



District of Rendsburg-Eckernförde

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Your reference, your letter dated

My reference, my letter dated

Rendsburg
20.02.2021

General Decree

of the Rendsburg-Eckernförde district for the obligation to test and provide evidence for cross-border commuters in the area of the Rendsburg-Eckernförde district

In accordance with Section 28 (1) sentence 1 of the Act for the Prevention and Control of Infectious Diseases in Humans (Infection Protection Act - IfSG) in conjunction with Section 3 and Section 4 of the Ordinance of the Federal Government Ordinance on the Protection against Risks of Infection Caused by Entry in relation to the SARS-CoV coronavirus -2 after determination of an epidemic situation of national scope by the German Bundestag (Coronavirus Entry Ordinance - CoronaEinreiseV) (Federal Gazette Official Part 13.01.2021 V1) in conjunction with Section 106 (2) General Administrative Act for the State of Schleswig-Holstein (State Administration Act - LVwG) the following general decree is issued:

1. Notwithstanding Section 4 Paragraph 1 Clause 1 Number 3 Letters a and b of the Coronavirus Entry Ordinance (CoronaEinreiseV) of January 13, 2021 (Federal Gazette Official Part January 13, 2021 V1), persons

a) who have their place of residence in the Federal Republic of Germany and who go to their place of work, study or training in Denmark and return to their place of residence regularly, at least once a week, for the purpose of practicing their profession, studying or training (Cross-border commuters) or



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b) who have their place of residence in Denmark and who go to the Federal Republic of Germany for the purpose of practicing their profession, studying or training and who return to their place of residence regularly, at least once a week (cross-border commuters)

with every entry, have a current medical certificate or test result with regard to the absence of an infection with the SARS-CoV-2 coronavirus and present this to the competent authority upon request.

Section 4 (1) sentence 1 number 3 letters a and b Corona Entry Ordinance is restricted in accordance with Section 4 (1) sentence 2 Corona Entry Ordinance.

2. Proof of item 1 must be provided on paper or in an electronic document in German, English, French or Danish and must be carried with you every time you enter the country. The medical certificate or test result is valid for 72 hours. More detailed requirements for the testing on which the medical certificate or the test result is based are published by the Robert Koch Institute on the Internet at <http://www.rki.de/covid-19-tests>.

3. A violation of the obligation according to No. 1 or No. 2 to submit a test certificate can be punished as an administrative offense according to § 73 Paragraph 1 a No. 24 Infection Protection Act in conjunction with § 9 No. 4 Entry Ordinance.

4. This general decree replaces **the General decree of the Rendsburg-Eckernförde district for the obligation to test and provide evidence for cross-border commuters in the area of the Rendsburg-Eckernförde district from 23.01.2021.**

5. As far as this general decree is based on § 28 paragraph 1 sentence 1 Infection Protection Act, it is immediately enforceable by law. In addition, immediate execution is ordered.

6. This general decree is valid from February 22nd, 2021 up to and including March 31st, 2021. An extension is possible.

Justification

With the ordinance of the federal government on the protection against the risk of infection caused by entry in relation to the coronavirus SARS-CoV-2 after the German Bundestag has determined an epidemic situation of national scope (Coronavirus Entry Ordinance - CoronaEinreiseV) (Federal Gazette Official Part 13.01.2021 V1) uniformly regulates the registration, test and proof obligations of those entering from risk areas.

According to Section 3 (1) of the Corona Entry Ordinance, persons who have been in a risk area within 10 days of entry that is neither a high-incidence area nor a virus variant area within the meaning of Section 3 (2) sentence 1 of the Corona Entry Ordinance must have a medical certificate or a test result with regard to the absence of an infection with the SARS-CoV-2 coronavirus at the latest 48 hours after entering the country and present this to the competent authority upon request.

Section 4 (1) sentence 1 of the Corona Entry Ordinance regulates exceptions to the obligation to provide evidence in accordance with Section 3 (1) of the Corona Entry Ordinance. Pursuant to Section 4 Paragraph 1 Clause 1 No. 3 Letters a and b, if appropriate protection and hygiene concepts are adhered to, persons who are domiciled in the Federal Republic of Germany and who are absolutely necessary for the purpose of exercising their profession are exempt from the obligation to test and provide evidence Studies or their training to their professional practice, study or training center in a risk area and return regularly, at least once a week, to their place of residence (cross-border commuters) or who have their place of residence in a risk area and who are absolutely necessary go to the Federal Republic of Germany for the purpose of practicing their profession, studying or training and regularly return to their place of residence at least once a week (cross-border commuters).

