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Federal Act on Controlling Communicable Human Diseases (Epidemics Act, EpidA)

of 28 September 2012 (Status as of 25 June 2020)

*The Federal Assembly of the Swiss Confederation,
on the basis of Articles 40 paragraph 2, 118 paragraph 2 letter b, 119 paragraph 2
and 120 paragraph 2 of the Federal Constitution¹,
and having considered the Federal Council Dispatch dated 3 December 2010²,
decrees:*

Chapter 1 General Provisions and Principles

Art. 1 Subject matter

This Act regulates protecting people against communicable diseases and provides for the measures required to do so.

Art. 2 Purpose

¹ This Act has the aim of preventing and controlling the outbreak and spread of communicable diseases.

² The measures under this Act are intended to enable:

- a. communicable diseases to be monitored and basic knowledge about their spread and development to be made available;
- b. the dangers of the outbreak and spread of communicable diseases to be recognised, assessed and avoided at an early stage;
- c. individual persons, specific groups of persons and institutions to contribute to preventing and controlling communicable diseases;
- d. the organisational, technical and financial requirements for detecting, monitoring, preventing and controlling communicable diseases to be created;
- e. access to facilities and resources for protection against transmission to be ensured;

AS 2015 1435

¹ SR 101

² BBl 2011 311

- f. the effects of communicable diseases on society and the persons affected to be reduced.

Art. 3 Definitions

In this Act:

- a. *communicable disease* means an illness that may be transmitted to human beings by pathogens or their toxic products;
- b. *observations* means clinical findings (e.g. suspected diagnoses, confirmed diagnoses, deaths), laboratory analysis findings (e.g. test results, direct and indirect evidence of pathogens, typifications, resistance tests), epidemiological findings (e.g. key figures on healthcare-associated infections) and incidents (e.g. suspicious substances, objects) connected with communicable diseases;
- c. *pathogens* means natural and genetically modified organisms (e.g. viruses, bacteria, fungi, protozoa and other parasites), substances (e.g. prions, toxins) and genetic material that can cause or aggravate a communicable disease;
- d. *handling pathogens* means any activity involving pathogens, in particular their manufacture, reproduction, release, marketing, import, export, transit, retention, use, storage, disposal or transport.

Art. 4 Goals and strategies

¹ The Federal Council shall in consultation with the cantons determine the goals and strategies for detecting, monitoring, preventing and controlling communicable diseases.

² The following in particular must be taken into consideration in determining the goals and strategies:

- a. the findings of the reports under Article 76;
- b. international recommendations and guidelines;
- c. the current state of scientific knowledge.

³ The Confederation and the cantons shall, based on the reports, review whether the goals have been achieved, and take the relevant measures as required.

Art. 5 National programmes

¹ The Federal Office of Public Health (FOPH) shall, in consultation with the cantons, develop topic-specific national programmes for detecting, monitoring, preventing and controlling communicable diseases, in particular relation to:

- a. vaccinations;
- b. healthcare-associated infections and resistance in the case of pathogens;
- c. HIV and other sexually transmitted pathogens.

² The Confederation and the cantons shall implement the national programmes within the scope of their powers.

Art. 6 Special situation

¹ A special situation arises if:

- a. the ordinary enforcement agencies are unable to prevent or control the outbreak and spread of communicable diseases, and one of the following risks is present:
 1. a high risk of infection and of spread,
 2. a special risk to public health,
 3. serious consequences for the economy or for other areas of life;
- b. the World Health Organization (WHO) has announced a public health emergency of international concern and this emergency poses a risk to public health in Switzerland.

² The Federal Council may, after consulting the cantons, order the following measures:

- a. measures in relation to individual persons;
- b. measures in relation to the population;
- c. a requirement for doctors and other healthcare specialists to participate in combating communicable diseases;
- d. mandatory vaccinations for population groups at high risk, for persons who are particularly exposed to infection and for persons who carry out certain activities.

³ The Federal Department of Home Affairs (FDHA) shall coordinate the measures taken by the Confederation.

Art. 7 Extraordinary situation

If an extraordinary situation so requires, the Federal Council may order the measures required for the entire country or for individual parts of the country.

Art. 8 Preparatory measures

¹ The Confederation and the cantons shall take preparatory measures to limit the risks to and negative effects on public health at an early stage.

² The FOPH may instruct the cantons to take specific measures in view of a special risk to public health, in particular:

- a. measures to detect and monitor communicable diseases;
- b. measures in relation to individual persons;
- c. measures in relation to the population;
- d. measures to distribute therapeutic products.

Chapter 2 Providing and Exchanging Information

Art. 9 Providing information

¹ The FOPH shall inform the public, specific groups of persons, authorities and experts about the dangers of communicable diseases and about the options for preventing and controlling such diseases.

² It shall regularly publish compilations and analyses about the nature, incidence, causes and spread of communicable diseases.

³ It shall publish recommendations on measures against communicable diseases and on handling pathogens and shall adapt them regularly in line with the current state of scientific knowledge. If other federal offices are affected, the FOPH shall act in consultation with them.

⁴ The FOPH and the competent cantonal authorities shall coordinate their information activities.

Art. 10 Exchange of information

¹ The FOPH shall ensure that the cantons receive the information pertaining to preventing and combating communicable diseases.

² The competent federal and cantonal bodies shall share research results, specialist knowledge and information on training and monitoring programmes with each other.

