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**Federal Act
on the Statutory Principles
for Federal Council Ordinances on
Combating the COVID-19 Epidemic
(COVID-19 Act)**

of 25 September 2020 (Status as of 1 January 2021)

The Federal Assembly of the Swiss Confederation,

on the basis of Articles 68 paragraph 1, 69 paragraph 2, 92, 93, 100, 101 paragraph 2, 102, 103, 113, 114 paragraph 1, 117 paragraph 1, 118 paragraph 2 letter b, 121 paragraph 1, 122, 123 and 133 of the Federal Constitution¹, and having considered the Federal Council dispatch dated 12 August 2020^{2,3}
decrees:

Art. 1 Subject matter and principles

¹ This Act regulates special powers of the Federal Council to combat the COVID-19 epidemic and to respond to the effects of the measures to combat the disease on society, the economy and the public sector.

² The Federal Council shall use these powers only to the extent that they are required to respond to the COVID-19 epidemic. In particular, it shall not use these powers if the same objective can be achieved using regular or emergency legislative procedures.

AS 2020 3835

¹ SR 101

² BBl 2020 6563

³ Amended by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

^{2bis} The Federal Council shall be guided by the principles of subsidiarity, efficacy and proportionality. It shall aim for the shortest and least severe restriction of economic and social life possible, by ensuring that the Confederation and the cantons exhaust all the options provided by precautionary measures, testing and vaccination strategies and contact tracing beforehand.⁴

³ It shall consult the cantons and the umbrella organisations for the social partners when drawing up measures that relate to their responsibilities.

⁴ It shall inform Parliament regularly, in good time and comprehensively about the implementation of this Act. It shall consult the relevant committees beforehand about planned ordinances and amendments to ordinances.

⁵ In emergency cases the Federal Council shall inform the presidents of the relevant committees. They shall inform their committees without delay.

⁶ When ordering measures, the Federal Council and the cantons shall be guided by any available data, comparable with regard to time and the regions concerned, that indicate that the healthcare system is in danger of becoming overburdened, the mortality rate is increasing or the disease is becoming more virulent.

Art. 2 Measures relating to political rights

¹ In order to support the democratic process, the Federal Council may require requests for a referendum to be submitted to the Federal Chancellery within the deadline for requesting a referendum with the required number signatures, but without the certificate of eligibility to vote.

² If necessary, the Federal Chancellery shall send the signature lists to the office that is responsible under cantonal law for the certificate of eligibility to vote.

Art. 3 Measures relating to healthcare provision

¹ The Federal Council may require manufacturers, distributors, laboratories, healthcare facilities and other cantonal facilities to report their stocks of therapeutic products, protective equipment and other medical goods required for healthcare provision (essential medical goods).

² In order to guarantee a sufficient supply of essential medical goods for the public, it may:

- a. provide for exceptions to the provisions on the import of essential medical goods;
- b. provide for exceptions to the requirement of authorisation for activities in connection with essential medical goods or adapt the licensing requirements;

⁴ Inserted by No I of the FA of 18 Dec. 2020 (Culture, Hardship Cases, Sport, Unemployment Insurance, Fixed Penalty Fines) (AS 2020 5821; BBl 2020 8819). Amended by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 1 Nov. 2020 to 31 Dec. 2021 (AS 2021 153; BBl 2021 285).

- c. provide for exceptions to the requirement of authorisation for medicinal products or adapt the authorisation requirements or authorisation procedure;
- d. provide for exceptions to the provisions on the conformity assessment of medical devices and the provisions on the conformity assessment procedure and the placing on the market of protective equipment;
- e. procure essential medical goods itself; in this case, it shall regulate the funding of procurement and the repayment of the costs by the cantons and facilities to which the goods are supplied;
- f. provide for the allocation, delivery and distribution of essential medical goods;
- g. provide for the direct marketing of essential medical goods;
- h. order the requisitioning of essential medical goods in return for compensation;
- i. require manufacturers to produce essential medical goods, to prioritise the production of such goods or to increase production volumes; the Confederation shall compensate manufacturers if they suffer financial disadvantages as a result of changes in production.

