

**Video conference between Federal Chancellor Merkel and the
Heads of Government of the Länder
on 16 November 2020**

Decision

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

As we go into the autumn and winter, the number of COVID-19 infections has been rising exponentially across the whole of Europe. In some of our neighbouring countries, the incidence of new infections is as much as four times higher than in Germany. The Federal Government and the Länder have seen with deep concern how this has led to considerable deficits in the healthcare system, affecting testing and medication, as well as a rise in severe and fatal cases. Virtually all of these countries have responded with significant restrictions, most of which go further than those introduced in Germany. Germany is supporting particularly affected states to the extent permitted by its own currently also very limited resources.

The number of COVID-19 cases has risen rapidly in Germany, too. From the beginning of the pandemic to the end of October, 520,000 cases were recorded in total. In the first two weeks of November alone, this number has increased by roughly 50 percent to 780,000. Over the same period, the number of COVID-19 patients in intensive care in German hospitals has increased by 70 percent.

In the video conference held on 28 October 2020, Federal Chancellor Merkel and the Heads of Government of the Länder agreed to introduce far-reaching restrictions on public life, affecting culture, leisure and tourism in particular, from 2 November in order to significantly reduce social contacts. These measures were consciously imposed for a full month in order to enable schools, childcare centres and businesses to remain open wherever possible.

The decisions made in October have slowed the growth in new infections, but no reversal of the upward trend has yet been detected. The public and the many individuals who are affected by these measures in the different areas of the economy and society have already helped to slow the rise in new infections by acting with prudence and implementing the measures decided. This has required a great deal of discipline and restraint with regard to many things which are important to us in our free and open society. The Federal Chancellor and the Heads of Government of the

Länder thank everyone for this and urge them not to let up in their efforts, so as not to jeopardise the achievements which have already been made. Thanks to the measures taken to date, the health system has continued to function well at all times, sporadic shortages notwithstanding. We must now rigorously implement these measures, because we cannot control the pandemic unless we work together. The priority of the Federal Government and the Länder in the fight against the pandemic is to protect the lives and health of the public and to minimise the economic and societal impact.

The trend over recent weeks has shown that higher rates of infection lead to an increase in severe cases and deaths despite the considerably expanded protection in place for vulnerable groups. Furthermore, regular findings indicate the risk of long-term effects even for patients who have recovered from COVID-19. For public health reasons, it is therefore imperative to keep the level of new infections as low as possible.

Until now, the mortality rate for COVID-19 in Germany has been very low. To ensure that this remains the case, we need special medication and protective equipment, sufficient medical and care staff, and intensive care infrastructure so that all patients who become severely ill with COVID-19 can receive high-quality care with no restrictions.

To mitigate the social and economic consequences, the Federal Government and the Länder have introduced a raft of measures to support the economy and have significantly increased welfare payments with their social welfare packages. High levels of infection mean that many people are too ill to work or must quarantine, which is detrimental to the economy and jeopardises our ability to maintain the necessary infrastructure. Uncertainty among businesses and consumers amid the uncontrolled spread of the disease is slowing consumption and investment. International comparisons also make it clear that countries with particularly low rates of infection maintain particularly strong economies during the pandemic. In light of this, the most promising approach from a macroeconomic and societal point of view, too, is one that complements necessary restrictions on parts of the economy with appropriate support and focuses on maintaining a controlled, low-level spread of infection.

Furthermore, we must recognise that high rates of infection can only be controlled by considerable restrictions – and the later these restrictions are imposed, the harsher and longer-lasting they must be. Sufficient testing capacities and comprehensive contact-tracing by health authorities are essential in order to bring the spread of infection under control. If the number of new infections exceeds the level at which