Chapter 3 Detection and Monitoring

Section 1 Reports

Art. 11 Early detection and monitoring systems

The FOPH shall in cooperation with other federal agencies and the competent cantonal bodies operate systems for the early detection and monitoring of communicable diseases. It shall ensure coordination with international systems.

Art. 12 Duty to report

¹ Doctors, hospitals and other public or private healthcare institutions shall report observations on communicable diseases, including the information required to identify the persons who are ill, infected or have been exposed and to establish the route of transmission:

- a. to the competent cantonal authority;
- b. in the case of certain pathogens, directly to the FOPH as well.

² Laboratories shall report laboratory analysis findings on communicable diseases including the information required to identify the persons who are ill or infected to the competent cantonal authority and the FOPH.

³ The Federal Council may require that measures taken to prevent and control the disease as well as their effect are reported and that samples and test results are sent to the laboratories designated by the responsible authorities.

⁴ The competent cantonal authorities shall report observations that indicate a risk to public health to the FOPH.

⁵ Any person piloting a ship or an aircraft shall report observations that indicate a risk to public health to the port or airport operator.

⁶ Observations must be reported if they relate to communicable diseases that:

- a. may cause epidemics;
- b. may cause serious consequences;
- c. are novel or unexpected; or
- d. are subject to monitoring by international agreement.

Art. 13 Regulation of reports

¹ The Federal Council shall stipulate the observations on communicable diseases that must be reported, together with the methods, criteria and time limits for reporting.

² In the case of specific report content, it may restrict the duty to report to selected doctors, to hospitals and other public or private healthcare institutions and to laboratories.

Art. 14 Reports for epidemiological monitoring and for research purposes

¹ The FOPH may agree for the purpose of epidemiological monitoring and for research purposes with doctors, laboratories, hospitals and other public or private healthcare institutions that they report observations that are not subject to the duty to report to a body designated by the FOPH.

² The report must be made in anonymised form.

Art. 15 Epidemiological investigations

¹ The competent cantonal authorities shall ensure the required epidemiological investigations, in particular on the nature, cause, source of infection and spread of a detected or suspected disease. They shall coordinate their activities and inform the FOPH about the results.

² The competent federal authority shall provide the cantonal authorities with professional support with the epidemiological investigations. It may conduct such investigations itself, particularly if the canton concerned requests it to do so.

Section 2 Laboratories

Art. 16 Licence requirement

¹ Laboratories that conduct microbiological tests for detecting communicable diseases require a licence from the competent federal authority.

² The Federal Council shall carry out the following tasks:

- a. designating the competent federal authority.
- b. regulating the requirements and procedure for granting the licence.
- c. specifying the licence holder's obligations.
- d. regulating supervision and in particular provide for the possibility of unannounced inspections.

³ Laboratories in doctors' practices, hospital laboratories, pharmacy dispensaries and other laboratories that conduct analyses as part of the universal provision of services under the Federal Act of 18 March 1994³ on Health Insurance (Health Insurance Act) are exempted from the licence requirement.

Art. 17 National reference centres and confirmation laboratories

The FOPH may designate individual laboratories as national reference centres or as confirmation laboratories and entrust the same with special tests and other special tasks.

Art. 18 Laboratory network

The cantons shall operate a network of regional laboratories and ensure cooperation with the competent federal authorities and the high security laboratories.

Chapter 4 Prevention

Section 1 General Preventive Measures

Art. 19

¹ The Confederation and the cantons shall take measures to control, reduce and eliminate the risks of disease transmission.

² The Federal Council may issue the following regulations:

- a. It may require hospitals, clinics and other healthcare institutions to decontaminate, disinfect and sterilise their medical devices.
- b. It may require businesses and event organisers whose activities increase the risk of transmitting the disease to provide prevention and information materials and comply with a specific code of conduct.

³ SR 832.10

- c. It may require public health and education institutions to offer information on the dangers of communicable diseases and advice on their prevention and control.
- d. It may require public and private institutions that have a special obligation to protect the health of people in their care to take suitable preventive measures.
- e. It may make technical installations that can spread communicable diseases subject to a registration requirement.

Section 2 Vaccinations

Art. 20 National vaccination plan

¹ The FOPH, in cooperation with the Federal Commission for Vaccination, shall draw up and publish vaccination recommendations in the form of a national vaccination plan.

² Doctors and other healthcare specialists shall assist in implementing the national vaccination plan as part of their activities.

³ They shall inform the persons addressed by the vaccination recommendations about the national vaccination plan.

Art. 21 Encouraging people to be vaccinated

¹ The cantons shall encourage people to be vaccinated by:

- a. informing the persons addressed by the vaccination recommendations about the national vaccination plan;
- b. regularly reviewing the vaccination status of children and young people who are in compulsory education;
- c. ensuring that the persons addressed by the vaccination recommendations are fully vaccinated.

² They may in particular:

- a. offer vaccinations as part of school health services;
- b. administer vaccines free of charge or supply vaccines at below the market price.

Art. 22 Mandatory vaccinations

The cantons may declare vaccinations to be mandatory for population groups at high risk, persons who are particularly exposed to infection and persons that carry out certain activities, provided there is a significant risk.

Art. 23 International certificate of vaccination or other prophylaxis

¹ The Federal Council may introduce a registration or licensing obligation for vaccinations for which an international certificate of vaccination or other prophylaxis under Article 36 of the International Health Regulations (2005) of 23 May 2005⁴ is required.

