Order of restriction on foreign trade in certain goods

4\textsuperscript{th} of March 2020

The Federal Ministry for Economic Affairs and Energy orders by mutual agreement with the Federal Foreign Office on the basis of 6 section 1 sentence 1 in conjunction with § 4 section 1 number 5 of the Foreign Trade Act (Außenwirtschaftsgesetz) the following:

The export into EU member states and the transfer to non-EU member states of the following goods is prohibited:

1. Safety goggles and visors
2. Face shields
3. Mouth and nose protection products (OP masks/surgical masks)
4. Filtering Face Pieces category 2
5. Filtering Face Pieces category 3 and FFP3 masks
6. Protective gown
7. Protective suits

These restrictions are not applicable to:

I. Exports and transfers in appropriate quantities by doctors, dentists or veterinarians for the purpose of authorised medical practice or first aid
II. Exports and transfers in appropriate quantities by other persons in the duration of a journey for their own use
III. Exports and transfers in appropriate quantities as equipment for first aid or other urgent cases in buses, trains, aircraft or ships in international transport

Furthermore, exceptions to the above-mentioned restrictions may be granted by the Federal Office of Economics and Export Control (BAFA).
This is possible in the following cases:

1. Fulfillment of delivery obligations resulting from a joint procurement programme by the European Union on serious cross-border health threats
2. When it serves relief operations coordinated by the ‘Integrated Political Crisis Response’-Mechanism (IPCR), the European Commission or other institutions of the European Union
3. When it results from requests for assistance made to the UPCM (EU Civil Protection Mechanism) by non-EU countries or international organisations
4. If it serves to support a call for help within the framework of the Global Outbreak Alert & Response Network (GOARN) of the World Health Organisation
5. If it serves to supply military forces on foreign missions, German members of international police missions or civilian international peace missions
6. If it serves to supply German missions abroad

Explanation

The purpose of this order is to counteract any threat to the satisfaction of essential domestic needs and thereby protect the health and life of persons, in accordance with Article 36 of the Treaty on the Functioning of the European Union.

Meeting demand with the above-mentioned goods is essential for maintaining a functioning health care system in the Federal Republic of Germany.

Due to the epidemiological crisis situation triggered by the coronavirus SARS-CoV-2 in many countries worldwide, the global need for medical protective equipment has increased significantly. This development in demand is contrasted by limited production capacities that are no longer able to respond adequately to the development, so that the health care system is already facing considerable bottlenecks.

The Robert Koch Institute has increased its danger classification, so that a further spread of the virus must be expected.

A prohibition of exports and transfers is also suitable and necessary to counteract the threat to the satisfaction of essential needs of the goods.
In view of the significant health risks posed by the emerging and rapidly spreading coronavirus SARS-CoV-2, which threatens the life and limb of the population, a ban on exports and transfers is a proportionate measure.