³ It shall take the measures under paragraph 2 letters e, f, h and i only if supplies cannot be guaranteed by the cantons and the private sector alone.

⁴ In order to guarantee the capacities required to treat COVID-19 cases and to carry out other urgently required medical tests and treatments, it may authorise the cantons:

- a. to prohibit or restrict non-urgent medical tests and treatment;
- b. to take further measures to guarantee the capacities required.

⁵ It may regulate the payment of the costs of COVID-19 tests.

Art. 4 Measures relating to employee protection

¹ The Federal Council may order measures to protect employees at high risk and may in particular impose obligations on employers related to this. If an employee must temporarily stop working because of an official measure and the employer is required to continue paying the employee's salary, the employer has an equivalent right to a reimbursement of the salary paid in accordance with Article 15.

² If the Federal Council takes measures under paragraph 1, it shall provide that the implementing bodies under the Employment Act of 13 March 1964⁵ and the Swiss National Accident Insurance Fund (Suva) are responsible for implementation and that the implementation costs incurred are financed from the premium surcharge for the prevention of occupational accidents and occupational illnesses under Article 87 of the Federal Act of 20 March 1981⁶ on Accident Insurance.

⁵ SR 822.11

⁶ SR 832.20

Art. 5 Measures relating to foreign nationals and asylum

The Federal Council may introduce derogations from the Foreign Nationals and Integration Act of 16 December 2005⁷ (FNIA) and from the Asylum Act of 26 June 1998⁸ (AsylA) on:

- a. restricting the entry of foreign nationals and their admission to stay in Switzerland, with the exception of family reunification in accordance with Articles 42–45 FNIA and the entry into Switzerland of unmarried partners and their children;
- b. extending statutory deadlines for:
 1. family reunification (Art. 47 FNIA),
 2. the expiry of short stay, residence and permanent residence permits (Art. 61 FNIA),
 3. the updating of biometric data in identification documents (Art. 59b and 102a FNIA),
 4. departure (Art. 45 para. 2 AsylA and Art. 64d FNIA),
 5. the expiry of asylum (Art. 64 AsylA),
 6. the expiry of temporary admission (Art. 84 para. 4 FNIA);
- c. accommodating asylum seekers in federal centres and conducting asylum and removal procedures; in doing so it shall take appropriate account of the need to protect the health of the persons concerned.

Art. 6 Measures relating to the closure of borders

In relation to the closure of borders, the Federal Council shall wherever possible take the measures required to guarantee the freedom to travel of cross-border commuters and residents who have special ties to the border region.

Art. 7 Measures relating to the justice system and procedural law

In order to guarantee the operation of the justice system and the procedural guarantees under the Federal Constitution, the Federal Council may issue provisions that derogate from the federal procedural law on civil and administrative matters in the following areas:

- a. suspending, extending or restoring statutory or official limitation periods and deadlines;
- b. using technical solutions or aids such as video and telephone conferencing in judicial procedures that involve the participation of parties, witnesses or third parties, in particular court proceedings and the questioning of parties and witnesses;

⁷ SR 142.20

⁸ SR 142.31

- c. the form and service of submissions, communications and decisions and the use of online auction platforms in debt enforcement and bankruptcy proceedings.

Art. 8 Measures relating to company meetings

The Federal Council may, insofar as it may be required in order to exercise rights at company meetings, issue provisions that derogate from the Swiss Civil Code⁹ and the Swiss Code of Obligations¹⁰ on the exercise of rights:

- a. in written or in electronic form;
- b. by an independent proxy.

Art. 9 Insolvency measures

The Federal Council may, insofar as it may be required in order to prevent mass bankruptcies and to stabilise the Swiss economy and society, issue provisions that derogate from the Federal Act of 11 April 1889¹¹ on Debt Enforcement and Bankruptcy (DEBA) and from the Swiss Code of Obligations¹² on:

- a. composition agreements (Art. 293 ff. DEBA);
- b. the requirements for, effects of and the procedure for a special moratorium;
- c. the obligations to report in the case of a loss of capital and over-indebtedness.