² The Federal Council shall carry out the following tasks:

- a. designating the competent authority;
- b. regulating the requirements and the procedure for granting licences;
- c. indicating the vaccination procedure and the permitted vaccines.

Art. 24 Monitoring and evaluation

¹ The competent federal authorities shall in consultation with the cantons regularly review the appropriateness and effectiveness of the vaccination measures.

² The competent cantonal authorities shall collect data on the numbers of persons who have been vaccinated and inform the FOPH regularly about the vaccination rate and about the measures taken to increase the rate.

³ The FOPH shall regularly draw up reports on monitoring and evaluation and publish these in a suitable form.

Section 3 Biosafety**Art. 25** Duty of care

Any person who handles pathogens or their toxic products must take all the measures required to ensure that no one can come to any harm.

Art. 26 Handling pathogens in contained systems

¹ In the case of activities with pathogens in contained systems, all the containment measures that are required to prevent a risk to the population must be taken.

² The Federal Council shall introduce a registration or licensing obligation; it shall regulate the requirements and the procedure.

³ It may simplify the registration or licensing obligation or provide for exceptions in the case of specific pathogens and activities if current scientific knowledge and experience indicate that there is no risk to health.

Art. 27 Release and marketing

¹ Any person who wishes to release or market pathogens for experimental purposes shall require a licence from the Confederation.

⁴ SR 0.818.103

² The Federal Council shall regulate the requirements and the procedure for granting the licence as well as the provision of information to the public on experimental releases.

³ It may provide for exceptions from the licensing obligation for specific pathogens if current scientific knowledge and experience indicate that there is no risk to health.

Art. 28 Duty to provide information to purchasers

Any person who markets pathogens must inform customers about their health-related properties and risks and about the required precautionary and preventive measures.

Art. 29 Further regulations issued by the Federal Council

The Federal Council may issue the following regulations:

- a. It may regulate the transport of pathogens and introduce a licensing requirement for their import, export and transit.
- b. It may restrict or prohibit the handling of specific pathogens.
- c.⁵ It may specify requirements for contained system equipment and the training of persons handling pathogens.
- d. It may require the marking of containers that hold pathogens.

Chapter 5 Disease Control

Section 1 Measures that apply to Individual Persons

Art. 30 Principle

¹ A measure in accordance with Articles 33–38 may only be ordered if:

- a. less stringent measures to prevent the spread of a communicable disease are not sufficient or appropriate; and
- b. the measure serves to avert a serious risk to the health of other persons.

² The measure must be necessary and reasonable.

Art. 31 Ordering measures

¹ The competent cantonal authorities shall order the measures in accordance with Articles 33–38.

² The competent federal authorities shall support the cantons in identifying and notifying persons, in particular persons travelling on international transport services.

⁵ Amended by Annex No 34 of the FA of 20 June 2014 on Continuing Education and Training, in force since 1 Jan. 2017 (AS 2016 689; BBl 2013 3729).

³ When ordering measures, the persons concerned must be given an explanation of why the measures are being ordered and how long they are expected to apply.

⁴ The measures may only apply for as long as is necessary to prevent the spread of a communicable disease and to avert a serious risk to the health of other persons. They must be regularly reviewed.

Art. 32 Enforcement of the measures

The competent cantonal authorities may compulsorily enforce their orders relating to medical monitoring, quarantine, isolation or medical testing.

Art. 33 Identification and notification

Any person who is ill, suspected of being ill, infected or suspected of being infected or who is spreading pathogens may be identified and notified.

Art. 34 Medical monitoring

¹ Any person who is ill, suspected of being ill, infected or suspected of being infected or who is spreading pathogens may be made subject to medical monitoring.

² The person concerned is required to inform the doctor responsible about their state of health and their contacts with other persons.

Art. 35 Quarantine and isolation

¹ If medical monitoring is insufficient, the following measures may be taken:

- a. a person who suspected of being ill or suspected of being infected may be placed in quarantine;
- b. a person who is ill or infected or who is spreading pathogens may be placed in isolation.

² The person concerned may if necessary be admitted to a hospital or another suitable institution.

³ The hospital or the institution must ensure that its staff and other persons at risk are protected against infection.

Art. 36 Medical examination

Any person who is ill, suspected of being ill, infected or suspected of being infected or who is spreading pathogens may be required to undergo a medical examination and to allow samples to be taken.

Art. 37 Medical treatment

Any person who is ill, suspected of being ill, infected or suspected of being infected or who is spreading pathogens may be required to undergo medical treatment.

Art. 38 Restriction of certain activities and on practising a profession

¹ Any person who is ill, suspected of being ill, infected or suspected of being infected or who is spreading pathogens may be wholly or partly prohibited from carrying out certain activities or practising their profession. They may be required to give notice of any change in their canton of residence, their activity or profession to the competent cantonal authority without delay.

² If a person is wholly or partly prohibited from carrying out certain activities or from practising their profession and if they have been required to give notice of a change in their canton of residence, their activity or profession, the competent cantonal authority shall notify the competent authority in the canton concerned about the prohibition or restriction.

Art. 39 Duties of doctors

Doctors who are treating or monitoring a person who is ill, suspected of being ill, infected or suspected of being infected or who is spreading pathogens shall take all the measures available to them to prevent the spread of a communicable disease. If official measures are required, this must be reported to the competent cantonal authority.

