



# Bavarian Ministerial Gazette

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## **Eleventh Bavarian Infection Protection Measures Ordinance (11<sup>th</sup> BayIfSMV)**

**of 15 December 2020**

In accordance with Article 32 sentence 1 in conjunction with Article 28(1), Articles 28a, 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 2 of the Act of 18 November 2020 (*Federal Law Gazette I* p. 2397), and in conjunction with Article 9 No. 5 of the German 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:

### **Part 1 General regulations**

#### **Article 1 Social distancing, mouth and nose cover, contact data collection**

(1) <sup>1</sup>Everyone is urged to reduce physical contact with other persons to an absolutely necessary minimum and to keep the group of persons as constant as possible. <sup>2</sup>Wherever possible, a minimum distance of 1.5 m must be maintained between two persons. <sup>3</sup>Where it is not possible to maintain the minimum distance in public areas, a mouth and nose cover should be worn. <sup>4</sup>It is necessary to ensure sufficient ventilation in enclosed areas.

(2) Insofar as this Ordinance imposes the obligation to wear a mouth and nose cover (mask obligation), the following applies:

1. Children are exempt from the obligation to wear a mask until their sixth birthday.
2. Those persons who can credibly demonstrate that it is not possible or that it is unreasonable for them to wear a mouth and nose cover due to a disability or for health reasons are exempt from the obligation to wear one; in the case of health reasons, proof must be furnished, in particular, by means of a medical certificate stating the medical evaluation of the syndrome (diagnosis), the Latin name or the classification of the disease in accordance with ICD 10 and the reason why this results in exemption from the mask obligation.
3. Removal of the mouth and nose cover is permitted as long as it is necessary for identification purposes or for communicating with persons with impaired hearing or for other compelling reasons.

(3) <sup>1</sup>Where, in accordance with this Ordinance or on account of the protection and hygiene concepts for which it provides, contact data are collected for the purpose of contact tracing in the case of an ascertained infection with the coronavirus SARS-CoV-2, the following applies apart from Article 28a (4) sentences 2 to 7 of the Infection Protection Act (IfSG):

1. the surname and first names, secure contact information (phone number, email address or postal address) and the period of stay must be documented for each person.
2. Whenever contact data are given to a person obligated to collect them, they must be accurate.

<sup>2</sup>Authorities, courts and public bodies that perform tasks in the public interest or undertake acts ordered by a public authority may also collect personal data when their respective buildings or premises are entered; sentence 1 applies accordingly.

## **Article 2 General curfew**

<sup>1</sup>Leaving one's home is permitted only for good reasons. <sup>2</sup>Good reasons are, within the meaning of sentence 1, in particular:

1. the performance of occupational or official activities,
2. visits to facilities and use of offers in accordance with Articles 18 to 21, insofar as they are permissible, and participation in examinations in accordance with Article 17,
3. obtaining medical, nursing or veterinary care, attending appointments with members of therapeutical professions and donating blood,
4. running errands, shopping and visits to service establishments to the extent permitted under Articles 12 and 13,
5. visits to another household with due regard to the contact restriction in accordance with Article 4,
6. visits to spouses, life partners, partners of a non-marital domestic partnership, the elderly, the sick or people with disabilities, with due regard to the contact restriction in accordance with Article 4,
7. the exercise of custody and access rights,
8. accompanying persons in need of assistance and minors, with due regard to the contact restriction in accordance with Article 4,
9. tending to the dying and attending funerals within the immediate circle of family and friends,
10. sport and exercise in the fresh air with due regard to the contact restriction in accordance with Article 4,
11. looking after animals,
12. visits to authorities,
13. attendance of religious services and gatherings of faith communities subject to the conditions of Article 6 and meetings subject to the conditions of Article 7.

