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

of 19 June 2020 (Status as of 23 January 2021)

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*The Swiss Federal Council,*

on the basis of Article 6 paragraph 2 letters a and b of the Epidemics Act of 28 September 2012<sup>1</sup> (EpidA),

*ordains:*

### **Section 1    General Provisions**

**Art. 1**            Subject matter and purpose

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

<sup>2</sup> 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**            Principle<sup>2</sup>

Every person shall follow the recommendations of the Federal Office of Public Health (FOPH) on hygiene and social distancing during the COVID-19 epidemic<sup>3</sup>.

AS 2020 2213

<sup>1</sup> SR 818.101

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

<sup>3</sup> Available at [www.bag.admin.ch](http://www.bag.admin.ch) > Diseases > Infections diseases: outbreaks, Epidemics, Pandemics > Current outbreaks and epidemics > New coronavirus > Protect yourself and others.

**Art. 3a<sup>4</sup>** Persons travelling on public transport

<sup>1</sup> 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.<sup>5</sup> persons who can prove that they are unable to wear face masks for compelling reasons, in particular medical reasons; in order to prove medical reasons, a certificate is required from a professional who is authorised to exercise their profession under their own professional responsibility in accordance with the Medical Professions Act of 23 June 2006<sup>6</sup> or the Psychology Professions Act of 18 March 2011<sup>7</sup>.

<sup>2</sup> Public transport vehicles under paragraph 1 are:

- a.<sup>8</sup> vehicles operated by companies with a concession under Article 6 or a licence under Article 7 or 8 of the Passenger Transport Act of 20 March 2009<sup>9</sup>;
- b. aircraft operated by companies holding an operating licence in accordance with Articles 27 or 29 of the Civil Aviation Act of 21 December 1948<sup>10</sup> that are used for scheduled or charter flights.

**Art. 3b<sup>11</sup>** Persons in publicly accessible areas of businesses and establishments and in public transport access areas

<sup>1</sup> A face mask must be worn in publicly accessible indoor and outdoor areas of businesses and establishments, including markets, in waiting areas for trains, buses trams and cableways, and in railway stations, airports and other public transport access areas.<sup>12</sup>

<sup>2</sup> The following persons are exempted from this requirement:

- a. children under the age of 12;

<sup>4</sup> 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).

<sup>5</sup> Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS 2021 7).

<sup>6</sup> SR 811.11

<sup>7</sup> SR 935.81

<sup>8</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

<sup>9</sup> SR 745.1

<sup>10</sup> SR 748.0

<sup>11</sup> Inserted by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home) (AS 2020 4159). Amended by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

<sup>12</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

- b.<sup>13</sup> persons who can prove that they are unable to wear a face mask for compelling reasons, in particular medical reasons; proof of this must be provided in accordance with Article 3*a* paragraph 1 letter b;
- c. persons in institutions that provide childcare outside the family, provided wearing a face mask significantly impedes the provision of care;
- d. guests in restaurants, bars and clubs who are seated at a table;
- e. persons undergoing a medical or cosmetic procedure to the face;
- f. performers, in particular speakers, and athletes and artists in accordance with Articles 6*e* and 6*f*.

**Art. 3c<sup>14</sup>** Measures that apply in public places<sup>15</sup>

<sup>1</sup> Gatherings of more than five persons are prohibited in public places such as squares, paths and parks.<sup>16</sup>

<sup>2</sup> All persons in the following public areas must wear a face mask:

- a.<sup>17</sup> in busy pedestrian zones in city, town and village centres and winter sports resorts;
- b. in other public areas whenever too many people are present for the required distance to be maintained.<sup>18</sup>

<sup>3</sup> The exceptions under Article 3*b* paragraph 2 letters a and b apply to the requirement under paragraph 2.<sup>19</sup>

<sup>13</sup> Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS 2021 7).

<sup>14</sup> 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).

<sup>15</sup> Amended by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

<sup>16</sup> Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS 2021 7).

<sup>17</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

<sup>18</sup> Inserted by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

<sup>19</sup> Inserted by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

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

#### Art. 4 Precautionary measures plan

<sup>1</sup> 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.

