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Ordinance on Measures during the Special Situation to combat the COVID-19 Epidemic (COVID-19 Ordinance Special Situation)

of 19 June 2020 (Status as of 19 October 2020)

The Swiss Federal Council,

on the basis of Article 6 paragraph 2 letters a and b of the Epidemics Act of 28 September 2012¹ (EpidA),

ordains:

Section 1 General Provisions

Art. 1 Subject matter and purpose

¹ This Ordinance introduces measures that apply to the general public, organisations and institutions and the cantons to combat the COVID-19 epidemic.

² The measures serve to prevent the spread of the coronavirus (COVID-19) and to break chains of transmission.

Art. 2 Responsibility of the cantons

Unless this Ordinance provides otherwise, the cantons shall retain their responsibilities.

Section 2 Measures involving Persons

Art. 3 Principle²

Every person shall follow the recommendations of the Federal Office of Public Health (FOPH) on hygiene and social distancing during the COVID-19 epidemic³.

AS 2020 2213

¹ SR 818.101

² Inserted by No I of the O of 2 July 2020, in force since 6 July 2020 (AS 2020 2735).

³ Available at www.bag.admin.ch > Diseases > Infections diseases: outbreaks, Epidemics, Pandemics > Current outbreaks and epidemics > New coronavirus > Protect yourself and others.

Art. 3a⁴ Persons travelling on public transport

¹ Persons travelling on public transport vehicles, such as trains, trams, buses, ships, aircraft and cableways, must wear a face mask. The following persons are exempted from this requirement:

- a. children under the age of 12;
- b. persons who can prove that they are unable to wear face masks for compelling reasons, in particular medical reasons.

² Public transport vehicles under paragraph 1 are:

- a. vehicles operated by companies with a concession under Article 6 or a licence under Article 8 of the Passenger Transport Act of 20 March 2009⁵; exempted therefrom are ski lifts and chair lifts, in the case of which the measures apply that the operator sets out in its precautionary measures plan.
- b. Aircraft operated by companies holding an operating licence in accordance with Articles 27 or 29 of the Civil Aviation Act of 21 December 1948⁶ that are used for scheduled or charter flights.

Art. 3b⁷ Persons in publicly accessible indoor areas of businesses and establishments and in public transport access areas

¹ A face mask must be worn in publicly accessible inside areas of businesses and establishments, in waiting areas for trains, buses and trams, and in railway stations, airports and other public transport access areas.

² The following persons are exempted from the obligation under paragraph 1:

- a. children under the age of 12;
- b. persons who can prove that they are unable to wear face masks for compelling reasons, in particular medical reasons;
- c. guests in restaurants, bars, clubs, discotheques and dance halls who are seated at a table;
- d. persons who have undergone a medical or cosmetic procedure to the face;
- e. family members of staff, provided other effective protective measures are implemented such as erecting suitable partitions;
- f. performers such as artists and sportspersons if they are unable to wear a mask owing to the type of activity they perform.

³ The obligation under paragraph 1 applies to the following establishments and businesses only if provided for in the precautionary measures plan under Article 4:

⁴ Inserted by No I of the O of 2 July 2020 (AS 2020 2735). Amended by No I of the O of 12 Aug. 2020 (Requirement to wear Masks in Aircraft; Large-Scale Events), in force since 15 Aug. 2020 (AS 2020 3547).

⁵ SR 745.1

⁶ SR 748.0

⁷ Inserted by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home), in force since 19 Oct. 2020 (AS 2020 4159).

- a. child-care facilities;
- b. primary schools, lower and upper secondary schools and higher education institutions as well as classrooms in other educational establishments in which, owing to the nature of the activity, wearing a mask makes teaching difficult;
- c. training areas in sports establishments and gyms.

⁴ The obligation to wear a face mask under paragraph 1 shall not affect the other measures provided for in the precautionary measures plans of operators and organisers under Articles 4–6a. In particular, the required distance must be maintained wherever possible even when masks are worn.

Art. 3c⁸ Ban on gatherings in public areas

Gatherings of more than 15 persons are prohibited in public areas such as squares, paths and parks.