## **Article 3 Night curfew**

Throughout the state, it is forbidden to be outside of a home from 9pm to 5am, unless it is justified on the grounds of

1. a medical or veterinary emergency or other treatment which cannot be postponed for medical reasons,
2. the performance of occupational or official activities or of purposes connected to vocational training which cannot be postponed,
3. the exercise of custody and access rights,
4. care for persons in need of support and minors which cannot be postponed,
5. tending to the dying,
6. taking actions to care for animals or
7. other similarly important and irrefutable reasons.

#### **Article 4 Limited contact**

(1) Meetings in public, in privately used rooms and on privately used land is only permitted, subject to Article 3,

1. with members of one's own household and
2. in addition the members of one further household, as long as a total number of five persons is not thereby exceeded; children belonging to these households who are under the age of 14 are not included in the total number.

Article 2 Nos. 7 and 9 remain unaffected by this. Regardless of sentence 1 No. 2, within the period from 24 to 26 December 2020, instead, all the members of one household may meet with four persons from a different household who belong to their immediate family, in addition to the children under the age of 14 who belong to their households. Immediate family within the meaning of sentence 3 encompasses spouses, life partners, partners of a non-marital domestic partnership, directly related relatives, siblings, siblings' children and the members of their respective household.

(2) Sub-paragraph 1 does not apply to professional and official activities or to volunteer work in corporations and institutions under public law mandatorily requiring several persons to work together.

#### **Part 2 Public life**

#### **Article 5 Events, parties**

Subject to more specific provisions in this Ordinance, events, assemblies, when not assemblies in accordance with Article 7, crowds, as well as public festivities, are prohibited throughout the state. Parties in public places and grounds are prohibited. In central meeting areas to be determined by the responsible local authorities in town centres or other public places in the open air where people are present either in close proximity to each other or for more than a short space of time, it is prohibited to carry or burn pyrotechnic articles classified as category F2 in accordance with Article 3a of the German Explosives Act (SprengG).

#### **Article 6 Church services, meetings of religious communities**

Church services which are open to the public in churches, synagogues and mosques, as well as meetings of other religious communities, are permitted under the following conditions:

1. In buildings, the maximum number of participants allowed is determined by the number of available seats which have a minimum distance of 1.5 m to other seats.
2. A minimum distance of 1.5 m must be maintained between persons who are not members of the same household.
3. The mask obligation applies to the participants.
4. Communal singing is prohibited.
5. An infection protection concept exists for church services or gatherings which minimises the possible risks of infection according to the religious community and rite; the infection protection concept must be submitted to the responsible local authority at its request.
6. Worship services and meetings of religious communities which reach the scale of large events are prohibited.
7. Attendance of church services and meetings of religious communities is only permitted after prior registration if the number of participants is expected to reach full capacity.

**Article 7**  
**Assemblies as defined by Article 8**  
**of the German Constitution**

(1) <sup>1</sup>In the case of outdoor assemblies as defined by Article 8 of the Constitution, a minimum distance of 1.5 m must be maintained between all participants and any physical contact with other participants in the assembly or with third parties must be avoided. <sup>2</sup>The authorities responsible in accordance with Article 24(2) of the Bavarian Assembly Act (BayVersG) must ensure, insofar as this is necessary in individual cases, by means of appropriate restrictions in accordance with Art. 15 BayVersG, that

1. the provisions under sentence 1 are complied with and
2. the risks of infection arising from the assembly are also limited to a level that is acceptable in terms of infection protection legislation; this should fundamentally be assumed if the assembly has no more than 200 participants and is held at a fixed location.

<sup>3</sup>The mask obligation applies to the participants, with the exception of the persons chairing the assembly during announcements, orators during speeches and participants driving a motor vehicle on the road during the assembly. <sup>4</sup>If the requirements under sentence 2 cannot be ensured even by restrictions, the assembly must be prohibited.

(2) Assemblies as defined by Article 8 of the Constitution in enclosed rooms are permitted under the following conditions:

1. The event organiser must take suitable measures to ensure that a minimum distance of 1.5 m can always be maintained between all participants and any physical contact with other assembly participants or third parties can be avoided.
2. A maximum number of 100 participants is permitted with due regard to the requirements under no. 1.
3. The mask obligation applies to the participants; paragraph 1 sentence 3 applies accordingly.
4. The organiser must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.

