



# District of Rendsburg-Eckernförde

The Administrator  
Specialist Health Service

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Your references, your letter dated from

My references, my letter dated from

Rendsburg

12.06.2021

## **General Decree of the district of Rendsburg-Eckernförde**

**on measures to combat the spread of the coronavirus SARS-CoV-2 and to determine the areas in which, according to Section 2a Paragraph 2 Clause 1 of the State Ordinance to Combat the Coronavirus SARS-CoV-2, mouth and nose cover is granted wear is**

According to §§ 28 Paragraph 1 Clause 1, 28a Paragraph 1 No. 2 Infection Protection Act (IfSG) in conjunction with § 106 Paragraph 2 General Administrative Law for the State of Schleswig-Holstein (State Administration Act - LVwG), in execution of § 2a Paragraph 2 of the state ordinance to combat the coronavirus SARS-CoV-2 of 11.06.2021 issued the following general decree:

1. In the following publicly accessible area, according to § 2a Paragraph 2 Clause 1 of the State Ordinance to Combat the Coronavirus SARS-CoV-2 of 11.06.2021, it is mandatory for pedestrians to wear a mouth and nose cover on the days of the week and times mentioned . Exceptions and other requirements result from § 2a paragraph 1 and 2 of the state ordinance.

**NOK pedestrian tunnel Rendsburg  
including elevators and escalators  
Monday to Friday 6 a.m. to 10 p.m.  
Saturday and Sunday 9 a.m. - 8 p.m.**

People who do not wear a mouth and nose cover and for whom an exception does not apply are not permitted to enter, stay or use the publicly accessible area.

2. This order will come into force on June 14, 2021. It is limited up to and including June 27, 2021. An extension is possible.
3. The general ruling is based on Section 28 (1) sentence 1, Section 28a IfSG in conjunction with Section 106 (2) LVwG. Infringements are therefore administrative offenses according to § 73 Paragraph 1a No. 6 IfSG.
4. The orders are immediately enforceable in accordance with Section 28 (3) in conjunction with Section 16 (8) IfSG. Objections and actions for rescission against these measures have no suspensive effect.
5. The general decree and its reasons can be viewed during office hours in the Rendsburg-Eckernförde district, Kaiserstraße 8, 24768 Rendsburg.

### **Justification**

The legal basis for the measure taken is §§ 28 Paragraph 1 Clause 1, 28a Paragraph 1 No. 2 IfSG in conjunction with § 106 Paragraph 2 LVwG in implementation of § 2a Paragraph 2 State Ordinance to Combat the Coronavirus SARS-CoV-2 of 06/11/2021.

According to Section 28 (1) IfSG, the competent authority shall take the necessary protective measures, in particular the necessary protective measures, in the event that sick people, suspects of illness, suspects of contagion or who have been eliminated or it emerges that a deceased person was sick, suspected of being sick or who had left the disease in § 28a Paragraph 1 IfSG and in §§ 29 to 31 IfSG, insofar as and as long as it is necessary to prevent the spread of communicable diseases. Necessary protective measures within the meaning of § 28 paragraph 1 sentence 1 IfSG to prevent the spread of the coronavirus disease-2019 (COVID-19) can be carried out for the duration of an epidemic situation of national scope according to § 5 paragraph 1 sentence 1 IfSG the German Bundestag in particular the obligation to wear a mouth and nose cover (mask requirement), § 28a paragraph 1 no. 2 IfSG. In particular, the competent authority can oblige people not to enter public places or only under certain conditions.

The currently circulating SARS-CoV-2 virus is a pathogen that can lead to a communicable disease within the meaning of Section 2 No. 3 IfSG. The spread of the SARS-CoV-2 virus must be prevented in order to combat the pandemic. The area of application of the 5th section of the Infection Protection Act is therefore opened.

The authorization according to Section 28 (1) IfSG is a general clause that obliges the competent authority to act. Necessary protective measure within the meaning of Section 28 (1) IfSG to prevent the spread of the coronavirus and to prevent further illnesses from COVID-19 according to Section 28a (1) No. 2, in particular the obligation to wear a face mask (mask requirement ) be.

To assess the likelihood of damage, the principle applicable in general police and regulatory law must be used, namely that the greater and more severe the damage that may occur,

the lower the requirements for the likelihood of damage occurring. For this reason, measures can also be taken against persons other than those named in Section 28 Paragraph 1 Sentence 1 IfSG.

