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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 29 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 areas of businesses and establishments and in public transport access areas

¹ 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 and trams, and in railway stations, airports and other public transport access areas.

² 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;
- 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 6e and 6f.

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) (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).

Art. 3c⁸ Measures that apply in public places⁹

¹ Gatherings of more than 15 persons are prohibited in public places such as squares, paths and parks.

² All persons in the following public areas must wear a face mask:

- a. in busy pedestrian zones in city, town and village centres;
- b. in other public areas whenever too many people are present for the required distance to be maintained.¹⁰

³ The exceptions under Article 3b paragraph 2 letters a and b apply to the requirement under paragraph 2.¹¹

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;
- b. It must include measures that guarantee compliance with the requirement to wear a mask under Article 3b.
- 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 3b paragraph 2 or under Article 6e or 6f, 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

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).

⁹ 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).

¹⁰ 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).

¹¹ 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).

for recording the contact details of the persons present in accordance with Article 5.¹²

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.

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 in electronic form 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.¹³

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. 5a¹⁴ Special provisions for restaurants, bars and clubs and on discotheques and dance venues

¹ The following applies to restaurants, bars and clubs, in addition to the precautionary measures plan under Article 4:

- a. Guests must be seated; in particular, food and drink may be consumed only when seated.
- b. The businesses must close between 11pm and 6am.
- c. Groups of guests are limited to four persons per table; this does not apply to parents with children or to canteens and lunch and after school clubs in primary and lower secondary schools.

¹² 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).

¹³ 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).

¹⁴ 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).

- d. Food and drink may only be served in staff canteens to persons working in the business concerned, and in canteens and lunch and after school clubs in primary and lower secondary schools to schoolchildren, teaching staff and other school employees.

² Discotheques and dance venues are not permitted to open and dance events may not be held.

Art. 6¹⁵ Special provisions that apply to events

¹ Events with over 50 persons in attendance are prohibited. This number does not include persons working at the event and persons helping to organise the event.

² A maximum of 10 persons may attend events involving family members and friends (private events) that are not held in publicly accessible establishments and businesses. The requirement to draw up and implement a precautionary measures plan does not apply.

³ It is prohibited to hold trade fairs and markets indoors.

Art. 6a and 6b¹⁶

Art. 6c¹⁷ Special provisions for meetings of political bodies, political and civil society demonstrations and collecting signatures

¹ 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 2007¹⁸.

² 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.

¹⁵ 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).

¹⁶ 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).

¹⁷ Inserted by No I of the O of 2 Sept. 2020 (Large-Scale Events), in force since 1 Oct. 2020 (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).

¹⁸ SR 192.12

Art. 6d¹⁹**Art. 6e**²⁰ Special provisions that apply to the sports sector

¹ The following sports activities, in particular training activities and competitions, are permitted in publicly accessible establishments and businesses and outdoors:

- a. sports activities for children and young persons under the age of 16, not including competitions;
- b. sports activities that do not involve physical contact for individuals and groups of up to 15 persons over the age of 16:
 1. indoors: provided participants wear face masks and maintain the required distancing; face masks are not required in spacious premises provided additional distancing requirements and restrictions on numbers apply,
 2. outdoors: provided participants wear face masks or maintain the required distancing;
- 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.

² 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.

Art. 6f²¹ Special Provisions for the cultural sector

¹ Museums and galleries, libraries, archives and comparable cultural institutions are subject only to the requirement to draw up a precautionary measures plan under Article 4.

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

- a. in the non-professional sector:
 1. activities for children and young persons under the age of 16,
 2. rehearsing or practising by individuals over the age of 16,
 3. performing by individuals, rehearsing, practising and performing in groups of up to 15 persons over the age of 16, provided participants

¹⁹ Comes into force on 2 Nov. 2020 (AS 2020 4503).

²⁰ Inserted 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), in force since 29 Oct. 2020 (AS 2020 4503).

²¹ Inserted 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), in force since 29 Oct. 2020 (AS 2020 4503).

wear face masks and maintain the required distancing; 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.

³ The following applies to the activities of choirs and activities involving singers:

- a. In the non-professional sector, practising and performing are prohibited.
- b. In the professional sector:
 - 1. performances involving choirs are prohibited;
 - 2. practising and performing that involves singers are only permitted if the precautionary measures plan includes relevant protective measures.

⁴ 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 except.

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 5–6^f provided:²²

- 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:

²² 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).

- 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.

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.

^{1bis} All employees must wear face masks indoors. This requirement does not apply to:

- a. working areas in which the distancing between workplaces can be maintained, in particular where employees work in separate rooms;
- b. activities for which masks cannot be worn for safety or security reasons or because of the nature of the activity;
- c. persons who can prove that they are unable to wear face masks for compelling reasons, in particular medical reasons.²³

² 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 or in vehicles.²⁴

³ Employers shall observe the FOPH recommendations regarding working from home^{25,26}

²³ 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).

²⁴ 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).

²⁵ Available at www.bag.admin.ch > Diseases > Infections diseases: outbreaks, Epidemics, Pandemics > Current outbreaks and epidemics > New coronavirus > Protect yourself and others

²⁶ 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. 11 Implementation, inspections and obligations to cooperate

¹ Pursuant to the health protection provisions in Article 6 of the Employment Act of 13 March 1964²⁷, the authorities implementing the Employment Act and the Federal Act of 20 March 1981²⁸ 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;
- 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.

²⁷ SR 822.11

²⁸ SR 832.20

Section 6 Criminal Provisions

Art. 13²⁹

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

- a. willfully 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 and 6d–6f;
- b. holding a large-scale event under Article 6 paragraph 1.

Section 7 Final Provisions

Art. 14 Amendment of other legislation

The following Ordinances are amended as follows:

...³⁰

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.

³ ...³¹

⁴ ...³²

⁵ ...³³

²⁹ 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).

³⁰ The amendments may be consulted under AS 2020 2213.

³¹ 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).

³² Inserted by No I of the O of 12. Aug. 2020 (Requirement to wear Masks in Aircraft; Large-Scale Events) (AS 2020 3547). 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).

³³ 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).

*Annex*³⁴
(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 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.

³⁴ 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) and 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).

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^{bis} Access to publicly accessible indoor and outdoor areas of establishments and businesses and to events shall be restricted as follows:
 - a. In areas where persons can move around freely, in particular in shops and entrance areas, if several persons are present, each person must have at least 4 square metres of space.
 - b. In the case of seats arranged in rows or in a similar way, in particular in theatres, concert halls and cinemas, only every second seat or seats separated by an equivalent distance may be occupied.
- 3.1^{ter} The following applies to sports and cultural activities under Article 6e paragraph 1 letter b number 1 and 6f 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 relevant seat or table number;
- 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.

