

**Video conference between the Federal Chancellor and the Heads of  
Government of the Länder on 3 March 2021**

**DECISION**

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

The Federal Chancellor and the Heads of Government of the Länder are very grateful to the citizens for their support in the fight against the pandemic and for the broad solidarity in the unavoidable lockdown. Everyone knows that this is associated with great restrictions and sacrifices, which makes the tremendous discipline with which it is being implemented all the more commendable. The principle of avoiding contact with others remains the primary tool in the fight against the pandemic, saves countless human lives every day and prevents serious cases of COVID-19.

The Federal Chancellor and the Heads of Government of the Länder understand how important it is to give citizens and the economy a planning perspective on how and when restrictions can be lifted again so that our lives can gradually return to normal. This perspective is particularly important for children, young people and their parents. The Länder are therefore responsible for deciding on the gradual return of pupils to lessons in the classroom (with special precautions, such as rotating classes and hygiene measures).

The daily case numbers are showing that the efforts over the last few months have really made a difference and led to lower incidence rates, which has significantly relieved the burden on the healthcare system and led to fewer deaths.

At the same time, the proportion of the virus variants among the infections in Germany is increasing rapidly, which means that the number of new infections is now beginning to rise again. Experiences from other countries have shown how dangerous the different COVID-19 variants are and make it clear that we must be cautious when restarting public life again. This is the only way to make sure that we do not squander what we have achieved.

So far, the so-called AHA+CL rules (distancing, hygiene, face masks, Corona-Warn-App, ventilation), effective contact tracing by the health authorities and the limiting of personal contacts have been the most important weapons in the fight against the pandemic. Now, two factors are changing the pandemic situation significantly - the

increasing quantities of vaccines and the availability of rapid tests and self-administered tests in very large numbers.

Within a few weeks, the oldest citizens will be vaccinated, among whom a major portion of the severe and fatal cases have been recorded during the pandemic to date. This means that, in future, with a comparable infection rate, the number of severe and fatal cases, and thus the burden on the healthcare system, will be significantly lower. Nevertheless, we cannot tolerate all new rates of infection. If the number of infections increases exponentially again, the healthcare system will quickly be stretched to the limit - this time with younger patients. Numerous reports about the long-term consequences of COVID-19 ("long COVID") also urge caution, because their frequency and severity still cannot be accurately estimated.

In addition to reducing the number of severe cases, vaccination has further positive effects by developing herd immunity. These are not immediate, however - the extent at which the groups of people and the age groups that have many contacts are increasingly getting vaccinated goes hand in hand with the vaccination becoming increasingly effective against the spread of the virus. There is therefore legitimate hope for an ever easier containment of the number of cases in the summer and for a progressive return to normal.

The availability of rapid tests and self-administered tests in large quantities is another component that will enable us to positively influence the pandemic in the coming months. Rapid tests and self-administered tests are able to accurately determine whether someone is currently contagious with an acute COVID-19 infection. However, the diagnostic value of the rapid test or self-administered test decreases significantly after a few hours, as they cannot detect a new infection with a low viral load or an infection after the test was conducted. In this respect, rapid tests can provide additional safety for contacts on a daily basis. Regular testing can be of help with a view to also detecting asymptomatic infections. Infected people can then be quarantined faster and their contacts can be traced better. The more citizens that consistently participate in the testing programme, the greater the effect. The Federal Government and the Länder now see a chance that the significant expansion of testing and a testing programme combined with better traceability of contacts in the event of an infection can enable steps to ease restrictions, even with a 7-day incidence of more than 50 new infections per 100,000 inhabitants.

Digital platforms are an important means of assisting the health authorities with effectively and quickly tracing the contacts of infected people. The better the direct

exchange of data between the health authorities, possible contacts and the operators of businesses and institutions, the faster the detection of infection clusters and chains of transmission will be in many areas of public life.

Since the virus knows no borders, it remains important that the Federal Government and the Länder act together and uniformly on the steps to ease restrictions. This requires fast and decisive regional countermeasures as soon as the numbers start to increase again in a region due to the various COVID-19 virus variants that have meanwhile been identified, in order to avoid further restrictions throughout the nation.

If the infection rate remains stable, there will be a four-pronged approach of vaccination, testing, contact tracing and easing of restrictions over the coming weeks and months.

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

1. According to the manufacturers, more than eleven million vaccine doses will be supplied to the Länder by the end of the current calendar week. Up to 200,000 **vaccinations** are currently being carried out per day. The vaccination campaign will now gain significant momentum and the number of vaccinations actually carried out in the vaccination centres and by the mobile vaccination teams in the Länder will be doubled per week, as planned.