(3) Notwithstanding paragraphs 1 and 2, assemblies are prohibited on 31 December 2020 and 1 January 2021.

**Article 8**  
**Public transport, school transport, tourist coaches**

<sup>1</sup>Passengers, ticket inspectors and service personnel who come into contact with passengers must wear masks when using local or long-distance public transport and related facilities. <sup>2</sup>Sentence 1 applies accordingly to free school transport. <sup>3</sup>Tourist coach tours are prohibited.

**Article 9**  
**Special rules on visits and protection**

(1) <sup>1</sup>In the case of a visit to patients or residents of

1. hospitals and preventive care/rehabilitation facilities where medical care comparable to that offered in hospitals is provided (facilities as defined in Article 23(3) sentence 1 nos. 1 and 3 fSG),
2. inpatient nursing care facilities, as defined in Article 71(2) of the Eleventh Book of the German Social Code,
3. facilities for persons with disabilities as defined in Article 2(1) of the Ninth Book of the Social Code where integration assistance services are provided by day and by night,
4. sheltered housing groups as defined in Article 2(3) of the German Act on the Quality of Care and Living for the purpose of outpatient intensive care where outpatient care services provide services as defined in Article 23(6a) IfSG,
5. retirement homes and nursing homes visitors are required to wear masks and must, if possible, consistently maintain a minimum distance of 1.5 m. <sup>2</sup>The facility must draw up a protection and hygiene concept on the basis of a framework concept announced by the State Ministry of Health and Care, comply with it and submit the concept to the responsible local authority upon request.

(2) In facilities as defined in paragraph 1 sentence 1 nos. 2, 3 and 5, the following applies in addition:

1. Each resident may receive a daily visit from no more than one person who has a written or electronic negative test result regarding an infection with the coronavirus SARS-CoV-2 and must provide proof of this upon request; a rapid POC antigen test upon which the test result is based must have been performed no more than 48 hours - a PCR test no more than three days - prior to the visit; the test must meet the current requirements of the Robert Koch Institute; every visitor must wear an FFP2 mask at all times within the facility; from 25 to 27 December 2020, a rapid POC antigen test upon which the test result is based must have been performed no more than 72 hours - a PCR test no more than four days - prior to the visit.
2. The staff is subject to monitoring by the responsible local authority and must undergo regular testing in respect of infection with the SARS-CoV-2 coronavirus on at least two different days per week during which the employee is on duty, and must submit the result upon request to the management of the facility and to the responsible local authority or an agency appointed by it; the facilities must organise the necessary testing; in the event of the occurrence of typical symptoms of infection with the SARS-CoV-2 coronavirus, such as a cough, fever or loss of smell and taste, the employee must inform the responsible local authority without delay.

2Ambulatory care services must have their employees regularly tested for SARS-CoV-2 coronavirus infection, if possible, on two different days per week, within the limits of available testing capacity.

(3) Tending to a dying person is permitted at any time.

### **Part 3 Sports and leisure**

#### **Article 10 Sports**

(1) The practice of individual sports is only allowed with due regard to the contact restriction as per Article 4. The practice of team sports is prohibited. Paragraph 2 remains unaffected by this.

(2) Competitive and training activities of professional athletes and competitive athletes of the national and state squads are permitted under the following conditions:

1. No spectators are allowed.
2. Only those persons who are needed for the competitive or training activities or media coverage are allowed to enter the sports facility.
3. In order to minimise the risk of infection, the event organiser must draw up and comply with a protection and hygiene concept, which must be submitted to the responsible local authority upon request.

(3) The operation and use of sports halls, sports grounds, fitness studios, dance schools and other sports facilities is prohibited. Paragraph 2 remains unaffected by this.

#### **Article 11 Leisure facilities**

(1) The operation of amusement parks and comparable local leisure facilities is prohibited. Leisure activities may not be offered commercially, neither in the open-air nor indoors.

