



## **Decision of general application for the Region of Wartburgkreis and the City of Eisenach**

### **about infection protective measures against the spread of the virus SARS-CoV-2**

According to section 28 paragraph 1 sentence 1 and 2 of the Infection Protection Act (IfSG) and section 35 paragraph 2 of the Law on Administrative Procedure of Thuringia (ThürVwVfG) the following decision of general application has been issued:

#### **I. The decisions of general application of Wartburgkreis of 16 March 2020 (gatherings) of 17 March 2020 (restriction of social contacts) have been repealed.**

#### **II. Prohibition of events, assemblages and meetings.**

##### 1. Guidelines

Events, assemblages and meetings are prohibited including the ones outdoors. It applies for gatherings in churches, mosques, synagogues and for gatherings of other religious communities. Demonstrations can be allowed in individual instances after an individual proportionality assessment.

The events that are meant for protection of public safety and order, general interest and guarding or the population supply are exempted from the prohibition.

The following principles are to be ensured:

- Distance of 1.50 m between the individuals;
- Excluding of participants with discernible symptoms of COVID-19-disease;
- Excluding of participants with any symptoms of a cold;
- Monitoring of participants for the fact whether they returned from an area of high risk within the last 14 days or whether they were in contact with a returnee or an infected individual;
- A venue with enough possibilities for a good air supply;
- The organizer has to inform actively and in a proper way all the participants about the general protective measures such as hand hygiene, keeping distance as well as cough and sneeze rules.

##### 1. Special events

The funerals have to take place outside; only relatives of the first and second degree of the deceased, minister or priest and the needed staff of the funeral undertaker are allowed to participate.

At the weddings, apart from the couple and the civil officer only the witnesses, the parents and the children are allowed to participate.

### **III. Shutdown of facilities according to section 33 number 1 to 5 of the Infection Protection Act (IfSG) for control of the spread of Coronavirus SARS-CoV-2 and COVID-19.**

1. The community facilities according to section 33 number 1 to 5 of the Infection Protection Act (IfSG), as well as school, educational and sport facilities according to section 45 of Volume 8 of Code of Social Law (SGB VIII), closed boarding schools and dormitories for youth as in number 4 of the Infection Protection Act (IfSG), as day cares according to section 32 of Code of Social Law (SGB VIII) in the free state of Thuringia are closed until the 19 April 2020.
2. The emergency care of children in small groups, whose guardians work in so-called critical infrastructure will be provided. Further details will be appointed in an additional decision.
3. Blood donation appointments are to be arranged.

### **IV. Prohibitions and restrictions for the control of the spread of coronavirus SARS-CoV-2 and COVID.**

1. Shutdown of facilities and organizations

To close to the public the following facilities and organizations regardless of their sponsorship and ownership:

- Bars, coffee shops, including ice cream cafés, clubs, discos, theaters, cinemas, concert halls and museums; street selling of ice cream cafés is excluded;
- Fitness centers, swimming pools, aqua parks, thermal baths, saunas and solariums;
- Offers of adult education centers (Volkshochschulen), music schools and others educational institutions, including libraries;
- Meetings in associations, other sport or recreational institutions and offers, as well as sport facilities, playgrounds and soccer fields, zoos;
- Arcades and casinos;
- Dancing gatherings;
- Trade fairs, exhibitions, special markets, betting shops and similar companies as in the Trade Regulation in its version of 22 February 1999 (BGBl. I S. 202);
- Entertainment venues as in the Regulation on Land Use from 21 November 2017 (BGBl. I S. 3786);
- Prostitution facilities;
- Facilities, offers and measures for families according to section 16 of the Code of Social Law (SGB VIII) such as family centers, family amusement centers, family educational offers made by independent organization, associations and group offers in birth facilities;
- Multigenerational houses;
- Open facilities for senior workers such as senior clubs, senior offices;
- Educational institutions, leisure center and recreational facilities for youths, including clubs and hostels for youths as in section 11 of the Code of Social Law (SGB VIII);
- Day care facilities according to Code of Social Law (SGB XI); exempted are day care facilities with the similar concept to inpatient facility according to section 2 of the Residential and Participation Act of Thuringia (ThürWTG) or not self-organized outpatient form of assisted living according to section 3 paragraph 2 of the Residential and Participation Act of Thuringia (ThürWTG) which therefore only take care of its residence;

- Advisory centers;
- Women centers.

The telephonic and electronic accessibility can be kept. Regarding the advisory centers, the possibility of online consultations or via telephone on short notice has to be provided.

There can be exceptions made by the competent authorities for the sport practice for preparation of the elite athletes for the Olympics 2020 if an individual case proves indispensable.

## 2. Shutdown of retail stores

The retail facilities including factory shops, direct points of sale of the manufacturer are to be closed to the public. From the shutdown are exempted:

- Food retails (including bakeries and butcher's shops), beverage stores, weekly markets, supermarkets and farm shops;
- Banks and savings banks;
- Pharmacies;
- Drugstores;
- Healthcare stores;
- Optics;
- Hearing aid acousticians;
- Branches of Deutsche Post AG and packet stations of logistic companies;
- Pick-up and delivery services;
- Laundry and dry cleaners;
- Gas stations and auto parts stores;
- Newspapers and tobacco stores;
- Pet supplies markets, construction and garden markets;
- Distance selling;
- Wholesale trade.