All the Länder have already smoothly progressed to offering vaccines to people in priority category 2 under the coronavirus vaccination regulations ("high priority"). Now the staff in childcare facilities, daycare centres, primary schools and special needs schools have also been assigned to this category.

The Federal Ministry of Health will further explore the existing possibility of involving general practitioners as part of the update of the national vaccination strategy and to facilitate a better transition to the next phase. The federal vaccination regulations will be amended so that from the second week of March, the contracting of selected service providers among GPs by the Länder has a regulated framework. This includes explicit rules for remuneration for the corresponding medical services, for the required digital recording of the vaccination rates and for payment via the Associations of Statutory Health Insurance Physicians. The contracted doctors should also check the proof of entitlement and the prioritisation locally in their practice. As with the vaccination centres, the vaccines procured by the Federal Government will be made available through the responsible state authorities. The number of vaccinations administered per vaccine type must be included in the daily notifications of the respective Länder to the RKI.

The transition to the next phase of the national vaccination strategy is planned for the end of March/beginning of April. In this phase, the GPs and specialist medical practices which routinely offer vaccinations as part of their regular services will be fully integrated into the vaccination campaign. Issues of remuneration, logistics, distribution, availability of vaccination equipment and the independent reporting of data to the RKI are in final talks on cooperation between all parties involved. The Federal Ministry of Health will issue the legal regulations required for implementation in March.

Parallel operation of the vaccination centres and mobile vaccination teams in the Länder will remain necessary, and they will be continuously supplied with the same number of vaccine doses per week from April onwards for better planning. Appointments in the vaccination centres will continue to be allocated strictly according to the priority groups. The prioritisation set out in the coronavirus vaccination regulations also applies in principle to the vaccinations in the medical practices. The final decision on prioritisation will take place locally based on the respective medical assessments. This will help to make the vaccination process more flexible at this stage.

Since the start of the vaccination campaign, it has been possible to involve company doctors, especially in connection with mobile vaccination teams. In a further step, these doctors and companies will be more closely involved in the vaccination campaign during the second quarter.

In order to offer many citizens the opportunity to be vaccinated as soon as possible, the doses reserved for the second vaccination should be significantly reduced even further, and the permitted intervals between the first and second vaccination should be used to the fullest extent possible. The Federal Minister of Health will issue updated recommendations in this regard.

Study results from the UK show that AstraZeneca's vaccine is generally highly effective, also in the elderly population. The Federal Government and the Länder expect the Standing Committee on Vaccination (STIKO) to make a decision soon on recommending the vaccine for the over 65s, in order to rapidly adjust the vaccination appointment schedule accordingly, so that it can be administered quickly and with correct prioritisation.

Some of the German border regions are very badly affected by the virus entering from high-incidence foreign regions. In order to enable so-called ring vaccination to protect the population and the interior of the country, the vaccination regulations will

be amended so that vaccine use can be prioritised there, within the vaccine quotas of the respective Länder.

2. In the coming weeks and months, until all citizens can be offered the opportunity to be vaccinated, regular **coronavirus tests** will be an important component in enabling safe contacts and a progressive return to normal. Rapid tests are now available in large numbers, and the range of tests on the market is currently being expanded by inexpensive self-administered tests.

The national testing strategy will therefore be supplemented by the following measures, which are to be implemented step by step by the beginning of April:

- In order to ensure safe school operations and safe childcare, the Länder will ensure that staff in schools and childcare facilities as well as all pupils receive the offer of at least one free rapid test per week of attendance as part of their testing concepts. A certificate of the test result shall be issued where possible.
- For comprehensive protection against infection, it is necessary that companies in Germany offer at least one free rapid test per week to their employees who are present at work, as part of their overall contribution to society. A certificate of the test result shall be issued where possible. The Federal Government will discuss this with the business community later this week.
- All asymptomatic citizens will be allowed a free rapid test at least once a week, including a certificate of the test result, at a testing centre operated by the respective Land or municipality, at third parties commissioned by the respective Land or municipality or at GPs' surgeries. The Federal Government will cover the costs from 8 March onwards.

The Federal Government and the Länder urgently advise that a positive rapid test or self-administered test requires immediate isolation and a mandatory confirmation test by means of PCR. Such a PCR test can be performed free of charge. In these cases, isolation of category 1 contact persons is necessary if the PCR test is also positive. The recommendations of the Robert Koch Institute apply.