(2) Open-air playgrounds are only open for children accompanied by an adult. The adults accompanying them must prevent any crowding and ensure sufficient spacing of the children wherever possible.

(3) Guided city tours and tours for guests as well as mountain, cultural and nature tours and tours in show caves and visitor mines are prohibited.

(4) The operation of cable cars, boats on rivers and lakes for excursion purposes and tourist rail transport is prohibited.

(5) The opening and operation of bathing facilities, hotel swimming pools, spas, wellness centres and saunas is prohibited. Article 10(2) remains unaffected by this.

(6) Brothels, sex establishments, amusement arcades, casinos, betting shops, clubs, discotheques, other places of amusement and comparable leisure facilities are closed.

## Part 4 Business life

### Article 12 Trade and service companies, markets

(1) <sup>1</sup>The opening of shops frequented by customers and related pick-up services are prohibited. <sup>2</sup>Exceptions are the food trade including via direct marketing, delivery services, beverage markets, health food stores, baby specialist stores, pharmacies, medical supply stores, drugstores, opticians, hearing aid specialists, petrol stations, car repair shops, bicycle repair shops, banks and savings banks, branches of the letter and mail order trade, dry cleaners and laundrettes, the sale of press articles, pet supplies and animal feed, the sale of Christmas trees and other retail outlets which are essential for daily supplies, as well as the wholesale trade. <sup>3</sup>The sale of pyrotechnic articles of category F2 as defined by Article 3a SprengG and of goods which do not belong to the usual range of the respective shop is prohibited. <sup>4</sup>The following applies to establishments and wholesalers which are allowed to open as per sentence 2:

1. The operator must ensure by means of suitable measures that a minimum distance of 1.5 m can always be maintained between customers.
2. The operator must take suitable measures to ensure that the number of customers present in the shop at the same time does not exceed one customer per 10 m<sup>2</sup> for the first 800 m<sup>2</sup> of the sales floor and in addition one customer per 20 m<sup>2</sup> for the part of the sales floor exceeding the 800 m<sup>2</sup>.
3. Masks must be worn by staff, customers and persons accompanying them in the sales rooms, on the sales premises, in the entrance and waiting areas in front of the sales rooms and the corresponding parking spaces; if reliable protection against infection is ensured by transparent or otherwise suitable protective walls at the cash desk and counter areas of shops, the mask obligation does not apply to staff.
4. The operator must draw up a protection and hygiene concept for the customers coming and going and submit it to the responsible local authority upon request.

<sup>5</sup>The following applies to shopping centres:

1. Sentences 1 to 4 apply with regard to the individual shops.
2. With regard to the shopping centres, sentence 4 applies with the proviso that the maximum number of customers admitted depends on the overall floor space of the shopping centre and that the protection and hygiene concept must take the entire customer flows of the shopping centre into account.

(2) Services where physical proximity to the customer is inevitable, such as hairdressers, beauty salons, massage practices, tattoo studios or similar businesses are prohibited.

(3) <sup>1</sup>The opening of doctors' practices, dentists' practices and all other practices, insofar as they provide medical, therapeutic and care services or offer medically necessary treatment, is permitted. <sup>2</sup>In them, paragraph 1 sentence 4 nos. 1 and 3 apply accordingly with the proviso that the mask obligation does not apply if the nature of the service does not permit it. <sup>3</sup>Any further obligations to wear a medical mouth and nose mask remain unaffected.

(4) <sup>1</sup>Markets are prohibited. <sup>2</sup>The only exception is the sale of food. <sup>3</sup>For their event organiser, paragraph 1 sentence 4 nos. 1 and 4 apply accordingly with the proviso that the protection and hygiene concept must be drawn up on the basis of a framework concept announced by the State Ministry for Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care. <sup>4</sup>Paragraph 1 sentence 4 no. 3 applies accordingly to sales staff, customers and persons accompanying them.

### Article 13 Gastronomy

(1) Gastronomic businesses of any kind are prohibited, subject to paragraphs 2 and 3.

