



## Consolidated Federal Law: Entire legislation for the COVID-19 Measures Act, version of 07/01/2022

### long title

Federal law on interim measures to prevent the spread of COVID-19 (COVID-19 Measures Act - COVID-19-MG)

StF: [Federal Law Gazette I No. 12/2020](#) (NR: GP XXVII [IA 396/A AB 102 p. 16](#), BR: [AB 10287 p. 903](#).)

### modification

[Federal Law Gazette I No. 16/2020](#) (NR: GP XXVII [IA 397/A AB 112 p. 19](#), BR: [AB 10288 p. 904](#).)

[Federal Law Gazette I No. 23/2020](#) (NR: GP XXVII [IA 402/A AB 115 p. 22](#), BR: [AB 10291 p. 905](#).)

[Federal Law Gazette I No. 104/2020](#) as amended by [Federal Law Gazette I No. 124/2020](#) (VFB) (NR: GP XXVII [IA 826/A AB 370 p. 51](#), BR: [10408 AB 10411 p. 912](#).)

[Federal Law Gazette I No. 138/2020](#) (NR: GP XXVII [AB 564 p. 71](#), BR: [10472 AB 10519 p. 917](#).)

[Federal Law Gazette I No. 23/2021](#) (NR: GP XXVII [IA 1197/A AB 629 p. 77](#), BR: [10530 AB 10533 p. 919](#).)

[Federal Law Gazette I No. 33/2021](#) (NR: GP XXVII [IA 1214/A AB 671 p. 85](#), BR: [10541 AB 10542 p. 922](#).)

[Federal Law Gazette I No. 82/2021](#) (NR: GP XXVII [IA 1466/A AB 813 p. 101](#), BR: [AB 10620 p. 925](#).)

[Federal Law Gazette I No. 90/2021](#) (NR: GP XXVII [IA 1324/A AB 757 p. 91](#), BR: [10577 AB 10603 p. 924](#).)

[Federal Law Gazette I No. 100/2021](#) (NR: GP XXVII [IA 1572/A p. 109](#), BR: [10643 AB 10640 p. 926](#).)

[Federal Law Gazette I No. 105/2021](#) (NR: GP XXVII [IA 1662/A AB 883 p. 113](#), BR: [10647 AB 10662 p. 927](#).)

[Federal Law Gazette I No. 143/2021](#) (NR: GP XXVII [IA 1780/A AB 1008 p. 115](#), BR: [AB 10717 p. 929](#).)

[Federal Law Gazette I No. 183/2021](#) (NR: GP XXVII [IA 1824/A AB 1067 p. 125](#), BR: [10748 AB 10750 p. 931](#).)

[Federal Law Gazette I No. 204/2021](#) (NR: GP XXVII [AB 1139 p. 131](#), BR: [AB 10784 p. 934](#).)

[Federal Law Gazette I No. 255/2021](#) (NR: GP XXVII [IA 1969/A AB 1270 p. 135](#), BR: [10796 AB 10820 p. 936](#).)

[Federal Law Gazette I No. 6/2022](#) (NR: GP XXVII [AB 1313 p. 139](#), BR: [10864 AB 10873 p. 937](#).)

[Federal Law Gazette I No. 64/2022](#) (NR: GP XXVII [IA 2066/A AB 1438 p. 153](#), BR: [AB 10954 p. 940](#).)

[Federal Law Gazette I No. 89/2022](#) (NR: GP XXVII [IA 2591/A AB 1503 p. 162](#), BR: [10980 AB 10994 p. 942](#).)

[Federal Law Gazette I No. 103/2022](#) (NR: GP XXVII [IA 2652/A p. 168](#), BR: [11008 AB 11018 p. 944](#).)

### text

#### Scope and general provisions

**§ 1.**(1) This Federal Act authorizes the regulation of entering and driving on business premises, places of work, old people's and nursing homes and inpatient residential facilities for the disabled, certain locations and public places in their entirety, the regulation of the use of means of transport, the regulation of meetings and Exit regulations as sanitary measures to prevent the spread of COVID-19.

(2) Remaining also counts as entering within the meaning of this Federal Act.

(3) Certain places within the meaning of this Federal Act are certain public and certain private places with the exception of private residential areas.

(4) Public places within the meaning of this Federal Act are those that can be entered or driven on by a group of people who have not been previously specified.