Art. 10 Measures relating to security of supply

The Federal Council is authorised to exempt persons who issue customs declarations on a commercial basis or transporters from liability for customs debts if the recipient or importer becomes unable to pay due to bankruptcy, a moratorium on debt enforcement, liquidation or obvious insolvency as a result of federal measures in connection with the COVID-19 epidemic.

Art. 11 Measures relating to the cultural sector

¹ The Confederation may provide financial assistance to cultural businesses, creative artists and amateur cultural associations.

² In order to support cultural businesses and creative artists, the Federal Office of Culture (FOC) may enter into service agreements with one or more cantons.¹³ The contributions shall be paid on application to the cultural businesses and cultural

⁹ SR 210

¹⁰ SR 220

¹¹ SR 281.1

¹² SR 220

¹³ Amended by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 1 Nov. 2020 to 31 Dec. 2021 (AS 2021 153; BBl 2021 285).

workers as cancellation compensation and to cultural businesses for transformation projects.¹⁴

³ Within the limits of the authorised credits, the Confederation shall contribute half of the funding for cancellation compensation and transformation projects that the cantons implement on the basis of the service agreements.

⁴ Creative artists shall on application receive non-repayable cash payments from the Suisseculture Sociale association to cover their immediate living expenses, unless they can cover these expenses themselves. The Confederation shall make a maximum sum of 20 million francs available to Suisseculture Sociale for 2021 on the basis of a service agreement so that it can make the cash payments.

⁵ The FOC shall compensate Suisseculture Sociale on the basis of the service agreement for the administrative costs of making the cash payments under paragraph 4.

⁶ The modalities for making the cash payments and the rules for their calculation are governed by the Suisseculture Sociale funding regulations. The funding regulations require approval by the FOC.

⁷ Amateur cultural associations shall on application receive compensation from the umbrella organisations recognised by the Federal Department of Home Affairs for the financial losses associated with their reduced programme of events. The compensation shall amount to a maximum of 10 000 francs per cultural association. The Confederation shall on the basis of service agreements make financial resources amounting to a maximum of 10 million francs available to the umbrella organisations for 2021 in order to pay the compensation.

⁸ The FOC shall compensate the umbrella organisations on the basis of the service agreement for the administrative costs of paying the compensation under paragraph 7.

⁹ The modalities for making the payments to the cultural associations and the rules for their calculation shall be set out in the service agreements between the FOC and the umbrella organisations.

¹⁰ Applications in accordance with the paragraphs 2, 4 and 7 must be submitted at the latest one month before this Act is repealed. Applications that arrive after this deadline shall not be considered.

¹¹ The Federal Council shall determine the cultural sectors that will be receive financial support in an ordinance and regulate therein the requirements for filing a claim in detail. It shall set out the criteria for contributions and the principles for setting the level of the financial assistance and regulate the number of instalments in which disbursement of the contributions in accordance with paragraph 2 shall take place.

¹⁴ Amended by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BB1 2020 8819).

Art. 12 Hardship measures for businesses: Requirements¹⁵

¹ The Confederation may at the request of one or more cantons support measures taken by these cantons to assist businesses that suffer particular hardship as a consequence of COVID-19 owing to the nature of their economic activity, in particular businesses connected with the event industry, travelling fairs, service providers in the travel industry, restaurants and hotels, and tourism businesses, provided the cantons making the following contributions to the funding.

- a. 50 per cent of the cost of the hardship measures funded with the first package of financial assistance amounting to 400 million francs;
- b. 20 per cent of the cost of the hardship measures funded with the second package of financial assistance amounting to 600 million francs;
- c. 33 per cent of the cost of hardship measures funded with the third package of financial assistance amounting to maximum 750 million francs.¹⁶

^{1bis} A case of hardship under paragraph 1 arises where a business's annual turnover is less than 60 per cent of its multi-annual average. The entire asset and capital situation must be considered, together with the share of fixed costs that is not covered.¹⁷

