



Bavarian Ministerial Gazette

BayMBl. 2020 No. 630

5 November 2020

2126-1-6-G

Ordinance on Post-Entry Quarantine Measures for Combatting the Corona Virus

(Post-Entry Quarantine Ordinance – EQV)

of 5 November 2020

In accordance with § 32 sentence 1 in conjunction with § 28 (1) sentence 1, §§ 29, 30 (1) sentence 2 of the German Infection Protection Act (IfSG) of 20 July 2000 (*Federal Law Gazette I* p. 1045), last amended by Article 5 of the Act of 19 June 2020 (*Federal Law Gazette I* p. 1385), in conjunction with Article 9 No. 5 of the Ordinance on Responsibility to Issue Decrees (DeIV) of 28 January 2014 (*Law and Ordinance Gazette* p. 22, BayRS 103-2-V), which was last amended by ordinance of 13 January 2020 (*Law and Ordinance Gazette* p. 11, the Bavarian State Ministry of Health and Care orders:

Article 1

Home quarantine upon entry and return; observation

(1) ¹Persons entering the Free State of Bavaria who have been in a risk area as defined in paragraph 5 within a space of ten days prior to their entry are obliged to go directly to their own home or other accommodation which is suitable for quarantine immediately after entry and to remain there in quarantine for a period of 10 days after entry without interruption. ²Persons referred to in sentence 1 are not allowed to receive visits during this period from persons who are not members of their household.

(2) ¹The persons referred to in paragraph 1 sentence 1 must immediately contact the local authority responsible for them and state that they are subject to the obligations specified in paragraph 1. ²Within the period specified in paragraph 1 sentence 1, they are also obliged to inform the responsible local authority immediately if they develop symptoms of an infection with coronavirus SARS-CoV-2, such as a cough, fever, cold or loss of the sense of smell or taste.

(3) ¹The obligation specified in paragraph 2 sentence 1 must be fulfilled by the relevant persons through digital entry registration on an officially prescribed online form¹, whereby

1. the data which is specified in section I no. 1 sentence 1 of the Orders concerning tourist travel after identification of an epidemic situation of national scope by the German Bundestag on 29 September 2020 (BAnz AT 29.09.2020 B2) in their respective valid version must be transmitted in full,
2. the received confirmation of the successful Digital Registration on Entry must be brought along upon entry
3. and presented to the carrier upon request, in the case of section I no. 1 sentence 5 of the Orders of the authority responsible for police control of cross-border traffic.

¹ Official note: cf. <https://www.einreiseanmeldung.de>

²If, in exceptional cases, Digital Registration on Entry was not possible, the obligation as per sentence 1 must be fulfilled by submitting to the carrier a written substitute declaration conforming to the specimen in Annex 2 of the Orders referred to in sentence 1, no. 1, and in the case of section I, no. 1, sentence 5 of the Orders, to the authority responsible for police control of cross-border traffic.

(4) During the period of isolation, the persons referred to in paragraph 1 sentence 1 will be subject to monitoring by the responsible local authority.

(5) ¹A risk area within the meaning of paragraph 1 is a state or region outside of the Federal Republic of Germany in which there is an increased risk of infection with the coronavirus SARS-CoV-2 at the time of entry into Germany. ²The latest publication of the Robert Koch Institute (RKI) regarding risk area classification is authoritative².

Article 2 Exemptions from home quarantine

(1) Article 1 paragraph 1 sentence 1 does not apply to persons who enter the Free State of Bavaria for transit purposes only and leave again immediately by direct route.

(2) Article 1 paragraph 1 sentence 1 does not apply to persons

1. who, in connection with cross-border traffic with neighbouring countries, have stayed for less than 24 hours in a risk area as defined in Article 1 paragraph 5 or who enter the Federal Republic of Germany for up to 24 hours,
2. who stay in Germany for less than 72 hours and
 - a) who enter on the grounds of visiting first-degree relatives, a spouse or partner not belonging to the same household, or on the grounds of shared custody or a right of contact,
 - b) whose work is urgently needed and essential for the maintenance of the health care system and for the care and support of persons in need of care and of the disabled, this having been certified by their employer or contractor,
 - c) who, because of their occupation, transport persons, goods or merchandise across the border by road, rail, water or air, or
 - d) who are senior members of diplomatic and consular services, popular assemblies and governments,
3.
 - a) who have their place of residence in the Free State of Bavaria and who, as a matter of absolute necessity, travel to their place of work, study or professional training in a risk area as defined in Article 1 paragraph 5 for the purpose of practising their profession, studying or continuing their professional training and return regularly, at least once a week, to their place of residence (outward commuters), or
 - b) who have their place of residence in a risk area as defined in Article 1 paragraph 5 and who as a matter of absolute necessity enter the Free State of Bavaria for the purpose of practising their profession, studying or continuing their professional training and return regularly, at least once a week, to their place of residence (inward commuters),
whereby such absolute necessity must be certified by the employer, contractor or training institution,
4. persons defined in Section 54a (1) sentence 1 nos. 1 to 5 of the Infection Protection Act (IfSG),
5. members of foreign armed forces as defined by the NATO Status of Forces Agreement, the Status of Forces Agreement of the NATO Partnership for Peace (PfP Status of Forces Agreement) and the Status of Forces Agreement of the Member States of the European Union (EU SOFA) who enter or return to Germany on official business,