<sup>2</sup> 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;
- b. It must include measures that guarantee compliance with the requirement to wear a mask under Article 3*b*.
- c. It must include measures that restrict access to the establishment, business or event in such a way that allows the required distance to be maintained. This does not apply to access to public transport vehicles.
- d. If persons are present who are exempted from the requirement to wear a face mask under Article 3*b* paragraph 2 or under Article 6*e* or 6*f*, either the required distance must be maintained or other effective protective measures must be taken, such as erecting suitable barriers. If this is not possible because of the nature of the activity or of the premises, provision must be made for recording the contact details of the persons present in accordance with Article 5.<sup>20</sup>

<sup>3</sup> The requirements of paragraph 2 are specified in more detail in Annex 1. 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.

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

#### Art. 5 Recording contact details

<sup>1</sup> If contact details are recorded in accordance with Annex 1 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.

<sup>2</sup> The contact details must on request be passed on in electronic form without delay to the competent cantonal authority or organisation in accordance with Article 33

<sup>20</sup> Amended by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

EpidA for the purpose of identifying and notifying persons who may have been infected.<sup>21</sup>

<sup>3</sup> 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. 5a<sup>22</sup>** Special provisions for restaurants, bars and clubs and on discotheques and dance venues

<sup>1</sup> Restaurants, bars, clubs, discotheques and dance halls are not permitted to operate.

<sup>2</sup> The prohibition does not apply to the following businesses:

- a. businesses that offer takeaway food and drinks and that deliver meals;
- b. staff canteens that cater exclusively for persons working in the business concerned and that include the following measures in their precautionary measures plan on serving and consuming food and drinks:
  1. guests consuming food and drinks in the restaurant area must be seated,
  2. when consuming food and drinks, guests must maintain the required distance from other persons;
- c. canteens or lunch and after-school clubs in primary and lower secondary schools that cater exclusively for schoolchildren, teaching staff and other school employees;
- d. restaurants and bars in hotels that are open only to hotel guests; for these, the following applies:
  1. groups of guests are limited to four persons per table; this does not apply to parents with children,
  2. guests must be seated; in particular food and drink may only be consumed while seated,
  3. groups of guests must either maintain the required distance from each other or must be separated by effective barriers,
  4. the proprietor must record the contact details of at least one guest in each group of guests.

<sup>3</sup> Businesses under paragraph 2 letters a and d may open between 6am and 11pm. Businesses under paragraph 2 letter d may remain open until 1am on the night of 31 December to 1 January.

<sup>21</sup> Amended by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS **2020** 4503).

<sup>22</sup> Inserted by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home) (AS **2020** 4159). Amended by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS **2020** 5813, **2021** 6).

**Art. 5a<sup>bis</sup>** 23**Art. 5b<sup>24</sup>** Special Provisions for winter sports resorts

<sup>1</sup> Communes with ski areas and significant numbers of winter sport guests (winter sports resorts) must draw up and implement a precautionary measures plan containing measures to guarantee compliance with social distancing requirements and to prevent gatherings of people in public areas.

<sup>2</sup> The precautionary measures plan must have rules on the following in particular:

- a. coordinating the opening hours of shops and restaurant-type establishments and arrangements for public access and waiting areas outside such shops and establishments;
- b. directing the movement of persons, in particular in areas around public transport stops and in car parks; these measures must be coordinated with those taken by the ski area operator;
- c. details of the locations where COVID-19 tests can be conducted;
- d. the deployment of staff to monitor compliance with the measures.

**Art. 5c<sup>25</sup>** Special provisions for ski area operators

<sup>1</sup> A ski area is defined as the entirety of transport installations pertaining to an operator, including the related ski slopes, sledge runs and other snow sports facilities.

<sup>2</sup> Ski area operators require authorisation from the competent cantonal authority.

<sup>3</sup> Authorisation shall be granted if:

- a. the epidemiological situation in the canton or region concerned so permits, whereby the situation must be assessed based on the indicators specified in Article 8 paragraph 1 letter a in particular;
- b. the canton has the capacities required to identify and notify persons who may have been infected as stipulated in Article 33 EpidA and the related exchange of data between cantons is guaranteed;
- c. the facilities for out- and in-patient healthcare services in the canton or region concerned have sufficient capacities for treating both persons who are ill with COVID-19 and other persons, in particular those with sports injuries;
- d. the canton in which the winter sports resort or region is located has sufficient test capacities for persons with symptoms of COVID-19; and

<sup>23</sup> Inserted by No I of the O of 11 Dec. 2020 (Restrictions on Events and Opening Hours of Restaurants and other publicly accessible Businesses and Establishments) (AS **2020** 5377). Repealed by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), with effect from 18. Jan. 2021 to 28 Feb. 2021 (AS **2021** 7).

