. a medical confirmation of the existence of an exceptional reason in accordance with § 3 Paragraph 1 Z 1 up to 3, which does not correspond to the state of medical science, or
2. stores the information on the existence of a reason for exemption in the central vaccination register without any confirmation of this,

commits an administrative offence and is liable to a fine of up to EUR 7 200.

Note for the following provision

for temporary non-application, see [Federal Law Gazette II No. 103/2022](#)

Criminal procedure

§ 11. (1) If the criminal proceedings are not based on the identification of the persons subject to vaccination in accordance with § 6, the district administrative authority has provided the person subject to vaccination with proof of compliance with the vaccination obligation or, if applicable, of the existence of an exceptional reason in accordance with § 3 Paragraph 1 within two weeks. After fruitless expiry of the deadline, the district administrative authority may issue a vaccination penalty order in accordance with paragraph 2 enact. Before requesting, the district administrative authority is entitled to access the data stored in the central vaccination register (§ 24c Paragraph 2 Z 2 GTelG 2012) of the indicated person under application of § 24d Paragraph 1 GTelG 2012 to find out about their vaccination status and to be entitled to access the register of notifiable diseases in accordance with § 4 Access EpiG to find out about their recovery status. The access of the district administrative authority to the central vaccination register is subject to § 24f Paragraph 5 GTelG 2012 and access to the register of notifiable diseases under application of § 4 Paragraph 9 EpiG. Such proceedings may result in punishment no more than four times per calendar year.

(2) If the criminal proceedings are based on the identification of the persons subject to vaccination in accordance with § 6, the district administrative authority may, in relation to those after the comparison on the vaccination date in accordance with § 6 Paragraph 3 impose a fine of up to 600 euros on remaining persons without further proceedings by means of a vaccination penalty order.

(3) The vaccination penalty order must specify:

1. the authority issuing the vaccination penalty order;
2. the first name and surname and the place of residence of the accused;
3. the act that is presumed to have been proven;
4. the administrative provision infringed by the act;
5. the penalty imposed and the provision of the law applied;
6. if necessary, the statement on the costs to be reimbursed by the accused;

7. the instruction on the reasoned objection.

(4) The accused may lodge a reasoned objection to the vaccination penalty order within two weeks of its service, presenting the evidence useful to his defence. The objection must be submitted to the authority that issued the vaccination penalty order.

(5) If the reasoned objection is filed in good time and not withdrawn within two weeks, the ordinary procedure must be initiated. The reasoned objection is considered a justification within the meaning of § 40 VStG. If the reasoned objection expressly challenges only the extent of the penalty imposed or the decision on the costs, then the authority that issued the vaccination penalty order must decide on this. In all other cases, the reasoned objection, unless it is withdrawn within two weeks, renders the entire vaccination penalty order invalid. In the penalty decision issued on the basis of the reasoned objection, a higher penalty may be imposed than in the vaccination penalty order.

(6) If a reasoned objection is not raised or withdrawn in good time, the vaccination penalty order must be enforced.

Territorial jurisdiction

§ 12. The responsibility of the district administrative authority depends on the main residence of the person subject to vaccination or, if one does not exist, the further residence or, if one does not exist, the contact point (§ 19a Paragraph 2 MeldeG).

Special provisions for proceedings before the administrative courts

§ 13. (1) The Administrative Court may, notwithstanding a party application, refrain from a hearing if an appeal pursuant to Article 130 Paragraph 1 Z 1 B-VG merely with the assertion that this federal law is unconstitutional, and a waiver of the hearing neither Art. 6 Paragraph 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, [Federal Law Gazette No. 210/1958](#), nor Art. 47 the Charter of Fundamental Rights of the European Union, OJ No. OJ No C 83, 30.03.2010, p. 389.

(2) The medical officers and epidemic doctors according to § 3 Paragraph 3 are available to the administrative courts as official experts.

(3) If 24 months have elapsed since the authority received a timely and admissible complaint by the accused against a criminal conviction, it shall cease to apply by law; the proceedings shall be terminated. In the period, the times according to § 34 Paragraph 2 and § 51 of the Administrative Court Procedure Act (VwGVG), [Federal Law Gazette I No. 33/2013](#), not included.

Purpose dedication

§ 14. The receipts from the fines imposed under this federal law flow to the respective state health fund.

Participation of the organs of the public security service

§ 15. (1) Until the entry into force of an ordinance pursuant to § 9, the organs of the public security service shall: to participate in the enforcement of this Federal Act in the context of the tasks otherwise incumbent on them in official acts involving the determination of the identity of the person concerned by monitoring compliance with the obligation and by taking measures to initiate and secure administrative criminal proceedings, insofar as the persons concerned are not witnesses or victims.

(2) In the case of a check in accordance with paragraph 1 upon request, proof of compliance with the vaccination obligation or, if applicable, of the existence of an exceptional reason in accordance with § 3 Paragraph 1 to show. The organs of the public security service are entitled, for the purpose of verifying the evidence to determine the personal data required for the identification (first and last name and date of birth).

