



District of Rendsburg-Eckernförde

The district administrator
Specialist health service

Address:
District of Rendsburg-Eckernförde • Postal Code 905 • 24758
Rendsburg

Information provided:

Antonia Burgmann

E-Mail-Address:

gesundheitsschutz@kreis-rd.de

Your references, your letter dated

My references, my letter dated

Rendsburg
23.01.2021

General decree

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

According to §§ 28 Paragraph 1 Clause 1 of the Law on the Prevention and Control of Infectious Diseases in Humans (Infection Protection Act - IfSG) in conjunction with § 3 and § 4 of the Federal Government Ordinance on Protection against Immigration-Related Risks of Infection in relation to the SARS-CoV coronavirus 2 after the 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), 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
 - 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



IHRE BEHÖRDENNUMMER

Dienstgebäude:
Kaiserstraße 8
24768 Rendsburg
Telefon: +49 4331 202-0
Telefax: +49 4331 202-295

Konten der Kreiskasse:
Förde Sparkasse
IBAN DE38 2105 0170 0000 1440 06; BIC NOLADE21KIE
Sparkasse Mittelholstein
IBAN DE69 2145 0000 0000 0018 30; BIC NOLADE21RDB

training and who return to their place of residence regularly, at least once a week (cross-border commuters)

must have a medical certificate or test result for the absence of an infection with the SARS-CoV-2 coronavirus in each calendar week in which an entry takes place and present this to the health department of the Rendsburg-Eckernförde district on request.

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

2. The proof according to number 1 must be provided on paper or in an electronic document, in each case in German, English, French or Danish and must be carried with every entry. The medical certificate or test result is valid for seven days. 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 number 1 or number 2 to submit a test certificate can be punished as an administrative offense according to § 73 para. 1 a No. 24 IfSG (Infection Protection Act) in conjunction with § 9 No. 4 Entry Regulation.
4. 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.
5. This general decree applies from January 25, 2021 up to and including March 31, 2021. An extension is possible.

Justification

With the ordinance of the federal government for 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) there are uniformly regulated registration, test and verification obligations for people entering from risk areas.

According to Section 3 (1) Coronavirus Entry Ordinance, people who have been in a risk area within 10 days prior to entry that is neither a high incidence area nor a virus variant area within the meaning of Section 3 (2) sentence 1 Coronavirus Entry Ordinance must do so no later than 48 hours have a medical certificate or a test result on the absence of an infection with the SARS-CoV-2 coronavirus upon arrival and present this to the competent authority upon request.

Section 4 (1) sentence 1 Coronavirus Entry Ordinance regulates exceptions to the obligation to provide evidence in accordance with Section 3 (1) Coronavirus 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 at their professional practice, study or training facility 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 for the purpose of their professional practice , their studies or their training go to the Federal Republic of Germany and return regularly, at least once a week, to their place of residence (cross-border commuters).

In the case of countries of entry that are not designated as high incidence areas, the countries can provide for further exceptions to the obligation to test and provide evidence by means of a general ruling pursuant to Section 4 Paragraph 1 Clause 2 Coronavirus Entry Ordinance - or existing exceptions (in particular according to Clause 1 Number 3 - cross-border commuters) restrict. In terms of the aim of the regulation, it must be taken into account that further exceptions are to be defined narrowly and require an application, while the limitation of exceptions in the sense of infection protection could also be determined without an application. The reasoning for Section 4 (1) states that local or regional conditions or developments can be taken into account. This could justify, for example, subjecting cross-border commuters to a test and verification obligation under certain conditions.

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 (1) sentence 1 no. 3 Coronavirus 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 Coronavirus Entry Ordinance has been issued on the basis of the Infection Protection Act; the decision on the extent to which section 4 (1) sentence 2 should be used is such a task.

The introduction of the weekly test obligation for cross-border commuters on the German-Danish border is necessary against the background of the continuing 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 the 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. This is why people who regularly cross the German-Danish border are required to test once a week.

The exceptions provided for cross-border commuters from the test and verification obligations of the Coronavirus Entry Ordinance are therefore to be restricted to the effect that cross-border commuters are obliged to submit a test certificate once a week in each calendar week in which at least one entry takes place in accordance with Section 3 (3) Coronavirus Entry Ordinance and to present it 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.

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 Court Code is required. The immediate enforceability and implementation of the (weekly) test obligation for 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 detected and that chains of infection are broken. With reference to Section 4 Paragraph 1 Clause 2 Coronavirus Entry Ordinance, immediate execution is to 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 para. 1 a No. 24 Infection Protection Act in conjunction with § 9 No. 4 Entry Ordinance.

Insofar as this general decree is based on Section 28 Paragraph 1 Clause 1 Infection Protection Act, it is immediately enforceable by law. In addition, immediate execution is ordered.

This general decree is valid from January 25, 2021 up to and including March 31, 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 Rends-

burg-Eckernförde, the district administrator, specialist health service, 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 within deadline 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 Code (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) VwGO.

On behalf

Antonia Burgmann