



District of Rendsburg-Eckernförde

The Administrator
Health Specialist Service

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Your references, your letter dated

My references, my letter dated

Rendsburg
17.05.2021

General Decree

**of the district of Rendsburg-Eckernförde
on the order for isolation (isolation or quarantine) due to an infection by the new
coronavirus (SARS-CoV-2) or the classification as a person with close contact in a
suitable home**

According to §§ 28a paragraph 1, 28 paragraph 1 sentences 1 and 2 in connection with § 30 paragraph sentence 2 Law for the prevention and control of infectious diseases in humans (Infection Protection Act - IfSG) in connection with § 106 paragraph 2 General Administrative Law for the state of Schleswig-Holstein (state administration law - LVw) will issue the following general decree:

1. Persons,

a) who have the knowledge that a molecular biological test carried out on them for the presence of SARS-CoV-2 viruses after this general ruling has come into force has a positive result (people who tested positive)

or

b) who are aware that a **SARS-CoV-2 rapid antigen test (PoC test) for the presence of SARS-CoV-2 viruses carried out by trained personnel** after this general decree has come into force has a positive result



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or

c) who have the knowledge that they are to be **classified as close contact persons** according to the requirements of the Robert Koch Institute (RKI)

or

d) who were informed by the health department of the Rendsburg-Eckernförde district that the **presence of SARS-CoV-2 viruses was detected on the basis of a molecular biological examination carried out on them** (persons who tested positive),

or

e) who are aware that a **SARS-CoV-2 rapid antigen test ("self-test") for the presence of SARS-CoV-2 viruses carried out by themselves** or by untrained personnel after this general decree has come into force,

are obliged to go to their home immediately after taking notice of this and to remain in isolation / stay there until the time specified in section 6 (domestic isolation / quarantine).

The obligation to segregate in accordance with number 1 letter c) (close contact persons) does not apply to vaccinated and recovered persons in accordance with the COVID-19 Protective Measures Exceptions Ordinance. The exception according to sentence 2 does not apply if the obligation to segregation exists because of contact with a person with a virus variant of the SARS-CoV-2 coronavirus that is not yet widespread in Germany with a cause of concern as defined by the Robert Koch Institute Properties is infected and the recovered or vaccinated person is aware of this fact.

2. The persons named under number 1 letters a) - c) are obliged to report immediately to the health department of the Rendsburg-Eckernförde district using the contact details below.

The following data must be communicated:

- First and second name,
- Date of birth,
- Telephone number,
- Address,
- Classification of oneself (number 1 letters a - c),
- Symptoms of illness including notification of the day of the first occurrence,

- Day of test,
- First and second name of everyone living in the household.

Die Pflicht zur Meldung besteht nicht, wenn eine nach § 8 IfSG gesetzlich zur Meldung verpflichtete Person die Meldung vornimmt.

3. The persons named under number 1 letters b) and e) are obliged to have the test result confirmed immediately by means of a molecular biological examination (PCR test) in a test center, a test station or a doctor. To do this, you may leave your home once. This may only be done using a mouth and nose cover without using public transport and on the direct way there and back. Interruptions for other purposes are not permitted. If no PCR testing is carried out, the persons have to isolate themselves for 14 days.

4. The persons named under number 1 letters a) - e) are obliged to adhere to the following behavioral measures:

- No close physical contact with family members / other people.
- A distance of > **1.50 - 2 m** to all people must be maintained.
- Wear **close-fitting mouth and nose protection** when it is inevitable that you will have to share the room with someone else. The mouth and nose protection should be changed after two hours at the latest if it is soaked.
- The aforementioned sub-items do not apply to people who need personal attention or care or who do so and who are in the same household (closest family circle). The contacts are to be reduced to the necessary extent.
- Keep a **diary** regarding your symptoms, body temperature, general activities and contacts with other people. The body temperature should be measured **twice a day**.
- If symptoms such as fever or increased temperature, cough, irritation of the throat or runny nose occur, the health office of the Rendsburg-Eckernförde district must be informed immediately using the contact details listed below.

5. The persons named under number 1 letters a) - e) are prohibited from exercising a professional activity according to § 31 IfSG. An exception is home office if this can be done without contact with other people.

6. The separation order applies until it is lifted by the health department of the Rendsburg-Eckernförde district, but no later than after 14 days. An extension may be possible in individual cases. In the case of contact persons, the order is based on the PCR result of the index case (the initially confirmed COVID case).

