

Video conference between the Federal Chancellor and the Heads of Government of the Länder on 19 January 2021

DECISION

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

At the beginning of 2021 there is great hope regarding the COVID-19 pandemic. The approval of two vaccines, the start of vaccinations and the prospect of further successful vaccine candidates bring with them the hope that the pandemic can be overcome this year. This was the precise goal of the Federal Government and the Länder from the outset: as soon as enough vaccines are available and all citizens can be offered the opportunity to be vaccinated, there is a prospect of normalisation of our everyday life and the return to a life without pandemic-related restrictions.

Moreover, it is clear that the restrictions in place since 16 December are working and the number of new infections is falling. The Federal Government and the Länder are relieved to note that the burden on hospitals and intensive care units has also now decreased slightly, although it is still considerable. This is not least down to the prudent behaviour of citizens over the Christmas holidays. The Federal Chancellor and the Heads of Government of the Länder are extremely grateful for this.

However, there are also great challenges at the beginning of this new year: vaccine quantities will remain limited in the coming months - despite all the efforts to ensure early vaccine deliveries and additional production capacities - so that an easing of the situation through vaccination immunity in the population cannot yet be expected. However, the ongoing vaccinations will lead to increasing protection among particularly vulnerable groups. Winter is a time when respiratory diseases spread easily anyway, which makes it more difficult to combat the virus. In addition, all citizens are weary from the long months of living with the pandemic, and want the pandemic-related restrictions to soon be eased.

But above all, the findings about mutations of the SARS-CoV-2 virus are cause for great concern. The British health authorities and the vast majority of researchers are very alarmed, because epidemiological findings indicate that the B.1.1.7 mutation that has arisen there is significantly more infectious than the virus we have seen so far. Just as was the case at the start of the pandemic with regard to the virus, there is now no absolute certainty about the properties of the new mutation. Since the B.1.1.7 mutation has already been identified in Germany, the Federal Government and the Länder agree that on the basis of current findings, precautionary action is urgently required, because the consequences of the spread of a virus mutation with a higher potential for infection would be a serious escalation of the pandemic situation. Therefore, the precautionary principle requires further introduction into Germany and the spread of mutations in Germany to be prevented as far as possible.

The Federal Chancellor and the Heads of Government of the Länder have therefore brought their conference forward to today in order to avert the additional risks posed by the mutation by once again significantly accelerating the decline of the infection rate in Germany. If the reproduction number (R) is low, then the reproduction of a potentially more infectious mutation will also be more strongly inhibited. To achieve this, further measures are necessary. A rapid reduction in the infection rate will enable the health authorities to once again trace the chains of transmission, in order to prevent another exponential increase in new infections.

The key success factor for all measures is the willingness of citizens to implement the measures in their everyday lives in such a way that the virus really has no chance to spread. The vast majority of people in Germany have been doing this for nearly a year with great discipline. However, mobility data shows that public life wound down more significantly in March and April 2020. The Federal Government and the Länder are now therefore appealing once again to all citizens: the next few weeks of the pandemic will be crucial. We now need to bring the infection rate back down permanently to a seven-day incidence of below 50 new infections per 100,000 inhabitants, so that we can regain some normality, as in summer last year when infection rates were low.

If the virus mutations do in fact prove to be significantly more infectious, further significant escalation of the situation is likely. This has to be avoided. That is why the state, business and society now need to make a joint effort to reduce the rate of new infections quickly.

Against this backdrop, the Federal Chancellor and the Heads of Government of the Länder have agreed that:

- 1 The previous decisions of the Federal Government and the Länder shall continue to apply. The additional or amended measures from this decision will be implemented rapidly by the Federal Government and the Länder . All measures that are based on these joint decisions will initially be valid **for a limited period until 14 February 2021**. The Federal Government and the Länder will meet well in advance of the expiry of the measures to discuss how to proceed after 14 February. A working group at the level of the Head of the Federal Chancellery and the heads of the state and senate chancelleries will be tasked with developing a concept for a safe and fair strategy for easing measures by this date.
- 2 The Federal Chancellor and the Heads of Government of the Länder urgently request all citizens also to reduce all contacts to the absolute minimum over the next three weeks and to stay at home as far as possible. **Private gatherings** will continue to only be allowed with members of one's own household and a maximum of one other person from another household. Keeping the number of households from which the other people come as low and as constant as possible ("social bubble") greatly reduces the risk of infection.
- 3 Wearing a face mask has proven to be a particularly effective measure during the pandemic. Especially in light of possible exceptionally infectious mutations, the Federal Government and the Länder wish to point out that medical masks (so-called surgical masks, or KN95/N95 or FFP2 masks) offer greater protection than normal cloth masks, which are not subject to any standards with regard to their effectiveness. The obligation to wear a mask **when using public transport and in shops** will therefore be changed to a specific obligation to **wear a medical mask**. In general, in situations in which close or prolonged contact with others is unavoidable, particularly in enclosed spaces, the use of medical masks is recommended.
- 4 The goal of the Federal Government and the Länder is to reduce contacts on **public transport** so that passenger volumes decrease significantly and social distancing can normally be ensured. This objective is to be achieved through extensive use of the option of working from home, by reducing passenger volumes during rush hours in commuter and school traffic and - where possible and necessary - by deploying additional means of transport.

