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# SHORT NEWS

As per 17 March 2020

## Coronavirus: Prohibition of events and business operations

### Bavaria:

The Bavarian State Ministry for Health and Care and the Bavarian State Ministry for Family, Labour and Social Affairs issued a general order on 16 March 2020 with the following content (cf. [the details](#)):

- All events and meetings shall be prohibited state-wide; this shall exclude private gatherings in appropriate living spaces.
- The operation of all institutions serving leisure activities shall be prohibited.
- Catering businesses of any kind shall be prohibited with the exception of the hours between 06.00am and 03.00pm and delivery services.
- The opening of all stores in the retail sector shall be prohibited with the exception of retail stores guaranteeing security of supply.

This exceptional general order is a consequence of the declaration of a state of emergency in Bavaria as well as other general orders, in particular, regarding the closure of schools and day-care facilities.

Essentially, the general order is legally based on § 28 (1) sent. 1 German Infection Protection Act (*Infektionsschutzgesetz, InfSG*). The regulation deals with the prohibition of "events and other gatherings", thereby mainly handling the risk of infection. Thus, the only decisive point is the coming together of persons. The previous enumeration in the German Federal Law on Contagious Diseases (*Bundessteuergesetz*) was consciously abandoned in the InfSG. According to the explanatory memorandum this was to ensure that "all gatherings of persons furthering the spread of pathogens" are to be included. In this case, the difference between an "event" and a "gathering" is that the first has an organizer.

In view of the above, a very extensive background can be assumed. This means that also general meetings of stock corporations and shareholders' meetings of GmbHs and other companies are included. However, random gatherings of people, e.g. in pedestrian zones, are not prohibited.

In cases of doubt, clarification with the Ministry of Health is recommended. Special permits are possible in individual cases. The general order has a fixed term. The prohibition of events and meetings shall be effective from 17 March until 19 April 2020. Above that, the general order also includes an explicit reference to the criminal liability for the infringement pursuant to § 75 (1) no. para. 3 InfSG.