<sup>24</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS **2020** 5189).

<sup>25</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS **2020** 5189).

- e. the operator submits a precautionary measures plan.

<sup>4</sup> The operator's precautionary measures plan must provide for the following in addition to what is required by Article 4:

- a. Occupancy of closed vehicles may not exceed two thirds of capacity.
- b. The movement of persons on access paths to public transport stops and car parks for transport installations as well as in access and waiting areas for these installations must be arranged so as to comply with the requirements of social distancing; on access paths the movement of persons must be organised in coordination with the winter sports resorts and the transport operators.
- c. Persons standing in the vicinity of and travelling on the transport installations must wear a face mask. Persons standing in the vicinity of the installation must also comply with social distancing requirements.
- d. Persons who are infected with the coronavirus or who have symptoms of a COVID-19-illness may not be admitted to the ski area; to this end, suitable precautions must be taken, in particular requiring guests to make a personal declaration and instructing staff not to transport guests with obvious symptoms.
- e.<sup>26</sup> The precautionary measures plan must be coordinated with the precautionary measures plans of the winter sports resorts.
- f. Compliance with the measures in the precautionary measures plan must be monitored; in particular, compliance with social distancing requirements in access and waiting areas for transport installations must be checked.
- g. Guests who fail to comply with the measures in the precautionary measures plan despite repeated warnings shall be removed from the ski area.

<sup>5</sup> The cantons shall conduct regular checks on whether the precautionary measures plan is being correctly implemented. They shall withdraw authorisation or impose additional requirements if:

- a. the operator fails to implement the precautionary measures plan correctly despite receiving a warning to do so;
- b. any of the requirements under paragraph 3 letters a–d is no longer satisfied.

**Art. 5d<sup>27</sup>** Special provisions for businesses and establishments in the fields of culture, entertainment, leisure and sport

<sup>1</sup> Publicly accessible businesses and establishments in the fields of culture, entertainment, leisure and sport shall be closed to the public, in particular:

<sup>26</sup> Amended by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS 2020 5813, 2021 6).

<sup>27</sup> Inserted by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS 2020 5813, 2021 6).

- a. culture, leisure and entertainment establishments such as cinemas, museums and exhibition halls, reading rooms of libraries and archives, casinos and gaming halls, concert halls and theatres, and the indoor areas and non-freely-accessible outdoor areas of botanical gardens and zoos;
- b. sports and spa establishments, in particular sports and fitness centres, ice rinks and swimming pools, with the exception of:
  - 1.<sup>28</sup> ski areas and other facilities on open terrain,
  2. equestrian facilities,
  3. hotel facilities for hotel guests only.

<sup>2</sup> The use of businesses and establishments in the fields of culture and sport for activities for children and young people under the age of 16 remains permitted.

**Art. 5e<sup>29</sup>** Special provisions for shops and markets

<sup>1</sup> Shops and outdoor markets are closed to the public. Goods that have been ordered may be collected from the premises.

<sup>2</sup> Paragraph 1 does not apply to the following businesses, including outdoor markets offering similar goods:

- a. food shops and other shops selling foodstuffs or other goods for essential daily needs as listed in Annex 2;
- b. pharmacies, chemist's shops and shops selling medical aids (e.g. eyeglasses, hearing aids);
- c. telecommunication providers' sales points;
- d. repair and maintenance shops, such as laundries, sewing shops, shoemakers, locksmiths as well as automobile garages and bicycle shops, insofar as they offer repairs;
- e. DIY stores, garden centres and hardware stores offering construction and garden supplies as listed in Annex 2;
- f. florist shops;
- g. petrol stations.

<sup>3</sup> Paragraph 1 does not apply to outdoor livestock and slaughter livestock markets either.