Cost bearing and implementation of vaccinations

§ 16. (1) The Governor must provide low-threshold vaccination offers and make arrangements for vaccinations to be carried out at certain times and places.

(2) Orders the Confederation to pay the costs for:

1. the provision of the vaccine,
2. the implementation of vaccinations within the framework of vaccination routes in accordance with § 1b of the COVID-19 Special Purpose Grant Act, [Federal Law Gazette I No. 63/2020](#), or vaccinations in the established area in accordance with § 747 of the General Social Insurance Act (ASVG), [Federal Law Gazette No. 189/1955](#),
3. the official medical and epidemic medical confirmations in accordance with § 3 Paragraph 3 and 9,
4. the expenses of ITSV-GmbH according to § 6 Paragraph 4,
5. the expenses of the umbrella organisation in accordance with § 8 Paragraph 2 and
6. the fees for epidemic doctors to perform the duties pursuant to § 17 according to the provisions of § 36 Paragraph 1 lit. g Epig.

Epidemic Doctors

§ 17. According to the requirements of § 27 EpiG appointed epidemic physicians to perform tasks under this Federal Act are required to register exceptions pursuant to § 3 Paragraph 1 Z 1 and 2 in the central vaccination register (§ 24c GTelG 2012) according to § 3 Paragraph 3 as well as for the addition of vaccinations against COVID-19 administered abroad to the central vaccination register in accordance with § 24c Paragraph 4 GTelG 2012.

Agreement with the Main Committee of the National Council, hearing of the National Vaccination Committee

§ 18. (1) Ordinances according to § 3 Paragraph 8, § 4 Paragraph 3 and 4, § 9 and § 19 Paragraph 2 require agreement with the Main Committee of the National Council.

(2) Before issuing regulations in accordance with § 3, the Federal Minister responsible for health care Paragraph 6 as well as § 4 Paragraph 3 and 4 to hear the National Vaccination Board.

Accompanying monitoring

§ 19. (1) A commission established at the Federal Chancellery in accordance with § 8 of the Federal Ministry Act 1986 (BMG), [Federal Law Gazette No. 76/1986](#), if they do not already belong to it, with the assistance of at least two professors of a legal subject at a university and two medical experts, the National Council, the Federal Minister responsible for health care and the Federal Government at intervals of three months from the entry into force of this Federal Act or, in the event of a fundamental change in those circumstances which were decisive for the adoption of this Federal Law, without delay, in particular via

1. the main scientific developments in the field of vaccination and drugs against COVID-19,
2. the evolution of vaccination coverage with regard to COVID-19,
3. the suitability of compulsory vaccination to prevent overloading of medical care, and
4. those referred to in paragraph 2 criteria mentioned

to report.

(2) In the event of the non-availability of vaccines, a significant change in the state of scientific knowledge with regard to the efficacy of the vaccines, the other suitability of the vaccination obligation to prevent an overload of medical care, such as in particular in the event of the

appearance of new virus variants or a change in the infection epidemiological events caused by the characteristics of the virus, or the necessity of compulsory vaccination, the health service order the competent Federal Ministers without delay that this Federal Act or some of its provisions are not to be applied – at most temporarily – to situations that occur after a date to be specified in the Ordinance.

Final provisions

§ 20. (1) This Federal Act shall enter into force on the day following its promulgation and shall cease to apply at the end of 31 January 2024.

(2) With the enforcement of this Federal Act, the Federal Minister responsible for health care, with regard to § 6 Paragraph 1 and 3 with regard to the transfer of data by the Federal Minister of the Interior, the Federal Minister for Digitisation and Business Location in agreement with the Federal Minister of the Interior, with regard to § 15 the Federal Minister of the Interior, with regard to §§ 5 and 9 the Federal Government and with regard to § 19 Paragraph 1 entrusted by the Federal Chancellor.

(3) For all personal designations, the chosen form applies to all genders.

(4) Ordinances based on this Federal Act may be issued before its entry into force, but may not enter into force before it.

(5) Ordinances based on this Federal Act must also be published on the website of the Federal Minister responsible for health care.

(6) Insofar as this Federal Act refers to other federal laws, these provisions shall apply in their currently valid version, unless otherwise provided for by this Federal Act.

(7) The table of contents of § 3a, § 1 Paragraph 2 and 3, § 2 Z 5, § 3 Paragraph 2, 3, 5 and 6, § 3a including heading, § 10 Paragraph 2 and 3, § 11 Paragraph 1, § 15 Paragraph 1, § 16 Paragraph 2 Z 2, 3 and 6 as well as § 20 Paragraph 2, 5 and 6 as amended by Federal Law [Gazette I No. 22/2022](#) enter into force on the day following the announcement. The table of contents of § 3b, § 2 Z 11, § 3b including heading and § 7 Paragraph 1, 2a, 2b and paragraph 5 as amended by Federal Law [Gazette I No. 22/2022](#) enter into force on 11 April 2022. Medical certificates issued until then in accordance with § 3 Paragraph 1 of the COVID-19 Compulsory Vaccination Ordinance (COVID-19-IV), [Federal Law Gazette II No. 52/2022](#), remain valid.