² Official note: cf. <https://www.einreiseanmeldung.de>

6. persons who enter the territory of the Federal Republic of Germany for the purpose of taking up work for at least three weeks if, at the place where they are accommodated and where they work, occupational hygiene measures and precautions for avoiding contact outside the working group are taken with regard to the group in the first ten days after their entry which are comparable to quarantine as per Article 1 paragraph 1 sentence 1, and if leaving the accommodation is only permitted in order to carry out their work; the employer must notify the responsible local authority of the commencement of work prior to its commencement and must document the measures taken as per clause 1; the responsible local authority must monitor compliance with the requirements as per clause 1.

(3) ¹Where not already covered by paragraph 2, Article 1 paragraph 1 sentence 1 also does not apply to persons

1. whose work is essential for the upkeep
 - a) of the functioning of the health, nursing and care system, in particular as doctors, nurses, supporting medical staff or 24-hour care workers,
 - b) of public safety and order,
 - c) of the cultivation of diplomatic and consular relations;
 - d) of the functioning of the administration of justice,
 - e) of the functioning of popular representation, government and administration at federal, state and local level, or
 - f) of the functioning of the institutions of the European Union and of international organisations, whereby the absolute necessity must be certified by the employer or contractor,
2. entering on the grounds of
 - a) visiting first- or second-degree relatives, a spouse or partner not belonging to the same household, or on the grounds of shared custody or a right of contact,
 - b) urgent medical treatment or
 - c) supporting or caring for persons in need of protection or help,
3. who, as police officers, are returning from deployment and similar duties abroad,
4. who have been compelled - as a matter of absolute necessity and without delay - to stay in a risk area as defined in Article 1 paragraph 5 for up to five days because of their job, professional training or studies, or to enter the Federal Republic of Germany, whereby the absolute necessity must be certified by the employer, contractor or educational or training institution, or
5. who have been accredited to prepare, participate in, conduct or follow up on international sporting events by the pertinent organising committee or who have been invited by a national sports association to participate in training and courses.

²Sentence 1 applies only insofar as the person concerned is in possession of a written or electronic negative test result in German, English or French as regards infection with the coronavirus SARS-CoV-2 and immediately presents it to the responsible local authority on request. ³The relevant test must either have been performed no more than 48 hours prior to entry or must be performed upon entry into the Federal Republic of Germany. ⁴The relevant test must meet the requirements of the Robert Koch Institute which are valid at that time³. ⁵The test result referred to in sentence 2 must be retained for at least ten days after entry.

(4) In justified cases, the responsible authority may, upon request, grant further exemptions where there is a valid reason.

³ Official note: cf. <https://www.rki.de/covid-19-tests>

(5) ¹Paragraphs 1 to 4 apply only insofar as the persons specified therein do not have any typical symptoms of an infection with coronavirus SARS-CoV-2 such as a cough, fever, cold or loss of the sense of smell or taste. ²The person referred to in paragraph 2 nos. 1 to 3, 5 and 6, paragraphs 3 and 4 must consult a doctor or a test centre to have a test carried out if, within ten days of entry, typical symptoms of an infection with coronavirus SARS-CoV-2 such as a cough, fever, cold or loss of the sense of smell or taste arise.

Article 3 Reduction of quarantine period

(1) ¹The quarantine obligation specified in Article 1 paragraph 1 sentence 1 ends earlier, but not before the fifth day after entry, if the person concerned is in possession of a negative test result as regards infection with the coronavirus SARS-CoV-2 on paper or in an electronic document and immediately presents it to the responsible local authority on request. ²The negative test result referred to in sentence 1 must have been obtained from a molecular biological test for the presence of infection with the coronavirus SARS-CoV-2 performed no earlier than five days after entry into Germany. ³The negative test result referred to in sentence 1 must be retained for at least ten days after entry.

(2) The quarantine specified in Article 1 paragraph 1 sentence 1 may be interrupted if and for as long as this is necessary in order to perform a test as specified in paragraph 1.

(3) The reduction of the quarantine period as per paragraph 1 applies only insofar as the person specified therein has no typical symptoms of an infection with coronavirus SARS-CoV-2 such as a cough, fever, cold or loss of the sense of smell or taste.

(4) The person referred to in paragraph 1 must consult a doctor or test centre to have a test performed if, within ten days of entry, typical symptoms of an infection with coronavirus SARS-CoV-2 such as a cough, fever, cold or loss of the sense of smell or taste arise.

(5) Paragraphs 1 to 4 apply accordingly to persons specified in Article 2 paragraph 2 no. 6.