According to Section 2a Paragraph 2 Clause 1 of the State Ordinance on Combating the Coronavirus SARS-CoV-2 of 11.06.2021, pedestrians must cover their mouth and nose in pedestrian zones, main shopping areas, train stations and other inner-city areas, streets and To carry places with comparable public traffic, in which typically the distance requirement cannot be adhered to. The areas according to sentence 1 as well as time restrictions are determined by the competent authorities, in the area of the districts after consultation with the affected district-belonging communities, by general decree and made known locally. The validity according to sentence 1 should be indicated in a suitable manner by means of signs.

The obligation according to sentence 1 does not apply to eating and smoking, provided that this is done while sitting or standing.

The Robert Koch Institute (RKI) recommends the general wearing of a mouth and nose cover (MNB) or mouth and nose protection (MNS, "surgical mask") in certain situations in public space as a further component in order to reduce the infection pressure and thus the speed of spread of COVID-19 in the population and thus to protect risk groups. This recommendation is based on studies that show that a relevant proportion of the transmission of SARS-CoV-2 occurs unnoticed, i.e. at a point in time before the first signs of illness appear or even when no signs of illness are noticed.

A reduction in the unnoticed transmission of infectious droplets by carrying MNB / MNS could contribute to a further slowing down of the spread at the population level. This applies to the transmission in public spaces, where several people meet and stay longer (e.g. workplace) or the physical distance of at least 1.5 m cannot always be maintained (e.g. shopping situation, public transport). Wearing MNB / MNS in public space can be particularly effective in terms of reducing transmissions if as many people as possible wear an MNB / MNS. Wearing an MNB / MNS helps to protect other people from fine droplets and particles that are expelled, for example, when speaking, coughing or sneezing (external protection).

According to an infectious assessment, the order to wear a mouth and nose cover in the NOK pedestrian tunnel in Rendsburg is absolutely necessary in order to minimize the risk of infection. An increased number of people can be expected there at certain times of the day. A minimum distance of 1.5 m cannot always be maintained there. In particular, in the elevators and on the escalators, compliance with the minimum distance is not reliably guaranteed. They are also closed rooms, in which the aerosols do not evaporate quickly, unlike outdoors, but are present in the room air for a longer period of time. According to the recommendations of the RKI, it is therefore still necessary to wear a mouth and nose cover for safe protection against infection there.

No equally suitable, less burdensome measures are evident. In this heavily frequented area, the distance requirement within the meaning of Section 2 Paragraph 1 Clause 1 of the State Ordinance on Combating the Coronavirus SARS-CoV-2 of 11.06.2021 cannot

always be complied with. The area in which the mouth and nose covering must be worn is clearly delimited. The order is also limited in time to what is necessary in the opinion of the local authorities and the health department of the Rendsburg-Eckernförde district (time of day / weekday). The timeframe primarily reflects the peak times in the respective spatial areas.

In addition, Section 2a Paragraph 1 Clause 3 of the State Ordinance on Combating the Coronavirus SARS-CoV-2 of 11.06.2021 applies, i.e. the mask requirement does not apply to children up to the age of six and people who have physical, mental or psychological problems. Impairment cannot wear a mouth and nose cover and can make this plausible.

This order comes into force on June 14, 2021. It is limited up to and including June 27, 2021.

The general decree is based on §§ 28 paragraph 1 sentences 1 and 2, 28a IfSG in conjunction with § 106 paragraph 2 LVwG in implementation of § 2a paragraph 2 sentence 1 state ordinance to combat the coronavirus SARS-CoV-2 of 11.06.2021. Infringements are therefore administrative offenses according to § 73 Paragraph 1a No. 6 IfSG.

The orders are immediately enforceable in accordance with Section 28 (3) in conjunction with Section 16 (8) IfSG. Objections and actions for rescission against these measures have no suspensive effect.

The general decree and its reasons can be viewed during office hours in the Rendsburg-Eckernförde district, Kaiserstraße 8, 24768 Rendsburg.

### **Legal appeal**

You can object to this general ruling within one month of its announcement. The objection must be submitted in writing, electronically or for recording to the district of Rendsburg-Eckernförde, Der Landrat, Fachdienst Gesundheitsdienste, Kaiserstraße 8, 24768 Rendsburg.

If a legal representative is involved or if the objection is submitted electronically by an authority, it can be sent to the special electronic authority 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 they have an EGVP account (OSCI account) and also use a qualified electronic signature.

On behalf

Julia Rose

