

Video conference between the Federal Chancellor and the Heads of Government of the Länder on 10 August 2021

DECISION

Item 1: Overcoming the flood disaster and its consequences

The flood events experienced over the last few weeks in some regions of our country are a disaster at national scale. The number of fatalities is shocking, the damage immense. The Federal Chancellor and the Heads of Government of the Länder express their sympathy to the victims of the flood disaster and thank all those offering assistance for their efforts, which have prevented even graver consequences. No-one can tackle a situation like this alone. The Federal Government will provide the Länder with extensive support for their emergency aid programmes and is also prepared to assist financially with reconstruction over the coming months and years.

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

1. On 21 July 2021, the Federal Government already decided to contribute half of the emergency aid for the affected Länder. The emergency aid serves to bridge emergency situations affecting citizens, agriculture and forestry, commercial industry and local authorities. In specific terms, the Federal Government will contribute an initial sum of EUR 400 million to the approved emergency aid for the Länder. There is no plan to impose an upper limit on the total sum. The corresponding administrative agreement was signed by the Federal Government and the affected Länder on 30 July 2021.

Furthermore, on 4 August 2021, the Federal Government also adopted a draft law to suspend the obligation to file for insolvency until 31 October 2021.

2. The Federal Government has also assured the Länder that, based on the overall estimated cost of damages, it will also contribute half the cost of necessary reconstruction and will quickly reinstate the federal infrastructure.

The Federal Chancellor and the Heads of Government of the Länder have agreed to establish a national fund for subsequent reconstruction aid entitled “Aufbauhilfe 2021” as a special Federal Government fund with EUR 30 billion. The reconstruction measures of the Länder costing EUR 28 billion will be financed half by the Federal Government and half by the Länder. The contributions of all the Länder will be settled through an adjustment of the vertical distribution of VAT revenue over 30 years.

The Federal Cabinet intends to decide on this on 18 August 2021.

3. The Federal Chancellor and the Heads of Government of the Länder instruct the relevant federal ministries and the affected Länder to draft, agree and adopt the necessary secondary regulations (particularly ordinances and administrative agreements) without delay. In view of the urgent need to repair the damage and the necessity to postpone administrative processing, an exception to the principle of prior approval of measures will also be made in this case.
4. The Federal Government and the Länder will not require the affected Länder and local authorities to reimburse the costs for their respective emergency workers.
5. Within the framework of their particular areas of competence and financial responsibility, the Federal Government and the Länder will endeavour to improve local systems of warning the population in the event of an emergency situation. This includes, in particular, the Federal Government’s siren funding programme, which is to provide the Länder with a total of up to EUR 88 million by 2023 for erecting and retrofitting sirens. Corresponding administrative agreements are already available to the Länder in question for signing. In addition, the Cell Broadcasting System is to be introduced so that in future the population can also be

warned via text messages to their mobile phones. The Federal Government is currently preparing the relevant legal foundations for this. In parallel, mobile phone masts in Germany are to be adapted to this technology in the short term.

6. Against the backdrop of current events, the Federal Chancellor and the Heads of Government of the Länder request that the Conference of Ministers of Justice review whether the existing evaluation for mandatory insurance for natural disasters should be updated.

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Item 2: Measures for overcoming the coronavirus pandemic

After the number of infections fell in the spring and remained at a low level in the summer, it has been rising again over the last few weeks. How the number of infections develops depends essentially on how high the vaccination rate is in Germany. For this reason, the Federal Chancellor and the Heads of Government of the Länder are urging all citizens to get vaccinated quickly. Sufficient vaccines are now available. The promise to offer every citizen the opportunity to be vaccinated this summer has now been fulfilled.

A very high vaccination rate is particularly necessary because the “Delta” variant of the virus now prevalent in Germany is considerably more infectious than previous variants. It is good that the vaccines are also proving to be very effective against this variant. In order to prevent the spread of the virus, those who are unvaccinated will have to be tested regularly in the foreseeable future whenever they meet other people indoors.

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

1. The Federal Chancellor and the Heads of Government of the Länder urgently appeal to the people in Germany to **take up the offer of vaccination** against the SARS-CoV2 virus **as soon as possible** if they have not already done so. The mRNA vaccines, which are currently virtually the only ones being used in Germany, provide complete protection 2 weeks after the second vaccination. Anyone wishing to be

fully protected in the autumn must get vaccinated now. Both in clinical trials and in millions of applications worldwide over the past few months, the vaccines have proven to be very safe and effective against the Delta variant currently prevalent in Germany. Low threshold, target group-focused and outreach provision is making access to vaccinations easier. The Federal Government and the Länder call on employers in Germany to support the uptake of vaccinations among their employees, in particular by providing information for staff, establishing company vaccination services provided by in-house doctors as well as offering employees time off to get vaccinated. The vaccination decisions made at the GMK (Conference of the Ministers of Health of the Länder) on 2 August are being implemented.

2. Those who are **fully vaccinated** protect themselves and others from infection with the SARS-CoV2 virus and thus protect society from another wave of the virus. Those who have recovered from a COVID-19 illness have comparable immunity from the virus¹. Those who are vaccinated or have recovered will therefore be exempt from regulations on testing under federal or state law². Furthermore, the Robert Koch Institute (RKI) has updated its recommendations regarding **quarantine for contact persons** to the effect that close contacts who are fully immunised and have no symptoms are, in principle, no longer required to go into quarantine. Those who are vaccinated or have recovered are also exempt from the requirement to quarantine after returning to Germany from a high risk area.
3. To ensure the best possible level of protection against infection, the **basic protective measures** still apply **for the whole population**. These include adhering to the basic rules of social distancing, observing hand hygiene, wearing face masks indoors and regular ventilation of indoor spaces. It is also absolutely necessary for anyone experiencing

¹ A booster vaccination for the recovered is required after 6 months (possible as early as after 4 weeks)

² Legal provisions and protection strategies for medical facilities, nursing and care homes as well as assisted living facilities for the disabled may include different guidelines to protect particularly vulnerable groups. Please see the relevant recommendations by the RKI. There may also be differences in guidelines for protection against possible new variants of the virus where the effectiveness of the vaccination is unclear or insufficient.

symptoms to stay at home and get tested without delay. Wearing medical face masks in shops and on public transport remains important and is therefore a binding requirement for the whole population. The need for these measures will be reviewed at least every four weeks.