In addition, an **obligation to wear medical masks** when using public transport will be introduced.

- 5 The operation of **childcare facilities and schools** is of primary importance for the education of children and for enabling parents to reconcile family life and work. Closed schools and nurseries, suspended attendance requirements or distance learning in schools over an extended period cannot fail to have a negative impact on the education and the social participation of children and young people. However, there are credible indications that the B.1.1.7 mutation of the SARS-CoV-2 virus also spreads more easily among children and young people than is the case with the virus we have seen so far. This means that an extension of the decision of 13 December 2020 to 14 February is necessary, as well as strict implementation. Accordingly, all schools will in principle remain closed or attendance requirements be suspended. The same approach will be adopted for **daycare centres**. The Federal Government and the Länder would like to expressly thank school teachers, nursery teachers and educational staff in schools and daycare centres for how they have dealt with the major challenges posed by the pandemic. Their occupational health and safety is a top priority.
- 6 Special protective measures must be taken in **care homes and nursing homes**. High incidences among the elderly population and numerous outbreaks in such institutions in recent weeks despite all the measures already taken - such as the implementation of hygiene concepts and the provision of personal protective equipment - have highlighted this fact yet again. An obligation to wear an FFP2 mask is specified for all staff in care homes and nursing homes who have contact with the residents. The rapid tests upon entering the institutions will remain vitally important at least until vaccination with both doses has been completed in the institutions and the people have acquired immunity. On the basis of the joint decision of 13 December 2020, the Länder have therefore ordered mandatory testing numerous times per week for staff in care homes and nursing homes as well as for all visitors. In many cases, the institutions lack the personnel to carry out such rapid tests on site, even though financing for both acquiring and performing the tests is assured by the federal testing ordinance. The institutions are responsible for ensuring full implementation of the test requirement. To support them, the Federal Government and the Länder have started a joint initiative based on existing Länder measures to arrange for Bundeswehr soldiers in the short term and in a second step volunteers to temporarily carry out extensive rapid testing in these institutions.

The aid organisations in Germany will provide the appropriate training. The municipal umbrella organisations will coordinate to determine regional needs, and the Federal Employment Agency will assist with placing volunteers. In addition to the care homes and nursing homes, **institutions for people with disabilities** are also particularly vulnerable locations with increased infection rates. It is therefore important that adequate testing can also be carried out in these institutions. For providers of integration assistance, the Federal Government will cover personnel costs for the testing. The material costs are covered by the existing arrangements in the COVID-19 testing ordinance.

- 7 **Church services** and religious gatherings in synagogues, mosques and other faith communities are only permitted under the following conditions: the minimum social distance of 1.5 metres must be maintained, there is an obligation to wear a medical mask even when seated, congregational singing is prohibited, meetings with more than ten participants must be registered with the office responsible for public order (Ordnungsamt) no later than two working days in advance, insofar as no general arrangements have been made with the relevant authorities.
- 8 In view of the pandemic situation, a further reduction of epidemiologically relevant contacts in the work context is also necessary. To this end, the Federal Ministry of Labour and Social Affairs will pass a regulation for a limited period until 15 March 2021 stipulating that employers must enable employees to **work from home** wherever possible, provided that their work tasks permits this. This will reduce contacts in the workplace and on the way to and from work. The Federal Chancellor and the Heads of Government of the Länder ask all employees to make use of the offer.

Where attendance in the workplace remains necessary, the occupancy of rooms where people work in close proximity must still be reduced within the context of implementation of the COVID-19 occupational health and safety standards, or medical masks provided by the employer must be worn if adequate social distancing cannot be maintained.

To further reduce the number of passengers using public transport during traditional rush hour times, companies are requested to implement flexible working hours wherever possible so that the passenger volumes are staggered as much as possible at the start and end of working hours.

To further stimulate the economy and to boost digitalisation, certain digital assets may be written off immediately with retroactive effect from 1 January 2021. This will in future allow the costs of computer hardware and software for data entry and processing to be fully written off for tax purposes in the year of acquisition or manufacture. This will simultaneously also benefit all those working from home. The implementation is to be regulated on a non-legislative basis, and thus be made available quickly.