Section 2
Measures in relation to the Population and Specific
Groups of Persons**Art. 40**

¹ The competent cantonal authorities shall order measures to prevent the spread of communicable diseases among the population or within specific groups of persons. They shall coordinate their measures.

² They may in particular take the following measures:

- a. prohibit or restrict events;
- b. close schools, other public institutions and private businesses or issue regulations on their operation;
- c. revoke or restrict the right to enter or leave certain buildings or areas and to carry out specific activities at defined locations.

³ The measures may only apply for as long as is necessary to prevent the spread of a communicable disease. They must be regularly reviewed.

Section 3 Measures relating to International Travel

Art. 41 Entry and exit

¹ The Federal Council shall issue regulations on international travel to prevent communicable diseases spreading from one country to another.

² If required to prevent the spread of a communicable disease, the FOPH may require persons entering or leaving Switzerland:

- a. to make their identity, travel route and contact details known;
- b. to present a certificate of vaccination or other prophylaxis;
- c. to provide information on their state of health;
- d. to present proof of a medical test;
- e. to undergo a medical examination.

³ The FOPH may require persons entering Switzerland to submit to a measure in accordance with Articles 34, 35, 37 and 38; Articles 30–32 apply in an analogous manner. If required, the Federal Council may extend these measures temporarily to all persons entering Switzerland from regions considered to pose a risk.

⁴ The FOPH may temporarily deny any person who is ill, suspected of being ill, infected or suspected of being infected or who is spreading pathogens the right to leave Switzerland if this is required to prevent the spread of a communicable disease.

Art. 42 Operational preparation

¹ Operators of ports and airports shall make the required operational preparations for implementing the measures under Article 41. They shall have their own emergency plans.

² The Federal Council shall designate the operators of ports and airports that must provide the required capacities in accordance with Annex 1 B of the International Health Regulations (2005) of 23 May 2005⁶.

Art. 43 Duty to cooperate

¹ Companies that transport persons by rail, bus, ship or air internationally, airport operators, port operators, railway and bus stations and travel businesses are required to cooperate in carrying out the measures under Article 41. They may within the limits of their operational and technical capacities be required:

- a. to inform travellers about the dangers of communicable diseases and the options for preventing and controlling such diseases;
- b. to collect the information required for the identification or early detection of persons who are ill, suspected of being ill, infected or suspected of being ill and persons suspected of spreading pathogens;

⁶ SR 0.818.103

- c. to provide the competent authorities with lists of passengers or goods;
- d. to enable passengers to undergo medical tests;
- e. to enable the transport of persons who are ill, suspected of being ill, infected, suspected of being infected or who are spreading pathogens to a hospital or other suitable institution.

² They must provide the operational and staff capacities necessary to carry out the measures under paragraph 1.

Section 4 Special Measures

Art. 44 Supply of therapeutic products

¹ The Federal Council shall ensure that the population is supplied with the most important therapeutic products that are suitable for controlling communicable diseases, insofar as it is unable to guarantee supply by means of measures under the National Economic Supply Act of 8 October 1982⁷.

² It may issue regulations on:

- a. allocating therapeutic products;
- b. distributing therapeutic products;
- c. facilitating the import and restricting or prohibiting the export of therapeutic products, provided this is necessary in order to avert a public health risk;
- d. maintaining stocks of therapeutic products in hospitals and other healthcare institutions.

³ It may provide for measures to supply Swiss citizens living abroad with therapeutic products.

Art. 45 Goods transport

¹ The Federal Council may issue regulations on the transport and on the import, export and transit of goods that may be carriers of pathogens. It may in particular:

- a. issue requirements for preventive measures relating to the transport of goods;
- b. require the testing of goods for specific pathogens;
- c. issue restrictions and bans on transport and on the import, export and transit of goods.

² It may instruct the cantons to take individual measures.

⁷ SR 531

Art. 46 Transport of dead bodies

¹ The Federal Council shall issue the required regulations on the transport and the burial of dead bodies.

² It shall regulate the transport of dead bodies through Switzerland, from another country to Switzerland and from Switzerland to another country.

Art. 47 Control of organisms

¹ If organisms occur that can transmit pathogens to human beings, the competent federal and cantonal bodies shall coordinate any measures required to control such organisms or to prevent their occurrence.

² Companies that transport persons by rail, bus, ship or air, airport operators, port operators, railway and bus stations and travel businesses are required to cooperate in carrying out these measures.

Art. 48 Disinfection and disinfestation

¹ The competent cantonal authorities shall ensure that disinfection and disinfestation, in particular of means of transport and goods, are carried out to prevent the spread of communicable diseases.

² Companies that transport persons by rail, bus, ship or air, airport operators, port operators, railway and bus stations and travel businesses are required to cooperate in carrying out disinfection and disinfestation measures.

Art. 49 Certificates for shipping

The competent cantonal authorities shall issue the required health certificates for international shipping.

Chapter 6 Financial Measures**Art. 50** Financial assistance to public and private organisations

The FOPH may within the limits of the authorised budget grant financial assistance to public and private organisations for measures in the national public interest for detecting, monitoring, preventing and controlling communicable diseases.

Art. 51 Financial assistance for manufacturing therapeutic products

¹ The Confederation may provide financial assistance for manufacturing therapeutic products under Article 44 in Switzerland if supplies to the population in special or extraordinary situations cannot otherwise be guaranteed.

² It may provide the financial assistance within the limits of the authorised budget in the form of basic contributions, investment contributions or project-related contributions.

