Part 1 General regulations

ARTICLE 1 General recommendations for conduct

1 All persons are urged to keep a minimum distance of 1.5 m from other people and pay attention to adequate hand hygiene wherever possible. 2 It is necessary to ensure sufficient ventilation in enclosed areas. 3 Where it is not possible to keep a minimum distance of 1.5 m from other people, without prejudice to Article 2, the wearing of a medical face mask is recommended.

ARTICLE 2 Mask obligation

(1) 1 In buildings and enclosed spaces, including enclosed areas of public vehicles, cabins and the like, the obligation to wear an FFP2 face mask applies (‘mask obligation’). 2 The mask obligation does not apply

1. inside private premises,
2. for fixed seats or standing places, as long as a minimum distance of 1.5 m is maintained from other people who are not members of one’s own household,
3. to guests in catering facilities, as long as they are sitting at a table,
4. to services of a type that does not permit such measures,
5. for other compelling reasons.

3 Article 12 remains unaffected by this.

(2) 1 Outdoors, the mask obligation applies to events as per Article 4. 2 Sub-para. 1 clause 2 nos. 3 to 6 apply accordingly.

(3) 1 The following persons are exempted from the mask obligation:

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Fifteenth Bavarian Infection Protection Measures Ordinance
15th BayIfSMV[1]
of 23 November 2021
(BayMBl. No. 816)
BayRS 2126-1-19-G

Full quote according to the editorial guidelines (RedR): Fifteenth Bavarian Infection Protection Measures Ordinance (15th BayIfSMV) of 23 November 2021 (BayMBl. No. 816, BayRS 2126-1-19-G), which was last amended by the Ordinance of 11 January 2022 (BayMBl. No. 2).

In accordance with Section 32 sentence 1 in conjunction with Section 28 sub-para. 1, Sections 28a, 28c sentence 3 of the German Infection Protection Act [Infektionsschutzgesetz, IfSG] of 20 July 2000 (Federal Law Gazette I p. 1045), last amended by Art. 1 of the Act of 23 November 2021 (Federal Law Gazette I p. 4906), in conjunction with Section 11 of the German COVID-19 Protective Measures – Regulation of Exceptions [COVID-19-Schutzmassnahmen-Ausnahmenverordnung (SchAusnahmV)] of 8 May 2021 (Federal Gazette AT 08.05.2021 V1), which was amended by Art. 20a of the Act of 23 November 2021 (Federal Law Gazette 4906) and Section 9 no. 5 of the Ordinance on Responsibility to Issue Decrees [Delegationsverordnung, DelV] of 28 January 2014 (Law and Ordinance Gazette p. 22, BayRS 103-2-V), which was last amended by Ordinance of 27 July 2021 (Law and Ordinance Gazette p. 499), the Bavarian State Ministry of Health and Care orders:

[1] Cf. the reasons required under Article 28a sub-para. 5 IfSG which were published in BayMBl. No. 827 dated 24.11.2021.
1. Children up to the age of six;

2. Persons who can credibly demonstrate that it is not possible or that it is unreasonable for them to wear a mask due to a disability or for health reasons, as long as they can prove this immediately on the spot, in particular by presenting the original copy of a written medical certificate, which must contain their full name, their date of birth and specific details of the reason for the exemption.

Children and youths are only required to wear a medical face mask between their sixth and sixteenth birthday. The mask may be removed if it is necessary for identification purposes or for communicating with persons with impaired hearing.

(4) For employees, during their work activities the obligation to wear a medical face mask applies within the framework of occupational health and safety law.

(5) Event organisers are obligated to ensure that the requirements of the mask obligation are observed.

ARTICLE 3 Limited contact

(1) Private meetings in public areas, in privately used rooms and on privately used land in which persons take part who are not vaccinated or recovered as defined in Article 2 nos. 2 and 4 of the COVID-19 Protective Measures Exceptions Ordinance (SchAusnahmV) are only permitted

1. with members of one’s own household and

2. in addition a maximum of two members of another household.

Children under the age of 14 are not included in the total number. Spouses, life partners and non-marital partners are considered to form one household with their partner, even if they do not have a common abode.