- 9 The infection rate is developing differently from region to region. The goal of bringing the seven-day incidence below 50 has not yet been achieved in many areas. In districts and Länder with high incidences, the Länder will continue to implement **extensive local and regional measures** which go beyond the general rules, in accordance with the Protection against Infection Act (Infektionsschutzgesetz). Even where there is a regional decline in incidences, it is important to ensure that different measures across the various districts and Länder do not lead to evasive action by citizens and hence a renewed increase in the incidence. In this context, the regional measures must be adapted with a view to preventing the spread of the virus mutation in such a way that achieving an incidence of fewer than 50 new infections per 100,000 residents per week by mid-February becomes realistic, even in regions which still have a particularly high incidence. Assessment of the proportionality of the measures should also take into account the fact that, in view of the virus mutation, the effective containment of the spread of COVID-19 would be seriously jeopardised if this objective could not be achieved and that comprehensive protective measures are therefore required.
- 10 Since the start of **vaccination** in Germany on 27 December 2020, over a million citizens have been vaccinated in Germany. Administration of the first of the second doses of vaccinations, at an interval of at least three weeks after the initial vaccination, has already started. Almost 50 percent of the residents of nursing homes have already been vaccinated. The Federal Government and the Länder are sticking to their goal of offering all residents of care homes and nursing homes the opportunity to be vaccinated by mid-February at the latest.

After vaccine deliveries were carried out according to plan up to 18/19 January 2021, last Friday the Federal Government and the Länder were informed unexpectedly and with far too little notice via the EU Commission that due to modifications in the Puurs production facility, Pfizer / BioNtech would not be able to fully meet the delivery quantities that had already been confirmed for the next two to three weeks. According to Pfizer, the modifications are designed to increase production capacity from mid-February onwards.

Now, it has been promised that the quantities announced for the first quarter of 2021 will be delivered in full in the first quarter, despite these modifications.

The Federal Government and the Länder ask the EU Commission to obtain clarity and certainty as soon as possible in their negotiations with Pfizer / BioNTech regarding further deliveries and delivery dates, at least until the end of the first quarter.

The Federal Government and the Länder are confident that after the approvals of vaccines from Pfizer / BioNTech and Moderna, the timetable announced by the EMA will lead to approval of the vaccine from AstraZeneca by the end of January, provided that the review of the data submitted produces no unexpected results. The approval of this third vaccine for the European Union would allow a significant increase in the vaccine supply during the first quarter of the year.

The Federal Government and the Länder welcome the enormous willingness to cooperate demonstrated by the German and European pharmaceutical industry. As the Federal Government has been promoting and supporting such cooperation since last spring, now, following the approval of the first vaccines, further intensified collaborative efforts are being undertaken, whether in mechanical engineering, by the manufacturers of precursors in the chemical industry or with regard to the expansion of capacities for bottling in order to increase these production and bottling capacities as soon as possible. A particular challenge here is the entirely new nature of the mRNA technology, which requires special expertise and a special production environment. With this in mind, the cooperation announced between CureVac and Bayer is also to be welcomed. The oversight and approval authorities of the Federal Government and the Länder of the respective locations will accelerate the necessary procedures by pooling resources and streamlining the formal processes. This will help ensure that the common goal of providing all those who wish to be vaccinated in Germany with the opportunity to be vaccinated by the end of the summer at the latest can be achieved. This goal is attainable if the planned approvals and the promised delivery quantities arrive as scheduled. The Federal Minister of Health and the health ministers of the Länder are asked to constantly update and coordinate the logistics concept for the vaccination campaign.

Based on notifications from the manufacturer, the Federal Government will provide reliable delivery times to the Länder to ensure reliable local scheduling. A planning horizon of six weeks is desirable.

- 1 It is essential to obtain an overview of the spread of mutations in Germany through increased **sequencing**. For this reason, on 18 January 2021 the Federal Ministry of Health issued a coronavirus surveillance ordinance for the first time, which

creates the conditions (structure, compensation, reporting processes, etc.) for more genome sequence data on the variants of the virus circulating in Germany to be made available for analyses and reported to the RKI through pathogen surveillance, , in order to quickly identify relevant known and above all new mutations and their spread and take appropriate action. The Federal Government will submit an initial evaluation of the results available to date by the beginning of February.