**Art. 5f<sup>30</sup>** Opening hours for publicly accessible establishments that offer services

Publicly accessible businesses and establishments offering services, such as post offices, banks, travel agencies, barbers and hairdressers, including those offering

<sup>28</sup> The correction of 21 Jan. 2021 relates to the French and Italian texts only (AS 2021 26).

<sup>29</sup> Inserted by No 1 of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS 2021 7).

<sup>30</sup> Inserted by No 1 of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS 2021 7).



self-service facilities, must remain closed between 7pm and 6am and on Sundays; the foregoing does not apply to:

- a. healthcare facilities, such as hospitals, clinics and medical practices, and practices and facilities operated by healthcare professionals under federal and cantonal law;
- b. organisations offering social support services (contact points);
- c. public administration offices and police stations;
- d. ticket offices operated by public transport businesses;
- e. car hire offices;
- f. machines for obtaining a service, in particular for withdrawing money.

**Art. 6<sup>31</sup>** Special Provisions for events, trade fairs and markets<sup>32</sup>

<sup>1</sup> The holding of events is prohibited. The following are exempt from the prohibition:

- a. events under Article 6c;
- b. political campaign events with up to 50 persons in attendance;
- c. hearings before courts and arbitration tribunals;
- d. religious events with up to 50 persons in attendance;
- e. funerals attended by family and close friends;
- f. events permitted under Article 6d;
- g. sporting or cultural events without spectators or an audience under Articles 6e and 6f paragraphs 2 and 3;
- h. events involving family and friends under paragraph 2.<sup>33</sup>

<sup>2</sup> A maximum of five persons may attend events involving family members and friends (private events). The requirement to draw up and implement a precautionary measures plan does not apply.<sup>34</sup>

<sup>3</sup> It is prohibited to hold trade fairs and markets indoors.

<sup>31</sup> Amended by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

<sup>32</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

<sup>33</sup> Amended by No I of the O of 11 Dec. 2020 (Restrictions on Events and Opening Hours of Restaurants and other publicly accessible Businesses and Establishments), in force from 12 Dec. 2020 to 28 Feb. 2021 (AS 2020 5377, 2021 6).

<sup>34</sup> Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS 2021 7).

**Art. 6a** and **6b**<sup>35</sup>

**Art. 6c**<sup>36</sup> Special provisions for meetings of political bodies, political and civil society demonstrations and collecting signatures

<sup>1</sup> Restrictions on numbers do not apply to the following events:

- a. meetings of the legislatures at federal, cantonal and communal level;
- b. meetings of public-sector bodies that cannot be postponed;
- c. meetings required to ensure the proper functioning of institutional beneficiaries under Article 2 paragraph 1 of the Host State Act of 22 June 2007<sup>37</sup>.

<sup>2</sup> Articles 4–6 do not apply to political and civil society demonstrations and to collecting signatures. Participants must wear face masks; however, the exemptions under Article 3b paragraph 2 letters a and b apply.

**Art. 6d**<sup>38</sup> Special provisions for educational and training institutions

<sup>1</sup> Events requiring physical presence in educational and training institutions are prohibited. The following are exempt from this prohibition:

- a. primary and lower and upper secondary schools; including the associated examinations;
- b. one-on-one lessons;
- c. the following activities, provided classroom presence is required for their conduct:
  1. teaching activities that are an essential part of the teaching programme,
  2. examinations in connection with study courses, in professional education or in order to obtain an official diploma.<sup>39</sup>

<sup>1bis</sup> In justified cases, more than 50 persons may participate in the examinations specified in paragraph 1.<sup>40</sup>

<sup>2</sup> Students, teaching staff and all other staff in upper secondary schools must wear a face mask in situations requiring physical presence. An exception to this require-

<sup>35</sup> Inserted by No I of the O of 2 Sept. 2020 (Large-Scale Events) (AS 2020 3679). Repealed by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), with effect from 29 Oct 2020 (AS 2020 4503).

<sup>36</sup> Inserted by No I of the O of 2 Sept. 2020 (Large-Scale Events) (AS 2020 3679). Amended by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

<sup>37</sup> SR 192.12

<sup>38</sup> Inserted by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 2 Nov. 2020 (AS 2020 4503).

<sup>39</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

<sup>40</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

ment is situations in which wearing a face mask would significantly impede teaching.