(2) Up to a maximum of ten persons are permitted with regard to private meetings in which only persons take part who are vaccinated or recovered as defined in Article 2 nos. 2 and 4 of the COVID-19 SchAusnahmV. Sub-para. 1 clause 2 applies accordingly.

ARTICLE 4 Vaccinated, recovered, and additionally tested ('2G plus' – geimpft, genesen und zusätzlich getestet)

(1) Access to public and private events on non-private premises, to sports facilities and practical sports training in enclosed areas, outdoor sports events which do not constitute individual physical exercise, the cultural sector including theatres, opera houses, concert halls, stages, cinemas, museums, trade fairs, meetings, congresses, exhibitions, to enclosed areas of properties belonging to the Bavarian Administration of State-Owned Palaces, Gardens and Lakes, furthermore to leisure facilities including public baths, spas, saunas, solaria, fitness studios, guided tours of enclosed areas, show caves and exhibition mines, indoor sports facilities, amusement arcades and casinos, betting offices, and areas comparable to these in infectiological terms may only be granted to visitors if they

1. are vaccinated or recovered within the meaning of Article 2 nos. 2 and 4 SchAusnahmV or are under the age of 14, and

2. who, in addition, are in possession of proof of a test result as per sub-para. 6 or are subject to sub-para. 7.

(2) Subject to the preconditions of sub-para. 1, the following applies:

1. In buildings, enclosed areas, stadia or sites whose capacity is limited in other ways, a maximum of 25% of the capacity may be used.

2. The maximum number of participants allowed is determined, subject to no. 1, by the number of available seats with a minimum distance of 1.5 m to other seats.

3. The following applies as regards events:
   a) During the entire event, a minimum distance of 1.5 m must always be maintained between persons who are not members of the same household.
b) Article 2 sub-para. 1 clause 2 no. 2 does not apply.

c) For visitors to public and private events outside of private premises, the mask obligation and, by way of derogation from letter a, likewise the minimum distance do not apply as long as they are seated at the table.

d) Article 3 sub-para. 2 applies mutatis mutandis to private events held on non-private premises.

4. In a departure from no. 1, an upper limit of 12,500 visitors per day applies for trade fairs.

5. If more than 1,000 people are admitted, then the event organiser must present the infection protection concept required pursuant to Art. 7 sub-para. 1 to the responsible local authority in advance and without being prompted.

6. Additionally, for sport and cultural events involving more than 1,000 people, the following applies:

   a) Only personalised admission tickets may be sold.

   b) It is forbidden to sell, serve or consume alcoholic drinks.

   c) Obviously inebriated people must not be granted admission.

7. Spectators are not admitted to major national sports, cultural or similar events; only those persons may enter the event venue who

   a) are required for the running of the event or to report about it in the media and

   b) fulfil the admission requirements specified in sub-para. 1, sub-para. 3 no. 1 or sub-para. 4.

(3) In a departure from sub-para. 1, access may be granted to:

1. Persons who cannot be vaccinated for medical reasons and can prove this on the spot, in particular by presenting an original, written medical certificate showing their full name and date of birth, and can also present proof of a test result as per sub-para. 6 no. 1,

2. under-age pupils as per sub-para. 7 no. 2 for them to perform sports, musical or drama activities.

(4) For providers, event organisers, employees, operators and volunteer workers of the establishments and events referred to under sub-para. 1 with contact to customers, Article 28b sub-para. 1 of the Infection Protection Act (IfSG) applies accordingly.

(5) Providers, event organisers and operators are obligated to retain their own test results for two weeks and to inspect the proof of vaccination or recovery or test results that must be presented through effective access control including verification of the identity of each person.

(6) Insofar as this Ordinance requires proof of the absence of infection with the SARS-CoV-2 coronavirus (proof of test result) for the use or admission to certain facilities, establishments or areas, written or electronic proof must be presented of a negative test result gained on the basis

1. a PCR test, PoC-PCR test or a test using other nucleic acid amplification methods, carried out no more than 48 hours previously,

2. a PoC antigen test carried out no more than 24 hours previously, or

3. an antigen test designed for self-administration by lay persons (‘self-test’) approved by the Federal Institute for Drugs and Medical Devices and carried out under supervision no more than 24 hours previously,

which additionally must conform to the requirements of the Covid-19 Protective Measures Exemption Ordinance (SchAusnahmV).