- 2 The Federal Government and the Länder would like to thank the employees of the **health authorities** for the important work they have been doing under severe pressure for almost a year now to control the pandemic. In light of the high infection rate in recent months, work has had to be prioritised in many instances, and complete contact tracing has no longer been possible. The guiding principle of the strategy to ease restrictions is to re-establish and maintain control over the infection rate through complete contact tracing. To achieve this, the health authorities need to be equipped with the organisational and personnel resources they require. For this reason, the Länder will now increase the personnel available to the health authorities where necessary so that comprehensive contact tracing can be guaranteed at least up to a seven-day incidence of 50 new infections per 100,000 inhabitants. The Federal Government will support the Länder in this task through a joint initiative, in which students will be trained to use the SORMAS system and recruited to assist with contact tracing during the upcoming university holidays from mid-February to mid-April.
- 3 In order to save the dedicated health authority employees from unnecessary work in their crucial efforts to combat the pandemic, the Federal Government, in cooperation with partners, has (further) developed digital tools for their daily work, in full compliance with the applicable data security and data protection requirements. In view of the need to soon ensure complete traceability of the chains of transmission by the health authorities once again, widespread use of **SORMAS** (Surveillance Outbreak Response Management and Analysis System) is particularly vital for better management of contact persons and contact chains. Through corresponding regulations, the Länder will ensure that all health authorities use SORMAS and DEMIS in future. The Federal Government will provide the necessary technical resources. SORMAS is to be installed in all health authorities by the end of February. The Länder will agree with the SORMAS developers on a process for connecting or integrating their current software systems.

- 4 The extension of the measures presents companies and employees with further challenges. For this reason, the **Federal Government's interim financial help III package** has been improved once again. For the particularly affected retail trade sector, the legally permitted depreciation on non-saleable seasonal goods will be taken into account in the fixed costs. The Federal Government will also simplify the access conditions as a whole and increase the monthly maximum amounts of support for companies and self-employed individuals substantially. Since many companies are reaching the applicable upper limits on aid as a result of the long duration of the pandemic, the Federal Government has urgently requested the European Commission to raise the maximum legal limits on state aid.

The Federal Government will substantially increase the instalment payments and make them directly. The Länder will make the regular payments. Once the Federal Government has fulfilled the necessary requirements, the Federal Government and the Länder will make the payments as quickly as possible. The instalments for the interim financial help III package will be paid in February. The specialist procedures will be programmed in time for the final payments by the Länder to take place in March.

The obligation to file for insolvency for managers of companies entitled to financial aid within the framework of state aid programmes to mitigate the consequences of the COVID-19 pandemic who have submitted a promising application to this end in time, is suspended until the end of April.

The WHO has repeatedly determined that due to its freedom of movement, the European Union should be regarded as one area epidemically. Already during the past months, different infection rates and different restrictive measures have repeatedly led to reciprocal impacts of the infection rates between Germany and neighbouring countries on one another, in spite of the measures taken. In view of possible mutations that spread dominantly, the need for a common strategy to tackle the spread of the virus and to fight the mutations is of the utmost importance. For this reason, Germany will campaign at the European Council meeting on 21 January 2021 for the European states to implement comparable and synchronised measures to detect and contain virus mutations and to reduce the infection rate overall, in order to avoid further **restrictions on travel entry**. Already this week, the Federal Government has passed entry regulations which replace the existing entry restrictions for the United Kingdom and South Africa put in place shortly before Christmas, and is now generally applicable to travellers entering from countries that are classified as transmission areas with problematic virus variants, and which

prescribes even more stringent testing and quarantine requirements as well as requirements for carriers of passengers. In addition, for entry into Germany from high-risk areas, Germany has introduced mandatory testing on entry (two test strategy) alongside the existing ten-day mandatory quarantine, which can be terminated prematurely as soon as a negative COVID-19 test result is obtained from a test that can be carried out no earlier than the fifth day of quarantine. The special situation of border regions (cross-border commuters) has also been taken into account within the context of this new strategy. The requirement of mandatory testing on entry can be satisfied by testing within 48 hours prior to entry, or by testing immediately after entry. Testing before entry is mandatory for travellers from regions with mutations. The Federal Government and the Länder once again expressly point out that travel to high-risk areas without valid reason should be avoided at all costs, and that in addition to the mandatory testing and quarantine period, online entry registration is obligatory for travellers entering Germany from high-risk areas.

Statements for the record:

TH regarding point 8: The Federal Government is asked to investigate whether and how a testing strategy for businesses, public service and educational and childcare facilities can contribute to lasting protection against infection.

TH regarding point 9: The Free State of Thuringia advocates that the Länder precisely define their current long-term strategies on how to respond to the different incidence rates uniformly throughout the country (common adoption of a traffic light system):

An incidence of up to 35 means that no special measures are necessary: green. From 35 upwards, measures such as social distancing and hygiene rules will be implemented: yellow. From an incidence of 50 upwards, those measures will be implemented which have proven useful for reducing the incidence, such as closing retail outlets and restaurants, etc. (red). A state of emergency will occur if the incidence exceeds an average of 400 throughout the respective Land.

BB regarding point 15: Land Brandenburg assumes that after the coming into effect of the federal COVID-19 entry regulations for cross-border commuters/frontier workers, that particularly in system-relevant areas (critical infrastructure, healthcare/nursing, food logistics) a viable solution can be found with the Federal Government for implementing the mandatory testing, even after entry into the country.