<sup>3</sup> For sporting and cultural activities with classes of students in upper secondary schools, the provisions in Article 6e relating to the non-professional sector apply with the following exceptions:

- a. There are no restrictions on group numbers.
- b. Indoor sports activities are permitted if participants wear a face mask and maintain the required distance; wearing a face mask is not required in large halls provided additional distancing rules and capacity restrictions apply.<sup>41</sup>

<sup>4</sup> For cultural activities with young adults in upper secondary schools, the requirements in Article 6f for the non-professional sector apply, with the exception of the restriction on group numbers.<sup>42</sup>

**Art. 6e<sup>43</sup>** Special provisions that apply to the sports sector

<sup>1</sup> The following sports activities are permitted:<sup>44</sup>

- a.<sup>45</sup> sports activities for children and young persons under the age of 16; competitions are prohibited;
- b.<sup>46</sup> outdoor sports activities that do not involve physical contact for individuals and groups of up to 5 persons over the age of 16, provided participants wear a face mask or maintain the required distance; competitions are prohibited;
- c. training activities and competitions involving elite athletes who are members of the national squad of a national sports association and who train as individuals, in groups of up to 15 persons or as an established competitive team;
- d. training activities and competitive matches involving teams that compete in a predominantly professional league.

<sup>2</sup> Sports activities in groups of up to 5 persons under paragraph 1 letters a and b are exempted from the requirement to draw up a precautionary measures plan under Article 4.

<sup>41</sup> Amended by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS 2020 5813, 2021 6).

<sup>42</sup> Inserted by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS 2020 5813, 2021 6).

<sup>43</sup> Inserted by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

<sup>44</sup> Amended by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS 2020 5813, 2021 6).

<sup>45</sup> Amended by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS 2020 5813, 2021 6).

<sup>46</sup> Amended by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS 2020 5813, 2021 6).

**Art. 6<sup>A7</sup>** Special Provisions for the cultural sector1 ...<sup>48</sup>

<sup>2</sup> In the cultural sector, the following activities are permitted, including using the required establishments and businesses:

- a. in the non-professional sector:
  1. activities by children and young persons under the age of 16,
  - 2.<sup>49</sup> activities by individuals over the age of 16,
  - 3.<sup>50</sup> activities in groups of up to 5 persons over the age of 16, provided participants wear face masks and maintain the required distance; face masks are not required in spacious premises provided additional distancing requirements and restrictions on numbers apply;
- b. in the professional sector: rehearsing, practising and performing by artists or ensembles.

<sup>3</sup> The following applies to the activities that involve singing:<sup>51</sup>

- a.<sup>52</sup> In the non-professional sector, the following is prohibited:
  1. persons singing together outside the family circle;
  2. practising and performing in choirs or with singers.
- b. In the professional sector:
  1. performances involving choirs are prohibited;
  2. practising and performing that involves singers is only permitted if the precautionary measures plan includes relevant protective measures.

<sup>4</sup> Events involving groups of up to 5 persons under paragraph 2 letter a are exempt from the requirement to draw up a precautionary measures plan under Article 4.

**Art. 7** Relaxation of requirements by the cantons

<sup>1</sup> The competent cantonal authority may authorise a relaxation of the requirements under Article 4 paragraphs 2–4 and Articles 5–6<sup>f</sup> provided:<sup>53</sup>

<sup>47</sup> Inserted by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS **2020** 4503).

<sup>48</sup> Repealed by No I of the O of 18 Dec. 2020 (Tightening of Measures in December), with effect from 22 Dec. 2020 to 28 Feb. 2021 (AS **2020** 5813, **2021** 6).

<sup>49</sup> Amended by No I of the O of 11 Dec. 2020 (Restrictions on Events and Opening Hours of Restaurants and other publicly accessible Businesses and Establishments), in force from 12 Dec. 2020 to 28 Feb. 2021 (AS **2020** 5377, **2021** 6).

<sup>50</sup> Amended by No I of the O of 11 Dec. 2020 (Restrictions on Events and Opening Hours of Restaurants and other publicly accessible Businesses and Establishments), in force from 12 Dec. 2020 to 28 Feb. 2021 (AS **2020** 5377, **2021** 6).

<sup>51</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS **2020** 5189).

<sup>52</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS **2020** 5189).

<sup>53</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS **2020** 5189).