^{1ter} The granting of a hardship measure is conditional on the business that receives support not distributing or deciding to distribute dividends and shares of profits in the financial year concerned and not repaying or deciding to repay capital contributions.¹⁸

² The reduced percentage contribution by a canton under paragraph 1 letter b becomes due for payment only if the canton has exhausted its share of the first package of financial assistance under paragraph 1 letter a. The percentage contribution by a canton under paragraph 1 letter c becomes due for payment only if the canton has exhausted its share of the second package of financial assistance under paragraph 1 letter b.¹⁹

^{2bis} The provision of federal support is conditional on a business having been profitable or viable before the COVID-19 outbreak and not being entitled to other Covid-19 financial assistance from the Confederation. This financial assistance does not include short-time work compensation, compensation for loss of earnings or loans

¹⁵ Amended by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

¹⁶ Amended by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

¹⁷ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

¹⁸ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

¹⁹ Amended by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

granted under the COVID-19 Financial Guarantees Ordinance of 25 March 2020²⁰ and the COVID-19 Financial Guarantees Ordinance of 25 March 2020^{21,22}

^{2ter} If the activities of a business are clearly defined, it must be possible to grant different types of assistance, provided there is no overlap.²³

³ The Confederation may pay non-repayable subsidies to the businesses concerned as part of a hardship scheme.

⁴ The Federal Council shall regulate the details in an ordinance; it shall consider businesses that achieved an average turnover in 2018 and 2019 of at least 50 000 francs.²⁴

⁵ For businesses that are required to cease operating from 1 November 2020 for several weeks as a result of measures taken by the Confederation or the cantons to control the COVID-19 epidemic or whose operations are considerably restricted during this period, the Federal Council may relax the requirements that businesses must meet in order to file a claim under this Article.²⁵

⁶ In addition to the financial assistance under paragraph 1, the Confederation may make additional contributions towards cantonal hardship measures taken by cantons particularly affected amounting to a maximum of 750 million francs without the cantons having to pay a share of these additional contributions. The Federal Council shall regulate the details.²⁶

Art. 12a²⁷ Hardship measures for businesses: Personal data and information

¹ The responsible federal and cantonal offices, the Swiss Federal Audit Office (SFAO) and the cantonal audit authorities may process and disclose to each other personal data, including data about administrative or criminal proceedings and sanctions, and information required to administer, supervise and process the financial assistance under Article 12 and to prevent, combat and prosecute abuse. In this

²⁰ AS 2020 1077 1207 1233 3799

²¹ SR 951.26

²² Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBI 2020 8819).

²³ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBI 2020 8819).

²⁴ Amended by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBI 2020 8819).

²⁵ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBI 2020 8819).

²⁶ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBI 2020 8819).

²⁷ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2031 (AS 2020 5821; BBI 2020 8819).

context, the SFAO may systematically use OASI numbers pursuant to Article 50c of the Federal Act of 20 December 1946²⁸ on Old-Age and Survivors' Insurance.

² The following entities and persons are obliged to provide the competent cantonal offices on request with the personal data and information that they require to administer, supervise and process the financial assistance under Article 12 and to prevent, combat and prosecute abuse:

- a. the competent federal and cantonal public offices;
- b. the businesses that claim or receive financial assistance, their auditors and the persons and businesses they engage to carry out accounting and fiduciary activities.

³ The competent federal and cantonal public offices are obliged, on request, to provide the State Secretariat for Economic Affairs and the SFAO with the personal data and information that they require to fulfil their controlling, accounting and supervisory tasks.

⁴ Neither official secrecy nor the confidentiality of bank customer, tax, statistical or audit data may be invoked in order to prevent the processing or disclosure of personal data and information pursuant to this Article.

Art. 12b²⁹ Measures in the sports sector: Non-repayable contributions to clubs playing professional and semi-professional team sports

¹ The Confederation shall provide non-repayable contributions amounting to a maximum of 115 million francs to support:

- a. football and ice hockey clubs with a team playing in one of the two professional leagues;
- b. basketball, handball, floorball, volleyball, women's football and women's ice hockey clubs with a team playing in the highest league for their sport.