(7) The following persons are regarded as equivalent to tested persons:

1. Children up to the age of six,

2. Pupils who undergo regular testing in the course of school attendance,

3. Children not yet attending school,
4. vaccinated persons as defined in Article 2 No. 2 SchAusnahmV who can prove that they have also either received an additional dose of vaccine as a booster vaccination or have recovered from an infection with the coronavirus SARS-CoV-2 after being fully vaccinated, unless otherwise regulated by federal state law.

(8) No access restrictions based on this paragraph exist for people who are neither vaccinated nor recovered as defined in Article 2 nos. 2 and 4 SchAusnahmV with respect to religious services and assemblies as defined in Art. 8 of the German Constitution.

**Article 4a Vaccinated or recovered (2G) with capacity limitations**

With regard to sports facilities for one’s own sporting activities and practical sports training in the open air, public and private events in the open air, zoological and botanical gardens, memorial sites, leisure parks, excursion boats outside scheduled services and guided tours in the open air, Article 4 applies accordingly with the qualification that additional proof of a test result as per Article 4 sub-para. 1 No. 2 is not required.

**ARTICLE 5 Vaccinated or recovered (2G)**

(1) With regard to closed rooms, access to

1. catering facilities and hospitality establishments, universities, libraries and archives, extracurricular educational provision including vocational education, training and skills development, music schools, driving schools and adult education and areas comparable to these in infectiological terms, to events held by political parties and voter associations, and

2. services where physical proximity to the customer is inevitable, and which do not come under the category of medical, therapeutic or care services,

may only be granted – subject to more specific provisions of this Ordinance, to visitors insofar as they are, as defined in Article 2 nos. 2 and 4 SchAusnahmV, vaccinated or recovered or under fourteen years of age.

Clause 1 applies accordingly to cable cars; insofar as closed cabins are concerned and persons from more than one household are transported,

1. a maximum of 75% of the capacity may be used in cabins offering up to 10 places or less,

2. a maximum of 25% of the capacity may be used in larger cabins, but at least 7 persons may be admitted

(2) Article 4 sub-paras. 3 to 5 applies accordingly.

(3) In a departure from sub-para. 1, access may be granted to:

1. Persons involved in conducting examinations as well as those staying at hospitality establishments, not as tourists and for unpostponable reasons, upon presentation of proof of a test result as per Article 4 sub-para. 6 no. 1,

2. under-age pupils as per Article 4 sub-para. 7 no. 2 in catering facilities and in hospitality establishments,

3. persons involved in conducting ongoing examination blocks which already started before 24 November 2021.

(4) With regard to service and trade companies not included in sub-para. 1 and to polling stations and registry rooms, no access restrictions based on this paragraph exist for non-vaccinated or non-recovered persons as defined in Article 2 nos. 2 and 4 SchAusnahmV.

**Article 5a Vaccinated, recovered or tested (the ‘3 Gs’ – geimpft, genesen oder getestet)**

Access to tourist rail and coach journeys and excursion boats may only be granted to visitors who are, as defined in Article 2 nos. 2, 4, 6 SchAusnahmV, vaccinated, recovered or tested.

**ARTICLE 6 Recording contact data**
(1) Contact data must be collected for all events of any kind with more than 1,000 persons in buildings,
enclosed areas, stadia or otherwise restricted places, by service providers for whom physical proximity to
the customer is indispensable, in the accommodation sector as regards shared accommodation.

(2) 1Where contact data is collected as per sub-para. 1, Article 28a para. 4 IfSG applies accordingly with
the following provisos:

1. The surname and first names, an address and secure contact information (phone number, email
address) and the period of stay must be documented for each person;

2. if contact data is given to a person obligated to collect it, it must be accurate.

The collection of contact data as per sentence 1 may also be carried out in electronic form, as long as a
sufficiently precise documentation of the data specified in sentence 1 no. 1 is ensured. 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 in accordance with clauses 1 and 2 as part of the entry
procedure for the relevant buildings or premises.