Section 3 **Measures relating to Publicly Accessible Establishments, Businesses and Events**

Art. 4 Precautionary measures plan

¹ Operators of publicly accessible establishments and businesses, including education and training institutions, and organisers of events must draw up and implement a precautionary measures plan.

² The precautionary measures plan must meet the following requirements:

- a. It must include measures relating to hygiene and social distancing for the establishment, the business or the event; a reduced distance is permitted if suitable protective measures are taken, such as wearing a face mask or installing suitable barriers.
- b. If, because of the nature of the activity or the on-site conditions or for operational or financial reasons, neither the required distance can be kept nor protective measures taken for a certain duration, provision must be made for recording the contact details of the persons present in accordance with Article 5.

³ The requirements of paragraph 2 are specified in more detail in the Annex. The Federal Department of Home Affairs (FDHA) shall update these requirements in consultation with the Federal Department of Economic Affairs, Education and Research (EAER) in line with the latest scientific advice.

⁴ A person must be designated in the precautionary measures plan as responsible for implementing the plan and as the contact for the competent authorities.

⁸ Inserted by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home), in force since 19 Oct. 2020 (AS 2020 4159).

Art. 5 Recording contact details

¹ If contact details are recorded in accordance with Annex number 4, the persons concerned must be informed about the recording and its purpose. If the contact details are already known, as in the case of education and training institutions or private events, the persons concerned must be informed that their details may be used for this purpose.

² The contact details must on request be passed on without delay to the competent cantonal authority or organisation in accordance with Article 33 EpidA for the purpose of identifying and notifying persons who may have been infected.⁹

³ The contact details recorded may not be used for any other purposes, must be retained for 14 days after the persons concerned participated in the event or visited the establishment or business, and must be destroyed immediately thereafter.

Art. 5a¹⁰ Consumption of food and drink

Food and drink may be consumed in restaurants, bars, clubs, discotheques and dance halls only when seated.

Art. 6¹¹ Special provisions for events with a maximum of 1000 persons

¹ If contact details are recorded in accordance with Article 4 paragraph 2 letter b at events with over 100 and up to 1000 persons in attendance or up to 1000 participants, the venue must be divided into sectors that each accommodate a maximum of 100 persons.

² For events involving family members and friends (private events attended by more than 15 and a maximum of 100 persons), only the following applies:

- a. The organiser must:
 1. record the contact details of the persons attending;
 2. ensure that the measures under letters b and c can be observed.
- b. Food and drink may only be consumed seated.
- c. All those attending must wear a face mask unless they are seated in order to consume food or drink; furthermore, the exceptions under Article 3b paragraph 2 letters a, b and f apply.

³ Private events with more than 100 persons are subject to the requirement to draw up and implement a precautionary measures plan under Article 4 and may only be held in publicly accessible venues.

⁴ For events with up to 15 persons, whether private or not, only Article 3 applies.

⁹ Amended by No I of the O of 2 Sept. 2020 (Large-Scale Events), in force since 1 Oct. 2020 (AS 2020 3679).

¹⁰ Inserted by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home), in force since 19 Oct. 2020 (AS 2020 4159).

¹¹ Amended by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home), in force since 19 Oct. 2020 (AS 2020 4159).

Art. 6a¹² Special provisions for large-scale events

¹ Any person who plans to hold an event with more than 1000 persons in attendance or more than 1000 participants (large-scale event) requires a licence from the competent cantonal authority.

² Spectators at large-scale events must be seated. The seats must be allocated to the individual persons in attendance. At open-air events, the cantons may by way of exception permit spectators to stand in certain areas, in particular on open ground, provided these areas are divided into sectors and additional protective measures are planned.

³ The licence shall be granted if:

- a. the epidemiological situation in the canton or in the region concerned is such that the event may be held;
- b. the canton has the capacities required to identify and notify persons who may have been infected in accordance with Article 33 EpidA;
- c. the organiser submits a precautionary measures plan in accordance with Article 4 that is based on a risk analysis of the large-scale event concerned and that provides for the required measures.