- a. overriding public interests so require;
  - a<sup>bis</sup>.<sup>54</sup> the epidemiological situation in the canton or the region concerned permits this based on the indicators specified in Article 8 paragraph 1 letter a; and
  - b.<sup>55</sup> the organiser or operator submits a precautionary measures plan under Article 4 that includes specific measures to prevent the spread of the coronavirus and to break transmission chains.
- 2-5 ...<sup>56</sup>
- 6 ...<sup>57</sup>

**Art. 8**<sup>58</sup> Additional measures by the cantons

<sup>1</sup> The canton shall take additional measures under Article 40 EpidA if:

- a. the epidemiological situation in the canton or in a region so requires; it shall assess the situation in particular based on the following indicators and their trends:
  - 1. incidence (7-day, 14-day),
  - 2. the number of new infections (per day, per week),
  - 3. the number of positive tests as a percentage of the total number of tests carried out (positivity rate),
  - 4. the number of tests carried out (per day, per week),
  - 5. the reproduction number,
  - 6. in-patient capacities and the number of persons newly hospitalised (per day, per week), including those in intensive care;
- b. as a result of the epidemiological situation, it is no longer able to provide the capacities required to identify and notify persons who may have been infected as stipulated in Article 33 EpidA.

<sup>2</sup> It shall in particular guarantee freedom of religion and conscience and that political rights may be exercised.

<sup>3</sup> It shall consult the FOPH beforehand and inform the FOPH of the measures taken.

- <sup>54</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).
- <sup>55</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).
- <sup>56</sup> Inserted by No I of the O of 11 Dec. 2020 (Restrictions on Events and Opening Hours of Restaurants and other publicly accessible Businesses and Establishments) (AS 2020 5377). Repealed by No 1 of the O of 6 Jan. 2021, with effect from 9 Jan. 2021 (Repeal of relaxation of requirements by the cantons under certain circumstances) (AS 2021 2).
- <sup>57</sup> Amended by No I of the O of 18 Dec. 2020 (Tightening of Measures in December) (AS 2020 5813). Repealed by No 1 of the O of 6 Jan. 2021, with effect from 9 Jan. 2021 (Repeal of relaxation of requirements by the cantons under certain circumstances) (AS 2021 2).
- <sup>58</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

**Art. 9** Inspections and obligations to cooperate

<sup>1</sup> 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.

<sup>1bis</sup> The competent cantonal authorities shall conduct regularly checks on compliance with the precautionary measures plans, in particular in winter sports resorts and ski areas.<sup>59</sup>

<sup>2</sup> If they establish that no adequate precautionary measures plan has been drawn up or that a plan has not been implemented or only in part, they shall take appropriate measures immediately. They may issue reminders, close down establishments or businesses or prohibit or break up events.<sup>60</sup>

<sup>3</sup> Paragraphs 1 letter a and 2 first sentence also apply to precautionary measures plans in winter sports resorts.<sup>61</sup>

**Section 4 Measures to Protect Workers****Art. 10** Preventive measures

<sup>1</sup> 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.

<sup>1bis</sup> All persons must wear face masks indoors, including in vehicles in which more than one person is present. This requirement does not apply to:<sup>62</sup>

- a.<sup>63</sup> ...
- b. activities for which masks cannot be worn for safety or security reasons or because of the nature of the activity;

<sup>59</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

<sup>60</sup> Amended by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

<sup>61</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).

<sup>62</sup> Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS 2021 7).

<sup>63</sup> Repealed by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS 2021 7).

c.<sup>64</sup> persons who are exempted from the requirement wear a mask in accordance with Article 3*b* paragraph 2.<sup>65</sup>

<sup>2</sup> Employers shall take further measures in accordance with the STOP Principle (Substitution, Technical measures, Organisational measures, Personal protective equipment), in particular physical separation, separate teams or wearing face masks outdoors.<sup>66</sup>

<sup>3</sup> Where the nature of the activity makes this possible and feasible at a reasonable cost, employers shall ensure that employees fulfil their work obligations from home. They shall take the appropriate organisational and technical measures for this purpose. Employees shall not be entitled to any reimbursement of expenses for fulfilling their work obligations from home on the basis of this provision.<sup>67</sup>

<sup>4</sup> For the protection of particularly vulnerable employees, Article 27*a* of COVID-19 Ordinance 3 of 19 June 2020<sup>68</sup> also applies.<sup>69</sup>

#### **Art. 11** Implementation, inspections and obligations to cooperate

<sup>1</sup> Pursuant to the health protection provisions in Article 6 of the Employment Act of 13 March 1964<sup>70</sup>, the authorities implementing the Employment Act and the Federal Act of 20 March 1981<sup>71</sup> on Accident Insurance are responsible for implementing Article 10.

