

**Administrative Offences under the German Infection Protection Act
in connection with the Ordinance on Protection against New
Infections with Coronavirus (CoronaVO) of 3 April 2020**

**Joint Decree of the Federal State Minister for Health, Women and Consumer
Protection and the Federal State Minister of Internal Affairs**

I.

As a rule, the following infringements of regulations or prohibitions contained in CoronaVO shall be punished as administrative offences within the framework of § 73 (2) of the German Infection Protection Act as indicated hereafter. The infringements constitute administrative offences without the need of a prior order to stop the infringement. The fines shown in the following catalogue are standard and framework rates for intentional infringements. Negligent infringements shall be punished by half the threatened standard rate or, in the case of framework rates, by half the threatened maximum framework rate (§ 17 (2) of the German Administrative Offences Act/OWiG). In general, the standard and framework rates may be increased or reduced in accordance with the principles of § 17 (3) OWiG, depending on the circumstances of the individual case (for the individual criteria, please see VI. below).

A fine of more than EUR 250 may only be imposed if actual findings justify the assumption that this amount is not disproportionate considering the financial situation of the person concerned. Mere experience and presumptions relating to a person's financial situation are not sufficient.

No.	CoronaVO	Infringement	Recipient of the penalty notice	Standard or framework rate in EUR
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1	§ 1 (1)	Leaving the apartment or an institution without <ul style="list-style-type: none"> • approval by the public health department • or a special reason pursuant to § 4 (1) or receiving visitors who are not members of the same household	Infected person	400
2	§ 1 (2)	Leaving the apartment or an institution without <ul style="list-style-type: none"> • approval by the public health department • or a special reason pursuant to § 4 (1) or receiving visitors who are not members of the same household	Category I contact person	300
3	§ 2 (1)	Leaving the apartment without <ul style="list-style-type: none"> • approval by the public health department or • a special reason pursuant to § 4 (1) or receiving visitors who are not members of the same household	Person returning from a risk area	300

4	§ 6 (1)	<p>Gatherings of people in the public space</p> <p>Note:</p> <ul style="list-style-type: none"> • This does not include staying outside your home together with one other person who does not live in the same household or together with another person pursuant to § 5 (1) • This covers unorganised, spontaneous meetings as well as accidental gatherings that result from an external cause (e.g. onlookers in a car accident). 	Every person involved	50 to 150
5	§ 6 (1)	<p>Organisation of a private or public event or celebration</p> <p>Note:</p> <ul style="list-style-type: none"> • This covers organised meetings. • In the event of family gatherings in the private sphere, it shall basically not be assumed in view of Article 6 of the Basic Constitutional Law (protection of family life) and Article 13 of the Basic Constitutional Law (protection of residential space) that such conduct is punishable by a fine. This applies for instance if a small number of people are present who are not members of the same household (basically five people). 	Organiser	250 to 2,500

6	§ 6 (1)	<p>Participation in a private or public event or celebration</p> <p>Note:</p> <ul style="list-style-type: none"> • This covers organised meetings. • In the event of family gatherings in the private sphere, it shall basically not be assumed in view of Article 6 of the Basic Constitutional Law (protection of family life) and Article 13 of the Basic Constitutional Law (protection of residential space) that such conduct is punishable by a fine. This applies for instance if a small number of people are present who are not members of the same household (basically five people). 	Every participant	50 to 200
7	§ 7 (3)	Meetings at the premises of associations and in other sports and leisure facilities	<p>Responsible person who decides to open the facility / Organiser</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	250 to 500
8	§ 8	Organisation of motor coach tours and other occasional transport for tourist purposes	<p>Proprietor; in case of legal entities: board of management or similar executive body</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	500 to 2,500

9	<p>§ 9 (1) no. 1</p> <p>“Pubs and restaurants of all kinds; the sale of food and beverages to take away and the delivery of food and beverages remain permitted; consumption on site is prohibited; outdoor seats must be removed or secured against use.”</p>	Opening one of these facilities to the public and, in particular, permission of onsite food or beverage consumption	<p>Responsible person who decides to open the facility</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	500 to 2,500
10	<p>§ 9 (1) no. 2</p> <p>“Bars, tearooms, clubs, discotheques, festival halls, nightclubs/cheap entertainment businesses and similar places of public entertainment”</p>	Opening one of these facilities to the public	<p>Responsible person who decides to open the facility</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	500 to 2,500
11	<p>§ 9 (1) no. 3</p> <p>“Saunas, sauna clubs, solariums, fitness centres, public and private sports facilities, swimming and indoor adventure pools”</p>	Opening one of these facilities to the public	<p>Responsible person who decides to open the facility</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	500 to 2,500
12	<p>§ 9 (1) no. 4</p> <p>“Cinemas, theatres, operas, concert halls, museums and exhibition halls open to the general public”</p>	Opening one of these facilities to the public	<p>Responsible person who decides to open the facility</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	500 to 2,500