contact-tracing is possible, the spread of infection accelerates, as people who may have been infected can no longer be informed and isolated. A lack of testing capacities also leads to undetected infections. Both of these factors mean that a greater proportion of infections go unrecorded, accelerating the spread of the disease, which can then only be curbed by the imposition of even greater restrictions. The strategy of the Federal Government and the Länder thus has the central goal of controlling the rate of infection to keep it at a level where contact-tracing and testing capacities will not be overwhelmed. The extent to which these capacities are overwhelmed can be measured by the incidence of new infections. This yardstick is also laid down in the new Section 28a of the Protection against Infection Act, which is set to be approved by the Bundestag and the Bundesrat this week as part of the law to protect the population. The German Bundestag and the Bundesrat deserve sincere thanks for their prompt action in this matter. The Federal Government and the Länder have agreed that staffing at the public health authorities will be increased to ensure enough contact-tracing staff are available to trace the contacts of 5 newly infected people per 100,000 inhabitants each day, or 35 per 100,000 each week. This is already no mean feat compared to the status quo before the pandemic. With considerable support from federal authorities and those in the Länder as well as the Federal Armed Forces, the health authorities are now working to ensure that contact-tracing can still be carried out in full even at a rate of 50 new infections per 100,000 inhabitants. If this level is reached nationally, testing capacities will also reach their limits. Should the rate of infection continue to rise, the consequences a little further down the line will be an inability to supply medication and protective equipment as well as shortages of medical and care staff and of intensive care capacities. The overwhelming of public health services can thus be measured in distinct stages which can all be extrapolated from the incidence of new infections and its growth. In order to assess all aspects of the pandemic, these lagging indicators are being closely examined, as are other indicators which enable additional insights into infection trends in particular. These include the R value and the time it takes for infections to double.

To defeat the pandemic and return to normality, a significant majority of the population must attain immunity to the SARS-CoV-2 virus. Immunity is reached after recovering from an infection or, more crucially, through effective vaccination. It is encouraging to see that many different vaccines have already reached the stage of clinical trials and that researchers in Germany have developed a vaccine for which they have already requested approval in line with the strict European and US requirements and published positive findings regarding its effectiveness. This work was in part made possible by significant funding from the Federal Ministry of

Education and Research. In light of this progress as well as the above-mentioned risks associated with high rates of infection, it is not ethically possible to allow and condone high levels of infection instead of waiting for the expected success of large-scale vaccination of the general population in the coming year, using this or another successful vaccine. The Federal Government and the Länder are therefore making extensive preparations to ensure they are able to vaccinate as much of the population as possible, depending on the availability of vaccines, in as short a timeframe as possible. Until enough vaccines are available for everyone in Germany who wants one, the Standing Committee on Vaccination at the Robert Koch Institute will work with the National Academy of Sciences Leopoldina to issue recommendations on priorities for vaccination. Making vaccination against SARS-CoV-2 mandatory would not be appropriate, and the Federal Government and the Länder do not support this approach.

It is not yet possible to establish precisely whether the measures introduced on 2 November will be sufficient to rapidly decrease the number of new infections. The Federal Chancellor and the Heads of Government of the Länder will therefore meet again on 25 November, armed with additional new findings, in order to discuss and approve a comprehensive plan covering specific conclusions and the outlook for December and January. With this in mind, the Federal Chancellor and the Heads of Government of the Länder have agreed to the following:

1. At a time of high rates of infection, there is a risk of becoming infected anywhere that people encounter one another. It is therefore necessary to **strictly avoid all contacts** which can be avoided, and, where this is not possible, to comply with the AHA+AL protective measures at all times – practising social distancing and good hygiene, wearing face masks, using the CoronaWarnApp, and ventilating indoor spaces. The restrictions introduced since the beginning of the pandemic and, in particular, from 2 November onwards which affect culture, leisure and tourism in particular serve precisely this purpose of reducing contacts. Furthermore, the Federal Government and the Länder have called on everyone in Germany to limit contact with people other than those living in the same household to the absolute minimum necessary. However, a significant proportion of infections continue to occur outside of public spaces, in private settings, where particular caution must be exercised when it comes to state interventions. In this phase of the pandemic, it is therefore essential for the public to ensure that they once again significantly reduce their contact with other people in their personal lives in the coming weeks, beyond the extent required by the regulations in force.

This means:

- a) **People with respiratory illnesses** must utilise the option to obtain a sick note from their doctor by telephone, which was reintroduced in October. They must remain at home until their acute symptoms fade and should rest to ensure that they recover in full; this is the best course of action from a medical point of view even when no further treatment is required. Their doctor will also discuss with them whether their symptoms – particularly fever or an impaired sense of smell or taste – are significant enough to require testing, examination or further treatment. The non-emergency medical helpline 116117 is available around the clock.
 - b) No **private parties** whatsoever should be held.
 - c) **Private gatherings** with friends, relatives and acquaintances must be limited to one specific additional household; this includes children and young people.
 - d) **Leisure activities** and visits to areas frequented by many people, as well as non-essential personal travel and tourist excursions, must be avoided.
 - e) **Non-essential** time spent in closed spaces that are frequented by many people, or unnecessary trips on public transport, must be avoided.
 - f) **Visits to older and vulnerable individuals in particular** should only be made if all family members are free of any symptoms of illness and were not exposed to any particular risks in the days prior to the visit.
2. The Federal Government and the Länder wish to emphasise the great importance of the **strategy regarding hotspots** in this phase of the pandemic. While the current restriction measures are in place, we can see in the various regions in Germany that the measures have quickly led to a weakening in the rate of infection where the rate of infection is comparatively low, while in regions with a high rate of infection, the number of infections is continuing to rise in some cases. It therefore continues to be essential that, in addition to the nationwide measures, more far-reaching steps be taken swiftly in the hotspots in relation to the respective rate of infection in order to effectively reduce it.
 3. Especially in view of the fact that comprehensive contact tracing is no longer entirely possible in numerous hotspots, tried and tested quarantine measures,

contact tracing and testing with regard to the contact or outbreak cluster should be put in place in the event of outbreaks occurring in a specific **cluster** (e.g. companies, institutions, leisure groups, religious communities, family celebrations). In particular, quarantine orders for the cluster in question (such as the workplace environment, leisure groups, etc.) should be implemented swiftly. A positive test result is not mandatory to this end. With regard to proportionality, isolating contact or outbreak clusters is a milder measure by comparison with restriction measures.

4. On 28 October, the Federal Government and the Länder decided not to close **schools and daycare facilities** despite the dynamic rate of infection. Reliable daycare promotes people's work-life balance and education is essential in terms of young people's future prospects. Keeping institutions with classroom attendance open in this area with a high level of infection control is therefore an important political priority. The Länder have been working intensively on this objective for months. All those involved in the school system are doing amazing work with regard to implementing this in practice. We are particularly grateful to them. The German Academy of Sciences Leopoldina has issued a statement regarding how the risk of infection in schools can be reduced. At their next meeting, the Federal Government and the Länder will discuss how risks of infection can be reduced in schools located in hotspots.
5. Effective vaccines are a key part of the effort to overcome the pandemic. It is highly probable that there will be at least one effective and approved vaccine in the first quarter of 2021. If the studies prove successful and the approval process proceeds according to plan, the first deliveries of vaccines to the Länder can be made in the not too distant future. In order to be prepared for this, the Länder will **maintain the planned vaccination centres and structures** in such a way that they can be made operational at short notice. To achieve improved coordination, the Länder will report back to the Federal Government by the end of November regarding the number of feasible vaccinations per day that they envisage for each Land. The basis for the ongoing further development of the National Vaccination Strategy is the decision of 6 November 2020 adopted by the Conference of the Ministers of Health of the Länder in consultation with the Federal Minister of Health, which defines the respective responsibilities of the Federal Government and the Länder for implementing the strategy.
6. Unfortunately, the increase in the number of infections has also led to a rise in infections and risks of infection among the over-65s and among groups that are particularly vulnerable due to certain pre-existing conditions. Protecting these groups has been a key priority of our policy since the beginning of the pandemic.

The responsible authorities have therefore taken special protective measures for hospitals and nursing homes and services, as well as for retirement homes and centres for people with disabilities, in accordance with local conditions. Those in charge always take into account the fact that regulations to this end must not lead to the total social isolation of those affected. These measures will be adapted accordingly as cases increase. The Federal Government's new testing ordinance ensures that the costs of the newly available SARS-CoV-2 rapid tests for the regular testing of residents and patients, visitors and staff will be assumed by the state. With the onset of winter in December, members of the public will increasingly remain in closed spaces. In order to reduce the risk of infection for particularly vulnerable groups, the Federal Government will, on the basis of an ordinance to be issued by the Federal Minister of Health, **facilitate the distribution of a total of 15 FFP2 masks each** (i.e. one for each week of the winter) **to these vulnerable groups** for a small co-payment from the beginning of December. The joint federal committee is involved in defining these particularly vulnerable groups by giving its opinion. Practical advice on the most effective everyday use of these masks is being developed by the Robert Koch Institute in consultation with the Federal Institute for Drugs and Medical Devices. The Federal Government will assume the costs for this one-time distribution of FFP2 masks.