4. In order to prevent the number of infections in Germany from continuing to increase, and in the context of **the “3G” rule (access only for “Geimpfte” (vaccinated), “Genesene” (recovered) or “Getestete” (tested))**, the Länder will provide for relevant regulations for mandatory testing at the latest from 23 August 2021 which will require all those who are neither fully vaccinated nor recovered to present a negative rapid antigen test taken in the last 24 hours or a negative PCR test taken in the last 48 hours. This does not apply to children under the age of 6 years in general and schoolchildren because schoolchildren are tested regularly within the framework of a binding school protection strategy.

Tests are to be a prerequisite for:

- a. Visitor access to hospitals, nursing and care homes and assisted living facilities for the disabled
- b. Access to indoor cafés and restaurants
- c. Participation in indoor events and celebrations (e.g. information events, cultural events or sporting events)
- d. Using personal care services (e.g. hairdressers, beauticians, cosmetic services)
- e. Indoor sports (e.g. at gyms, swimming pools or sports centres)
- f. Accommodation: a test is to be taken for arrival and twice a week for the duration of the stay

The Länder may stipulate regulations under which the 3G rule is completely or partially suspended as long as the 7-day incidence within a district remains stable at under 35 new infections per 100,000 inhabitants or the indicator system of a Land (which includes other factors such as hospitalisation) shows a comparably low infection rate and a rise in the number of infections is not expected to result from suspending the regulations.

The necessity of the 3G rule will be reviewed at least every four weeks.

5. Free public testing has contributed significantly to interrupting the third wave of the SARS-CoV2 pandemic in Germany and has given citizens greater safety in everyday life. As all citizens can now be offered a vaccination directly, it is not appropriate for the Federal Government and therefore the taxpayer to bear the cost of all these tests for the long term. The Federal Government will therefore stop the **provision of free public testing** with effect from 11 October 2021. The option of a free rapid antigen test will still be available to those who cannot be vaccinated and those for whom there is no general vaccination recommendation (in particular pregnant women, children and young people under the age of 18 years).

6. Large events, indoor events, parties, bars and clubs are **areas associated with a particularly high risk of multiple infections (superspreading events)**. This risk becomes considerably higher if the participants do not remain in appropriately distanced, fixed seating for the entire duration of the event. Ventilation in indoor spaces, for instance through air-conditioning equipment, plays a significant role. For this reason, these venues must present hygiene concepts to the responsible health authority that consider all these factors and reduce the risk of infection effectively. In addition to the 3G rule, the Länder and local authorities will continue to apply restrictive regulations or make situation-based decisions in individual cases to determine the permitted number of participants and restrict access where necessary. The Länder agree that in addition to the 3G rule the maximum permitted number of spectators for major sporting events involving more than 5000 spectators must not exceed a maximum of 50 percent of full capacity and no more than 25000 spectators in total.
7. The Federal Government agrees to extend its **interim financial help**. The restrictions on economic performance caused by the measures under Point 6 are to be taken into account. The Länder request that the Federal Government also extends easier access to reduced hours compensation benefit.
8. In order to prevent coronavirus infections at the workplace, the Federal Government will adapt and extend the existing measures under the **Occupational Health and Safety Regulation (Arbeitsschutzverordnung)** to suit the current situation. This particularly applies to the obligation to prepare and update company hygiene concepts and the obligation to offer tests.
9. The Federal Government and the Länder agree that the daily rise in hospitalisations of COVID-19 patients over the last few weeks as an indicator of serious cases is an important factor in evaluating the infection rate. It will therefore be possible in future to quickly and accurately assess the extent to which new infections still lead to serious

cases despite the growing immunity within the population and therefore represent a risk both for the patients as well as in terms of the strain on the healthcare system. The Federal Government and the Länder will take all **indicators** into account, in particular the incidence rate, the vaccination rate, the number of serious cases and the resulting strain on the healthcare system, in order to control further infections.

10. The measures mentioned above and their adaptation according to the given situation in the autumn and winter months are based primarily on the legal provisions defined in the Protection against Infection Act (Infektionsschutzgesetz), which presuppose **an epidemic situation at national scale**. The Federal Chancellor and the Heads of Government of the Länder agree that Germany as a whole is still in a pandemic situation and that the relevant legal provisions for the measures to be taken by the responsible authorities are still necessary in order to tackle the situation. Against this backdrop, they ask the German Bundestag to consider declaring that the epidemic situation at national scale still exists beyond 11 September 2021.

Statements for the record:

Lower Saxony: Lower Saxony considers that applying a new standard of evaluating the pandemic in future is advisable in place of solely observing the number of cases.

Thuringia: Providing face-to-face tuition and keeping schools open is the highest priority. Reference is made to the significance of the relevant decision of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder of 5 August 2021. Furthermore, Thuringia states that it expects the Federal Government to use the available funds in a non-bureaucratic manner so that the governing bodies of schools and nurseries are able to procure air filtration equipment for schools and nurseries without delay.