(2) <sup>1</sup>The dispensing and delivery of takeaway food and beverages are permitted. <sup>2</sup>When food and beverages are purchased, it is prohibited to eat and drink them on the spot.

(3) <sup>1</sup>The operation of company canteens which are not open to the public is permitted if it is ensured that a minimum distance of 1.5 m is maintained between all guests who are not members of the same household. <sup>2</sup>The operator must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.

#### **Article 14 Accommodation**

(1) <sup>1</sup>Overnight accommodation may be offered by hotels, accommodation facilities, school hostels, youth hostels, campsites and all other commercial or paid lodgings for credibly necessary purposes only, in particular, for professional and business purposes. <sup>2</sup>Overnight accommodation for touristic purposes is prohibited.

(2) The following applies with regard to overnight accommodation as specified in paragraph 1 sentence 1:

1. The operator must ensure by means of suitable measures that a minimum distance of 1.5 m is always maintained between guests who do not belong to the same household, and between guests and staff.
2. Guests who, in relation to each other, do not belong to the same household, may not lodge together in the same room or accommodation unit.
3. Staff in the service area or in areas where a minimum distance of 1.5 m cannot be maintained, and guests if they are not at the table of the restaurant area or in their accommodation unit, must wear masks; Article 12(1) sentence 4 no. 3 clause 2 applies accordingly.
4. The operator must draw up a protection and hygiene concept on the basis of a framework concept for accommodation facilities announced by the State Ministry for Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request.
5. The operator must collect the contact data of the guests in accordance with Article 1(3).

(3) For gastronomic offers, the respective specific regulations of this Ordinance are applicable.

#### **Article 15 Conferences, congresses, trade fairs**

Conferences, congresses, trade fairs and comparable events are prohibited.

#### **Article 16 Business accommodation**

<sup>1</sup>For companies and agricultural businesses employing at least 50 persons who are housed in collective accommodation or in company-owned or rented accommodation, the protective and hygiene measures required from the point of view of infection protection law may be ordered by the responsible local authority in individual cases. <sup>2</sup>The operators are responsible for compliance with the protection and hygiene measures and must check and document this regularly.

#### **Part 5 Education and culture**

##### **Article 17 Examinations**

<sup>1</sup>Examinations are only permitted if a minimum distance of 1.5 m is maintained between all participants. <sup>2</sup>Where it is not possible to maintain the minimum distance due to the nature of the examination, other, equally effective protective measures must be taken. <sup>3</sup>Spectators who are not involved in running the examination are not permitted.

##### **Article 18 Schools**

(1) <sup>1</sup>Schools within the meaning of the Bavarian Education and Training Act [Gesetz über das Erziehungs- und Unterrichtswesen, BayEUG] are closed for pupils. <sup>2</sup>There will be no other school events. <sup>3</sup>Regulations concerning supervision of pupils whose parents cannot work from home and concerning remote learning offers are issued by the competent State Ministry in consultation with the State Ministry of Health and Care.

(2) 1Masks are mandatory on school grounds. 2The schools and the providers of lunchtime supervision must draw up a protection and hygiene concept for all activities on the school grounds based on a hygiene plan made available to them by the State Ministry of Education and the Arts and the State Ministry of Health and Care (framework hygiene plan) and submit the concept to the responsible local authority upon request.

(3) Paragraph 1 sentences 1 and 2, paragraph 2 also apply with regard to activities at the State Institute for the Training of Specialist Subject Teachers and at the State Institute for the Training of Support Teachers.

### **Article 19**

#### **Daycare services for children, adolescents and young adults**

(1) 1Daycare centres, daycare babysitters and nannies, holiday daycare centres and organised playgroups for children are closed. 2Regulations concerning supervision of pupils whose parents cannot work from home are issued by way of announcements by the State Ministry for Family, Labour and Social Affairs in consultation with the State Ministry of Health and Care.

(2) 1For special pedagogical daycare centres, the respective operators must draw up a protection and hygiene concept on the basis of a framework hygiene plan made available to them by the State Ministry for Family, Labour and Social Affairs and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request. 2The requirements specific to each centre and the local circumstances must be taken into account.