The Federal Government and the Länder are forming a joint task force for testing logistics, in order to ensure the highest possible availability and fast delivery of rapid tests, including self-administered tests, for the needs of the public authorities. This will be formed under the joint management of the Federal Ministry of Health (BMG) and the Federal Ministry of Transport and Digital Infrastructure (BMVI), with the participation of the Federal Ministry of Finance (BMF), the Federal Ministry of Labour and Social Affairs (BMAS), the Federal Ministry for Economic Affairs and Energy (BMWi) and the Federal Chancellery (BKAm), one representative from

each of the Länder, who has overall responsibility for testing-related logistics, as well as representatives from the producer, trade and logistics sectors.

3. The existing decisions of the Federal Chancellor and the Heads of Government of the Länder shall continue to apply, provided this decision does not make any deviating specifications. The Länder will amend their own regulations accordingly and **extend them until 28 March 2021**.
4. The possibilities for **private gatherings** with friends and relatives will be expanded again from 8 March: private gatherings of one's own household and another household will be possible, but limited to a maximum of five people. Children up to the age of 14 are not included in this limit. Couples are considered to be one household.

In regions with a 7-day incidence of less than 35 new infections per week, the possibilities for private gatherings can be expanded to one's own household and two additional households, with a maximum total of ten people. Children up to the age of 14 are not counted as part of this figure.

If the 7-day incidence per 100,000 inhabitants increases to more than 100 on three consecutive days in any Land or region, the rules that applied until 7 March will come into force again there from the second following working day (emergency brake). Afterwards, the possibility for private gatherings will once again be restricted to one's own household and one other person. Children up to the age of 14 are not included in this limit.

In any case, keeping the number of households with which such gatherings are held as constant as possible and as low as possible ("social bubble"), or conducting a self-administered test on all participants beforehand, contributes significantly to reducing the risk of infection.

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5. Now that the first steps to ease restrictions for schools and hairdressers as well as individual further steps to ease restrictions in the Länder have already been completed, **second steps to ease restrictions on public life** will follow
  - for bookshops, florists and garden centres, which will be treated uniformly as **retail for daily needs** in all Länder. Accordingly, they can also reopen, subject to appropriate hygiene concepts and a limit of one customer per 10 square metres for the first 800 square metres of retail space, plus one customer for each additional 20 square metres.

- Furthermore, the remaining personal care service providers as well as driving schools and flight schools can also reopen with appropriate hygiene concepts, whereby a COVID-19 rapid test or self-administered test by the customer performed that day and a testing concept for the staff are required for the use of services in which a mask cannot be worn permanently - such as for cosmetics or shaving.
- At the same time, all reopened retail sectors will ensure compliance with capacity limits and hygiene regulations through strict access control measures and consistent implementation of the hygiene concepts.

6. Länder may undertake **third steps to ease restrictions**, depending on the infection rate:

a. If there is a stable 7-day incidence of less than 50 new infections per 100,000 inhabitants in any Land or region, the respective Land may permit the following additional openings, either throughout the Land or regionally:

- opening retailers with a limit of one customer per 10 square metres for the first 800 square metres of retail space, plus one customer for each additional 20 square metres;
- opening museums, art galleries, zoological and botanical gardens and memorials;
- non-contact outdoor sports in small groups (max. 10 people), also using outdoor sports facilities.

If the 7-day incidence increases to more than 50 new infections per 100,000 inhabitants on three consecutive days in the Land or region, then the reopened areas will be subject to paragraph 6b from the second following working day.

b. If there is a stable or decreasing 7-day incidence of less than 100 new infections per 100,000 inhabitants in the Land or region, the respective Land may permit the following additional openings, either throughout the Land or regionally:

- opening retailers for so-called click and meet offers, whereby one customer can be admitted per 40 square metres of retail space by prior appointment for a fixed period of time, with their documentation for contact tracing provided to the retailer;
- opening museums, art galleries, zoological and botanical gardens and memorials to visitors by prior appointment, with documentation provided for contact tracing;

- individual sport with a maximum of 5 people from 2 households and sport in groups of up to twenty children up to 14 years of age outdoors, also using outdoor sports facilities.

Joint agreements should be made with neighbouring regions that have higher incidence rates in order to avoid use of the reopened services by inhabitants of neighbouring Länder as far as possible.

If the 7-day incidence per 100,000 inhabitants rises to more than 100 on three consecutive days in the Land or region, the rules that applied until 7 March will come into force again there from the second following working day (emergency brake).

