

# **Act on the Prevention and Control of Infectious Diseases in Humans (Infection Protection Act - IfSG)**

## **Section 22a Proof of COVID-19 Vaccination, Recovery and Testing; COVID-19 Certificates; Power to Issue Ordinances**

Unofficial English translation – for information purposes only

(1) Proof of vaccination is physical or digital proof of the existence of complete immunisation against the SARS-CoV-2 coronavirus in German, English, French, Italian or Spanish. Complete immunisation against the SARS-CoV-2 coronavirus exists if

1. each of the individual primary vaccinations were completed with one or more vaccines which
  - (a) are authorised by the European Union or
  - (b) are authorised abroad and have the same formulation as a vaccine authorised in the European Union,
2. a total of three individual vaccinations were carried out and
3. the last vaccination was carried out at least three months after the second vaccination.

By way of derogation from sentence 2 (2), complete vaccination protection also exists through 30 September 2022 when two vaccinations were administered. Starting on 1 October 2022, complete vaccination protection exists for two single vaccinations only if

1. the person concerned has physical or digital proof in German, English, French, Italian or Spanish of a positive antibody test carried out on their person and this test was carried out at a time when the person concerned had not yet received a vaccination against the SARS-CoV-2 coronavirus,
2. the person concerned was infected with the SARS-CoV-2 coronavirus, he or she can prove this infection with test results from a direct pathogen detection test, and the test on which the test results are based
  - a) is based on laboratory diagnostics by means of nucleic acid detection (PCR or other methods of nucleic acid amplification technology) and
  - (b) the test was carried out at a time when the person concerned had not yet received the second vaccination dose against the SARS-CoV-2 coronavirus, or
3. the person concerned was infected with the SARS-CoV-2 coronavirus, he or she can prove this infection with test results from a direct pathogen detection test, and the test on which the test results are based
  - a) is based on laboratory diagnostics by means of nucleic acid detection (PCR or other methods of nucleic acid amplification technology) and
  - (b) 28 days have elapsed since the date on which the test on which the test results are based was carried out.

By way of derogation from sentence 3, in the cases referred to in sentence 3 (1-3), complete immunisation shall also exist through 30 September 2022 in the case of a single vaccination; the first vaccination shall supplant the second vaccination.

(2) Proof of recovery is considered proof of the presence of immune protection against the SARS-CoV-2 coronavirus acquired by previous infection in German, English, French, Italian or Spanish in physical or digital form, if

1. the previous infection was detected by a nucleic acid detection (PCR, PoC-NAAT or other methods of nucleic acid amplification technology) and
2. the test for the detection of the previous infection was carried out at least 28 days but not more than 90 days prior.

(3) Proof of testing is proof of the absence of an infection with the SARS-CoV-2 coronavirus in German, English, French, Italian or Spanish in physical or digital form, if the test on which the proof is based was carried out by in vitro diagnostic medical devices that are intended for the direct detection of the SARS-CoV-2 coronavirus or are marketable on the basis of their CE marking or on the basis of a special authorisation granted in accordance with section 11 subsection 1 of the Medical Devices Act, the test on which the proof is based was carried out no more than 24 hours ago, and

1. it was carried out on-site under the supervision of the person who is subject to the respective protective measure,
2. it was carried out in the course of workplace testing for the purpose of occupational health by personnel who have the necessary training or knowledge and experience, or
3. it was carried out or monitored on-site by a service provider in accordance with subsection 6 (1) of the Coronavirus Testing Ordinance.

(4) The Federal Government shall be authorised, by ordinance subject to the approval of the Bundesrat and in accordance with the current state of science and research, to regulate requirements deviating from subsections 1 to 3 for proof of vaccination, recovery and testing. In the ordinance, the Federal Government may

1. by way of derogation from subsection 1, regulate the following with regard to proof of vaccination:
  - (a) the time intervals,
    - aa) which must be awaited after each individual vaccination to achieve complete immunisation and
    - bb) which may not be exceeded between individual vaccinations,
  - (b) the number and possible combination of individual vaccinations for complete immunisation and
  - (c) vaccines that are recognised for the purpose of proving vaccination within the meaning of subsection 1;
2. by way of derogation from subsection 2, regulate the following with regard to proof of recovery:
  - (a) the means for proving the detection of the previous infection,
  - (b) the time which must have elapsed after testing to detect the previous infection,
  - (c) the maximum amount of time that may have passed since the test to prove the prior infection was performed;
3. by way of derogation from subsection 3, regulate ways of proving a possible infection in regard to proof of testing.

