

## Telephone Conference of the Federal Chancellor and the Heads of the Länder Governments on 13 December 2020

### DECISION

The Federal Chancellor and the Heads of the Länder Governments have adopted the following decision:

Most recently on 25 November, the Federal Chancellor and the Heads of the Länder Governments adopted or extended far-reaching but temporary measures to curb the significant rise in COVID-19 infections in Germany with the start of winter and thereby also prevent severe cases and deaths. The aim was also to prevent the healthcare system from being overwhelmed, as hospitals and particularly many intensive care units are under severe pressure due to the high numbers of severely ill COVID-19 patients.

Through these measures it was possible to temporarily halt the exponential growth in cases and to stabilise infection rates at a high level. However, due to increasing mobility and consequently higher numbers of contacts in the run-up to Christmas, Germany is now once again experiencing an exponential increase in infections. This is placing a growing burden on the healthcare system and leading to an unacceptably high number of daily deaths.

It is therefore necessary to implement additional far-reaching measures to further restrict contacts. The goal is to bring the number of new infections back down to the level defined in the decision of 25 November so that the health authorities are once again able to identify and break chains of transmission as completely as possible and thereby further reduce the number of infections.

The Federal Government and the Länder would like to thank the vast majority of the population who have been helping to combat the spread of the virus throughout the entire pandemic through their level-headed and considerate behaviour. This sense of solidarity is the greatest asset and the most important success factor in the pandemic. They would also like to thank the many companies that are showing great flexibility and strength in withstanding the enormous challenges they face in these difficult times. And they would particularly like to thank all workers in the health sector, who are working flat out to ensure that a high level of care is maintained, even under increasingly difficult conditions. Despite the seriousness of the current situation, the progress made in vaccine development and vaccine approval gives us reason to hope that if we get through this winter well, Germany will be able to overcome the pandemic step by step next year and recover economically.

Against this backdrop, the Federal Chancellor and the Heads of the Länder Governments have decided that:

1. The existing decisions of the Federal Chancellor and the Heads of the Länder Governments continue to apply. As already agreed at the regular conference on 2 December, the Länder will extend the temporary measures in place until 20 December 2020 for a further period **until 10 January 2021 in the course of adapting their Land-specific regulations** unless otherwise stipulated in this decision.
2. **Private gatherings** with friends, relatives and acquaintances will continue to be limited to a maximum of 5 individuals from a total of two households. Children up to the age of 14 are not included in this figure.
3. Even in this strange year, people should be able to celebrate **Christmas** with others. However, in view of the high infection rates, this will only be possible on a significantly smaller scale than usual.

Depending on their individual infection levels, the Länder will make an exception to the contact restrictions in place from 24 December to 26 December 2020 and permit households to meet up with a maximum of 4 close family members from outside their immediate household plus children up to the age of 14, i.e. spouses, registered partners and partners in a de facto marital relationship as well as first-degree relatives, siblings, children of siblings and the members of their respective households, even if this means a total of more than two households or 5 people over the age of 14. In view of the persistently high infection rates, we expressly appeal to all citizens to reduce contacts to an absolute minimum in the five to seven days before family gatherings (protection week).

4. A nationwide ban on all gatherings will be in force on **New Year's Eve** and New Year's Day. Fireworks will also be banned in highly frequented areas to be defined by the municipalities. There will be a blanket ban on the sale of fireworks before New Year's Eve this year and a general recommendation not to let off any fireworks, also because of the high risk of injury and the fact that the health system is already under considerable pressure.

5. **Retail shops** will close from 16 December 2020 until 10 January 2021, with the exception of grocery stores, open-air food markets, direct marketers of food products, food collection and delivery services, beverage shops, health food shops, specialist baby shops, pharmacies, medical supply stores, drugstores, opticians, hearing aid shops, petrol stations, garages, bicycle workshops, banks and savings banks, post offices, dry cleaning services, laundrettes, newsagents, pet supply shops, animal feed shops, the sale of Christmas trees and wholesalers. The sale in grocery stores of non-food products that are not related to daily needs can also be restricted and must on no account be extended. There will be a blanket ban on the sale of fireworks before New Year's Eve this year.

6. **Businesses offering personal care services** such as hairdressers, beauty salons, masseurs, tattoo parlours and similar establishments will be closed, because physical proximity is unavoidable in these professions. Necessary medical treatments, such as physiotherapy, occupational therapy and speech therapy, as well as podiatry and chiropody, will still be permitted.

7. Contacts in **schools**, too, are to be drastically reduced between 16 December 2020 and 10 January 2021. During this period, children should be kept at home wherever possible. For this reason, all schools will be closed or waive the obligation to attend during this period. Emergency childcare services will be provided and remote learning offered. Special arrangements can be made for final year classes. **Nurseries** will proceed similarly. Additional options will be created for parents to take paid leave to look after their children during this period.