- ³ It may make the contributions provided the manufacturer:
- a. is proven to have the knowledge and ability to develop or produce the therapeutic products concerned;
 - b. undertakes to manufacture the therapeutic products in Switzerland; and
 - c. guarantees to prioritise the supply of such therapeutic products to the authorities in special or extraordinary situations.

Art. 52 Compensatory payments made to laboratories

The FOPH shall make compensatory payments to the laboratories designated as national reference centres or as confirmation laboratories for the expenses that they incur in carrying out their special tasks.

Chapter 7 Organisation and Procedures

Section 1 Cantonal and Federal Bodies

Art. 53 Chief medical officer

¹ Each canton shall appoint a chief medical officer. Cantons may appoint a joint chief medical officer.

² Chief medical officers shall coordinate their activities with other authorities and institutions involved in controlling communicable diseases. If a communicable disease arises in connection with a foodstuff, the chief medical officer shall notify the cantonal chemist.

³ The Federal Council shall specify the required qualifications for chief medical officers.

Art. 54 Coordination body

¹ The Confederation and the cantons shall establish a body to promote cooperation (coordination body). Subsidiary bodies may be established to deal with specific fields, in particular detecting and monitoring, preventing and combating zoonoses.

² The coordination body and its subsidiary bodies shall be made up of federal and cantonal representatives. They may also include other specialists, as required.

³ Their tasks shall include the following:

- a. coordinating measures to prepare for situations that pose a particular risk to public health;
- b. coordinating measures to detect, prevent and control the disease;
- c. encouraging uniform implementation;
- d. coordinating the provision of information and communication;
- e. supporting the Federal Task Force in managing special or extraordinary situations.

⁴ The Federal Council shall regulate the establishment and management of the coordination body and its subsidiary bodies.

Art. 55 Task Force

¹ The Federal Council shall have a task force at its disposal for events that may pose a special risk to public health, in particular to manage a special or extraordinary situation.

² The Task Force shall have the following tasks:

- a. advising the Federal Council;
- b. supporting the Confederation and the cantons in coordinating the measures.

Art. 56 Federal Commission for Vaccination

¹ Federal Commission for Vaccination shall advise the Federal Council on issuing regulations and the authorities on implementing this Act.

² The Commission's tasks shall include the following:

- a. drawing up vaccination recommendations for submission to the FOPH;
- b. devising medical criteria for assessing the severity of a vaccination reaction;
- c. advising the FDHA on matters related to compensation (Art. 64) or satisfaction (Art. 65).

³ It shall comprise specialists from outside the administration who have scientific or practical knowledge of vaccination matters.

⁴ It shall work with other federal and cantonal bodies that deal with vaccination matters.

Art. 57 Swiss Expert Committee for Biosafety

The Swiss Expert Committee for Biosafety shall advise the Federal Council on issuing regulations and the authorities on implementing this Act.

Section 2 Data Processing

Art. 58 Processing personal data

¹ Insofar as is required in order to identify persons who are ill, suspected of being ill, infected, suspected of being infected and persons suspected of spreading pathogens, the FOPH, the competent cantonal authorities and the public and private institutions entrusted with tasks under this Act may process or arrange for the processing of personal data, including health data, with a view to taking measures to protect public health, in particular to detect, monitor and control communicable diseases.

² They shall be responsible for complying with the data protection regulations.

³ The data may be retained for a maximum of ten years, unless the specifics of the disease require a longer retention period. Thereafter they shall be destroyed or anonymised.

Art. 59 Disclosure of personal data

¹ The federal and cantonal bodies responsible for implementing this Act may disclose to each other personal data, including data on health, which they require in order to carry out the tasks assigned to them under this Act.

² In particular the following data may be disclosed:

- a. surname, first name, address, date of birth and occupation;
- b. details of travel routes, places of stay and contacts with persons, animals and objects;
- c. results of medical tests;
- d. results of epidemiological investigations;
- e. details of belonging to a specific risk category;
- f. details of measures to prevent and combat a communicable disease.

³ The FOPH and the cantonal authorities responsible for implementing this Act may disclose personal data, including data on health, which are required to prevent the spread of a communicable disease to the following persons and authorities:

- a. doctors required to treat communicable diseases;
- b. cantonal authorities that carry out tasks related to detecting, monitoring, preventing and controlling communicable diseases;
- c. other federal authorities, insofar as it is necessary in order to implement the legislation applied by those authorities.

Art. 60 Information system

¹ The FOPH shall operate an information system for storing data relating to persons who are ill, suspected of being ill, infected or suspected of being infected or who are spreading pathogens.

² The information system shall contain the following data:

- a. identification data that enable a person to be uniquely identified and to be contacted;
- b. details of travel routes, places of stay and contacts with persons, animals and objects;
- c. results of medical tests;
- d. details of measures to prevent and control a communicable disease.

³ The information system shall be used to:

- a. identify and notify persons who are ill, suspected of being ill, infected or suspected of being infected or who are spreading pathogens;

- b. organise measures in relation to individual persons in accordance with Articles 33–38.

⁴ It shall also assist with the uniform processing of data by the responsible authorities, the production of statistics and checks on implementation.

⁵ The FOPH is responsible for the security of the information system and the legality of the processing of personal data. The cantons shall take appropriate organisational and technical measures to secure personal data in their area of responsibility.

⁶ The FOPH shall check whether the data it receives are accurate. It shall correct inaccurate data and destroy unnecessary data and notify the data providers concerned.