² A club pursuant to paragraph 1 is defined as the legal entity that fields a team in the sport concerned.

³ The contributions are paid in compensation for the reduction in revenues from matches in the national championship that have been played since 29 October 2020 without spectators or with a reduced number of spectators as a result of measures taken by the Confederation.

⁴ They shall amount for each match to a maximum of two thirds of the average ticket revenues that the club received from matches in the national championship in the 2018/2019 season. The effective revenues from any ticket sales since 29 October 2020 shall be deducted from the amount.

⁵ ...³⁰

²⁸ SR 831.10

²⁹ Inserted by No I of the FA of 18 Dec. 2020 (Culture, Hardship Cases, Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

⁶ The contributions are conditional on the following:

- a. The club must not distribute dividends or shares of profits and must not repay capital contributions for five years following receipt of the contributions.
- b. At the time that the contributions are paid, the club must reduce the average salary including premiums, bonuses and other financial benefits to the maximum insured salary for the purposes of compulsory accident insurance or reduce the average salary that exceeds this amount by at least 20 per cent. The average salary shall be calculated on the basis of the employees' income in the 2018/2019 season. The Federal Council may on request also take account of employees' income up to 13 March 2020. Salary reductions that have already been made in response to federal measures related to the COVID-19 epidemic shall be taken into account. The Federal Council may make exceptions for clubs whose total salary bill is considerably lower than the league average. If a club does not reduce its salaries or does not do so to the required extent, it shall receive a contribution not exceeding 50 per cent of the loss in ticket revenues in accordance with paragraph 4.³¹
- c.³² The total salary bill for all employees and all players based on the 2019/2020 season may increase in the five years following receipt of the contributions by a maximum of the increase in the Swiss Retail Price Index. The Federal Council may make exceptions for clubs that are promoted to a higher league.
- d. The promotion of young talent and of women players must continue for five years to the same extent at least as in the 2018/2019 season.

⁷ The club shall report to the Confederation annually on its compliance with the conditions under paragraph 6. The Federal Council shall specify the details of what must be included in the report and the publication requirements. It may issue provisions to prevent abuses.³³

⁸ If the conditions specified in paragraph 6 or the duty in the first sentence of paragraph 7 are not complied with, the contributions may be reclaimed in accordance with the Subsidies Act of 5 October 1990³⁴.

⁹ Applications for matches between 29 October 2020 and 31 December 2020 must be submitted by 30 April 2021.³⁵

³⁰ Repealed by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), with effect from 1 Jan 2021 to 31 Dec. 2021 (AS **2021** 153; BBl **2021** 285).

³¹ Sixth sentence inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 1 Jan 2021 to 31 Dec. 2021 (AS **2021** 153; BBl **2021** 285).

³² Amended by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 1 Jan 2021 to 31 Dec. 2021 (AS **2021** 153; BBl **2021** 285).

³³ Third sentence inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 1 Jan 2021 to 31 Dec. 2021 (AS **2021** 153; BBl **2021** 285).

³⁴ SR **616.1**

Art. 13³⁶ Measures in the sports sector: Loan for clubs playing professional or semi-professional team sports

¹ The Confederation may support clubs pursuant to Article 12*b* paragraph 1 that are basically solvent but which face cash flow problems even after being granted contributions under Article 12*b* with interest-free loans amounting to a maximum of 235 million francs. These must be repaid within ten years at the latest. The borrower shall provide collateral recognised by the Confederation amounting to at least 25 per cent of the loan amount.

² The loans shall amount to a maximum of 25 per cent of the operating expenses incurred by the club in order that its team may play in the national championship in a league pursuant to Article 12*b* paragraph 1 in the 2018/2019 season.

³ The Confederation may permit the loans to be given a subordinate ranking provided this is likely to reduce the financial risks to the Confederation.