⁴ Any person who plans to hold similar events repeatedly in an establishment may request to do so in a single application.

⁵ The cantons shall revoke a licence that has been granted or order additional restrictions if:

- a. the epidemiological situation deteriorates such that holding the event is no longer possible, in particular because the required capacities under paragraph 3 letter b can no longer be guaranteed; or
- b. an organiser of several similar events has failed to comply with the measures envisaged in the precautionary measures plan at any event that has already been held and is unable to guarantee that the measures will be complied with in future.

⁶ National sector associations may submit their general precautionary measures plans to the competent federal office for consultation.

Art. 6b¹³ Additional requirements for competitive matches in professional leagues

For competitive matches between teams in a predominantly professional league at which there are more than 1000 spectators, the precautionary measures plan under Article 6a paragraph 3 letter c must provide for the following:

¹² Inserted by No I of the O of 2 Sept. 2020 (Large-Scale Events), in force since 1 Oct. 2020 (AS 2020 3679).

¹³ Inserted by No I of the O of 2 Sept. 2020 (Large-Scale Events), in force since 1 Oct. 2020 (AS 2020 3679).

- a. The movement of persons, in particular in the access, catering and sanitary facility areas, must be organised in terms of space and time so that the required social distancing is maintained wherever possible; in the access area outside the stadium the movement of persons must be organised in consultation with the local security services and transport companies.
- b. The spectator area must be completely separate from the area on which the match is played.
- c. Spectators and the staff who are in contact with the spectators must wear a face mask in the stadium and in the access area outside the stadium, other than during the time required for consuming food or drinks; also exempt from this requirement are:
 1. children under the age of 12;
 2. spectators who can prove that they are unable to wear a face mask for special reasons, in particular medical reasons.
- d. The following applies in relation to spectator areas:
 1. The competent licensing authority shall stipulate, based on the circumstances on site, the precautionary measures plan that applies in the particular case and the epidemiological situation, the maximum number of seats that may be occupied. This number may not exceed two thirds of the entire seating capacity.
 2. Spectators must be seated; each seat must be allocated to an individual spectator.
- e. The following applies in relation to catering services:
 1. Spectators may only consume food and drink in the seated areas of the catering establishments or at their own seat.
 2. The sale and the consumption of alcoholic drinks must be restricted by the competent licensing authority to the extent required to ensure that there is no risk of spectators failing to comply with the precautionary measures plan.
- f. No allocation of seats may be sold or given to supporters of the visiting team.
- g. Staff who are in contact with the spectators must receive training on how to implement the measures.
- h. Spectators must be given regular information about the applicable measures, in particular by means of posters, video projections and repeated announcements.
- i. The procedure for dealing with suspected and actual cases of infection among spectators must be determined in consultation with the competent cantonal authorities.
- j. Infringements by spectators of the planned precautionary measures must be dealt with in an appropriate manner.

Art. 6c¹⁴ Special provisions for political and civil society demonstrations

Articles 4–6a do not apply to political and civil society demonstrations. The participants must only wear a face mask; exempted therefrom are:

- a. children under the age of 12;
- b. participants who can prove that they are unable to wear a face mask for special reasons, in particular medical reasons.

Art. 7 Relaxation of requirements by the cantons

The competent cantonal authority may authorise a relaxation of the requirements under Article 4 paragraphs 2–4 and Articles 5, 5a and 6 provided:¹⁵

- a. overriding public interests so require; and
- b. the organiser or operator submits a precautionary measures plan under Article 4 that includes specific measures to prevent the spread of the coronavirus (COVID-19) and to break transmission chains.

Art. 8 Additional measures by the cantons

¹ If the number of persons who must be identified and notified under Article 33 EpidA increases to the extent that this measure is not practicable, the canton may for a limited time introduce restrictions that exceed the requirements of this Ordinance on the number of guests, persons in attendance or participants in establishments and businesses and at events.

² If a high number of infections occur or are imminent in a localised area, the canton may introduce regionally applicable measures for a limited time under Article 40 EpidA. It shall consult the FOPH beforehand and inform the FOPH of the measures taken.