ARTICLE 7  Infection protection concepts

(1) Operators or event organisers in the following sectors must develop an individual infection protection
concept and comply with it: the commercial sector, markets and shopping centres, services and manual
trades accessible to customers, full inpatient care facilities as defined in Section 71(2) of the Eleventh
Book of the Social Code, facilities for persons with disabilities as defined in Section 2(1) of the Ninth
Book of the Social Code in which integration assistance services are provided during the day and night,
retirement homes and senior citizens’ residences, hospitals, preventive care and rehabilitation facilities in
which medical care comparable to that provided in hospitals is provided (institutions described in Art. 23
sub-para. 3 clause 1 nos. 1 and 3 IfSG) and in residential intensive care facilities outside hospitals where
outpatients are treated, assemblies in enclosed spaces in the sense of Article. 8 of the German
Constitution, sports facilities and sporting events, leisure facilities of all kinds, catering facilities, the
accommodation sector, meetings, congresses, trade fairs, universities, schools, child day care facilities,
vocational education, training and skills development, extracurricular education, libraries, archives, the
cultural sector, theatres, opera houses, concert halls, stages, cinemas, museums, exhibitions, memorial
sites, properties belonging to the Bavarian Administration of State-Owned Palaces, Gardens and Lakes,
and ensembles of non-professional or amateur performers. The above does not apply if an event or
assembly involves less than 100 people. The responsible authority can demand that an infection
protection concept be drawn up, either generally or in individual cases. Unless otherwise specified, the
infection protection concepts must be presented to the responsible local authority on request only.

(2) The relevant state ministry responsible for the sector, in consultation with the State Ministry of Health
and Care, shall announce conceptual frameworks under infection protection law for specific sectors. The
operators or event organisers in the sectors affected by this must create infection protection concepts
that accord with the requirements of the conceptual framework.

Part 2 Supplementary regulations for individual sectors

ARTICLE 8  Religious services

For religious services which are open to the public in churches, synagogues and mosques, and meetings
of other religious communities, the following applies in addition to the general regulations:

1. Religious services or meetings which only vaccinated, recovered or tested people attend can be held
without any upper limit to the number of attendees; otherwise, the maximum number of participants
allowed in buildings, including vaccinated and recovered persons, is determined by the number of
available seats with a minimum distance of 1.5 m to other seats.

2. An infection concept which minimises the possible infection risks depending on the religious community
and its religious practices must be put in place.

Article 9  Assemblies as defined by Article 8 of the German Constitution
(1) In the case of assemblies as defined by Article 8 of the Constitution which are held outdoors, a minimum distance of 1.5 m must be maintained between all participants. If necessary, the authorities responsible according to Article 24 sub-para. 2 of the Bavarian Assembly Act (BayVersG) must ensure that the infection risks arising from the assembly also remain limited to a reasonable level in other respects, by means of restrictions in accordance with Art. 15 BayVersG.

(2) Assemblies as defined by Article 8 of the German Constitution which are held in enclosed spaces and in which only vaccinated, recovered or tested persons take part can be held without any upper limit to the number of attendees; in other cases, the maximum number of participants allowed, including vaccinated and recovered persons, is determined by the number of available seats with a minimum distance of 1.5 m from other seats.

**Article 10 Retail and service businesses, markets**

(1) The opening of shops frequented by customers for commercial offers is only permitted subject to the conditions of Article 5 sub-para. 1 and Article 4 sub-paras. 3 and 5 if they do not serve to meet daily needs. Daily needs are covered in particular by grocery stores including direct marketing, by beverage stores, health food shops, baby specialist shops, shoe shops, pharmacies, medical supply stores, drugstores, opticians, hearing aid acousticians, petrol stations, the sale of press articles and tobacco products, post office and mail order branches, book shops, florists, pet supplies markets, feed markets, DIY stores, garden markets, the sale of Christmas trees and wholesale markets. For the shop staff, Article 28b sub-para. 1 IfSG applies.

(2) As regards wholesale and retail businesses as well as service and trade enterprises visited by customers, the operator must ensure that

1. a minimum distance of 1.5 m can always be maintained between customers, and
2. the number of customers present in the shop at the same time does not exceed one customer per 10 m² of the sales area.