⁷ The information system shall be made available online to the FOPH, the cantonal bodies responsible for implementing this Act and the Coordinated Medical Services for tasks within their area of responsibility.

⁸ The Federal Council shall stipulate the requirements for safeguarding and deleting data and regulate the access rights.

⁹ The right to receive information on the data in the information system and the right to have the data corrected are governed by Articles 5 and 8 of the Federal Act of 19 June 1992⁸ on Data Protection. Requests for information on personal data and for corrections to be made to the data must be sent to the FOPH.

Art. 60a⁹ Proximity tracing system for the coronavirus

¹ In addition to the information system under Article 60, the FOPH shall operate a proximity tracing system for the Sars-CoV-2 coronavirus (PT System). The PT System records encounters between mobile telephones of persons that participate in the system, and notifies them if they have potentially been exposed to the coronavirus.

² The PT System and the data that it processes serve to notify the persons under paragraph 1 and produce statistics on the PT System. The PT System and the data must not be used for other purposes, in particular by cantonal authorities to order or enforce measures under Articles 33–38 or by the police or the prosecution or intelligence services.

³ Participation in the PT System is voluntary for everyone. Authorities, businesses and individuals may not give preference to or discriminate against any person based on their participation or non-participation in the PT System; any agreements to the contrary shall be invalid.

⁴ Any person who has been notified by the PT System that they have potentially been exposed to the coronavirus shall be entitled, on providing proof of notification, to be tested free of charge for infection with the coronavirus and for antibodies against the coronavirus.

⁸ SR 235.1

⁹ Inserted by No I of the FA of 19 June 2020, in force from 25 June 2020 to 30 June 2022 (AS 2020 2191, 2727; BBl 2020 4461).

- ⁵ The PT System shall be designed according to the following principles:
- a. In relation to data processing, all appropriate technical and organisational measures must be taken to make it impossible to identify the participants.
 - b. The data shall as far as possible be processed on decentralised components installed by the participants on their mobile telephones. In particular, data recorded on a participant's mobile telephone relating to other persons shall be processed and stored exclusively on that mobile telephone.
 - c. The only data collected or processed in any other manner shall be data required to determine the distance and time of encounters and to issue the notifications; the data do not include location data.
 - d. The data shall be destroyed as soon as they are no longer required for the notification.
 - e. The source code and the technical specifications of all components of the PT System shall be made public. It must be evident that the machine-readable programmes were produced using this source code.
- ⁶ The federal legislation on data protection applies.
- ⁷ The Federal Council shall regulate the details on organising and operating the PT System and on processing the data.
- ⁸ The Federal Council shall provide for the PT System to be terminated, and in particular for the deactivation or deinstallation of all components installed on mobile telephones, as soon as the PT System is no longer required to manage the epidemic caused by the coronavirus or if it proves to be insufficiently effective.

Art. 61 Statistical data

The Swiss Federal Statistical Office shall, for statistical purposes, provide the FOPH each year with data from the statistics on causes of death and the medical statistics from hospitals.

Art. 62 Disclosure of personal data to foreign authorities

¹ In order to implement this Act, the FOPH and the competent cantonal authorities may provide foreign authorities that have corresponding tasks and supranational and international organisations with personal data, including data on health, provided the state concerned and in particular its legislation or the supranational or international organisation guarantees an appropriate level of privacy protection for the person concerned.

² In particular the following data may be disclosed:

- a. surname, first name, address, date of birth and occupation;
- b. details of travel routes, places of stay and contacts with persons, animals and objects;
- c. results of medical tests;
- d. results of epidemiological investigations;

- e. details of belonging to a specific risk category;
- f. details of measures to prevent and combat a communicable disease.

³ In the absence of legislation that guarantees appropriate protection, the data may only be disclosed if:

- a. adequate guarantees of an appropriate level of protection abroad are provided, for example in a contract;
- b. the person concerned has consented in the given case;
- c. disclosure in the given case is essential in order to safeguard public health; or
- d. disclosure in the given case is required to protect the life or physical integrity of the person concerned.

Art. 62a¹⁰ Connecting the PT System to foreign systems

The PT System under Article 60a may be connected to equivalent foreign systems if an appropriate level of protection for personal privacy is guaranteed in the state concerned by:

- a. legislation; or
- b. adequate guarantees, for example in a contract.

Chapter 8 Compensation

Section 1

Compensation for Loss or Damage as a result of Official Measures

Art. 63

The ordering authority may compensate persons who suffer loss or damage as a result of official measures in accordance with Articles 33–38 and 41 paragraph 3, taking account of the financial circumstances of the persons concerned, insofar as the loss or damage is not otherwise covered.

Section 2

Compensation and Satisfaction for Loss or Damage as a Consequence of Vaccination

Art. 64 Compensation

¹ Any person who is harmed by an officially ordered or officially recommended vaccination has the right to compensation.

¹⁰ Inserted by No I of the FA of 19 June 2020, in force from 25 June 2020 to 30 June 2022 (AS 2020 2191, 2727; BBl 2020 4461).

² Compensation shall only be awarded if the loss or damage cannot otherwise be covered through reasonable effort.

Art. 65 Satisfaction

¹ Any person who is harmed by an officially ordered or officially recommended vaccination has the right to satisfaction if the harm is sufficiently serious to justify this; Articles 47 and 49 of the Code of Obligations¹¹ apply by analogy.

