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*State Capital Dresden - PO Box 12 00 20 - 01001 Dresden, The Lord Mayor*

**Enforcement of the law on the prevention and control of infectious diseases in humans (IfSG):**

**General Decree of the State Capital of Dresden on the curfew and on the restriction of visiting rights in hospitals and comparable facilities to contain the spread of the corona virus SARS-CoV-2**

The State Capital of Dresden, in its capacity as the responsible health authority, issues the following

**General Decree**

1. Leaving one's own home/flat is prohibited. Exemption are only permitted if there are valid reasons, which must be made credible to the police, the Municipal Enforcement Service and the Public Health Office and their agencies responsible for the execution of this decree, if requested. Valid reasons within the meaning of this decree are in particular:
  - a. the prevention of immediate danger to life, limb and property,
  - b. the exercise of professional activities, including the placement of minors in emergency care,
  - c. the use of medical and veterinary care services (e.g. visits to doctors, medical treatment; blood donations are expressly permitted) as well as visits to academic health care professionals and health care professionals, insofar as this is urgently required for medical reasons (e.g. psycho- and physiotherapists),
  - d. Shopping for everyday consumer goods (e.g. grocery stores, weekly markets, beverage markets, pharmacies, medical supply stores, drugstores, petrol stations, banks and savings banks, post offices, dry cleaners, laundries, newspaper sales, pet supplies markets and

wholesalers)

- e. visiting life partners, the elderly, the sick or people with disabilities (outside institutions) and exercising custody of minors in the respective private sphere,
  - f. the accompaniment of persons in need of support and of minors,
  - g. the accompaniment of dying persons as well as funerals in the closest family circle with a maximum of 15 participants,
  - h. Sports and exercise in the open, but exclusively alone or with members of one's own household and without any other group formation of more than five persons and
  - i. Actions for the care of animals.
2. Everyone is required to keep physical and social contact with other people outside the members of their own household to an absolute minimum, including the prohibition of all private events and celebrations. Wherever possible, a minimum distance between two persons of 1.5 m must be maintained. The use of local public transport is only permitted if the aforementioned minimum distance is observed.
  3. In order to protect vulnerable groups of persons, the extended General Decree of the Saxon State Ministry of Social Affairs and Social Cohesion prohibits visits to hospitals as well preventive and rehabilitation facilities that provide medical care comparable to that of hospitals (facilities pursuant to § 23 para. 3 nos. 1 and 3 IfSG). Exceptions to this rule are maternity and children's wards for close relatives and palliative care wards as well as hospices and visits to accompany dying close relatives. The number of relatives present at any one time is limited to five. The management of the aforementioned institutions (or individuals appointed by them) must draw particular attention to the correct behaviour necessary to maintain hygiene. Entering the above-mentioned facilities for therapeutic or medical purposes, as well as for indispensable structural measures and repairs to and in the building, are not deemed visits within the meaning of these regulations.
  4. If the Free State of Saxony enacts further regulations, these will take precedence over this General Decree of the State Capital of Dresden on the curfew and on the restriction of visiting rights in hospitals and comparable facilities to contain the spread of the corona virus SARS-CoV-2.
  5. This General Decree shall enter into force on the day after its announcement, 21<sup>st</sup> March 2020 at 00.00 hours, and shall be publicly displayed on the notice board in the entrance area of the town hall Dr.-Külz-Ring 19 in 01067 Dresden. It shall expire at the close of 4<sup>th</sup> April 2020. As of April 5,

2020, 00.00 hours, the regulations are therefore no longer valid.

### **Reasons:**

The novel coronavirus SARS-CoV-2 poses enormous challenges for the entire society and the health care system. It is a very dynamic and severe situation worldwide, as well as throughout Germany and Saxony, with a strong increase in the number of cases within a few days. In Dresden, there has been a sharp increase in the number of newly infected patients, which makes it absolutely imperative that action be taken. The World Health Organization classified the spread of the virus and the resulting disease COVID-19 as a pandemic on 11<sup>th</sup> March 2020.

The overall risk to the health of the German population is currently estimated to be high. COVID-19 is very infectious. Especially elderly people and those with pre-existing medical conditions are afflicted by severe progression of the infection and can die of the disease. Since neither vaccination nor specific therapy is currently available, all measures must be taken to curtail the further spread of the virus. The aim is to slow down the spread of the infection in order to reduce the overall burden on the healthcare system, avoid peak loads and safeguard medical care. To this end, measures have already been taken and now need to be extended. Only by consistently avoiding and minimising social contacts can the necessary slowing of the infection process be achieved.

#### *Competence and legal basis:*

Pursuant to § 28 of the Infection Protection Act (IfSG) in conjunction with § 1 of the Ordinance of the Saxon State Government on the Regulation of Competencies under the Infection Protection Act (IfSGZuVO), the Health Office of the State Capital Dresden is the competent authority regarding this General Decree. The Health Office of the State Capital Dresden is also locally responsible for issuing this General Decree in accordance with § 1 of the Act on the Regulation of Administrative Procedure Law and Administrative Notification Law for the Free State of Saxony (SächsVwVfZG) in conjunction with § 3 para. 1 no. 3a of the Administrative Procedure Act (VwVfG).