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

<sup>3</sup> Employers must allow the competent implementing authorities access to their premises and locations.

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

<sup>64</sup> Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS **2021** 7).

<sup>65</sup> Inserted by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS **2020** 4503).

<sup>66</sup> Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS **2021** 7).

<sup>67</sup> Inserted by No I of the O of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home) (AS **2020** 4159). Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS **2021** 7).

<sup>68</sup> SR **818.101.24**

<sup>69</sup> Inserted by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 to 28 Feb. 2021 (AS **2021** 7).

<sup>70</sup> SR **822.11**

<sup>71</sup> SR **832.20**

## 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;
- 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. 13<sup>72</sup>

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

- a.<sup>73</sup> wilfully failing as an operator or organiser to comply with the requirements imposed on them in Article 4 paragraphs 1 and 2 or in Articles 5a, 5d paragraph 1, 5e, 5f and 6d–6f;
- a<sup>bis</sup>.<sup>74</sup> operating a ski area without the required authorisation or in derogation from the approved precautionary measures plan;
- b. holding a large-scale event prohibited under Article 6 paragraph 1;

<sup>72</sup> Amended by No I of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), in force since 29 Oct. 2020 (AS 2020 4503).

<sup>73</sup> Amended by No I of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 until 28 Feb. 2021 (AS 2021 7).

<sup>74</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS 2020 5189).



- c.<sup>75</sup> holding trade fairs or markets the holding of which is prohibited by Article 6 paragraph 3.

## Section 7 Final Provisions

### Art. 14 Amendment of other legislation

The following Ordinances are amended as follows:

...<sup>76</sup>

### Art. 14<sup>a77</sup> Transitional provisions to the Amendment of 4 December 2020

<sup>1</sup> Ski area operators that have already begun operations before 9 December 2020 and wish to continue or that wish to begin operations before 22 December 2020 must submit their precautionary measures plan under Article 5c paragraph 4 to the competent cantonal authority by 11 December 2020.

<sup>2</sup> If the precautionary measures plan is not submitted on time, operations are only permitted once the competent cantonal authority grants authorisation.

<sup>3</sup> The cantonal authority shall decide within ten days of receiving the precautionary measures plan.

<sup>4</sup> Winter sports resorts must be able to produce their precautionary measures plans under Article 5b on 18 December 2020 and must implement them from this date.

### Art. 15 Commencement and duration

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

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

<sup>3</sup> ...<sup>78</sup>

<sup>75</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS **2020** 5189).

<sup>76</sup> The amendments may be consulted under AS **2020** 2213.

<sup>77</sup> Inserted by No I of the O of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres), in force since 9 Dec. 2020 (AS **2020** 5189).

<sup>78</sup> 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).

4 ...79

5 ...80

<sup>79</sup> Inserted by No 1 of the O of 12 Aug. 2020 (Requirement to wear Masks in Aircraft; Large-Scale Events) (AS **2020** 3547). Repealed by No 1 of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), with effect from 29 Oct 2020 (AS **2020** 4503).

<sup>80</sup> Inserted by No 1 of the O of 2 Sept. 2020 (Large-Scale Events) (AS **2020** 3679). Repealed by No 1 of the O of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees), with effect from 29 Oct 2020 (AS **2020** 4503).

*Annex 1<sup>81</sup>*  
(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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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 d 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.

<sup>81</sup> Originally: Annex. Revised by No II of the O of 2 Sept. 2020 (Large-Scale Events) (AS 2020 3679), of 18 Oct. 2020 (Mandatory masks; Recommendation to work from home) (AS 2020 4159), of 28 Oct. 2020 (Measures that apply to Persons, publicly accessible Establishments and Businesses and Events, and for the Protection of Employees) (AS 2020 4503), of 4 Dec. 2020 (Special Arrangements for Public Holidays and Winter Sports Centres) (AS 2020 5189) and of 18 Dec. 2020 (Tightening of Measures in December), in force from 22 Dec. 2020 until 28 Feb. 2021 (AS 2020 5813, 2021 6).