8. Employers are urgently requested to explore the possibility of either closing workplaces completely **holidays or offering employees generous opportunities to work from home from 16 December 2020 to 10 January 2021** in order to implement the principle of "We are staying at home" throughout Germany.

9. The hospitality industry may continue to deliver food or sell food to take away and eat at home, and canteens may continue to operate. Food may not be eaten on the premises. There will be a ban on the **consumption of alcoholic beverages in public** from 16 December to 10 January. Fines will be imposed for contraventions.

10. **Church services and religious gatherings** in synagogues and mosques are only possible under the following conditions: the minimum distance of 1.5 metres must be maintained, the wearing of a face mask is mandatory even when seated, congregational singing is prohibited. For gatherings where the number of visitors expected could lead to capacity being exceeded, a registration requirement must be introduced. In addition, in the coming days talks will take place within and with the religious communities to determine appropriate regulations for religious gatherings in light of the developments in infection rates.

11. Special protective measures must be taken in **care homes and nursing homes and by mobile nursing and home care services**. The Federal Government is supporting these services by providing medical protective masks and assuming the costs for rapid antigen tests. Given the current high infection rates throughout almost the entire nation, the testing of nursing staff is important in addition to the wearing of FFP2 masks. The Länder will also implement mandatory testing several times a week for staff in care and nursing homes. Such regular tests are also required for mobile nursing and home care service staff. In regions with high infection rates, visitors will be required to provide proof of an up-to-date negative COVID-19 test.

12. The Federal Government and the Länder stress once again that, in addition to the joint measures and in accordance with the **hotspot strategy**, a consistent limitation strategy must be implemented immediately at a regional level in all hotspots with an incidence rate of 50 or more new infections per 100,000 residents per week. Additional measures will be required if infection rates continue to rise. In the case of particularly extreme infection levels with an incidence rate of more than 200 new infections per 100,000 residents per week and widespread infection, the comprehensive general measures are to be extended yet again so that infection rates can be reduced significantly within a short period. Specifically, regions should consider implementing local measures pursuant to Section 28a (2) of the Protection against Infection Act (InfSchG), including extensive curfew measures, at the latest when the incidence rate exceeds 200 new infections per 100,000 inhabitants per week.

13. The Federal Government and the Länder urgently appeal to all citizens to avoid all non-essential **travel** within and outside Germany between now and 10 January. They explicitly point out that online entry registration is obligatory for travellers entering Germany from high-risk areas abroad, and that quarantine<sup>1</sup> is mandatory for a period of 10 days following return. Quarantine can only be ended with a negative test, which can be taken on the 5th day after entry at the earliest.

14. The measures mean that some **sectors of the economy** will still have to face significant restrictions on their business operations in the coming year. The Federal Government will therefore continue to provide **financial support** for the affected companies, self-employed individuals and self-employed members of the independent professions. The improved interim financial help III package, which envisages subsidies for fixed costs, is available to this end. With improved conditions, in particular a higher monthly subsidy of up to a maximum of 500,000 euro for companies directly and indirectly affected by the closures, the Federal Government is doing what it can to safeguard businesses and employment. For companies affected by closure, advance payments similar to the exceptional financial assistance will be available. The loss in value of merchandise and other economic goods in the retail and other sectors as a result of the mandatory closures should be compensated for by making quick and unbureaucratic write-downs possible. Inventory items can be written off. Businesses can thereby directly offset the losses incurred and reduce their tax liability, which safeguards their liquidity.

15. For commercial rental and lease relationships which are affected by the Government's COVID-19 measures, it is assumed by the legislator that significant (usage) restrictions due to the COVID-19 pandemic could represent a substantial change to the commercial basis. This simplifies negotiations between commercial tenants or lessors and owners.

16. The Federal Chancellor and the Heads of the Länder Governments will **convene again on 5 January 2021** to review the infection developments and decide on the measures to be implemented from 11 January 2021 onwards.

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<sup>1</sup> Attention is drawn to the decision of the Higher Administrative Court for Land North Rhine-Westphalia of 20 November 2020 (case 13 B 1770/20.NE), which overturned the mandatory quarantine for persons returning from areas designated as high-risk by the Robert Koch Institute for North Rhine-Westphalia

Statement for the record: The Free State of Thuringia and Land Saxony-Anhalt call upon the Federal Government to make a binding declaration, at the latest at the meeting of the Bundesrat on 18 December 2020, that the Federal Government will finance the expenses or revenue shortfalls incurred by the hospitals arising from the pandemic and the deferral of patients to free up beds or bed reservation (including a flat rate for bed reservation). A further delay by the Federal Government to the detriment of local hospitals is unacceptable.