Art. 9 Inspections and obligations to cooperate

¹ The operator and organisers must:

- a. submit their precautionary measures plan to the competent cantonal authorities if requested to do so;
- b. allow the competent cantonal authorities access to the establishments, businesses or events.

² If the competent cantonal authorities establish that no adequate precautionary measures plan has been drawn up or that a plan has not been implemented, they shall take appropriate measures. They may close down individual establishments or businesses or prohibit or break up individual events.

¹⁴ Inserted by No I of the O of 2 Sept. 2020 (Large-Scale Events), in force since 1 Oct. 2020 (AS 2020 3679).

¹⁵ Amended by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home), in force since 19 Oct. 2020 (AS 2020 4159).

Section 4 Measures to Protect Workers

Art. 10 Preventive measures

¹ Employers must guarantee that their employees are able to comply with the FOPH recommendations on hygiene and social distancing. To do so, they must plan and implement related measures.

² If it is not possible to keep the required distance, measures must be introduced in accordance with the STOP Principle (Substitution, Technical measures, Organisational measures, Personal protective equipment), in particular the option of working from home, physical separation, separate teams or wearing masks.

³ Employers shall observe the FOPH recommendations regarding working from home^{16,17}

Art. 11 Implementation, inspections and obligations to cooperate

¹ Pursuant to the health protection provisions in Article 6 of the Employment Act of 13 March 1964¹⁸, the authorities implementing the Employment Act and the Federal Act of 20 March 1981¹⁹ on Accident Insurance are responsible for implementing Article 10.

² The competent implementing authorities may conduct inspections of businesses and locations at any time without prior notice.

³ Employers must allow the competent implementing authorities access to their premises and locations.

⁴ The instructions given by the competent implementing authorities during their on-site inspections must be implemented immediately.

Section 5 Reporting Obligation of the Cantons relating to Capacities in the Provision of Healthcare

Art. 12

The cantons are required to report the following to the Coordinated Medical Services regularly:

- a. the total number and occupancy of hospital beds;

¹⁶ Available at www.bag.admin.ch > Diseases > Infections diseases: outbreaks, Epidemics, Pandemics > Current outbreaks and epidemics > New coronavirus > Protect yourself and others

¹⁷ Inserted by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home), in force since 19 Oct. 2020 (AS 2020 4159).

¹⁸ SR 822.11

¹⁹ SR 832.20

- b. the total number and occupancy of hospital beds that are intended for the treatment of COVID-19 cases, and the number of patients currently being treated for COVID-19;
- c. the total number and occupancy of hospital beds in intensive care and the number of patients with COVID-19 currently being treated and ventilated in intensive care;
- d. the total number and occupancy of devices for extracorporeal membrane oxygenation (ECMO);
- e. the details of availability of medical and nursing staff in hospitals;
- f. the maximum numbers, i.e. the total number of patients and total number of COVID-19 patients, that can be treated by their hospitals, taking account of the available beds and the available staff.

Section 6 Criminal Provisions

Art. 13²⁰

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

- a.²¹ wilfully failing as an operator or organiser to comply with the requirements imposed on them in Article 4 paragraphs 1 and 2, Article 5a, Article 6 paragraphs 1–3 or Article 6b;
- b. holding a large-scale event under Article 6a without the required licence or while failing to comply with the approved precautionary measures plan.

Section 7 Final Provisions

Art. 14 Amendment of other legislation

The following Ordinances are amended as follows:

...,²²

Art. 15 Commencement and duration

¹ With the exception of paragraph 2, this Ordinance comes into force on 22 June 2020 at 00.00.

² Article 6 paragraph 4 and Article 14 number 2 come into force on 20 June 2020 at 00.00.

²⁰ Amended by No I of the O of 2 Sept. 2020 (Large-Scale Events), in force since 1 Oct. 2020 (AS 2020 3679).

²¹ Amended by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home), in force since 19 Oct. 2020 (AS 2020 4159).

²² The amendments may be consulted under AS 2020 2213.