Handcraft companies, service companies, accommodation companies and especially vehicle repairs are exempted. Number 2 sentence 3 does not apply to:

- Accommodation offers in the hotel industry for touristic purposes;
- Hairdressers and barbershops;
- Tattoo, piercing und cosmetic studios;
- Massages studios, wellness studios and similar offers.

Moreover, the institutions of healthcare (such as physiotherapy, medical foot care) are exempted, if there are no other regulations. In outpatient facilities of healthcare, the treatments are restricted to prescribed or urgently needed medical and dental treatments.

If a facility offers goods or services over those which are described in number 2 sentence 2 and 3 inside of this same facility, it stays inconsiderable, provided that the outweigh of the offer is not significant.

The operation of the exempted institutions takes place under strict hygiene regulations. The purpose of the necessary measures is to reduce the contact to protect the staff from infections as well as to avoid smear infections through vehicles/objects to a great extent.

It should be accomplished by following the distance rule of at least 1.50 m to another person and intensified cleaning and disinfection regime. A concept is to design concluding present recommendations of work safety and general hygiene according to the respective circumstances. The competent authorities have the right to check the compliance with the expanded protective measures and if necessary impose additional conditions.

Gatherings of more than ten people, particularly waiting lines of clients are to be avoided (e.g. by opening a sufficient number of cash registers).

The clients are to be informed about the obligation of keeping distance and compliance with the protective measures through visible postings and regular announcements. In case of a breach, the house ban has to be pronounced.

The competent authority can grant an exemption upon request for the essential for the population supply stores or companies, as long as the individual cases are acceptable according to the Infection Protection Act.

3. Shutdowns, prohibitions and measures in hospitals, precaution and rehabilitation facilities as well as inpatient care institutions and the integrational help according to the Residential and Participation Act of Thuringia (ThürWTG).

Canteens, cafeterias as well as further accessible facilities for the public are to be closed to patients and visitors. All public events, in particular presentations, readings, informational events are prohibited.

A visiting ban for hospitals, precaution and rehabilitation facilities are to be declared. One registered visit max. per day for a patient or a resident can be allowed, provided protective measures and hygiene instructions. Visits by people under 16 years old, by visitors with respiratory infections or by individuals mentioned in number 5 of this decree are prohibited. For medical and ethical social visits (such as childrens' ward, palliative care ward, hospices) other regulations can be set, provided sufficient infection protection.

For the inpatient care facilities and special residential forms for people with disabilities according to section 2 of the Residential and Participation Act of Thuringia (ThürWTG) all the visits in general are prohibited for the protection of the residents. In particularly reasoned cases, the facility management can grant an exemption. In this case

- all necessary protective and hygiene measures are to be provided,
- report this immediately to the house supervisor

The abovementioned facilities have to take measures, to impede the entering of coronavirus SARS-CoV-2. The patients and the staff are to be protected to the possible extent. According to the COVID-19 plan of Thuringian Ministry for Labor, Social Security, Healthcare, Women and Families, the hospitals have to focus their human and other resources on the treatment of the COVID-19 patients or patients with the suspicion of it. The medical and care staff is to be immediately instructed about the use of respirators and the treatment of COVID-19 patients or patients with the suspicion of it in the area of I.C.U.

#### 4. Prohibition of the operation of restaurants

The operation of restaurants as in Thuringian Restaurant Code is prohibited. Outside-sale in compliance with strict hygiene measures is exempted. Consumption on-site is prohibited. Building of groups and waiting lines at the place of provision are to be prevented, the distance of 1.50 m between the individuals always has to be ensured.

Canteens and cafeterias can only be opened for the staff of the facility. The public is prohibited. Gastronomical areas of the hotels and other accommodation facilities are free to decide to provide the food offer only to the overnight guests. Thereby, the minimal distance of 1.50 m between the tables has to be ensured.

#### 5. Prohibition on entry of workshops for disabled people (WfbM); Prohibition of offers

The workshop for disabled people, all the forms of development areas, working areas of day facilities as well as offers of other service providers according to section 60 of the Code of Social Law (SGB IX) cannot be entered by working and mentored in these facilities disabled people.

Out of this prohibition are exempted people with disabilities who require assistance during the day which cannot be provided in another way.

The integrational offers for people with disabilities that

- are residents of a special residential form (former inpatient residency);
- live with their legal guardians, parents or other relatives and their care is ensured;
- live alone or in residential groups and can supply themselves or get taken care of

are prohibited.

#### 6. Special prohibitions on entry for trip returnees from the regions of high risk and from the notably affected areas by the spread of the coronavirus SARS-CoV-2 and COVID-19 including individuals who had personal contact with a person who tested positive to the new SARS-CoV-2 in the laboratory.