For the case constellations of a positive self-test according to number 1 letter e) as well as positive rapid antigen test (PoC test) according to number 1 letter b) and a subsequent molecular biological examination (PCR test), the obligation to isolate

ends automatically with exclusion of the infection if the negative is present Test result. For persons according to number 1 letter c), the index case (the initially confirmed COVID case) is decisive. The negative test result must be presented to the responsible health department on request.

7. This general decree is effective immediately up to and including **September 20, 2021**. An extension is possible.

8. Infringements can be punished with a fine of up to € 25,000 according to Section 73 (1a) No. 6 IfSG.

9. The order is immediately enforceable in accordance with Section 28 (3) in conjunction with Section 16 (8) IfSG.

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

11. Information on the collection of data in the Rendsburg-Eckernförde district administration according to Art. 12 and 13 GDPR can be found in the information sheet on data protection COVID-19. This can be viewed during office hours in the district of Rendsburg-Eckernförde, Kaiserstraße 8, 24768 Rendsburg and on the Internet on the homepage of the district of Rendsburg-Eckernförde (www.kreis-rendsbuerg-eckernfoerde.de).

Justification

The legal basis for the measures taken is Sections 28a (1) and 28 (1) in conjunction with Section 30 (1) sentence 2 IfSG. According to §§ 28a paragraph 1, 28 paragraph 1 sentence 1 IfSG, the competent authority has to take the necessary protective measures if sick, suspected illness, suspected contagion or excretory are found or it emerges that a deceased was ill, suspected of being ill or excretory to the extent and for as long as it is necessary to prevent the spread of communicable diseases. According to §§ 28a paragraph 1, 28 paragraph 1 sentence 2 IfSG, the competent authority can restrict or prohibit events for a larger number of people and close bathing establishments or community facilities mentioned in § 33 IfSG or parts thereof; it can also oblige people not to leave the place where they are or not to enter places designated by them until the necessary protective measures have been taken.

According to § 31 IfSG, the competent authority can prohibit sick people, suspected illnesses, contagious suspects and people who have left the company from exercising certain professional activities in whole or in part. This also applies to other people who carry

pathogens in or on themselves in such a way that there is a risk of spreading them in individual cases.

The disease caused by the novel coronavirus is a disease caused by pathogens (viruses) that are transmitted from person to person by droplet infection. Transmission is possible through droplet infection with people suffering from the new type of coronavirus or through contact with their vomit, stool or other body fluids. Since there is currently neither adequate protection of the population through vaccination nor a drug approved for treatment in Germany, preventing healthy people from being infected by the virus is of particular importance.

A sick person within the meaning of § 2 No. 4 IfSG is a person who is sick with a communicable disease. It is according to § 6 Abs. 1 S. 1 No. 1 IfSG in conjunction with § 1 Abs. 1 S. 1 regulation on the extension of the reporting obligation according to § 6 Abs. 1 Satz 1 Nr. 1 and § 7 Abs. 1 Satz 1 des Infektionsschutzgesetzes on infections with the novel coronavirus (SARS-CoV-2), a reportable disease that first appeared in Wuhan / People's Republic of China in December 2019 and is considered highly contagious.

According to § 2 No. 7 IfSG, a person is suspected of being contagious if it can be assumed that he has ingested pathogens without being sick, suspected of being infected or being eliminated.

People who are classified as close contact persons according to the RKI requirements are considered to be suspected of being contagious through contact with a person suffering from the new type of coronavirus. A specific definition can be found at the RKI (www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Kontaktperson/Management.html?jsessionid=1341B163ABC761AAA6D1D30D4218AC33.internetbody072?nn=13490888#doc135162).

In order to be able to curb the spread of this disease effectively, the IfSG grants the competent authorities very extensive rights to order concrete measures to avert danger. These include in particular:

- the obligation to tolerate examinations, including taking blood
- comprehensive information on health status
- Anordnungen, sich an einem festgelegten Ort aufzuhalten

Sections 28 - 30 of the IfSG expressly provide that the fundamental rights of physical integrity (Article 2 (2) sentence 1 of the Basic Law), the freedom of the person (Article 2 (2) sentence 2 of the Basic Law) and the inviolability of the Apartment (Article 13, Paragraph 1 of the Basic Law) may be restricted.

The order to stay at home and not to leave it without permission is due to the infection found in the persons named under 1 letters a) to e) or the fact that they are suspected of being contagious according to RKI guidelines are to be classified, suitable for the protection of the general public and necessary to effectively combat the spread of the novel coronavirus and to prevent it from spreading. According to Section 30 (1) sentence 2 IfSG, suspected contagion persons can be "isolated in a suitable hospital or in some other suitable manner". The isolation in one's own ("their") domesticity is necessary in order to ensure a verifiability of the specifications and the information and to be able to establish contact for any further orders.