13	<p>§ 9 (1) no. 5</p> <p>“Fairs, exhibitions, leisure activity offers (indoor and outdoor), special markets”</p>	<p>Opening one of these facilities to the public</p>	<p>Responsible person who decides to open the facility</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	<p>500 to 2,500</p>
14	<p>§ 9 (1) no. 6</p> <p>“Entertainment centres, gambling halls, casinos, sports betting shops, betting offices and betting brokers”</p>	<p>Opening one of these facilities to the public</p>	<p>Responsible person who decides to open the facility</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	<p>500 to 2,500</p>
15	<p>§ 9 (1) no. 7</p> <p>“Prostitution facilities (including prostitution in private apartments), brothels, brothel-like establishments, swingers clubs, striptease bars, sex cinemas, multiplex cinemas, peep shows and massage parlours”</p>	<p>Opening one of these facilities to the public</p> <p>Note: Sexual services (§ 2 subsection 1 of the Protection of Prostitution Act) in a private apartment or in vehicles are subject in principle to § 12 Sentence 1 no. 3 and Sentence 2 (nos. 22 and 23).</p>	<p>Responsible person who decides to open the facility</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	<p>500 to 2,500</p>
16	<p>§ 9 (1) no. 8</p> <p>“Meeting places and facilities (for elderly people, people with disabilities, young people, adolescents, mothers, families, children etc.), playgrounds (indoor and outdoor)”</p>	<p>Opening one of these facilities to the public</p>	<p>Responsible person who decides to open the facility (except for public, freely accessible playgrounds)</p> <p>Note: Everyone present: Violation of § 6 (1) (no. 4)</p>	<p>250 to 500</p>

17	§ 9 (1) no. 9 "Youth hostels"	Opening one of these facilities to the public	Responsible person who decides to open the facility Note: Everyone present: Violation of § 6 (1) (no. 4)	500 to 2,500
18	§ 9 (2) "All other retail outlets or points of sale not mentioned elsewhere in this Ordinance, in particular shopping centres, § 9 (3)"	Opening one of these facilities to the public	Responsible person who decides to open the facility Note: Everyone present: Violation of § 6 (1) (no. 4)	500 to 4,000
19	§ 10	Provision of overnight accommodation for tourist purposes	Operator, landlord	500 to 2,500
20	§ 10	Provision of catering services to people who are not overnight guests	Operator, landlord	500 to 2,500

21	§ 10	Failure to comply with safety precautions (ensuring a distance of at least 1.5 metres between guests (at tables and standing places))	Operator, landlord	400 to 1,000
22	§ 12 Sentence 1 no. 3	Provision of inadmissible services in general or services by craftspeople	Service provider, craftsman or craftswoman	75
23	§ 12 Sentence 2	Receiving inadmissible services in general or services by craftspeople	Customer	50
24	§ 14 (1) nos. 1-11 "Visiting hospitals, outpatient surgery facilities, preventive care and rehabilitation facilities, dialysis facilities, day hospitals, maternity facilities, full-time inpatient nursing care facilities as defined under 71 (2) SGB (German Social Security Code) XI, facilities for people with disabilities as defined in § 2 (1) SGB IX, full-time inpatient nursing care and integration assistance facilities, residential communities as defined in § 8 (3) BremWoBeG (Bremen State Law on Accommodation and Supervision), guest facilities according to § 5 BremWoBeG, homes for the elderly"	Visiting one of these facilities without a permit pursuant to subsection 2	Visitor concerned	750

25	§ 15 (1) "Subject to subsection 2, day care facilities must not be opened for the purpose of nursing operations"	Opening a day care facility for nursing operations (exception: emergency care according to subsection 2)	Operator	1,000 to 5,000
26	§ 16 (1)	Care in the framework of day-structuring integration assistance services, municipal aid for addicted people and drug users, and emergency housing assistance (exception: emergency care according to subsection 2)	Operator	1,000 to 5,000
27	§ 17 (1) "Public and private schools, public and private children's day care and day nursing facilities"	Teaching or nursing operations (exception: emergency care according to subsection 3)	Supporting organisation Note: Everyone present: Violation of § 6 (1) (no. 4)	1,000 to 5,000
28	§ 18 "Adult colleges, driving schools, adult education centres, neighbourhood education centres, music schools, and other public or private education, further education and advanced training institutions"	Opening one of these facilities to the public or for classroom training purposes	Responsible person who decides to open the facility Note: Everyone present: Violation of § 6 (1) (no. 4)	500 to 2,500

II.

Deliberate or negligent violations of all other regulations or prohibitions contained in CoronaVO, which are not mentioned in Section I, constitute administrative offences if an enforceable order under § 28 (1) Sentence 1 of the German Infection Protection Act to end the violation is disregarded. This applies in particular to

- § 5 (2) (violation of the requirement to keep a distance),
- § 11 (failure to comply with safety requirements),
- § 12 Sentence 1 no. 2 (no organised allocation of appointments)
- § 13 (1) (no postponement of not necessary admissions, operations and other surgical interventions),
- § 15 (2) Sentence 2 (not keeping necessary records/lists),
- § 17 (3) Sentence 3 (not keeping necessary records/lists).