The above-mentioned Decrees are justified on the grounds described in § 28 para. 1 Infection Protection Act (IfSG). If persons suspected of being ill or of being infected are detected, the competent authority shall take the necessary protective measures pursuant to § 28 para. 1 IfSG, in particular those mentioned in §§ 29 to 31, as far as and as long as it is necessary to prevent the spread of transmissible diseases. Pursuant to § 28, para. 1, sentence 2, IfSG, the competent authority is entitled to restrict or prohibit events or other gatherings of a larger number of people under the provisions of sentence 1 and to close public swimming pools or community

facilities or parts thereof mentioned in § 33; the competent authority is also entitled to compel persons not to leave the place where they are located or not to enter places designated by it until the necessary protective measures have been taken.

*Concerning point 1 of the Decree:*

Social contacts are to be reduced to an absolute minimum. Therefore, restrictions in the private and public sector are essential to slow down the spread of the novel coronavirus SARS-CoV-2. Further delay is not possible and the bans on events Decreed by the Free State of Saxony have been disobeyed and ignored, as has been proven by large gatherings of people in parks and green areas in the city of Dresden. These crowds of people lead to the concrete danger of an erratic spread of the infection and are thus a threat to the health care system. They endanger the health and life of the individual people, whose protection is enshrined in the constitution. The slowing down of the infection must be achieved. Accordingly, as ultima ratio, initial restrictions are imperative in order to contain the infection. This is not a deprivation of freedom, but merely a restriction of personal freedom of movement. For reasons of proportionality, leaving the home is permitted if there are justified reasons, which are listed in detail in No. 6. The existence of these reasons must be made credible in the course of checks by the police.

*Concerning point 2 of the Decree:*

An essential protective measure to prevent the further spread of the novel coronavirus (SARS-CoV-2) is to keep the minimum distance and to minimise social contacts. This social distancing plays a special role, especially with regard to local public transport.

*Concerning point 3 of the Decree:*

In the aforementioned facilities, individuals are cared for, whose health would be particularly and seriously at risk from infection with the novel coronavirus. In order to protect these particularly vulnerable groups of individuals, visits to the facilities must be completely prohibited as the ultima ratio, because less invasive measures already ordered in the form of self-restrictions of the facilities have not led to a decrease in infections. As visiting the facilities is prohibited, visiting the facility for the purpose of receiving treatment is not prohibited. In addition to avoiding the entry of the coronavirus pathogen, the ban on visiting the facilities also contributes to medical care. The risk of contracting the disease will be reduced for the nursing and medical staff. As a result, the

measures for the listed healthcare facilities also contribute to the preservation of care capacities and are therefore also indispensable for the protection of public health. An exception is, for example, the care of dying patients. The presence of up to five persons at the same time is permitted in this case.

*Concerning point 5 of the Decree:*

The immediate execution of the operative points 1 to 3 shall apply by operation of law according to § 28 para. 3 in conjunction with § 16 para. 8 IfSG. The objection against the General Decree therefore has no delaying effect.

The Decree is limited in time. For the purposes of the Risk Prevention Law, the General Decree will be revoked earlier than at the specified date as soon as the danger of new chains of infection for the novel coronavirus (SARS-CoV-2) has ceased to exist.

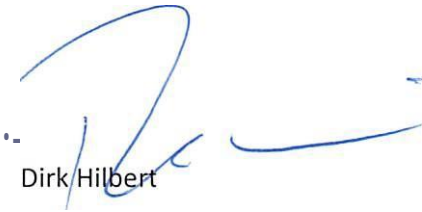
The notification by public announcement is made in accordance with § 3 para. 1 of the Statutes of the City of Dresden on the form of public announcement and the local announcement of 16<sup>th</sup> July 1998 (Announcement Statutes). An announcement in the Dresden Official Gazette is not possible in due time. A further delay of the orders cannot be justified for reasons of health protection. The public announcement will be communicated through various media parallel to the formal announcement of the press work of the State Capital Dresden. This General Decree will be published in accordance with § 1 SächsVwVfG in conjunction with § 41 para. 3 VwVfG in line with local practice, as it is not advisable to make it known to the parties involved due to the circumstances. Pursuant to § 41, para. 4, sentence 4 of the VwVfG, the General Decree is deemed to have been published on the day after the announcement in accordance with local standards. The General Decree can be downloaded and accessed on the homepage of the State Capital of Dresden.

### **Legal Information on right to appeal**

An appeal against this General Decree may be lodged within one month of its announcement. The appeal must be lodged with the State Capital Dresden. The main office is located in the town hall, Dr.-Külz-Ring 19, 01067 Dresden.

### **Information:**

A violation of an official decree pursuant to § 28 para. 1 sentence 2 IfSG can be penalised pursuant to § 75 para. 1 no. 1 IfSG with imprisonment for up to two years or with a monetary penalty.



Dirk Hilbert

(Seal)