**7. Fourth steps to ease restrictions** – once again depending on the infection rate – can be carried out if the 7-day incidence has not deteriorated for 14 days after the third steps to ease restrictions in the Land or region have been taken:

a. If the 7-day incidence remains stable for 14 days at less than 50 new infections at Land or regional level after implementation of the third steps to ease restrictions, the respective Land may permit the following additional openings, either throughout the Land or regionally:

- opening outdoor cafés and restaurants;
- opening theatres, concert and opera houses as well as cinemas;
- non-contact indoor sports, outdoor contact sports.

If the 7-day incidence increases to more than 50 new infections per 100,000 inhabitants on three consecutive days in the Land or region, then the reopened areas will be subject to paragraph 7b from the second following working day.

b. If there is a stable or decreasing 7-day incidence of less than 100 new infections per 100,000 inhabitants in the Land or region, the respective Land may permit the following additional openings 14 days after the third steps to ease restrictions, either throughout the Land or regionally:

- opening outdoor cafés and restaurants to guests by prior appointment, with documentation for contact tracing; a COVID-19 rapid test or self-administered test of the guests performed that day is required for persons from more than one household who sit together at one table;
- opening theatres, concert and opera houses as well as cinemas for visitors with a COVID-19 rapid test or self-administered test performed that day;
- non-contact indoor sports as well as outdoor contact sports, provided that all participants have a COVID-19 rapid test or self-administered test performed that day.

If the 7-day incidence per 100,000 inhabitants rises to more than 100 on three consecutive days in the Land or region, the rules that applied until 7 March will come into force again there from the second following working day (emergency brake).

8. **Fifth steps to ease restrictions** – once again depending on the infection rate – can be carried out if the 7-day incidence has not deteriorated for 14 days after the fourth steps to ease restrictions in the Land or region:
  - a. If the 7-day incidence remains stable for 14 days at less than 50 new infections at a Land or regional level after implementation of the fourth steps to ease restrictions, the respective Land may permit the following additional openings, either throughout the Land or regionally:
    - leisure activities for up to 50 participants outdoors;
    - indoor contact sports.

If the 7-day incidence increases to more than 50 new infections per 100,000 inhabitants on three consecutive days in the Land or region, then the reopened areas will be subject to paragraph 8b from the second following working day.

- b. If there is a stable or decreasing 7-day incidence of less than 100 new infections per 100,000 inhabitants in the Land or region, the respective Land may permit the following additional openings 14 days after the fourth steps to ease restrictions, either throughout the Land or regionally:
      - opening retailers with a limit of one customer per 10 square metres for the first 800 square metres of retail space, plus one customer for each additional 20 square metres;
      - non-contact indoor sports, outdoor contact sports (without testing requirements).

If the 7-day incidence per 100,000 inhabitants rises to more than 100 on three consecutive days in the Land or region, the rules that applied until 7 March will come into force again there from the second following working day (emergency brake).

9. On 22 March 2021, the Federal Chancellor and the Heads of Government of the Länder will discuss **further steps to ease restrictions** and the prospects for establishments in the café and restaurant, cultural, events, travel and hotel sectors that have not yet been specified here, in light of the infection situation and taking into account the testing strategy that has been launched, vaccinations, the spread

of virus mutations and other influencing factors.

10. In view of the pandemic situation, a reduction of epidemiologically relevant contacts in the workplace and on the way to and from work remains necessary. The relevant regulations will therefore be extended until 30 April 2021: Employers must enable employees to **work from home**, provided that their work tasks permit this. The Federal Chancellor and the Heads of Government of the Länder call upon employers to apply the SARS-CoV-2 Occupational Health and Safety Regulation (Arbeitsschutzverordnung) consistently, to significantly reduce the staff on site in the workplace by offering generous opportunities to work from home, or to keep their offices closed completely. They ask all employees to make use of the offer. Where working from home is not possible, medical masks should be worn whenever more than one person is in one room.

11. The Länder will ensure in their regulations that the mandatory documentation for **contact tracing can also be provided in electronic form**, for example via apps, if it can ensure that the time, location and availability of the contact person are documented with sufficient precision, and that in the event of an infection, the data is made available directly to the responsible health authorities in a usable form. Within the framework of a nationwide standardised procedure, the Länder will jointly select, urgently procure and introduce a system for the digitalisation of contact tracing, and make it available free of charge. On this basis, the Federal Government and the Länder will then commission the back-end access for the health authorities in the SORMAS system. Due to the constitutional distribution of competence and analogous to the ELSTER portal, one of the Länder will be tasked with running the back-end. Financing for the back-end as well as the acquisition and operation of the selected and commissioned system will be provided by the Federal Government for the next 18 months.