(5) The following conditions may be considered in particular as a result of this Federal Act:

1. distance rules,
2. the obligation to wear a mechanical protective device covering the mouth and nose area,
3. other protective measures such as organizational or spatial measures,
4. Prevention concepts, which are programmatic representations of regulations - adapted to the respective offer - to prevent the spread of COVID-19,
5. Carrying evidence of an only minor epidemiological risk (paragraph 5a) in connection with
  - a) entering and driving on business premises for the purpose of purchasing goods or using services (§ 3 Para. 1 Z 1), using means of transport (§ 3 Para. 1 Z 3) and entering and driving at certain locations (§ 4 Para. 1 Z 1), with the exception of business premises, means of transport or certain places that are entered and driven on or used to cover the necessary basic needs of everyday life,
  - b) Entering and driving on work places (§ 3 Para. 1 Z 2) where physical contact with other people cannot be ruled out,
  - c) entering old people's and nursing homes and residential facilities for the disabled (§ 4a Para. 1) and
  - d) participation in meetings (§ 5).

Insofar as this does not conflict with epidemiological requirements, determinations can be made for children and young people up to the age of 16, possibly staggered according to different age groups, as well as for persons for whom, for medical reasons, proof of a low epidemiological risk is not an option that lower requirements are to be made of the proof or that these are exempted from the obligation to provide proof.

(Note: Z 6 repealed by Art. 2 Z 2, [Federal Law Gazette I No. 183/2021](#) )

(5a) An only slight epidemiological danger within the meaning of para

1. a vaccination against COVID-19,
2. a test carried out for an infection with SARS-CoV-2 with a negative test result,
3. a test performed that confirms the presence of antibodies against infection with SARS-CoV-2,  
or
4. a proof of recovery or a medical confirmation that you have survived an infection with SARS-CoV-2 or a notice of separation issued because the addressee of the notice was infected with SARS-CoV-2,

it can be assumed that the probability of further spread of COVID-19 is reduced. Depending on the current epidemiological situation, a distinction can be made between the groups of people according to Z 1 to 4 if, based on the current state of science, it can be assumed that there are differences in preventing the spread of COVID-19. Insofar as this is epidemiologically necessary, proof of an only low epidemiological risk according to Z 2 can also be prescribed in addition to the proof according to Z 1, 3 and 4.

(5b) In addition to the order pursuant to para. 5 no. 5, further exceptions to the restrictions laid down on the basis of this Federal Act may be ordered for groups of persons pursuant to para. 5a nos

spread of SARS-CoV-2 is significantly reduced and not in particular

1. any residual risk of infecting other people with SARS-CoV-2, which cannot be accepted in the context of the respective restriction,
2. ensuring effective and efficient official control of compliance with applicable restrictions,
3. the enabling of an effective and efficient fulfillment of those obligations, the breach of which is punishable by administrative authorities pursuant to Section 8 Paragraphs 3, 4 and 5a, or
4. the maintenance of the willingness to comply with the applicable restrictions by the persons bound by them

requires the opposite. To accommodate such needs, the use of the exemption may also be subject to compliance with relevant conditions that are less restrictive than the applicable restriction from which the exemption applies. Paragraph 5d applies analogously in this context.

(5c) The federal minister responsible for the health care system has more detailed regulations by ordinance

1. the requirements to be made of the vaccination and the tests to be carried out, in particular with regard to the interval, quality and modality of implementation,
2. the type of diagnosis of infection with SARS-CoV-2,
3. the period for which only a low epidemiological risk is to be assumed in the cases of para. 5a nos. 1 to 4, as well as
4. Form and content of the proof to be carried, whereby a differentiation can be made depending on the reason for assuming only a low epidemiological risk, but it must be provided for all proof that this is at least information about the issuer of the proof, the reason for assuming only a low epidemiological risk and the findings made in this regard, as well as the name and date of birth of the person forming the subject of the evidence,

to enact.

(5d) Persons who, according to an ordinance on the basis of para. 5 no. 5, are obliged to carry proof of an only low epidemiological risk, have for the entire duration of their stay at the place or at the meeting for which the person concerned The condition applies that they carry the relevant proof or, if applicable, the medical confirmation of the existence of medical reasons within the meaning of paragraph 5 no. 5 last sentence in connection with the prescription issued on the basis of this provision and carry them out for a check

1. the authority,
2. the organs of the public security service and
3. Those persons who, in the case of other administrative criminal liability pursuant to Article 8 Paragraphs 3, 4 and 5a, have to ensure that the applicable restrictions are observed in their sphere of influence,

be available at all times and presented upon request. The bodies and persons named in nos. 1 to 3 are authorized for the purpose of checking evidence to determine the personal data required for identity verification (first and last name and date of birth). The duplication or storage of the evidence and the personal data contained in the evidence and the processing of the data collected as part of the identification process by the persons named in Section 3 are not permitted. This also applies to certificates according to § 4b paragraph 1 of the Epidemics Act 1950 (EpiG), [Federal Law Gazette No. 186/1950](#) .