Article 4 Inward commuters

(1) ¹Inward commuters as defined in Article 2 paragraph 2 no. 3 letter b are obliged to have themselves tested regularly each calendar week for the presence of infection with the corona virus SARS-CoV-2 without being asked and to submit the test result to the responsible local authority or a service commissioned by such authority immediately upon request. ²The test result referred to in sentence 1 must

1. be written in German, English or French and
2. have been obtained from a molecular biological test, which
 - a) was carried out in a Member State of the European Union or another country which the Robert Koch Institute has included in a list of countries with the standard of quality⁴ sufficing for this purpose, and
 - b) which was carried out within the periods named in sentence 1 or no more than 48 hours prior to their beginning.

³The negative test result referred to in sentence 1 must in each case be retained for at least 14 days after entry. ⁴Confirmation in German, English or French of a negative test by the testing party regarding a CE-certified and approved rapid antigen test is considered equivalent to the test result referred to in sentence 2. ⁵The obligation specified in sentence 1 does not apply to calendar weeks in which the Free State of Bavaria is not entered.

(2) The persons mentioned paragraph 1 sentence 1 are also obliged to inform the local authority mentioned in paragraph 1 sentence 1 immediately if they experience symptoms of COVID-19.

⁴ Official note: cf. <https://www.rki.de/covid-19-tests>

Article 5
Penalty regulation

An offence within the meaning of Section 73 para. 1a no. 24 IfSG is committed by anyone who - intentionally or negligently

1. in breach of Article 1 paragraph 1 sentence 1 - does not go into quarantine or does not go directly to their own home or other suitable accommodation,
2. in breach of Article 1 paragraph 1 sentence 2 - receives visitors,
3. in breach of Article 1 paragraph 2 sentence 1, also in conjunction with sentence 2, does not contact the responsible authority, or not promptly,
4. in breach of Article 2 paragraph 2 no. 3, paragraph 3 sentence 1 nos. 1 and 4 - issues an untrue certificate,
5. in breach of Article 2 paragraph 2 no. 6 clause 2 - does not inform the responsible local authority,
6. in breach of Article 3 paragraph 1 - does not present the test result to the responsible local authority upon request, or not promptly,
7. in breach of Article 4 paragraph 1 - does not undergo a test on time, does not immediately present the test result upon request or - in breach of Article 4 paragraph 2 - fails to inform immediately.

Article 5a
Transition rule

With regard to persons who entered the Free State of Bavaria before 9 November 2020 and are subject to the quarantine obligation pursuant to Article 1 paragraph 1 sentence 1 of the Post-Entry Quarantine Ordinance (EQV) dd. 15 June 2020 (BayMBI. No. 335, BayRS 2126-1-6-G), which was last amended by Article 2 of the Ordinance of 22 October 2020 (BayMBI. No. 601), the provisions of the Post-Entry Quarantine Ordinance in the latter version continue to apply with the proviso that the period of home quarantine is ten days.

Article 5b
Amendment to the Post-Entry Quarantine
Ordinance

Article 3 paragraph 1 of the Post-Entry Quarantine Ordinance (EQV) of 15 June 2020 (BayMBI. No. 335, BayRS 2126-1-6-G), which was last amended by Article 2 of the Ordinance of 22 October 2020 (BayMBI. No.601), is amended as follows:

1. The following sentence 3 is inserted after sentence 2:
“Confirmation in German or English by the testing party of a negative test result from a CE-certified and approved rapid antibody test is considered equivalent to the test result referred to in sentence 2.”
2. The previous sentence 3 becomes sentence 4.

Article 6
Effective date, expiry date

¹This Ordinance takes effect on 9 November 2020 and expires on 30 November 2020. ²In deviation from sentence 1, § 5b takes effect on 6 November 2020.

Munich, 5 November 2020

Bavarian State Ministry of Health and Care

Melanie Huml, State Minister

Legal notice

Published by:

Bavarian State Chancellery, Franz-Josef-Strauß-Ring 1, 80539 Munich

Postal address: PO Box 220011, 80535 Munich

Phone: +49 (0)89 2165-0, e-mail: direkt@bayern.de

Technical implementation:

Bavarian State Library, Ludwigstraße 16, 80539 Munich

Printed by:

Penitentiary Landsberg am Lech, Hindenburgring 12, 86899 Landsberg am Lech

Telephone: +49 (0)8191 126-725, fax: +49 (0)8191 126-855, e-mail: druckerei.betrieb@jva-ll.bayern.de

ISSN 2627-3411

Note on publication / Conditions of purchase:

The Bavarian Ministerial Gazette (BayMBl.) is published as required; the regular day of publication is Wednesday. It is published on the internet on the Bavarian announcement platform www.verkuendung.bayern.de. The electronic PDF/A document uploaded there is the officially announced version. The Bavarian announcement platform is available to everyone free of charge.

A printout of the issued official gazettes can be ordered from the penitentiary in Landsberg am Lech for a fee. More details on the conditions of purchase can be found on the Bavarian announcement platform.