12. The Federal Government and the Länder will continue to assist companies with extensive support measures. Since November alone, more than 8 billion euro have been paid out by the Federal Government through the various aid programmes. By launching the restart aid, we are also supporting solo self-employed persons who were previously only able to apply for interim financial help to a limited extent due to low fixed operating costs. With the so-called extended November/December aid and the increase in the instalment payments for the interim financial help III package to up to 800,000 euro, we can now also help large companies with a greater financial need. The current turnover limit for the interim financial help III package of 750 million euro is no longer applicable to companies affected by closure orders on the basis of Federal Government or Länder decisions in the retail, events and cultural sectors, the hotel industry, cafés and restaurants, the pyrotechnics sector, and companies in the wholesale and travel sectors, which are considered to be affected sectors for the purposes of this regulation. The maximum monthly funding for

affiliated companies has already been increased to 3 million euro. With the 50% financed **hardship fund**, the Federal Government and the Länder are providing an additional offer to help in cases where the aid programmes have not yet been able to take effect. The details will be clarified before the conference of the Head of the Federal Chancellery and the heads of the state and senate chancelleries next week.

13. The Federal Government will reimburse the Länder and municipal portions of the one-off child bonus of 150 euro for each child eligible for child support in 2021.
14. A decision will be made on further **child sick-leave benefit days** in 2021 depending on how quickly schools and childcare facilities can return to reliable operations under pandemic conditions.
15. In view of the many unknown factors associated with the further course of the pandemic, **hospitals** require financial security in order to continue focussing on their highly challenging task in the pandemic. In its recommendations of 24 February 2021, the advisory council to the Federal Ministry of Health (BMG) formed to examine the impact of coronavirus-related special regulations recently underlined the need for compensation for revenue losses due to the coronavirus. The BMG will therefore – in accordance with this recommendation and analogous to the regulations for 2020 – in agreement with the Federal Ministry of Finance, promptly issue legal regulations so that hospitals can also agree on an appropriate contribution to compensation for revenue losses compared to 2019 for the year 2021. Questions about further details, and in particular about ensuring liquidity, will be resolved by the next meeting between the Federal Government and the Länder on 22 March.
16. The Federal Government and the Länder maintain their urgent appeal to all citizens to refrain from non-essential local and international **travel**. They explicitly point out that when entering from foreign high-risk areas, it is mandatory to perform online registration for travellers entering Germany, and that there is a mandatory quarantine for a period of 10 days after return. A premature end to the quarantine is only possible after a negative test, which can be taken on the fifth day after return at the earliest. Due to the widely-described longer contagious period of virus variants, this explicitly does not apply to return trips from virus variant regions from 8 March onwards. In such cases, a quarantine period of 14 days must be strictly observed. In addition, limited transport possibilities are to be expected when returning from virus variant regions.

Statements for the record:

**Saxony:** The Free State of Saxony considers the unconditional steps to ease restrictions decided here to be unjustifiable in view of the current and foreseeable infections and the vaccination rate; it is of the opinion that steps to ease restrictions must be linked to a mandatory and functioning testing system.

**Thuringia:** In the decision of the conference between the Federal Chancellor and the Heads of Government of the Länder, it is correctly stated that the available quantities of vaccines and the availability of rapid tests (for third-party or self-administered testing) are changing the pandemic situation.

These changes, in conjunction with the progress made towards vaccinating particularly vulnerable groups, healthcare workers and educational staff, have further effects, in particular on the primary goal of pandemic management to prevent overburdening the healthcare system.

In the opinion of the Free State of Thuringia, this inevitably leads to changes regarding the indicators which are relevant for making any decisions on easing the lockdown. The Free State of Thuringia holds the view that the sole focus on the incidence rate must be supplemented by including further indicators, such as the vaccination rate among vulnerable groups and the occupancy rates of intensive care units.

In time for the conference between the Federal Chancellor and the Heads of Government of the Länder, the Robert Koch Institute (RKI) published a methodological framework for the development of a nationally applicable step-by-step plan. In view of the existing step-by-step plans of different Länder, it would have been possible and necessary from a Thuringian point of view to base today's decision-making on this approach outlined by the RKI, and thus take account of the decisions of 19 January and 10 February 2021.

**Lower Saxony, Saxony-Anhalt:** The Länder Lower Saxony and Saxony-Anhalt view the decisions on the steps to ease restrictions as a framework for orientation, which they will implement in accordance with the case law of the OVG Lüneburg on the nature of the incidence levels in Section 28a (3) BInfSchG, as well as the proportionality of the measures derived therefrom, and taking into account the availability of suitable rapid tests to strengthen pandemic control measures.