(5e) The certificates mentioned in § 4b para. 1 nos. 1 to 3 of the EpiG 1950 can be used as evidence of an only low epidemiological risk.

(5f) Evidence of a low epidemiological risk may contain the data specified in Section 4c (1), Section 4d (1) and Section 4e (1) of the EpiG 1950.

(Note: Para. 5g repealed by Art. 2 Z 7, [Federal Law Gazette I No. 183/2021](#) )

(6) Prerequisites under this Federal Act are, in particular, certain types or purposes of using places and means of transport.

(7) The epidemiological situation must be assessed using the following criteria in particular:

1. Transmissibility as measured by new COVID-19 cases and clusters,
2. cluster analysis measured by the number of cases with a clarified source,
3. Resources and capacities in the healthcare system, taking into account the current utilization of the existing hospital capacities and the current occupancy in normal and intensive care units,
4. SARS-CoV-2 tests performed including the positive rate,
- 4a. Vaccination coverage of the population and in particular of members of those population groups who, according to the available data, have an above-average risk of severe disease progression with the resulting need for hospitalization or intensive care,
- 4b. the occurrence and spread of virus variants with significantly increased transmissibility and/or significantly increased probability of severe disease progression, as well as
5. regional peculiarities such as a particular influx of non-residents, especially tourist and commuter flows.

(8) In an ordinance issued on the basis of this Federal Act, classifications can be made with regard to the epidemiological situation and different measures can be linked to different risk classifications ("traffic light system").

### **Corona Commission**

**§ 2.**(1) An advisory board (Corona Commission) must be set up at the Federal Ministry for Social Affairs, Health, Care and Consumer Protection to advise the Federal Minister responsible for the health system on the assessment of the epidemiological situation in accordance with Section 1 (7).

(2) The recommendations of the Corona Commission are to be published on the website of the Federal Minister responsible for the health system. In addition, the main justifications for this should also be published.

### **Entering and driving on business premises and places of work as well as using means of transport**

**§ 3.**(1) If COVID-19 occurs, by ordinance

1. Entering and driving on business premises or only certain business premises for the purpose of purchasing goods or using services,
2. the entering and driving on of work places or only certain work places according to § 2 para. 3 of the Employee Protection Act (ASchG) by persons who are employed there, and
3. the use of means of transport or only certain means of transport

regulated to the extent necessary to prevent the spread of COVID-19.

(2) In accordance with the epidemiological situation, an ordinance pursuant to para. 1 can determine in what number and at what time or under what conditions and conditions business premises or places of work may be entered and driven on or means of transport may be used. Furthermore, entering and driving on business premises or work places as well as the use of means of transport can be prohibited if milder measures are not sufficient.

### **Entering and driving on certain places and public places in their entirety**

**§ 4.**(1) If COVID-19 occurs, entering and driving on

1. certain places or
2. public places in their entirety

regulated to the extent necessary to prevent the spread of COVID-19.

(2) Depending on the epidemiological situation, an ordinance pursuant to para. 1 can determine the number and time or under which conditions and conditions these places may be entered and

driven on. Furthermore, entering and driving on certain places according to para. 1 no. 1, but not public places in their entirety according to para. 1 no. 2, can be prohibited if more lenient measures are not sufficient.

### **Entering old people's homes and nursing homes as well as inpatient residential facilities for the disabled**

**§ 4a.**(1) If COVID-19 occurs, entry into old people's homes and nursing homes as well as residential facilities for the disabled can be regulated by ordinance, insofar as this is necessary to prevent the spread of COVID-19.

(2) Depending on the epidemiological situation, an ordinance pursuant to para. 1 can determine the number and time or under which conditions these places may be entered. Furthermore, entering these places can be prohibited if milder measures are not sufficient.

### **gatherings**

**§ 5.**(1) If COVID-19 occurs, subject to para. 2, meetings of people from different households can be regulated insofar as this is necessary to prevent the spread of COVID-19.

(2) In any case, meetings of fewer than five people from fewer than three households plus six minor children of these people and minors for whom these people have existing supervisory duties may not be regulated in an order pursuant to paragraph 1.