2 The following applies to shopping centres:

1. Sentence 1 applies to the individual shops.
2. With regard to the shopping centres, sentence 1 applies with the proviso that the maximum number of customers admitted depends on the overall floor space of the shopping centre.

(3) Annual markets, especially Christmas markets, are prohibited.

**ARTICLE 11 Gastronomy**

In addition to the general regulations, the following applies to catering facilities:

1. Article 5 also applies to outdoor catering facilities.
2. Gastronomic offers may not be provided between 22:00 hrs and 05:00 hrs (curfew) except on New Year’s Eve between 31 December 2021 and 1 January 2022.
3. In enclosed rooms, dancing is not permitted.
4. In enclosed rooms, playing music and musical accompaniment is only permitted as background music, except at events permitted under this Ordinance.
5. It is prohibited to run licensed public bars as per Section 1 sub-para. 1 no. 1 and Section 2 of the German Licensing Act.
6. The dispensing and delivery of take-away food and drinks is permitted.
7. Articles 4 and 5 and no. 2 do not apply to staff canteens not accessible to the public.

**ARTICLE 12 Schools**

(1) For lessons and other school activities, lunchtime supervision at schools and teaching and study activities at the State Institute for the Training of Specialist Subject Teachers and the State Institute for
the Training of Support Teachers, Article 2 applies with the addition of the following measures:

1. Article 2 sub-para. 1 clause 2 no. 2 does not apply.

2. The mask obligation also applies during sports lessons in closed rooms.

3. The mask obligation ceases to apply
   a) for pupils on account of compelling reasons related to teaching, learning or school organisation, after approval by the supervisory staff, or
   b) during ventilation of the classroom or common room with short bursts of air.

2 Pupils and teachers and other staff of schools may, notwithstanding Article 2, wear a medical face mask. 3 Pupils up to and including Year 4 may wear a textile mouth and nose covering instead of a medical face mask.

(2) 1 Pupils, no matter whether they are vaccinated or recovered, are only permitted to participate in classroom teaching, in other school activities or face-to-face school holiday courses and lunchtime and emergency care groups if, three times a week, they provide proof of a test result as per Article 4 sub-para. 6 nos. 1 and 2, or have taken a self-test provided by and to be used under supervision at school, with a negative result.

2 For pupils at elementary level or at special needs schools focusing on intellectual development, physical and motoric development and vision, clause 1 applies with the proviso that, after a decision by the State Ministry for Education and Culture, two PCR pool tests weekly may take the place of three weekly self-tests; in this case, every Monday morning proof of an additional test result must be presented or a self-test performed under supervision. 7 As regards participation in PCR pool tests, the laboratories and transport personnel engaged to perform the testing are not regarded as third parties in the meaning of clause 6. 8 The test result shall be kept for a maximum of 14 days. 9 The State Ministry for Education and Cultural Affairs may announce exceptions for pupils with special educational needs.

(3) For teachers and other staff, Article 28b sub-para. 1 IfSG applies.

(4) 1 Third parties, in particular parents, may only enter the school premises insofar as they are, as defined in Article 2 nos. 2, 4, 6 SchAusnahmV, vaccinated, recovered or tested. 7 Articles 4 and 5 remain unaffected.

(5) For pre-school institutions, sub-para. 2 clauses 1, 4 to 9 apply accordingly.

ARTICLE 13 Child day care

(1) The running of day-care centres, day-care babysitter and nanny services, holiday day-care centres and organised playgroups for children is only permitted subject to the condition that the children are cared for in fixed groups.

(2) 1 Children not yet attending school may, from the age of one, only use offers of day-care centres, special pedagogical day-care facilities and day-care babysitters and nannies if they take part in PCR pool testing in the facility or if their legal guardians provide proof of a test result as per Article 4 sub-para. 6 no. 1 or 2 with regard to the child three times a week or credibly affirm that a self-test with a negative result was carried out on the child no more than 24 hours ago. 2 The providers of child day-care facilities or curative day-care centres and child minders must provide three tests per week of care for every child not yet enrolled in school which enable direct pathogen detection of the SARS-CoV-2 coronavirus, or must make it possible for three self-tests to be collected from pharmacies free of charge.