### **Article 20**

#### **Extracurricular education, music schools, driving schools**

(1) Subject to paragraph 2, offers of vocational training, further training and adult education as per the Bavarian Adult Education Promotion Act and comparable offers from other providers as well as other extracurricular educational offers in classroom form are prohibited.

(2) 1First aid courses and the training of volunteer members of the fire brigade, of the rescue service and of the technical relief organisation are permitted if a minimum distance of 1.5 m is maintained between all participants. 2The mask obligation exists where the minimum distance cannot reliably be maintained, particularly in corridors, stairways and other areas of frequent encounters, and when seated during face-to-face events. 3Article 17 sentence 2 applies accordingly. 4The operator must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.

(3) Lessons at music schools in face-to-face form are prohibited.

(4) Driving lessons, refresher courses and aptitude seminars in face-to-face form at driving schools are prohibited.

### **Article 21**

#### **Universities**

1There are no face-to-face events at the universities. 2Notwithstanding sentence 1, practical and artistic training elements and events necessitating special laboratories or workrooms at the universities are permitted if it is ensured that a minimum distance of 1.5 m is always maintained between all participants. 3Events specified in sentence 2 are subject to the mask obligation. 4More specific provisions under this Ordinance are not affected.

### **Article 22**

#### **Libraries, archives**

Libraries and archives are closed.

### **Article 23**

#### **Cultural sites**

The following are closed:

1. museums, exhibitions, memorial places, properties of the Bavarian Administration of state owned Palaces, gardens and lakes and comparable cultural sites,
2. theatres, operas, concert halls, stages, cinemas and similar establishments,



3. zoological and botanical gardens.

**Part 6**  
**Special areas and incidence-based regulations**

**Article 24**  
**Stricter mask obligation, alcohol ban, tracing of infection chains**

(1) A mask obligation exists

1. in central meeting areas to be determined by the responsible local authority in town centres or other public places in the open air where people are present either in close proximity to each other or for more than a short space of time,
2. in corridors, stairways and other areas of frequent encounters including the lifts of public buildings and of other publicly accessible buildings for which this Ordinance does not lay down any specific rules,
3. in the central meeting areas and areas of frequent encounters of workplaces, in particular, in lifts, corridors, canteens and entrances; the same applies at the workstation if the minimum distance of 1.5 m cannot reliably be maintained.

(2) The consumption of alcohol in public areas is prohibited.

(3) As soon as the complete tracing of infection chains can no longer be ensured in a district or city constituting a district in its own right, the responsible local authority must

1. report this to the responsible government; and
2. ask for personnel reinforcement, e.g., by police and Bundeswehr forces.

**Article 25**  
**Regulations in the event of a markedly increased seven-day incidence**

If in a district or city constituting a district in its own right, the incidence of new infections with the SARS-CoV-2 coronavirus per 100,000 inhabitants within seven days is markedly higher than the national average, the responsible local authority must, in agreement with the responsible government and without prejudice to Article 27, issue additional instructions.

**Article 26**  
**Regulations in the event of a seven-day incidence under 50**

If in a district or city constituting a district in its own right, the incidence of 50 new infections with the SARS-CoV-2 coronavirus per 100,000 inhabitants within seven days, a value which was specified in Article 28a(3) sentence 12 IfSG, is not exceeded, and if the incidence is tending to decrease, then the responsible local authority can, in agreement with the responsible government, permit deviations from the provisions of this Ordinance by means of a general ruling.

**Part 7**  
**Final provisions**

**Article 27**  
**Local measures, additional instructions, exemptions**

(1) <sup>1</sup>Additional instructions from the local authorities responsible for the enactment of the Infection Protection Act remain unaffected. <sup>2</sup>The responsible local authorities may, even to the extent that this Ordinance prescribes protective measures or protection and hygiene concepts, issue additional instructions in specific cases where this is necessary in terms of infection protection legislation.