(3) In an order pursuant to paragraph 1, a distinction must be made according to the type, size and purpose of the meeting, the nature of the place of the meeting and the degree of personal relationships between the persons.

(4) In an arrangement pursuant to para. 1, meetings

1. be bound to compliance with certain conditions or requirements or
2. be limited in terms of the number of people or
3. are subject to a notification or authorization requirement or
4. restricted to certain groups of people or professions.

In any case, measures according to nos. 3 and 4 may not be ordered for meetings in private residential areas. If necessary, the measures according to nos. 1 to 4 must be taken in parallel. If the measures mentioned in nos. 1 to 4 are not sufficient, meetings can be prohibited.

(5) Prerequisites or requirements within the meaning of para. 4 no. 1 may not include the use of contact tracing technologies. This does not apply to the collection of contact data in accordance with Section 5c of the Epidemics Act 1950 (EpiG), [Federal Law Gazette No. 186/1950](#) .

(6) Restrictions on groups of people or professions according to para. 4 no. 4 must not be based on gender, disability, ethnicity, age, religion, belief, sexual orientation or on the existence of an assignment to the COVID-19 risk group according to § 735 para. 1 turn off ASVG.

(7) If an ordinance is issued or amended on the basis of paragraph 1 and this means that a meeting can no longer be approved, an approval that has already been granted may not be exercised for the duration of the validity of this legal situation. Deviating from this, this Ordinance may stipulate that existing permits may be exercised in compliance with the provisions of this Ordinance which were not valid at the time the permit was granted and which are sufficiently specific. In such a case, the permits are deemed to have been changed in accordance with the regulation for the duration of the validity of the new legal situation. § 68 paragraph 3 AVG remains unaffected.

(8) If an ordinance is issued or amended on the basis of paragraph 1 and this means that any approval could be granted in a way that is more favorable for the organizer of the meeting, the authority cannot accept a new application for approval because of decided reject thing.

(9) Permission for a meeting may be granted from the time of the promulgation of an ordinance pursuant to para. 1 if the time of holding the meeting is after the effective date of the ordinance. In this case, the approval becomes effective when the regulation comes into force.

### **exit regulation**

**§ 6.**(1) If it is essential to prevent the spread of COVID-19, to prevent an imminent collapse of medical care or similar emergency situations, and measures according to §§ 3 to 5 are not sufficient, an ordinance can be ordered that the Leaving your own private living area is only permitted for specific purposes. Not all measures according to §§ 3 to 5 have to be exhausted if an initial regulation to prevent the spread of COVID-19 appears to be the more proportionate means, taking into account all interests involved.

(2) An exit regulation according to para. 1 can also be limited to certain times depending on the epidemiological situation.

(3) Purposes according to para. 1, for which leaving one's own private living area is in any case permissible, are:

1. Averting an immediate danger to life, limb and property,
2. Caring for and providing assistance to people in need of support as well as exercising family rights and fulfilling family obligations,
3. covering the necessary basic needs of daily life,
4. professional purposes, if necessary, and
5. Staying outdoors for physical and mental relaxation.

### **responsibilities**

**§ 7.**(1) Ordinances pursuant to this Federal Act shall be issued by the Federal Minister responsible for the health system.

(2) Ordinances pursuant to this federal law may be issued by the governor of the state if no ordinance pursuant to para. 1 has been issued or additional measures to an ordinance pursuant to para. 1 are determined. Ordinances according to § 6 require the approval of the federal minister responsible for the health system.

(3) Ordinances pursuant to this federal law may be issued by the district administrative authority if no ordinances pursuant to para. 1 or 2 have been issued or additional measures to ordinances pursuant to para. 1 or 2 are determined. Regulations according to § 6 require the approval of the governor.

(3a) Ordinances pursuant to Article 3 Paragraph 1 Item 1 can be issued by the mayor with the consent of the district administrative authority with regard to the determination of times for entry if no ordinances pursuant to Paragraphs 1 to 3 have been issued or additional measures to ordinances pursuant to Paragraph 1 have been issued to 3 to be specified.

(4) In an ordinance pursuant to paras. 1 to 3, regional differentiation can be made according to the respective epidemiological situation.

(5) Ordinances pursuant to Para. 2 to 3a or parts thereof can be repealed by ordinance pursuant to Para. 1. Ordinances pursuant to Paragraphs 3 and 3a or parts thereof can be repealed by ordinance pursuant to Paragraph 2. Ordinances pursuant to para. 3a or parts thereof could be repealed by ordinance pursuant to para. 3.