Art. 14 Measures in the media industry

¹ The Federal Council shall take the following measures in the media industry:

- a. The Confederation shall bear the full cost of the delivery to subscription holders of daily and weekly newspapers from the local and regional press (Art. 16 para. 4 let. a of the Postal Services Act of 17 Dec. 2010³⁷) by Swiss Post at the tariffs applicable on 1 June 2020.
- b. It shall contribute to the cost of the delivery to subscription holders of daily and weekly newspapers from the supra-regional and national press by Swiss Post to the extent of 27 cents per copy.
- c. The subscription costs for the basic text services from the news agency Keystone-SDA shall, in relation to the rights of use for electronic media, be covered at the tariffs applicable on 1 June 2020 from as yet unused revenues from the radio and television charges; a cost ceiling of 10 million francs must be complied with.

² The Federal Council shall terminate the measures at the latest when a federal act that provides for measures in favour of the media comes into force.

³ It shall regulate the funding requirements and the procedure for the calculation and payment of the subsidies under paragraph 1 letters a and b and the payment of the subscription costs under paragraph 1 letter c.

⁴ The granting of the subsidies under paragraph 1 letters a and b is conditional on the publisher giving a written undertaking to the Federal Office of Communications (OFCOM) that it will not pay any dividends in the financial year concerned.

³⁵ Inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 1 Jan 2021 to 31 Dec. 2021 (AS 2021 153; BBl 2021 285).

³⁶ Amended by No I of the FA of 18 Dec. 2020 (Culture, Hardship Cases, Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

³⁷ SR 783.0

⁵ OFCOM shall pay the subscription costs for the basic text services from the news agency Keystone-SDA directly to the news agency Keystone-SDA. Keystone-SDA shall reduce its invoices to the subscribers by the corresponding amount.

Art. 15 Measures to compensate for loss of earnings

¹ The Federal Council may provide for the payment of compensation for loss of earnings to persons who must suspend or significantly reduce their gainful economic activity as a result of measures in connection with controlling the COVID-19 epidemic. Only persons with a loss of earnings or income that in their business represents a drop in turnover of at least 40 per cent in comparison with the average turnover in the years 2015–2019 are deemed to have suffered a significant reduction in their gainful economic activity.³⁸

² The persons entitled to claim also include in particular self-employed persons in accordance with Article 12 of the Federal Act of 6 October 2000³⁹ on General Aspects of Social Security Law (GSSLA) as well as persons in a position similar to employers.

³ The Federal Council may issue provisions on:

- a. the persons entitled to claim and in particular the right of persons at high risk to a daily allowance;
- b. the start and the end of the right to compensation;
- c. the maximum amount of daily allowances;
- d. the level and calculation of compensation;
- e. the procedure.

⁴ The Federal Council shall ensure that compensation is paid on the basis of the self-declared loss of earnings. The accuracy of the information shall in particular be verified by means of random tests.

⁵ The Federal Council may declare the provisions of the GSSLA to be applicable. It may provide for derogations from Article 24 paragraph 1 GSSLA relating to the expiry of the right to claim and Article 49 paragraph 1 GSSLA relating to the application of the informal procedure.

Art. 16 Measure in relation to occupational pension schemes

In order to overcome cash flow problems, the Federal Council may authorise employers to use the employer contribution reserves to pay the employee's contributions to the occupational pension fund.

³⁸ Second sentence amended by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

³⁹ SR 830.1

Art. 17 Measures relating to unemployment insurance

The Federal Council may issue provisions in derogation from the Unemployment Insurance Act of 25 June 1982⁴⁰ (UIA) on:

- a. the right to and payment of the short-time work compensation for vocational trainers who supervise apprentices;
- b.⁴¹ the non-consideration of accounting periods from 1 March 2020 in which the person concerned was unable to work for more than 85 per cent of normal working hours (Art. 35 para. 1^{bis} UIA);
- c. the extension of the period for claiming payments and of the contribution period for insured persons who between 1 March 2020 and 31 August 2020 were entitled to claim a maximum of 120 additional daily allowance payments;
- d. the procedure for giving advance notice of short-time work and for paying short-time work compensation, as well as the form in which it is paid;
- e. the right to and payment of short-time work compensation for employees on call in permanent employment;
- f.⁴² the right to and payment of short-time work compensation for persons pursuant to Article 33 paragraph 1 letter e UIA;
- g.⁴³ the waiting time under Article 32 paragraph 2 UIA.