(3) 1 Pupils may only attend day care if they have tested negative as set out in Article 12 sub-para. 2. 7 If the requirements for attending classroom teaching or emergency childcare on the same day as set out in Article 12 sub-para. 2 have not yet been met, Article 12 sub-para. 2 shall apply accordingly, with the exception that ‘the childcare facility’ shall replace ‘the school’.

(4) For staff of the facilities, Article 28b sub-para. 1 IfSG applies.

(5) 1 Third parties, in particular parents, may only enter the premises of the facilities - except for bringing or collecting the children - insofar as they are, as defined in Article 2 nos. 2, 4, 6 SchAusnahmV,
vaccinated, recovered or tested. Articles 4 and 5 remain unaffected.

ARTICLE 14  Other specific regulations

(1) It is forbidden to party in public places and grounds; public festivals are also prohibited.

(2) The consumption of alcohol is prohibited in public areas of frequent encounters 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. The exact locations involved are determined by the responsible local authority in each case.

(3) Clubs, discotheques, brothels and comparable leisure facilities are closed; dancing events are prohibited, unless they are for sports purposes.

Part 3 Regional hotspot lockdown

ARTICLE 15  Regional hotspot lockdown

(2) If, in a district or city with district status, the number of new infections with the SARS-Cov-2 coronavirus per 100,000 inhabitants within a period of seven days (‘7-day incidence’) exceeds 1,000 the following applies:

1. All events, facilities and establishments which are subject to Articles 4 to 5a are prohibited; the following applies in particular:
   a) assemblies, insofar as they are not assemblies as specified in Article 9, crowds and public festivities are prohibited.
   b) The operation and use of sports halls, sports grounds, fitness studios, dance schools and other sports facilities is prohibited; the following remains unaffected:
      aa) the competition and training activities of professional athletes and of competitive athletes of the national and regional squads, provided that the presence of spectators is excluded and access to the sports facility is only granted to those persons who are needed for the competitive or training activities or media coverage, and
      bb) school sports.
   c) It is prohibited to run a gastronomic business of any kind; it is permitted to
      aa) dispense and deliver take-away food and drinks, although it is prohibited to consume them on the spot, and
      bb) run company canteens which are not open to the public 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.
   d) Services where physical proximity to the customer is inevitable and which do not come under the category of medical, therapeutic or care services or hairdressing services are prohibited.
   e) Overnight accommodation may only be offered by hotels, accommodation facilities, school hostels, youth hostels, campsites and all other commercial or paid lodgings for absolutely necessary, non-tourist stays which cannot be postponed; overnight accommodation for tourist purposes is prohibited.
   f) Extracurricular educational offers including vocational education, training and skills development, music schools, driving schools and adult education are prohibited in face-to-face form with the exception of examinations.
   g) With the exception of examinations, no face-to-face events shall take place at universities; practical and artistic training elements and events requiring special laboratories or workrooms at the universities are permitted notwithstanding clause 1 if it is ensured that a minimum distance of 1.5 m is always maintained between all participants.
   h) Libraries and archives are closed.
   i) All cultural sites are closed, in particular:
aa) museums, exhibitions, memorial places, properties of the Bavarian Administration of State-Owned Palaces, Gardens and Lakes and comparable cultural sites,
bb) theatres, operas, concert halls, cinemas, stages and similar establishments,
cc) zoological and botanical gardens.

j) All leisure facilities and events are prohibited, in particular:
   aa) amusement parks and comparable fixed recreational facilities; leisure activities may not be
       offered commercially, neither in the open air nor indoors.
   bb) 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.
   cc) The operation of cable cars, boats on rivers and lakes for excursion purposes and tourist rail
       transport is prohibited.
   dd) The opening and operation of bathing facilities, hotel swimming pools, spas, wellness centres
       and saunas is prohibited; Article 12 remains unaffected.
   ee) The operation of amusement arcades, casinos, betting offices and comparable leisure
       facilities is prohibited.