(2) <sup>1</sup>Upon application, special exemptions may be granted by the responsible local authority provided that this is acceptable in terms of infection protection legislation. <sup>2</sup>Special exemptions for a general group of persons or a general constellation of cases may only be granted in agreement with the responsible government under the conditions of sentence 1.

## **Article 28 Offences**

An offence within the meaning of Article 73(1a) no. 24 IfSG is committed by anyone who, intentionally or negligently,

1. in breach of Article 1(3) sentence 1 no. 2, provides false contact data,
2. in breach of Article 2, leaves home without a good reason or is outside of a dwelling in breach of Article 3,
3. spends time with other persons in breach of Article 4(1),
4. in breach of Article 5 sentence 1 or Article 7(2) or (3), holds an event or a gathering, in breach of Article 7(2) no. 4, cannot as the event organiser present a protection and hygiene concept, or, in breach of Article 5 sentence 1 or Article 7(1) sentence 1 or 7(3), takes part in an event or an assembly,
5. in breach of Article 5 sentence 2, parties or barbecues in public spaces or parks or, in breach of Article 5 sentence 3, carries or ignites pyrotechnic articles,
6. in breach of Article 7(1) sentence 3 or Article 7(2) no. 3, does not comply with the mask obligation when taking part in an assembly,
7. in breach of Articles 8, 9, 12 or 14, as a visitor, customer, accompanying person or guest fails to comply with the mask obligation or the obligation to wear a FFP2 mask,
8. in breach of Article 9, cannot present a protection and hygiene concept as the operator of a facility,
9. plays sport in breach of Article 10(1) or (2), allows in spectators in breach of Article 10(2) no. 1, operates or uses sports halls, sports grounds, fitness studios, dance schools or other sports facilities in breach of Article 10(3),
10. operates facilities in breach of Article 11(1), (2), (4) to (6) or, in breach of Article 11(3), carries out guided tourist tours,
11. in breach of Article 12, opens a shop or a takeaway service or runs a market or, as the operator of a shop, a market stall or a shopping centre or as a party responsible for a service company or a practice, fails to comply with the obligations specified therein or to ensure that the staff comply with the mask obligation or, as the event organiser of a market, fails to comply with the obligations indicated there,
12. opens or runs a gastronomic business in breach of Article 13 or, in breach of Article 13(2) sentence 2, consumes food or beverages on the spot,
13. in breach of Article 14, provides accommodation without complying with the obligations specified therein or does not ensure that the staff comply with the mask obligation,
14. in breach of Article 15, holds conferences, congresses or trade fairs,
15. in breach of Article 16, as operator, does not observe the ordered protection and hygiene measures, tolerates employees' failure to comply with them or does not fulfil the obligations to review or document,
16. conducts examinations in breach of Article 17,
17. in breach of Article 18, operates private schools as defined in Articles 90 et seqq. of the Bavarian Education and Training Act [Gesetz über das Erziehungs- und Unterrichtswesen, BayEUG],
18. in breach of Article 19, opens or runs a daycare centre, babysitting or nanny business, special pedagogical daycare centre, holiday daycare centre or organised playgroup,
19. in breach of Article 20, carries out education offerings, gives music lessons or provides driving school lessons,
20. in breach of Article 23, runs the establishments named therein,
21. in breach of Article 24(1), fails to comply with the mask obligation or, in breach of Article 24(2), consumes alcohol.

**Article 29**  
**Effective date, expiry date**

(1) This Ordinance takes effect on 16 December 2020 and expires on 10 January 2021 at midnight.

(2) At midnight of 15 December 2020, the Tenth Bavarian Infection Protection Measures Ordinance (10<sup>th</sup> BayIfSMV) of 8 December 2020 (BayMBI. No. 711, BayRS 2126-1-14-G), which was amended by Ordinance of 10 Dezember 2020 (BayMBI. No. 734), expires.

Munich, 15 December 2020

**Bavarian State Ministry of Health and Care**

Melanie H u m l , State Minister

**Legal notice**

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