3 ...²³

⁴ Article 6 paragraph 1 and 13 letter b apply until 30 September 2020.²⁴

⁵ In derogation from paragraph 4, Article 13 letter b applies for an unlimited period.²⁵

²³ Repealed by No I of the O of 12 Aug. 2020 (Requirement to wear Masks in Aircraft; Large-Scale Events), with effect from 15 Aug. 2020 (AS **2020** 3547).

²⁴ Inserted by No I of the O of 12 Aug. 2020 (Requirement to wear Masks in Aircraft; Large-Scale Events), in force since 15 Aug. 2020 (AS **2020** 3547).

²⁵ Inserted by No I of the O of 2 Sept. 2020 (Large-Scale Events), in force since 1 Oct. 2020 (AS **2020** 3679).

*Annex*²⁶
(Art. 4 para. 3 and 5 para. 1)

Requirements for precautionary measures plans

1 General Remarks

1.1 Principle

There is an increased risk of infection if persons are unable to keep a distance of 1.5 metres from each other for more than 15 minutes.

1.2 Protection against infection with COVID-19

¹ The operator or organiser shall ensure when choosing the measures under Article 4 paragraph 2 that guests, persons in attendance and participants are provided with effective protection against infection with COVID-19.

² Where employees are at work in publicly accessible establishments and businesses and at events, the precautionary measures plan must reconcile the measures for guests, persons in attendance or participants with the measures to protect the employees under Article 10.

³ In order to achieve effective protection in accordance with paragraphs 1 and 2, the operator or organiser shall if necessary take different measures for individual areas of the establishment business or event, for example for seating or catering areas, or for individual groups of persons, for example, by forming permanent teams.

1.3 Reason for recording contact details

If provision must be made in the precautionary measures plan in accordance with Article 4 paragraph 2 letter b for recording contact details, the reasons for doing so must be stated in the plan.

1.4 Informing the persons present

The operator or organiser shall inform the persons present (guests, participants, persons in attendance) about the measures that apply in the establishment, business or at the event, such as any requirement to wear a face mask, the recording of contact details or the ban on moving from one sector of the event to another.

2 Hygiene

2.1 All persons must be able to wash their hands regularly. Hand sanitiser and, in the case of publicly accessible washbasins, soap must be made available.

²⁶ Revised by No II of the O of 2 Sept. 2020 (Large-Scale Events) (AS 2020 3679) and 18 Oct. 2020 (Mandatory masks; Recommendation to work from home), in force since 19 Oct. 2020 (AS 2020 4159).

- 2.2 All contact surfaces must be regularly cleaned.
- 2.3 A sufficient number of waste bins must be provided, in particular for disposing of paper handkerchiefs and face masks.

3 Social distancing

- 3.1 Persons must keep a minimum of 1.5 metres distance from each other (the required distance).
- 3.2 In derogation from number 3.1, in the seating area seats must be arranged or occupied so that a minimum of one seat remains free or an equivalent distance is maintained between the seats.
- 3.3 In restaurants, bars, clubs, discotheques and dance halls, groups of guests must be seated at the individual tables in such a way that the required distance is maintained between individual groups.
- 3.4 The movement of persons should be controlled so that the required distance can be maintained between all persons.
- 3.5 The requirements on distancing do not apply to groups of persons for whom compliance with social distancing is not expedient, in particular in the case of schoolchildren, families or persons who live in the same household.

4 Recording of contact details

- 4.1 The contact details of the persons present must be recorded if it is possible that the persons present will be unable to maintain the required distance for a period in excess of 15 minutes and other protective measures are not in place.
- 4.2 The operator or organiser must inform the participants of the following:
 - a. that it is likely that the required distance cannot be maintained and that there is therefore an increased risk of infection;
 - b. that participants may be contacted by the competent authority or organisation in the canton, and that this authority or organisation has the power to order quarantine for persons who have been in contact with a person who has COVID-19.
- 4.3 Contact details may in particular be recorded via booking or membership systems or by using a contact form.
- 4.4 The following details must be recorded:
 - a. surname, first name, address and telephone number;