## 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.
- 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).
- 3.1<sup>bis</sup> Access to publicly accessible indoor and outdoor areas of establishments and businesses and to events shall be restricted as follows:
  - a. In shops with a floor area of up to 40 square metres, a maximum of 3 customers may be present.
  - b. In shops with a floor area of more than 40 square metres that make at least two thirds of their turnover from the sale of foodstuffs, the following applies:
    - 1. 10 square metres per customer;
    - 2. the lowest maximum number of customers is 5.
  - c. For shops with a floor area of more than 40 square metres that make less than two thirds of their turnover from the sale of foodstuffs, the following applies:
    - 1. for shops with a floor area of between 41 and 500 square metres:
      - 10 square metres per customer,
      - the lowest maximum number of customers is 5;
    - 2. for shops with a floor area of between 501 and 1500 square metres:
      - 15 square metres per customer,
      - the lowest maximum number of customers is 50;
    - 3. for shops with a floor area of over 1500 square metres:
      - 20 square metres per customer,
      - the lowest maximum number of customers is 100.
  - d. In businesses and establishments other than shops in which persons may move around freely, if several persons are present, each person must have at least 10 square metres of space. In establishments and businesses with an area of up to 30 square metres, a minimum area of 4 square metres of space for each person applies.
  - e. In the case of seats arranged in rows or in a similar way, only every second seat or seats an equivalent distance apart may be occupied.
- 3.1<sup>ter</sup> The following applies to sports and cultural activities under Article 6*d* paragraph 3 letter b and 6*f* paragraph 2 letter a number 3:

- a. The space available must be such that each person has at least 15 square metres of space for his or her exclusive use or effective barriers must be erected between the individual persons. In the case of sports that do not involve any particular physical exertion and in which the participant does not leave his or her allocated place, each person must have at least 4 square metres of space for his or her exclusive use.
  - b. The premises must be effectively ventilated.
- 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 and clubs, 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 seat or table number;
- 4.4<sup>bis</sup> 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.

*Annex 28<sup>2</sup>*  
(Art. 5e para. 2 lets. a and e)

## **Foodstuffs and other goods for essential daily needs**

### **1. Foodstuffs**

- 1.1 Food I (fresh products), e.g. meat, fish, charcuterie, dairy products, eggs, fresh fruit and vegetables, bread and baked goods;
- 1.2 Food II (dry products), e.g. alcoholic and non-alcoholic beverages, confectionary, tobacco products, tinned products, dried goods (flour, grain, rice, pasta), spices, frozen goods, baby food.

### **2. Non-food products**

- 2.1 Hygiene and personal care articles, e.g. soap, bath additives, perfumes, deodorants, hygiene wipes, skin cream, shaving accessories, hair care products, dental care products, baby care products, nappies, other cosmetics, health care products as well as over-the-counter medicines which may also be dispensed to consumers outside pharmacies;
- 2.2 Cookware and tableware, including cutlery and cooking utensils, storage containers and foils, insofar as they are consumer goods in nature and price, and candles;
- 2.3 Washing, cleaning and care products;
- 2.4 Newspapers and magazines;
- 2.5 Stationery and writing materials;
- 2.6 Houseplants and cut flowers;
- 2.7 Photographic consumables;
- 2.8 Electrical parts and accessories (such as batteries, etc.);
- 2.9 Hosiery, underwear and baby clothing, insofar as they are consumer goods in nature and price;
- 2.10 DIY and gardening articles (e.g. tools, building materials, seeds, soil);
- 2.11 Animal food and products necessary for animal hygiene and husbandry, and animals that have to be acquired to ensure that they are kept in a manner appropriate to their species.

<sup>82</sup> Inserted by No II of the O of 13 Jan. 2021 (Further Tightening of Measures), in force from 18 Jan. 2021 until 28 Feb. 2021 (AS **2021** 7). The corrections of 20 Jan. 2021 (AS **2021** 17) and 21 Jan. 2021 (AS **2021** 26) relate to the French text only.