Scientific evidence shows that vaccinated and recovered people are not (no longer) contagious to others, or that the residual risk of further transmission is considerably reduced. The COVID-19 Protective Measures Exceptions Ordinance (SchAusnahmV) therefore provides for relief and exemptions from protective measures for these groups of people. According to § 10 SchAusnahmV, segregation obligations, which are enacted on the basis of the fifth section of the Infection Protection Act, do not apply to vaccinated and recovered persons. With the exception of the case constellation regulated in § 10 Paragraph 2 SchAusnahmV (worrying virus variant), vaccinated and convalescent persons are no longer required to separate after contact with an infected person. However, the exemptions and exceptions set for those who have recovered and who have been vaccinated do not apply if typical symptoms of an infection with the SARS-CoV-2 coronavirus are exhibited or if a current infection with the SARS-CoV-2 coronavirus is proven, see § 1 Paragraph 3 No. 1 and 2 SchAusnahmV.

The obligation to report to the health department of the Rendsburg-Eckernförde district after a positive test result only applies to the persons named in number 1 letters a) - c). Self-testers are initially excluded from this. Self-testers are obliged to have a positive test result confirmed by a PCR test. If this result is also positive, the persons are also required to report in accordance with section 3.

There is no obligation to report for the persons named in number 1 letters a) - c), as far as a person legally obliged to report makes the report. This includes in particular doctors (§ 8 Paragraph 1 No. 1 IfSG) or pharmacists (§ 8 Paragraph 1 No. 5 IfSG) as well as the diagnosing person when using near-patient rapid tests with third parties if they are diagnosed according to § 24 Sentence 2 or on the basis of a Ordinance according to § 24 sentence 3 number 1 IfSG is authorized to carry out such rapid tests.

The persons named in paragraph 1 letter b) and letter e) are obliged in paragraph 3 to have the test result confirmed immediately by means of a molecular biological examination (PCR test). Alternatively, the possibility of 14-day secretion should remain as a milder means compared to (minor) physical intervention (no compulsory testing). A premature end of the secretion is only possible by confirming a negative PCR result. For the persons named in number 1 letters a), b) and c), the test center or test station can provide proof of the time and reason for the test at the request of the health department.

Regulations on isolation or testing based on state or federal regulations remain unaffected.

Against the background of the very dynamic spread and infections with the SARS-CoV-2 virus and diseases from COVID-19, extensive and effective measures to delay the spread of the spread and to interrupt the chains of infection must be taken immediately. Far-reaching effective measures are urgently needed to ensure the long-term maintenance of the essential functions of the health system and public safety and order in Schleswig-Holstein as far as possible in the interests of health protection. The large-scale interruption, containment or delay in the spread of the new pathogen in the country is - beyond the measures already taken - the only effective procedure to achieve these goals.

Taking into account the still high workload of the public health service, the above measures are taken to ensure the interruption, containment or delay of the spread of the SARS-CoV-2 virus.

The general decree is based on §§ 28a paragraph 1, 28 paragraph 1 sentence 1 and 2 IfSG. Infringements are therefore subject to fines according to § 75 Paragraph 1 No. 1 IfSG.

This order takes effect immediately. It is limited to and **including September 20, 2021**. An extension is possible.

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

Notes:

- If possible, a temporal and spatial separation from non-positive household members should be observed in the household. A "temporal separation" can take place, for example, in that the meals are not taken together, but one after the other. Spatial separation can take place, for example, by staying in different rooms.
- Pay attention to the coughing and sneezing etiquette at all times and use disposable handkerchiefs.
- Contact with roommates and relatives should be limited to the bare minimum, whereby the above-mentioned behavioral measures should be adhered to.
- Toiletries should not be shared with other members of the household.
- Dishes and linen should also not be shared with household members or third parties without first washing them. Laundry that comes into contact with the intimate area should be washed at at least 60 ° C.
- Surfaces that people frequently come into contact with should be cleaned regularly with household cleaners or surface disinfectants.

- Wash hands regularly, especially before and after preparing food, eating and using the toilet.
- You should ensure regular ventilation of the living room and bedroom as well as the kitchen and bathroom.
- Do your purchases online or have them done by third parties.
- In case of doubt, a direct route means using your own vehicle, but not using public transport.

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.

Reference is made to Section 28 (3) in conjunction with Section 16 (8) IfSG.

On behalf

Lena Mayar