² The satisfaction is determined by the seriousness of the harm.

³ It may not exceed 70,000 francs.

⁴ Satisfaction shall only be awarded if no payment or an insufficient payment is made by other persons. The satisfaction shall be reduced by the amount of any satisfaction payments made by other persons.

Art. 66 Claim, deadlines and interest

¹ Any person who wishes to claim compensation or satisfaction must file a claim with the FDHA.

² Any person who has been harmed by a vaccination must file the claim for compensation or satisfaction before reaching the age of 21 or within five years of the vaccination.

³ No interest shall be payable on the compensation or the satisfaction.

Art. 67 Reduction or exclusion of compensation or satisfaction

The FDHA may reduce the compensation or satisfaction or forego making any payment if the person suffering harm was substantially to blame for the harm suffered.

Art. 68 Allocation of costs

¹ In the case of recommended vaccinations, the Confederation and the canton in which the vaccination takes place shall each pay one half of the costs of the compensation or satisfaction.

² In the case of compulsory vaccinations, the entire costs of the compensation or satisfaction shall be paid by:

- a. the Confederation if it has declared the vaccination to be mandatory;
- b. the canton that declared the vaccination to be mandatory.

Art. 69 Responsibility and procedure

¹ The FDHA decides after consulting the Federal Commission for Vaccination and the canton concerned whether compensation or satisfaction is to be paid.

¹¹ SR 220

² Any person who claims compensation or satisfaction must credibly demonstrate that other persons have not made any payments or that the payments made by other persons are inadequate.

³ Appeal proceedings are governed by the general provisions on the administration of federal justice.

Section 3 Cover for Claims against Manufacturers

Art. 70

¹ The Confederation may undertake to cover any loss or damage for which the manufacturer of a therapeutic product under Article 44 may be held liable as the consequence of the product being used as recommended or ordered by the Confederation in a special or extraordinary situation.

² The extent and the modalities of the cover shall be set out in an agreement between the Confederation and the manufacturer.

Chapter 9 Funding

Art. 71 Costs borne by the cantons

The cantons shall bear the cost of:

- a. measures in relation to the population or individual persons, insofar as the costs are not otherwise covered;
- b. epidemiological investigations under Article 15 paragraph 1.

Art. 72 Costs of disinfection or disinfestation

The proprietor of a mode of transport, an installation or a product shall bear the costs of disinfection or disinfestation.

Art. 73 Cost of supplying therapeutic products

¹ The Confederation shall bear the cost of supplying the population with therapeutic products pursuant to Article 44.

² If therapeutic products are supplied, the costs shall be borne according to the requirements:

- a. of the Federal Act of 18 March 1994¹² on Health Insurance;
- b. of the Federal Act of 20 March 1981¹³ on Accident Insurance;
- c. of the Federal Act of 19 June 1992¹⁴ on Military Insurance.

¹² SR 832.10

¹³ SR 832.20

³ If the costs are not or not completely assumed in accordance with paragraph 2, they shall be borne by the Confederation.

Art. 74 Costs of international travel measures

¹ The Confederation shall bear the cost of testing, monitoring, quarantine, isolation and treatment ordered by its bodies for passengers on international transport services, as well as the costs incurred as a result of the duty to cooperate under Article 43 paragraph 1 letters b, d and e.

² Companies that transport persons internationally by rail, bus, ship or air, airport operators, port operators, railway stations and bus stations and travel businesses shall bear the costs incurred for preparations made under Article 42 and as a result of the duty to cooperate under Article 43 paragraph 1 letters a and c. The Confederation may contribute to exceptional outlays and expenditures if these place the companies concerned under an unreasonable financial burden.

Chapter 10 Implementation

Section 1 Cantons

Art. 75 Principle

The cantons shall implement this Act, unless the Confederation is responsible.

Art. 76 Reporting

¹ The cantons shall report to the FDHA on the implementation of the Act.

² The Federal Council shall regulate the frequency, form and content of the reports.

Section 2 Confederation

Art. 77 Monitoring and coordination

¹ The Confederation shall supervise the implementation of this Act by the cantons.

² It shall coordinate the implementing measures taken by the cantons, insofar as there is an interest in uniform implementation.

³ It may for this purpose:

- a. specify the measures that the cantons must take to achieve uniform implementation;
- b. instruct the cantons to take specific implementing measures in response to risks to public health;

- c. require the cantons to inform the Confederation about implementing measures;
- d. specify the requirements the cantons must meet in their preparatory and emergency plans.

Art. 78 Implementing provisions

¹ The Federal Council shall issue the implementing provisions.

² It may delegate the issuing of implementing provisions to the responsible federal office, taking account of their scope.

Art. 79 Delegation of implementation tasks

¹ The Federal Council may delegate implementation tasks to public or private organisations.

² It shall supervise the organisations and persons entrusted with implementation tasks.

³ Public or private organisations that carry out implementation tasks under paragraph 1 are entitled to compensation. The Federal Council shall regulate the extent and modalities of compensation.

Art. 80 International cooperation

¹ The Federal Council may enter into international agreements on:

- a. the exchange of data used for epidemiological monitoring;
- b. the mutual provision of information on the outbreak and spread of communicable diseases;
- c. immediate notification where there is an imminent risk of communicable diseases crossing the national border;
- d. the harmonisation of measures for detecting, monitoring, preventing and controlling communicable diseases;
- e. the transport of dead bodies beyond the national border;
- f.¹⁵ the connection of the PT System under Article 60a to corresponding foreign systems.