- b. in the case of businesses, in particular restaurant-type establishments and cinemas, and in the case of events with seats: the relevant seat or table number;
 - c. in discotheques and dance halls: the time of arrival and of leaving;
 - d. in the case of events without seating with more than 100 persons in attendance: the sector as defined in Article 6 paragraph 1 in which the person was standing.
- 4.4^{bis} The operator or organiser must take appropriate measures to ensure that the contact details recorded are accurate.
- 4.5 In the case of families or other groups with persons who know each other and in restaurants, bars and clubs, it is sufficient to record the contact details of only one person in the family or group concerned.
- 4.6 The operator or organiser must guarantee the confidentiality of the contact details when recording the same, and data security, in particular in storing the data.

5 Special measures at events involving more than 100 persons

- 5.1 At events with more than 100 persons in attendance, the required distance must be maintained between the sectors as defined in Article 6 paragraph 1. Persons in attendance must not move from one sector to another.
- 5.1^{bis} It is unlawful to allow persons suffering from COVID-19 or who have symptoms of COVID-19 to attend the event. Appropriate measures must be taken to ensure compliance, in particular requiring persons in attendance to declare whether they are ill or have symptoms, and refusing entry to persons with obvious symptoms.
- 5.2 If certain operational or event areas, such as entrance or catering areas, are used by persons in attendance from all sectors, the social distancing rules must be complied with or protective measures must be taken and implemented.
- 5.3 In the case of events with more than 100 participants, the required method of protection must be indicated in the precautionary measures plan, i.e. by keeping the required distance, taking protective measures or, if contact details are recorded, by forming permanent teams or preventing groups of more than 100 persons from mixing.
- 5.4 In bars, clubs, discotheques and dance halls, a maximum of 100 guests may be present at any single time in the guest area, hall or a sector as defined in Article 6 paragraph 1.

6 Precautionary measures plans for large-scale events

Precautionary measures plans for large-scale events must also include the following in particular:

- a. proof that the measures to be taken at the large-scale event effectively counter the risks indicated in the risk analysis, in particular in relation to:
 1. the type of the event,
 2. the attendance or participation of groups of persons at high risk,
 3. the typical modes of behaviour of the persons in attendance and the participants,
 4. the local and infrastructure-related aspects of the venue,
 5. areas where it is likely to difficult to comply with social distancing requirements or where gatherings of people may be expected,
 6. the arrival and departure of persons in attendance and participants (public transport, private means of transport, bars, restaurants and cafés normally visited before or after the event);
- b. the regulation of movements of persons in the access area outside the venue, in consultation with the local security services and transport companies;
- c. the regulation of movements of persons in all areas within the venue that are accessible to persons in attendance and participants, in particular on admission, during intervals and at the end of the event;
- d. measures to prevent the admission of persons suffering from COVID-19 or who have symptoms of COVID-19;
- e. a description of how the spectator areas are separated from the stage and playing areas;
- f. restrictions on seat occupancy, in particular the number of seats that may be occupied and the number left unoccupied;
- g. the procedure for recording the contact details of persons in attendance and participants, including seat numbers and sector designations, and the measures to guarantee the accuracy of the recorded data and compliance with data protection requirements;
- h. the requirements relating to compliance with and control of social distancing or the wearing of face masks in the access, catering and sanitary facility areas at the venue and in the spectator area;
- i. the procedure for dealing with suspected and actual cases of infection among the persons in attendance, participants or staff who are in contact with the persons in attendance;
- j. the measures in relation to catering and restaurant services, including regulations on the sale of alcoholic drinks;
- k. the hygiene measures, in particular the provision of disinfectant, regular cleaning, ventilation;
- l. instructions to participants on what to do;

- m. the measures to inform persons in attendance and participants about the hygiene and social distancing measures that apply, in particular on the procedure in the event of a case of infection arising after the event;
- n. the measures to train the staff with regard to the applicable measures, recognising COVID-19 symptoms and the procedure in the event of a suspected case of infection among those in attendance or the participants;
- o. the procedure for dealing with persons in attendance or participants who infringe the requirements of the precautionary measures plan.