2. Notwithstanding Article 10 sub-para. 2 clause 1 no. 2 it must be ensured that the number of customers
   present in the shop at the same time does not exceed one customer per 20 m².

(2) 1As soon as the 7-day incidence for its area, as published on the Internet by the Robert Koch
    Institute, exceeds the value of 1000, the responsible local authority must announce it officially without
    delay. 2In the event that this occurs, the requirements stipulated in sub-para. 1 apply from the day after
    the announcement. 3The local authority must equally make an announcement if the value of 1000 is no
    longer exceeded for five successive days. 4In this case, clause 2 applies analogously to the end of the
    measures stipulated in sub-para. 1.

Part 4 Final provisions

ARTICLE 16 Additional instructions, exemptions

(1) Additional or supplementary instructions from the authorities responsible for the enactment of the
    Infection Protection Act regarding the provisions of this Ordinance or the infection protection concepts
    issued on its basis remain unaffected.

(2) 1Upon application, special permits may be granted by the responsible local authority, provided that
    each case is acceptable in terms of infection protection legislation.
    2Special 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 17 Offences

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

1. in breach of Article 2, does not comply with the mask obligation or, in breach of Article 2 sub-para. 4, in
   their role of event organiser does not ensure that the mask obligation is complied with,

2. spends time with other persons in breach of Article 3,

3. in breach of Articles 4 to 5a, enters a facility specified therein without the necessary evidence of
   vaccination, recovery or testing, or uses a service specified therein or, in their role of event organiser or
   owner of a business or facility, does not ensure pursuant to Article 4 sub-para. 5, also in conjunction with
   Article 4a or Article 5 sub-para. 2, that the guest, visitor, user or volunteer, presents evidence of
   vaccination, recovery or testing or, in breach of Article 4 sub-para. 5, also in conjunction with Article 4a or
   Article 5 sub-para. 2, as a provider, event organiser or operator, fails to retain their own proof of a test
   result for two weeks,
4. in breach of Article 4 sub-para. 2, also in conjunction with Article 4a, stages events, or in breach of Article 4 sub-para. 2 no. 7, also in conjunction with Article 4a, takes part as a spectator,

5. in breach of Article 6, as a person obliged to obtain contact data does not record these or, as a person obliged to declare contact data, provides false information,

6. in breach of Article 7, does not draw up an infection protection concept,

7. takes part in an assembly in breach of Article 9 sub-para. 1 clause 1 or, in breach of Article 9 sub-para. 2, organises assemblies in enclosed spaces,

8. in breach of Article 10, runs a shop or stages an annual market,

9. runs a gastronomic business in breach of Article 11,

10. in breach of Article 12, operates a private school as defined by Art. 90 et seq. of the Bavarian Education and Training Act without fulfilling the obligations set out in Article 12 sub-para. 2 or, in breach of Article 12 sub-para. 4, enters the school grounds,

11. in breach of Article 13, operates a child day-care facility without complying with the obligations specified therein or, in breach of Article 13 sub-para. 5, enters the grounds of facilities,

12. in breach of Article 14 sub-para. 1, parties in public places or grounds or, in breach of Article 14 sub-para. 2, consumes alcohol,

12a. in breach of Article 14 sub-para. 4, is part of a crowd or fails to disperse immediately when a crowd has formed,

13. in breach of Article 14 sub-para. 3, operates the establishments specified therein, stages a dancing event or takes part in a dancing event

14. in breach of Article 15 sub-para. 1

   a) no. 1,

   aa) letter a, conducts an event or an assembly or takes part in an event or assembly,
   bb) letter b, runs or uses the facilities specified therein,
   cc) letter c, opens or runs a gastronomic business or, as a customer, consumes food or drink on the spot,
   dd) letter d, performs services,
   ee) letter e, provides accommodation,
   ff) letter f, runs extracurricular education classes,
   gg) letter i or j, runs cultural sites or leisure facilities or carries out leisure events

   b) no. 2, runs a shop.

**ARTICLE 18 Effective date, expiry date**

This Ordinance takes effect on 24 November 2021 and expires on 9 February 2022.

Munich, 23 November 2021

**Bavarian State Ministry of Health and Care**

Klaus Holetschek, State Minister