In the ordinance, appropriate transitional periods shall be provided for the application of the requirements for proof of vaccination, recovery, or testing derogating from subsections 1 to 3.

(5) In addition to vaccination documentation, the administration of a vaccination against the SARS-CoV-2 coronavirus shall be certified with a digital certificate (COVID-19 vaccination certificate) at the request of the vaccinated person by the following persons:

1. the person authorised to administer the vaccination or
2. subsequently by any doctor or pharmacist.

The obligation under sentence 1 number 2 only applies if the physician or pharmacist is provided with documentation of a vaccination against the SARS-CoV-2 coronavirus and has declared themselves willing to subsequently issue certificates using appropriate measures to avoid the issuance of a false COVID-19 vaccination certificate, in particular to verify the identity of the vaccinated person and the authenticity of the vaccination documentation. In order to issue the COVID-19 vaccination certificate, the person obliged to certify the vaccination against the SARS-CoV-2 coronavirus will transmit the personal data referred to in section 22 (2) sentences 1 and 4 to the Robert Koch-Institut, which generates the COVID-19 vaccination certificate. The Robert Koch-Institut is authorised to process the personal data required to issue and certify the COVID-19 vaccination certificate.

(6) The carrying out or monitoring of a test for positive pathogen detection of the SARS-CoV-2 coronavirus shall, at the request of the data subject, be certified with a digital certificate (COVID-19 recovery certificate):

1. by the person authorised to carry out or supervise the test, or
2. subsequently by any doctor or pharmacist.

The obligation under sentence 1 number 2 only exists if the doctor or pharmacist is presented with test documentation with regard to a positive pathogen detection of the SARS-CoV-2 coronavirus and has declared themselves willing to subsequently issue certificates using appropriate measures to avoid the issuance of a false COVID-19 health certificate, in particular to verify the identity of the tested person and the authenticity of the test documentation. In order to issue the COVID-19 recovery certificate, the person obliged to certify the test with regard to a positive pathogen detection of the SARS-CoV-2 coronavirus will transmit the following data to the Robert Koch-Institut, which generates the COVID-19 recovery certificate:

1. the name of the tested person, their date of birth,
2. the date of testing; and
3. information on testing, including the type of test, and on the test issuer.

Subsection 5 sentence 4 shall apply accordingly.

(7) The carrying out or monitoring of a test with regard to a negative pathogen detection of the SARS-CoV-2 coronavirus shall be certified with a digital certificate (COVID-19 test certificate) at the request of the tested person by the person authorised to carry out or monitor the test. In order to prepare the COVID-19 test certificate, the person obliged to issue the certificate will transmit the following data to the Robert Koch-Institut, which generates the COVID-19 test certificate:

1. the name of the tested person, their date of birth,
2. the date of testing; and
3. information on testing, including the type of test, and on the test issuer.

Subsection 5 sentence 4 shall apply accordingly.

(8) In order to block the use of COVID-19 vaccination certificates, COVID-19 recovery certificates or COVID-19 test certificates that are incorrectly certified contrary to paragraph 5 sentence 1, paragraph 6 sentence 1 or paragraph 7 sentence 1, the Federal Police and the authorities responsible for security in the Länder shall transmit data relating to the certificate and data contained directly in the certificate to the Robert Koch-Institut. Information on names, dates of birth or the unique certificate identifier referred to in points 1 (a), (b) and (k), 2 (a), (b) and (l) and 3 (a), (b) and (i) of the Annex to Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 establishing a framework for the issuance, verification and recognition of interoperable certificates for the certification of COVID-19 vaccination, testing and recovery from COVID-19 infection (EU digital COVID certificate) (OJ L 211 of 15 June 2021, p.1), as last amended by Regulation (EU) 2022/256 (OJ L 42 from 23 February 2022, p. 4) will not be transmitted for the purposes of facilitating free movement during the COVID-19 pandemic. The Robert Koch-Institut blocks certificates by adding the respective certificate to a certificate blocking list. The Robert Koch-Institut is authorised to process the personal data required to block a certificate.