

Ordinance
on the protection against risks of infection
with SARS-CoV-2 coronavirus
posed by persons entering the country following the determination of an epidemic
situation of national significance
by the German Bundestag of 12 May 2021 (Coronavirus Entry Ordinance –
CoronaEinreise V)

–Overview of the regulations (and exemptions) for the transport and forwarding sector –

On 12 May 2021, the Federal Government adopted a new entry ordinance. The emergence of new virus strains (mutations) continues to require more extensive measures in order to avoid their uncontrolled spread from abroad. At the same time, new scientific evidence allows the elimination of entry restrictions for persons who have been fully vaccinated against COVID-19 or have recovered from it. These persons will be guaranteed equal treatment as persons who have tested negative. The Ordinance will enter into force on 13 May 2021. With the exception of section 4 (valid until 30 June 2021), the Ordinance will be applicable until the German Bundestag repeals the epidemic situation of national significance.

The Ordinance builds on the Coronavirus Entry Regulations of 13 January 2021 (amended on 26 March 2021) with a few adjustments and expands it to include rules on quarantine, which were previously regulated under federal state jurisdiction. In addition, the ban on transport operations included in the Coronavirus Protection Regulations has been integrated in the new Coronavirus Entry Ordinance. This way, entry regulations are harmonised nationwide.

With the new Entry Ordinance the testing obligation on entry is turned into an obligation to furnish proof (section 5). In addition to negative test results, proof of vaccination or recovery will also be accepted (section 5(1)). As a general rule, persons who have spent time in a risk area have the obligation to establish proof 48 hours after entering Germany at the latest (section 5(2)). Persons entering Germany from a special risk area with a particularly high risk of infection (high-incidence area or area of variant of concern) must present proof already on entry (section 5(1)). **Persons entering from an area of variant of concern must still present a negative test result on entry (section 5 (2)).** Any person using a carrier for entering Germany from a high-incidence or virus variant area, must establish proof for the

purposes of examination to the carrier before departing. Persons entering Germany by air must always present proof (section 5(1)(3)). Persons entering must carry proof and present it if required by the competent authority or the authority that is tasked with carrying out cross-border traffic police checks within the framework of the performance of border police functions (section 5(1)). **The periods of validity of the test result have been adjusted:** Antigen-tests must not be older than 48 hours when entering Germany. When entering from a virus variant area, this period is reduced to 24 hours. PCR tests must not be older than 72 hours when entering Germany.

The **ban on transport operations from virus variant areas** already included in the Coronavirus Protection Regulations was adopted in section 10 of the Ordinance without any changes. Transport operators are still obliged to refrain from carrying out operations to Germany from virus variant areas. Exceptions from this are granted in accordance with section 1(2) for instance for pure mail and cargo deliveries, empty runs as well as the repatriation of aircraft, ships and crews.

Exemptions for persons employed in the cross-border transport of goods and passengers

In some cases, the new Entry Ordinance extends the exceptions to persons employed in the cross-border transport of goods and passengers. The Ordinance now also includes nationwide rules for exemptions from the requirement to self-isolate. These rules replace the previous rules applicable under federal state law.

As a result from a **new exemption for transit operations through risk areas and/or the Federal Republic of Germany, personnel required for transport operations (see definition in section 2(13) will not be obliged to register and self-isolate** (section 6(1)(1) and (2); the same applies to high-incidence and virus variant areas).

According to section 6(2)(3), it is possible **in justified cases to obtain further exemptions from the competent authority upon request** (usually the competent health authority) for entries from risk and high-incidence areas.

Exemptions for persons employed in the transport sector that go beyond those described depend on the type of risk area (risk area, high-incidence area, or virus variant areas). The risk

areas of the different categories are published and updated regularly by the Robert Koch Institute at <https://www.rki.de/risikogebiete>.

You will find attached an overview of the various case constellations depending on the type of risk area.

1. Persons entering Germany from risk areas

Risk areas are regions presenting an increased risk of infection with SARS-CoV-2.

- Obligation to register and self-isolate:

Personnel required for transport operations entering from simple risk areas is exempt from the obligation to register and self-isolate if appropriate health and safety protocols are complied with (section 6(1)(3)).

- Obligation to furnish proof:

Personnel required for transport operations entering from simple risk areas is exempt from the obligation to furnish proof (section 6(3) and (4)).

2. Persons entering Germany from high-incidence areas

High-incidence areas are risk areas where there is a particularly high-incidence (much higher, with a 7-day incidence of at least 200) of the spread of the SARS-CoV-2 coronavirus compared to incidence rates in Germany.

- Obligation to register and self-isolate:

Personnel required for transport operations entering from high-incidence areas is exempt from the obligation to register and self-isolate if appropriate health and safety protocols are complied with (section 6(1)(3)).

- Obligation to furnish proof:

Personnel required for transport operations entering from high-incidence areas are subject to the obligation to furnish proof if their stay in the high-incidence area or the Federal Republic of Germany exceeded 72 hours (section 5(1)(1) in conjunction with section 6(3)(2)). Test results, proof of recovery or vaccination certificates are accepted as proof.