² The competent federal agencies shall work with foreign authorities and institutions and with international organisations.

³ The FOPH shall carry out the tasks of the National IHR Focal Point in accordance with the International Health Regulations (2005) of 23 May 2005¹⁶. In particular, it shall report events to the WHO that could lead to a public health emergency of international concern.

¹⁵ Inserted by No I of the FA of 19 June 2020, in force from 25 June 2020 to 30 June 2022 (AS 2020 2191, 2727; BBl 2020 4461).

¹⁶ SR 0.818.103

Art. 81 Evaluation

The Federal Council shall periodically review the effectiveness, appropriateness and financial viability of the measures under this Act.

Chapter 11 Criminal Provisions**Art. 82** Misdemeanours

¹ Unless a more serious offence under the Swiss Criminal Code¹⁷ has been committed, any person who wilfully commits any of the following acts shall be liable to a custodial sentence not exceeding three years or to a monetary penalty:

- a. failing to take the required containment measures when working with dangerous pathogens in contained systems (Art. 26);
- b. releasing or marketing pathogens for experimental purposes without a licence (Art. 27);
- c. marketing pathogens without duly informing customers about their health-related properties and risks and about the required precautionary and preventive measures (Art. 28);
- d. breaching restrictions on certain activities or the practice of a profession (Art. 38).

² A person acting through negligence shall be liable to a monetary penalty for misdemeanours under paragraph 1.

Art. 83 Contraventions

¹ Any person who wilfully commits any of the following acts shall be liable to a fine:

- a. failing to comply with the duty to report (Art. 12);
- b. conducting a microbiological test to detect communicable diseases without a licence (Art. 16);
- c. failing to comply with the regulations on preventing the transmission of diseases (Art. 19);
- d. issuing an international certificate of vaccination or of other prophylaxis without a licence (Art. 23);
- e. failing to comply with the duty of care when handling pathogens or their toxic products (Art. 25);
- f. failing to comply with other regulations on handling pathogens (Art. 29);
- g. failing to comply with a medical monitoring order (Art. 34);
- h. failing to comply with a quarantine or isolation order (Art. 35);

¹⁷ SR 311.0

- i. failing to comply with a medical examination order (Art. 36);
 - j. failing to comply with measures in relation to the population (Art. 40);
 - k. failing to comply with regulations relating to entering or leaving Switzerland (Art. 41);
 - l. failing to comply with obligations to cooperate (Arts 43, 47 para. 2 and 48 para. 2);
 - m. failing to comply with regulations on transport or on the import, export and transit of goods (Art. 45);
 - n.¹⁸ refusing to provide a person with a service that is offered to the public because that person does not participate in the PT System (Art. 60a para. 3).
- ² A person acting through negligence shall be liable to a fine not exceeding 5,000 francs for contraventions under paragraph 1.

Art. 84 Jurisdiction and Administrative Criminal Law

¹ The prosecution and adjudication of offences is a matter for the cantons.

² Articles 6, 7 (offences by businesses) and 15 (forgery of documents, obtaining a false certificate by fraud) of the Federal Act of 22 March 1974¹⁹ on Administrative Criminal Law also apply to the cantonal authorities.

Chapter 12 Final Provisions

Art. 85 Repeal of current legislation

The following Federal Acts are repealed:

1. Federal Act of 18 December 1970²⁰ on the Control of Communicable Human Diseases;
2. Federal Act of 13 June 1928²¹ on Measures against Tuberculosis.

Art. 86 Amendment of current legislation

The following federal acts are amended as follows:

...²²

¹⁸ Inserted by No I of the FA of 19 June 2020, in force from 25 June 2020 to 30 June 2022 (AS 2020 2191, 2727; BBl 2020 4461).

¹⁹ SR 313.0

²⁰ [AS 1974 1071, 1985 1992 No I 2, 1991 362 No II 405, 1997 1155 Annex No 5, 2000 1891 No III 2, 2001 2790 Annex No 6, 2003 4803 Annex No 7, 2004 4763 Annex No II 3, 2005 2293, 2006 2197 Annex No 95 4137, 2008 3437 No II 34, 2012 7281]

²¹ [BS 4 363; AS 1964 965 No IV let a, 1974 1071 Art. 37, 1985 1992 No I 3,

1991 362 No II 406, 2006 2197 Annex No 96]

²² The amendments may be consulted under AS 2015 1435.

Art. 87 Transitional provisions

¹ Licences under Articles 5 paragraph 1^{bis}, 29a paragraph 1 and 29c paragraph 2 of the Epidemics Act of 18 December 1970²³ remain valid until their expiry date or for five years after this Act comes into force, whichever is earlier.

² Recognitions under Article 5 paragraph 1 of the Epidemics Act of 18 December 1970 remain valid until their expiry date or for five years after this Act comes into force, whichever is earlier.

³ Laboratories that did not require a licence and did not have valid recognition before this Act came into force, but which require a licence after this Act comes into force, must apply for the licence within one year after this Act comes into force. They may continue to conduct tests until the competent federal authority issues its decision on the licence.

Art. 88 Referendum and commencement

¹ This Act is subject to an optional referendum.

² The Federal Council shall determine the commencement date.

Commencement date: 1 January 2016²⁴

²³ AS 1997 1155, 2001 2790

²⁴ FCD of 29 April 2015.