7. Owing to the increased numbers of new infections, the need for intensive medical treatment has risen enormously – with a time lag, but as expected. This requires meticulous forward planning that is updated on a daily basis. In the decision adopted by the Federal Chancellor together with the Heads of Government of the Länder on 30 April 2020, the Länder assumed the management of intensive care capacities in the respective regions, taking into account regional characteristics. The Federal Government presented a criteria-based concept with this in mind at the end of April and also operates an intensive care register (DIVI-IntensivRegister) as a digital tool to support management by the Länder. As it is increasingly becoming necessary at the regional level to postpone planned operations and treatments in order to provide sufficient personnel, bed and intensive care capacities for COVID-19 patients, financial security is required for the participating hospitals in these regions. After all, postponed operations always incur a loss of revenue. Against this backdrop, the advisory council formed in accordance with section 24 of the Act on the Financing of Hospitals, with the involvement of the German Hospital Federation, unanimously issued recommendations on 12 November 2020 regarding the necessary measures to **strengthen hospitals in this pandemic**. The coalition parliamentary groups in

the German Bundestag have adopted these proposals and implemented them in legislative terms via amendments to the third law to protect the population. If the Bundestag and Bundesrat reach agreement on 18 November 2020, this will give the hospitals that are under particularly great strain the financial security they need in the very near future.

8. In order to relieve dedicated employees in the local health authorities of unnecessary duties in their important work in this pandemic, the Federal Government and its partners have (further) developed **digital tools** for their day-to-day work, including with the implementation of applicable data security and data protection requirements in mind.

These include, in particular:

- a) SORMAS (Surveillance Outbreak Response Management and Analysis System) for the improved management of contact persons and contact chains;
 - b) a digital diary detailing symptoms with a view to organising the care and administration of isolated and quarantined persons in a much less labour-intensive and more resource-friendly manner; this is now set to be integrated step by step into SORMAS;
 - c) CovBot as an AI-supported telephone assistant with a view to relieving a large part of the burden placed on the telephone lines of the health authorities;
- as well as
- d) the greatly accelerated implementation of DEMIS (Deutsches Elektronisches Melde- und Informationssystem für den Infektionsschutz – German electronic reporting and information system for infection control) to promote the secure, rapid and nationwide uniform digital reporting and information processing of positive SARS-CoV-2 pathogen detection.

The Federal Government has already presented these digital products to the health authorities via a range of channels, most recently during a video conference hosted by the Federal Minister of Health with all interested health authorities. The Federal Government and the Länder aim to achieve a user rate of over 90 percent by the end of 2020, at least as far as SORMAS and DEMIS are concerned. The Conference of the Ministers of Health of the Länder is to report back to the meeting of the Federal Government and the Heads of

Government of the Länder by 15 January 2021 regarding the level of implementation in the various Länder.

9. The **coronavirus warning app (Corona-Warn-App (CWA))** helps to identify and break chains of infection more rapidly and comprehensively. It is a valuable addition to the work of the health authorities, especially during the second wave of the pandemic. Almost all laboratories and over 90 percent of Sars-CoV-2 laboratory capacities are hooked up to the CWA. More than 500,000 test results were made available digitally and thus significantly faster via the app last week. Every day, up to 3000 CWA users who have received a positive test result warn other users and thus help to break chains of infection. With these functions and around 22.5 million downloads, the CWA is one of the most successful warning apps in Europe. Since the outset, the CWA has, as is usually the case for software-based technologies, been further developed on an ongoing basis. Optional symptom capture and interoperability with other European apps are among the most recent new features to be released. The CWA will undergo three further updates in the coming weeks. The warning process will thus be simplified and, following a positive test result, automatic reminders issued to warn contact persons if this has not already been done. A mini-dashboard will be integrated with current information on the course of the infection while measuring accuracy will be improved by switching to the new google/apple interface and the intervals for notification via a warning significantly reduced. Further applications, such as the integration of a contact diary, are currently being examined and, if feasible, will be implemented as soon as possible in 2021.

The Federal Chancellor and the Heads of Government of the Länder call on members of the public to download the CWA particularly at this time and to make active use of the app. All users who have tested positive for COVID-19 can help to bring this pandemic under control by sending an anonymous warning via the CWA.

Declaration for the record:

NI, BB, HB, MV: the Länder Lower Saxony, Bremen, Mecklenburg-Western Pomerania and Brandenburg maintain their fundamental reservations about the financing system for strengthening hospitals in the pandemic addressed in section 7.