3. Persons entering Germany from areas of variant of concern

Areas of variant of concern are areas in which new virus variants (mutations) for which, at the same time, no widespread occurrence is reported in Germany, are spreading. These virus variants possibly bear a particular risk, for example higher transmissibility.

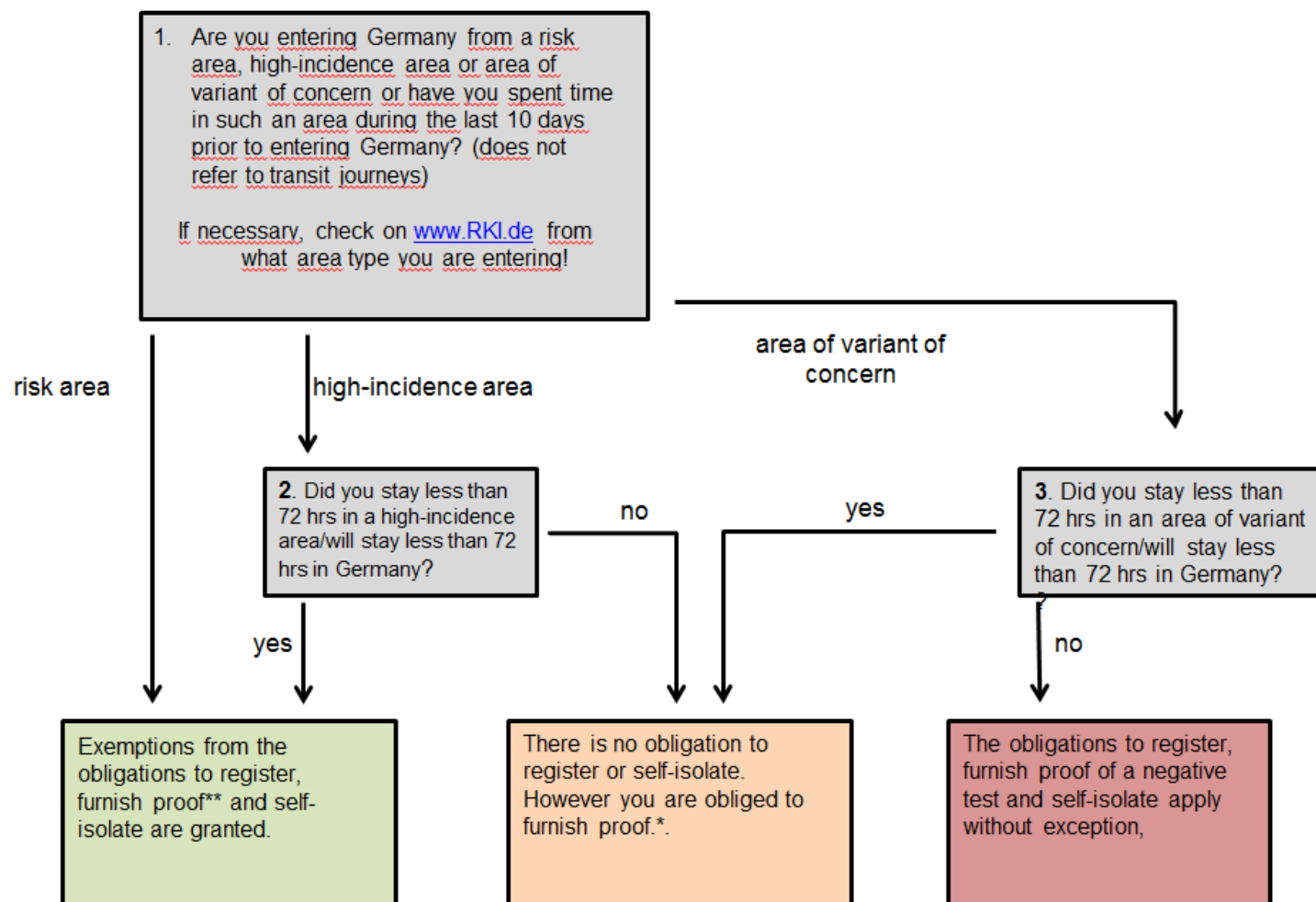
- Obligation to register and self-isolate:

Persons employed in the transport sector, who stayed in a virus variant area for more than 72 hours or will stay in the Federal Republic of Germany for more than 72 hours are subject to the obligation to register and self-isolate in accordance with section 6(1)(4).

- Testing obligation on entry

Any person entering from areas where new strains of the virus have been detected must provide a negative test result. Persons employed in the transport sector must be able to provide a negative test result on entry. When entering from areas where new strains of the virus have been detected, it is not sufficient to provide proof of recovery or a vaccination certificate (third sentence of section 5(1)).

Annex: Overview of exemption rules for persons employed in the transport sector, depending on the type of risk area



* Applies to personnel required for transporting passengers or goods in cross-border operations.

** Test results, proof of recovery or vaccination certificates are accepted as proof. If you enter from an area of variant of concern, only negative test results are accepted as proof.