Individuals that stayed in a region of high risk or in an area notably affected by the spread of the coronavirus SARS-CoV-2, according to the current definition of Robert Koch-Institute (RKI), or were in personal contact with a person who tested positive to the new SARS-CoV-2 in the laboratory, are not allowed to enter, to participate or to exercise their activities in following facilities or gatherings for 14 days after the return from a high risk region or 14 days after the last contact with the individual infected with SARS-CoV-2.

- Facilities according to section 33 number 1 to 5 of the Infection Protection Act (IfSG) (Kindergartens and day care centers, closed day care facilities for children, schools, shelters, where mostly the underage individuals are taken care of and summer camps) as well as inpatient educational facilities according to section 45 of the Code of Social Law (SGB VIII), exempted are people obliged to a legal placing;
- Facilities according to section 23 paragraph 3 number 1 to 10 of the Infection Protection Act (IfSG), exempted are people requiring treatment as well as people who treat and take care of the patients with COVID-19 in these facilities under adequate protective measures;

- Inpatient care facilities, especially special residential forms of integrational help, exempted from entry ban are individuals requiring treatment and care;
- Facilities according to section 33 number 1 to 3 of the Infection Protection Act (IfSG) which are still open for care in case of emergency;
- Universities;
- Women's shelters, facilities for protection of women;
- Restaurants;
- Events, assemblages and gatherings of more than seven people.

Staying according to number 6 sentence 1 does not stand for a short term stay in the regions of high risk, as for example during a travel through (fueling process, usual coffee break or visit to the toilet). The duration of entry ban or prohibition to exercise the activities can exceed 14 days if there is evidence of a SARS-CoV-2-infection.

Concerning the trip returnees according to number 6 sentence 1 whose labor activity is necessary for maintaining of the functionality of inpatient facilities in healthcare, in a risk assessment can be weighted between the danger of infection and the necessary commencement of activities, whether the activity is completely possible or in a modified way. Based on current knowledge the risk of infection transfer during the necessary commencement of activities after leaving the area of high risk within 14 days is reduced, so the commencement of activities would be possible for the professional groups, if

- The SARS-CoV-2 test made at least 6 day after the exit of the high risk area shows negative results;
- The disease symptoms or positive test results appear neither before nor after this point within the 14 days term, and this is confirmed to the employer on a daily basis;
- The professional activity is carried out under adequate protective equipment and under the recommended protective measures.

#### 7. Conflict consulting in case of pregnancy according to sections 5ff of the Law of Conflict Prevention in case of pregnancy (SchKG)

The not punishable abortion mandatory requires submission of consultation documents according to section 218 a of the Penal Code (StGB). The possibility of immediate consultation of a pregnant woman is to be guaranteed. As personal consultations are explicitly required neither by the Penal Code nor the Law of Conflict Prevention in case of pregnancy, the consultations via telephone or via digital media under these circumstances would be considered as satisfying. As there is a general obligation according to section 8 of the Law of Conflict Prevention in case of pregnancy (SchKG) to provide the "close to home advisory centers" and this implies a personal consultation, the possibility of non-personal consultation applies only under the above mentioned regulations. As soon as consultation takes place personally, because the technical possibilities are not available, the behavior recommendations of Robert Koch-Institute, if necessary in conjunction with differentiated rules of local authorities, are to abide.

An individually arranged personal consultation is not covered by the shutdowns for the public; an individual consultation is not a public contact as in above mentioned decree. All the relevant issues for the COVID-19-risks are to be cleared up on the phone and to be documented before the personal consultation.

For handover of the consultation documents, an infection-secure way is to be arranged. In justified exceptional cases and with a documented agreement of the recipient, other handover possibilities

can be accepted (e.g. telefax, computer fax, e-mail attachment as a scanned document, registered letter or courier).

Thuringian Ministry for Labor, Social Security, Healthcare, Women and Families (TMASGFF) or Society of Employment and Economic Development (GFAW) shall not be informed about the restricted opening hours or temporary shutdowns. Thereby, the networks are to be used and in emergency cases if necessary the women are to be put through to available advisors or to be advised to use the abovementioned possibilities of non-personal consultation.

The order applies immediately beginning with the moment of its announcement. The measures in force repeal with expiry of 19 April 2020.

Neither appeal nor action for annulment provide a postponing effect.

The provision on administrative fines according to section 73 paragraph 1 a number 6 of the Infection Protection Act (IfSG) is pointed out.

### Instruction on the Right to Appeal

The appeal against this decision (decision of general application) can be filed within the period of one month. The appeal shall be lodged by submission to county commissioner (Landrat) of the area of Wartburgkreis, 36433 Bad Salzungen, Erzberger Allee 14, Law Department.

This decision is enforceable immediately by law. An order with a postponing effect of an appeal can be applied for at Administrative Court Meiningen, Lindenallee 15 in 98617 Meiningen.

Bad Salzungen, 19 March 2020

*signature*

Krebs  
county commissioner