(6) Ordinances pursuant to paragraphs 2 to 3a must be communicated to the Federal Minister responsible for the health system before they come into force.

### **official revision**

**§ 7a.**The federal minister responsible for the health care system can appeal to the Administrative Court for illegality against decisions of the administrative courts in proceedings under this Federal Act. The administrative courts must transmit copies of such decisions to the Federal Ministry for Social Affairs, Health, Care and Consumer Protection without delay

### **penal provisions**

**§ 8th.(1) Who**

1. enters or drives over a business premises or a place of work or uses a means of transport which entry, driving on or use of which is prohibited in accordance with § 3, or
2. enters or drives into a place that is prohibited from entering or driving under Section 4 or Section 4a,

commits an administrative offense and is to be punished with a fine of 145 to 1,450 euros, in the case of repetition up to 2,900 euros, in the case of non-compliance with imprisonment of up to four weeks.

**(2) who**

1. enters or drives on a business premises or a place of work contrary to the evidence of a low epidemiological hazard specified in an ordinance pursuant to Section 3 or uses a means of transport contrary to the evidence of a low epidemiological hazard specified in an ordinance pursuant to Section 3, or
2. enters or drives over the locations specified in an ordinance pursuant to Section 4 or Section 4a contrary to the evidence of a low epidemiological risk stipulated there,

commits an administrative offense and is to be punished with a fine of between EUR 50 and EUR 1,000, in repeated cases up to EUR 2,000, and in the case of non-compliance with imprisonment of up to one week.

**(3) Who**

1. enters or drives on a business premises or a place of work contrary to the requirements set out in an ordinance pursuant to Section 3 or other requirements imposed on him or uses a means of transport contrary to the requirements set out in a ordinance pursuant to Section 3 or other requirements imposed on him or
2. enters or drives over the places specified in an ordinance pursuant to Section 4 or Section 4a contrary to the times, conditions or other requirements imposed there,

commits an administrative offense and is to be punished with a fine of between EUR 50 and EUR 500, in repeated cases up to EUR 1,000, and in the case of non-compliance with imprisonment of up to one week.

(4) Anyone who, as the owner of a business premises or a place of work, as an operator of a means of transport, as an operator of an old people's and nursing home or an inpatient residential facility of the handicapped assistance or as an obligated person according to § 4 with regard to certain private places, not covered by paragraph 1, does not take care of it shall ensure that the business premises, the place of work, the means of transport, the old people's and nursing home or the stationary residential facility of the disabled aid or the specific private place, which entering or driving on is prohibited according to §§ 3 to 4a, is not entered or driven on, commits an administrative offense and is to be punished with a fine of 3,000 to 30,000 euros, in the case of repetition up to 60,000 euros, in the case of non-compliance with imprisonment of up to six weeks.

(5) Anyone who, as the owner of a business premises or a place of work, as an operator of a means of transport, as an operator of an old people's and nursing home or a stationary residential facility of the handicapped assistance or as an obligated person according to § 4 with regard to certain private places, not covered by paragraph 3, does not take care of it shall ensure that the business premises, the place of work, the means of transport, the old people's and nursing home or the inpatient facility for the disabled or the specific private location is not entered or driven on contrary to the evidence of a low epidemiological risk specified in an ordinance pursuant to Sections 3 to 4a, commits an administrative offense and is subject to a fine of 360 euros up to 7,200 euros, in the case of repetition up to 14,400 euros, in the case of non-compliance with imprisonment of up to four weeks, to punish.

(6) Anyone who, as the owner of a business premises or a place of work, as an operator of a means of transport, as an operator of an old people's and nursing home or an inpatient residential facility of the disabled aid or as an obligated person according to § 4 with regard to certain private places, not covered by paragraph 2, does not take care of it shall ensure that the business premises, the place of work, the means of transport, the old people's and nursing home or the inpatient facility

for the disabled or the specific private location are not entered contrary to the number of persons, times, requirements or other conditions specified in an ordinance pursuant to Sections 3 to 4a or driven on, commits an administrative offense and is subject to a fine of EUR 360 up to EUR 3,600, in the event of a repeat offense up to EUR 7,200, in the case of non-compliance with imprisonment of up to four weeks.