This general decree makes use of the possibility of restricting the exceptions to the obligation to test and provide evidence (cross-border commuters) regulated in Section 4, Paragraph 1, Clause 1, No. 3 of the Corona Entry Ordinance.

The jurisdiction of the Rendsburg-Eckernförde district follows from Section 10 Clause 1 of the Health Service Act. According to this, it is the districts and independent cities that perform the tasks according to the Infection Protection Act and the related ordinances. The Corona Entry Ordinance has been issued on the basis of the Infection Protection Act; the decision on the extent to which use should be made of Section 4 (1) sentence 2 is such a task.

The introduction of mandatory testing for cross-border commuters and cross-border commuters at the German-Danish border is necessary against the background of the still very dynamic spread of infections with the SARS-CoV-2 virus in Schleswig-Holstein and in the area of the Rendsburg-Eckernförde district.

Since a vaccine is not yet available in sufficient quantities, there is still a risk of an intensification of the infection process with considerable consequences for the life and health of the population and a possible excessive strain on the health system. In addition, a mutation of coronavirus SARS-CoV-2 was found in the United Kingdom of Great Britain, Northern Ireland and the Republic of South Africa, which, according to the current state of knowledge, is more likely to be transmissible.

SARS-CoV-2 pathogens are currently being diagnosed in Schleswig-Holstein and in the Rendsburg-Eckernförde district as well, in which there is a suspicion of a new variant. Outbreaks in connection with the pathogen detection have already occurred. The origin is most likely - as far as can be determined - due to a virus import from Denmark. Further virus entries and their spread from immigrants must be reliably prevented. Therefore, a test is considered necessary for people who regularly cross the German-Danish border.

The exceptions provided for cross-border commuters and cross-border commuters from the test and verification obligations of the Corona Entry Ordinance are therefore to be restricted to the effect that cross-border commuters and cross-border commuters are obliged to have a test certificate in accordance with Section 3 (3) Corona Entry Ordinance upon each entry and to present this on request. Evidence must be provided on paper or in an electronic document in German, English, French or Danish and must be carried with you every time you enter the country. It is valid for 72 hours.

There is an urgent public interest in preventing the spread of the SARS-CoV-2 pathogen and, in particular, the presumably more dangerous virus mutations, which is why the order for immediate enforcement in accordance with Section 80 (2) No. 4 of the Administrative Act is required. The immediate enforceability and implementation of the obligation to test for cross-border commuters and cross-border commuters is particularly urgent, as the first pathogen detection of the new virus variants has already appeared in Schleswig-Holstein. Due to the acute need for action, the interest of the general public in the immediate implementation of the test and verification provisions in question outweighs the interest of the individual in maintaining the suspensive effect. Real-time testing is the only way to ensure that infections are recognized and that chains of infection are broken. With reference to Section 4 Paragraph 1 Clause 2 of the Corona Entry Ordinance, immediate enforcement must be ordered separately.

A violation of the obligation according to number 1 or number 2 to submit a test certificate can be punished as an administrative offense according to § 73 paragraph 1 a No. 24 Infection Protection Act in conjunction with § 9 No. 4 Entry Regulation.

Insofar as this general decree is based on Section 28 (1) sentence 1 of the Infection Protection Act, it is immediately enforceable by law. In addition, immediate execution is ordered.

This general decree is valid from February 22nd, 2021 up to and including March 31st, 2021. An extension is possible.

Legal Appeal

Objections to this general ruling can be raised within one month of notification. The objection must be submitted in writing, electronically or for recording to the district of Rendsburg-Eckernförde, The district administrator, specialist health services, Kaiserstraße 8, 24768 Rendsburg.

If a lawyer is involved or if the objection is submitted electronically by an authority, it can be sent to the special electronic mailbox of the Rendsburg-Eckernförde district via the special electronic lawyer mailbox or authority mailbox.

An objection by email is not permitted. Citizens can only object to the special electronic mailbox of the Rendsburg-Eckernförde district if the citizen has a citizen EGVP account (OSCI account) and also uses a qualified electronic signature.

The objection has no suspensive effect in accordance with Section 80, Paragraph 2, No. 3 of the Administrative Court Regulations (VwGO). An application for an order of suspensive effect can be submitted to the Schleswig-Holstein Administrative Court, Brockdorff-Rantzau-Strasse 13, 24837 Schleswig, in accordance with Section 80 (5) of the Administrative Court Code.

On behalf

Prof. Dr Stephan Ott