Such orders are enforceable directly by virtue of the law (§§ 28 (3) in connection with 16 (8) of the German Infection Protection Act).

Such infringements shall be punished by a fine amounting to the standard rate of EUR 500.

Please note that any failure to comply with an immediately enforceable order under § 28 (1) Sentence 2 of the German Infection Protection Act in the event of a violation of regulations or prohibitions will also constitute a criminal offence. In case of an immediately enforceable order, this applies in particular to negligent and intentional violations of

- § 7 (1) (meetings in houses of prayer) and
- § 7 (2) (breach of requirements to be observed during funerals).

Here as well, such orders are enforceable directly by virtue of the law (§§ 28 (3) in connection with 16 (8) of the German Infection Protection Act).

III.

The authorities responsible under federal state law for orders under § 28(1) of the German Infection Protection Act may issue further-reaching orders if these do not contradict CoronaVO. In particular, they may issue general prohibitions on entering certain public places and generally prohibit certain types of behaviour in the public space. Such orders are enforceable directly by virtue of the law (§§ 28 (3) in connection with 16 (8) of the German Infection Protection Act).

Deliberate or negligent violations of such immediately enforceable orders also constitute administrative offences (§ 73 (1a) no. 6 in connection with § 28 (1) of the German Infection Protection Act). In addition, violations of immediately enforceable orders issued on the basis of § 28 (1) Sentence 2 or § 30 (1) of the German Infection Protection Act will constitute a criminal offence pursuant to § 75 (1) no. 1 of the German Infection Protection Act. This essentially includes restrictions and prohibitions of events and gatherings of people as well as the isolation of persons.

IV.

If, in the event of a violation of one of the regulations of CoronaVO listed in Section I, an enforceable order to stop the violation is additionally disregarded, the standard rate mentioned in Section I shall be doubled.

Please note that failing to comply with such an order, in the event of a violation of the regulations or prohibitions under § 1 (1) and (2), § 2 (1) (nos. 4 to 6 of the Catalogue), § 6 (1) (nos. 4 to 6 of the Catalogue) and § 17 (1) (no. 27 of the Catalogue), will also constitute a criminal offence. If an act is a criminal offence and an administrative offence at the same time, only criminal law will be applied unless no punishment is imposed (§ 21 of the German Administrative Offences Act/OWiG). In these cases, the first step is therefore to transfer the case to the criminal prosecution authority (public prosecutor's office).

V.

In the event of family gatherings in the private sphere, it shall basically not be assumed in view of Article 6 of the Basic Constitutional Law (protection of family life) and Article 13 of the Basic Constitutional Law (protection of residential space) that such conduct is punishable by a fine. This applies, for instance, when a small number of people are present who are not members of the same household.

In view of the specially protected freedom of religious practice (Article 4 (1) and (2) of the Basic Constitutional Law), prosecution must be refrained from in the case of violations involving religious activities, unless gross or repeated violations are concerned.

VI.

In general, the basis for setting the fine is the significance of the administrative offence and the charges brought against the offender (Article 17(3) Sentence 1 of the German Administrative Offences Act/OWiG). The financial circumstances of the offender shall also be taken into account; however, they are generally not taken into consideration in the event of minor administrative offences, (§ 17 (3) Sentence 2 OWiG)). According to these principles, the standard and framework rates may be increased or reduced depending on the circumstances of the individual case.

Reduction:

A reduction may come into consideration in particular if

- (a) the risk of causing damage to health is unusually low in view of the circumstances of the case,
- (b) the charge brought against the offender appears to be less serious than for average accusable conduct, due to specific reasons relating to the individual case,
- (c) the offender listens to reason so that there is no need to fear repetitions,
- (d) the fine to be imposed constitutes an unreasonable financial burden; or if
- (e) the financial situation of the offender is exceptionally poor.

Increase:

An increase may come into consideration in particular if

- (a) the risk of causing damage to health is unusually high in view of the circumstances of the case; and/or if
- (b) the offender does not listen to reason; or if
- (c) the financial situation of the offender is exceptionally good.

The standard and framework rates apply to a first offence and are usually doubled in the event of subsequent or repeated offences. In the cases of §§ 8, 9 (1) and (2), 10, 18 of the Ordinance on Protection against New Infections with Coronavirus, a fine of up to EUR 25,000 may be imposed in the event of repeated violations.

If several offences are committed through one and the same act, the fine shall be increased appropriately. However, the overall fine must not reach the sum total of the standard rates.

In addition, the following must be pointed out:

The possibility of imposing a fine on a company (e.g. a legal entity or an association of individuals) in addition to the fine imposed on an individual pursuant to §§ 30, 130 of the German Administrative Offences Act/OWiG remains unaffected if the legal entity or association of individuals has been enriched or was supposed to be enriched through the violation of CoronaVO. In such cases, the fine should exceed the financial benefit which the offender has derived from the administrative offence.