(7) Anyone who violates an ordinance pursuant to Section 6 commits an administrative offense and is to be punished with a fine of between EUR 145 and EUR 1,450, in the event of a repeat offense up to EUR 2,900, and in the event of non-compliance with imprisonment of up to four weeks.

(8) Who

1. organizes a meeting and in doing so disregards a prohibition or authorization requirement pursuant to Section 5, or takes part in a prohibited or unauthorized meeting, commits an administrative offense and is subject to a fine of EUR 145 up to EUR 1,450, in the case of repetition up to EUR 2,900, in the event of non-compliance to be punished with imprisonment of up to four weeks;
2. who organizes or takes part in a meeting contrary to the proof of a low epidemiological risk specified in Section 5 (4), commits an administrative offense and is liable to a fine of EUR 50 to EUR 1,000, in the event of a repeat offense of up to EUR 2,000, or to imprisonment in the event of non-compliance of up to one week, to punish;
3. Organizing or taking part in a meeting contrary to the other restrictions set out in Section 5 (4) commits an administrative offense and is liable to a fine of between EUR 50 and EUR 500, in the case of repetition up to EUR 1,000, and in the event of non-compliance with imprisonment of up to one week, to punish;
4. who organizes meetings commercially and in doing so disregards a prohibition or a permit requirement pursuant to Section 5, commits an administrative offense and is liable to a fine of EUR 3,000 to EUR 30,000, in the event of a repeat offense up to EUR 60,000, and in the event of non-compliance with imprisonment of up to six weeks, to punish;
5. organizes meetings commercially and does not ensure that the places of the meeting are not entered contrary to the proof of a low epidemiological risk specified in Section 5 (4), commits an administrative offense and is liable to a fine of 360 euros to 7,200 euros in the event of a repeat offense to be fined up to 14,400 euros, in the event of non-payment with imprisonment of up to four weeks;
6. organizes meetings on a commercial basis and in doing so disregards other restrictions specified in accordance with Section 5 (4) or fails to ensure that other restrictions specified in accordance with Section 5 (4) are observed, commits an administrative offense and is subject to a fine of EUR 360 up to EUR 3,600, in the event of a repeat offense up to 7,200 euros, in the event of non-compliance with a prison sentence of up to four weeks.

(9) Insofar as this is necessary to prevent the spread of COVID-19, the district administrative authority can issue a decision to close business premises or meeting places for a period of up to one week if the owner or organizer

1. has been punished at least three times for one and the same offense referred to in paragraphs 5 and 6 or paragraph 8 nos. 2, 3, 5 and 6,
2. has been punished at least twice for one and the same offense referred to in paragraph 4 or paragraph 8 nos. 1 and 4, or
3. the violation according to paragraphs 4 to 6 or paragraph 8
  - a) with intent to disregard his duties or
  - b) under instigation of the persons obligated according to para. 1 to 3 or para. 8 nos. 1 to 3 to disregard their duties

committed and the closure of the business is absolutely necessary in order to avoid endangering the health of customers, participants or employees. If it is found during an inspection that several customers are affected by the violation, there is only one administrative violation.



(10) Anyone who, contrary to § 9, the organs of the district administrative authority responsible for the enforcement of health and trade law regulations, the supervisory organs according to §§ 24ff of the Food Safety and Consumer Protection Act - LMSVG, [Federal Law Gazette I No. 151/2005](#), the bodies of the labor inspection, the experts consulted by them or the bodies of the public security service are denied entry or inspection, the provision of information or the submission of documents related to compliance with the requirements and requirements under this Federal Act, commits an Administrative offense and is to be punished with a fine of 145 up to 1,450 euros, in repeated cases up to 2,900 euros, in case of non-compliance with imprisonment of up to four weeks.

### **control**

**§ 9.**(1) The organs of the district administrative authority responsible for the enforcement of health and trade law regulations, the supervisory organs according to §§ 24ff of the Food Safety and Consumer Protection Act - LMSVG, [Federal Law Gazette I No. 151/2005](#), and the bodies of the labor inspection and, at the request of the bodies of the district administrative authority responsible for the enforcement of the health regulations, also the bodies of the public security service within the framework of their duty to provide support pursuant to Section 10, compliance with bans on entering, prerequisites and requirements as well as restrictions pursuant to Section 5 (4) may be enforced - also by checking on site. The organs of the labor inspection are only responsible for this control within the scope of their competence and their area of responsibility according to the Labor Inspection Act 1993, [Federal Law Gazette No. 27/1993](#) , last amended by Federal Law, [Federal Law Gazette I No. 61/2021](#), entitled if there is a suspicion of a violation. For this purpose, the experts consulted by these bodies and the bodies of the public security service are entitled to enter and inspect business premises, places of work, means of transport, old people's and nursing homes as well as residential facilities for the disabled, certain places and places of the meeting, as well as in all documents that to inspect and secure evidence in connection with compliance with bans on entry, prerequisites and conditions under this Federal Act and restrictions under Section 5 (4). The respective owner or obligor has the bodies named in this provision,

(2) The right of entry pursuant to paragraph 1 does not include the private living area and external jobs that are located in the private living area.