Art. 17a⁴⁴ Amount of short-time work compensation for persons on low incomes

In derogation from the UIA⁴⁵, short-time work compensation is calculated as follows:

- a. where the monthly income of a person working full-time:
 1. does not exceed 3470 francs, short-time work compensation amounts to 100 per cent of the allowable loss of earnings,
 2. is between 3470 and 4340 francs, short-time work compensation amounts to 3470 francs in the case of a complete loss of earnings; compensation for partial losses of earnings is calculated on a pro rata basis,

⁴⁰ SR 837.0

⁴¹ Amended by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 1 Sept. 2020 to 31 Dec. 2023 (AS 2020 5821; BBl 2020 8819).

⁴² Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

⁴³ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 1 Sept. 2020 to 31 Dec. 2021 (AS 2020 5821; BBl 2020 8819).

⁴⁴ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 18 Dec. 2020 to 30 June 2021 (AS 2020 5821, 2021 153; BBl 2020 8819, 2021 285).

⁴⁵ SR 837.0

3. exceeds 4340 francs, Article 34 paragraph 1 UIA applies unchanged;
- b. in the case of part-time work, the income and the minimum amount for the short-time work compensation in accordance with letter a is calculated in proportion to the full-time equivalent.

Art. 17^{b46} Advance notice, duration and retroactive authorisation of short-time work

¹ In derogation from Article 36 paragraph 1 UIA⁴⁷, there shall be no deadline for giving advance notice of short-time work. Notice must be given if the short-time work lasts for longer than six months. From 1 July 2021, short-time work with a duration of more than three months may be authorised until 31 December 2021 at the latest. An application for retroactive amendments to an existing advance notice must be submitted to the official cantonal body by 30 April 2021.

² and ³ ...

Art. 18 Criminal provisions

¹ Any person who wilfully infringes the measures that the Federal Council orders on the basis of Article 3 or 4 and the infringement of which it declares to be an offence based on this provision shall be liable to a fine.

² The Federal Council may stipulate that certain offences under paragraph 1 carry a fixed penalty not exceeding 300 francs, and it shall determine the amount of the fine.

Art. 19 Implementation

The Federal Council shall regulate the implementation of the measures under this Act.

Art. 20 Amendment of other legislation

...⁴⁸

Art. 21 Referendum, commencement and duration

¹ This Act is declared to be urgent (Art. 165 para. 1 Federal Constitution). It is subject to an optional referendum (Art. 141 para. 1 let. b BV).

² It comes into force subject to the reservation of paragraph 3 on 26 September 2020 and applies subject to the reservation of paragraphs 4 and 5 until 31 December 2021.

³ Article 15 comes into force with retrospective effect on 17 September 2020.

⁴ Articles 1 and 17 letters a–c apply until 31 December 2022.

⁴⁶ Inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 20 March 2021 to 31 Dec. 2021, para. 1 in force from 1 Sept. 2020 to 31 Dec. 2021 (AS **2021** 153; BBl **2021** 285).

⁴⁷ SR **837.0**

⁴⁸ The amendments may be consulted under AS **2020** 3835.

⁵ Article 15 applies until 30 June 2021.

⁶ The term of application of Article 1 pursuant to paragraph 4 is extended until 31 December 2031.⁴⁹

⁷ The term of application of Article 17 letters a and c pursuant to paragraph 4 is extended until 31 December 2023.⁵⁰

⁸ The term of application of Article 9 letter c is extended until 31 December 2031.⁵¹

⁹ In derogation from paragraph 2, Article 17 letter e comes into force with retrospective effect on 1 September 2020 and applies until 31 December 2021.⁵²

⁴⁹ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS **2020** 5821; BBl **2020** 8819).

⁵⁰ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS **2020** 5821; BBl **2020** 8819).

⁵¹ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS **2020** 5821; BBl **2020** 8819).

⁵² Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines), in force from 19 Dec. 2020 to 31 Dec. 2021 (AS **2020** 5821; BBl **2020** 8819).

