

Ordinance on protection against infection risks related to entry to Germany regarding SARS-CoV-2 coronavirus after the determination of an epidemic situation of national significance by the German Bundestag of 13 January 2021
(Coronavirus entry ordinance)

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

On 13 January 2021, the Federal Government adopted a new entry ordinance to respond to the continued extremely dynamic development of the corona pandemic. In particular, the emergence of new virus strains (mutations) that, on the basis of what is currently known, spread more rapidly than the known strains requires more extensive measures in order to avoid their uncontrolled spread from abroad. The ordinance entered into force on 14 January 2021 and will apply until 31 March 2021 – subject to an earlier repeal in the course of the ongoing assessment.

The new ordinance revises the existing obligations concerning the digital **registration on entry**, which have been in place since November 2020. According to these rules, in general, all persons entering Germany after having spent time in a risk area, are required to complete a digital registration on entry at www.einreiseanmeldung.de and have to carry proof of the successful registration with them (section 1(1)).

With the entry ordinance, the Federal Government has introduced a nationwide **testing obligation on entry**, which complements the self-isolation rules of the federal states. As a general rule, persons who have spent time in a risk area must now be able to present a negative test result 48 hours after entering Germany at the latest (section 3(1)). 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 of a negative test result already on entry (section 3(2)). If the person has used a carrier for entering Germany from a risk area, the proof is to be presented to the carrier before departing for the purposes of examination. The person 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 3(2)).

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

The entry ordinance makes provisions for exemptions the arrangements of which differ depending on the type of risk area (risk area, high incidence area or area of variant of concern) for persons employed in the cross-border transport of goods and passengers. The risk areas of the different categories are published and updated regularly by the Robert Koch Institute at <https://www.rki.de/risikogebiete>.

1. Persons entering Germany from risk areas

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

- Obligation to register on entry:

Persons who, for job-related reasons, carry passengers or goods by road, rail, ship or aircraft across the border are exempt from the obligation to complete a digital registration on entry, if appropriate health and safety protocols are complied with (section 2(1)(4)).

- Testing obligation on entry:

The abovementioned persons are also exempt from the general testing obligation (section 4(1)(1)).

2. Persons entering Germany from high incidence areas

High incidence areas are risk areas where there is a particularly high incidence (many times over and 7-day incidence of at least 200) of the spread of the SARS-CoV-2 coronavirus in comparison with Germany.

- Obligation to register on entry:

Persons who, for job-related reasons, carry passengers or goods by road, rail, ship or aircraft across the border, are subject to the obligation to register on entry and must complete a digital registration on entry as well as carry proof of the registration with them (section 2(3)). Nevertheless, Persons who cross the border and who have spent less than 24 hours in a risk area or will spend less than 24 hours in the Federal Republic of Germany are exempt from the obligation to register on entry (section 2(1)(3) and section 2(3)). This rule can also be applied to persons employed in the transport sector.

- Testing obligation on entry:

Persons who, for job-related reasons, carry passengers or goods by road, rail, ship or aircraft across the border, if their stay has not exceeded 72 hours and if appropriate health and safety protocols are complied with, are exempt from the testing obligation on entry (section 4(2)(3)); in justified individual cases, if there is good reason, the competent authority (e.g. the public health office) may grant further exemptions (section 4(2)(5)).

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 on entry

For persons entering Germany from areas of variant of concern, there are no exemptions from the obligation to register on entry. Persons who, for job-related reasons, carry passengers or goods by road, rail, ship or aircraft across the border, are thus subject to the obligation to register on entry and must therefore complete a digital registration on entry as well as carry proof of the registration with them (section 2(4)).

- Testing obligation on entry

For persons entering Germany from areas of variant of concern, there are no exemptions from the testing obligation on entry. Persons who, for job-related reasons, carry passengers or goods by road, rail, ship or aircraft across the border, are thus subject to the general testing obligation and must be able to present a negative test result already on entry (section 4(3)).