*(Note: Para. 3 repealed by Art. 1 Z 3, [Federal Law Gazette I No. 6/2022](#) )*

### **Participation of organs of the public security service**

**§ 10.**(1) The organs of the public security service shall support the authorities and organs responsible under this Federal Act at their request in carrying out their tasks described or in enforcing the planned measures, if necessary using coercive means.

(2) The organs of the public security service shall participate in the implementation of this Federal Act and the ordinances issued on the basis of this Federal Act

1. measures to prevent impending administrative violations,
2. Measures to initiate and secure administrative penal proceedings and
3. the punishment of administrative violations by penal orders (§ 50 VStG).

For this purpose, business premises, places of work with the exception of those in private homes, means of transport, certain places and places of meeting with the exception of those in private homes may be entered.

(3) If, according to the professional assessment of the respective health authority within the framework of the cooperation provided for in paragraph 1, there is a risk for the organs of the public security service based on the type of communicable disease and its transmission possibilities, which can only be countered by special protective measures the health authorities are obliged to take adequate protective measures.

### **Hearing of the Corona Commission**

**§ 11.** The federal minister responsible for the health system must – except in the case of imminent danger – hear the Corona Commission before issuing ordinances under this federal law. (note 1)

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Note 1: Art. 2 Z 11 of the amendment [BGBl. I No. 100/2021](#) reads: "In § 11 Para. 3 the word "those" is replaced by the word "the". The instruction could not be executed.)

### **Agreement with the Main Committee of the National Council**

**§ 12.**(1) The following ordinances of the Federal Minister responsible for the health system require the agreement of the Main Committee of the National Council:

1. Ordinances according to § 3 paragraph 2 last sentence, with which entering, driving on or using is prohibited,
2. Ordinances according to § 4 paragraph 2 last sentence or according to § 4a paragraph 2 last sentence, with which entering or driving on is prohibited,
3. Regulations according to § 6.

(2) In the event of imminent danger, the Main Committee of the National Council shall be in agreement with ordinances pursuant to para. 1 within four days of their being issued.

(3) An ordinance pursuant to Article 3, paragraph 2, last sentence, Article 4, paragraph 2, last sentence and Article 4a, paragraph 2, last sentence, prohibiting access, driving on or use, shall provide for this to be banned for four weeks at the latest ceases to have effect after it has come into force. An ordinance pursuant to Section 6 shall provide for it to expire no later than ten days after it has come into force. An ordinance pursuant to Section 5 shall provide for it to expire no later than four weeks after it has come into force. However, insofar as this ordinance regulates meetings with more than 500 people, this regulation expires at the latest twelve weeks after it comes into force. If an ordinance according to § 5 regulates meetings in the private living area, however, it is to be provided that

(4) Federal Government ordinances pursuant to Article 13, Paragraph 1 require the consent of the Main Committee of the National Council.

### **Come into effect**

**§ 13.**(1) This Federal Act shall enter into force at the end of the day of promulgation and expire at the end of June 30, 2023. If this is absolutely necessary due to the epidemiological situation, another date for the expiry of this federal law may be determined by ordinance of the Federal Government, whereby this date may not be after December 31, 2023.

(1a) Paragraph 2 in the version of the federal law Federal [Law Gazette I No. 16/2020](#) comes into force retrospectively as of March 16, 2020.

(2) If an ordinance was issued in accordance with Article 3, the provisions of the Epidemic Act 1950, [Federal Law Gazette No. 186/1950](#) , regarding the closure of business premises within the scope of this ordinance do not apply.

(3) The provisions of the Epidemics Act 1950 remain unaffected.

(3a) The Employee Protection Act (ASchG), [Federal Law Gazette No. 450/1994](#) , in the version of the Federal Law Federal [Law Gazette I No. 100/2018](#) , and the Federal Civil Servants Protection Act - B-BSG, [Federal Law Gazette I No. 70/1999](#) , in the version of the federal law Federal [Law Gazette I No. 153/2020](#), stay untouched. Carrying out SARS-CoV-2 tests is considered an occupational medical examination in accordance with Section 82 Z 5 ASchG and Section 78 Para. 4 Z 6 B-BSG. Deviating from § 82 Z 6 ASchG and § 78 Para. 4 Z 7 B-BSG, the implementation of COVID-19 vaccinations to combat pandemics by occupational physicians can also be carried out without connection to the work of the employees or servants in the prevention period (§ 82a ASchG and § 78 B-BSG) are included. The federal minister responsible for the health system can issue an ordinance on a flat-rate

reimbursement of costs from the federal government with regard to company tests. Tests within the scope of operational tests are free of charge.

(4) Ordinances based on this federal law may be issued before it comes into force, but may not come into force before this.

(4a) Ordinances that only correspond to a new version of this federal law may be issued from the date of promulgation of the federal law bringing about the change, but may not enter into force before the new federal provisions come into force.

(5) §§ 1, 2 and § 2a in the version of Federal [Law Gazette I No. 23/2020](#) shall come into force on the day following the announcement.

(6) The title, §§ 1 to 11 including headings as well as §§ 12 and 13 in the version of the federal law Federal [Law Gazette I No. 104/2020](#) come into force on the day following the announcement; at the same time, § 2a and its heading become ineffective.

(7) Section 9 in the version of the Federal [Law Gazette I No. 138/2020](#) shall enter into force on the day following the announcement.

(8) Article 1 paragraphs 5, 5a to 5c, Article 8 paragraph 6 and Article 12 paragraphs 3a and 4a as well as Article 13 in the version of the federal law Federal [Law Gazette I No. 23/2021](#) come into effect on the day following the announcement Power.

(9) Article 1 paragraph 5 item 5, paragraph 5a and Article 3 paragraph 1 item 2 in the version of the federal law Federal [Law Gazette I No. 33/2021](#) shall come into force on the day following the announcement.

(9a) Section 1 (5) no. 5, Section 1 (5a) to (5e) and Section 12 (3a) in the version of Federal [Law Gazette I No. 82/2021](#) shall come into force on May 19, 2021.

(10) § 1 para. 1, 5, 5a to 5f and 7, § 3 para. 1 no. 2, § 4a including the heading, § 5 including the heading, § 6, § 7 para. 2 and 3, §§ 8 and 9, § 10 including the heading and §§ 11 to 14 in the version of the federal law [BGBl. I No. 90/2021](#) come into force on the day following the announcement.

(11) Section 13 (1) in the version of Federal [Law Gazette I No. 105/2021](#) shall enter into force on the day following the announcement.

(12) Article 1 paragraphs 5a to 5g, Article 9 and Article 11 paragraph 3 in the version of Federal [Law Gazette I No. 100/2021](#) shall come into force on the day following the announcement.

(13) Section 5 (4) and Section 12 (3) in the version of Federal [Law Gazette I No. 143/2021](#) shall enter into force on the day following the announcement.

(14) Article 1 paragraph 5 no. 5, Article 1 paragraph 5a to 5f, Article 7 paragraph 3a, 5 and 6, Article 12 paragraph 3 and Article 13 paragraph 1 in the version of the federal law Federal [Law Gazette I No. 183/2021](#) come into force on the day following the announcement; at the same time, Section 1 Paragraph 5 Z 6 and Section 1 Paragraph 5g shall become ineffective.

(15) Section 5 (9) and Section 8 in the version of Federal [Law Gazette I No. 255/2021](#) shall enter into force on the day following the announcement.

(16) Section 8, Section 9 (1) and Section 14 in the version of the federal law , Federal [Law Gazette I No. 6/2022](#) , shall come into force on the day following the announcement; Section 9 (3) shall cease to have effect on the day following the announcement.

(17) Section 13 (1) in the version of Federal [Law Gazette I No. 64/2022](#) shall enter into force on the day following the announcement.

(18) Section 4a (1) and Section 7a in the version of Federal [Law Gazette I No. 89/2022](#) shall enter into force on the day following the announcement.

### completion

#### § 14. With the execution of this federal law

1. with regard to Section 13 (3a), first and second sentence, the Federal Minister of Labor in agreement with the Federal Minister responsible for the health system,

2. with regard to the implementation by the organs of the labor inspection according to § 9 paragraph 1 of the Federal Minister of Labor
3. otherwise the federal minister responsible for the health system entrusted.