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

of 23 June 2021 (Status as of 16 November 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 to combat the COVID-19 epidemic that apply to the general public, organisations and institutions, and the cantons.

<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**

<sup>1</sup> Unless this Ordinance provides otherwise, the cantons shall retain their responsibilities in accordance with the EpidA.

<sup>2</sup> The cantons are responsible for measures relating to compulsory and upper secondary schools.

#### **Art. 3            Persons with a certificate**

<sup>1</sup> Persons with a certificate in terms of this Ordinance are persons who hold one of the following certificates:

- a. a COVID-19 certificate in accordance with Article 1 letter a of the COVID-19 Ordinance on Certificates of 4 June 2021<sup>2</sup>;

AS 2021 379

<sup>1</sup> SR 818.101

<sup>2</sup> SR 818.102.2

- b. a recognised foreign certificate in accordance with Section 7 of the COVID-19 Ordinance on Certificates.

2 ...3

2bis ...4

3 ...5

## Section 2 Measures involving Persons

### Art. 4 Principle

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>6</sup>.

### Art. 5 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 in enclosed areas of such vehicles. 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; in order to prove medical reasons, a medical certificate is required from a professional who is authorised to practise their profession under their own professional responsibility in accordance with the Medical Professions Act of 23 June 2006<sup>7</sup> or the Psychology Professions Act of 18 March 2011<sup>8</sup>.

<sup>2</sup> Public transport vehicles are:

- a. 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.

<sup>3</sup> Inserted by No III of the O of 17 Sept. 2021, in force from 20 Sept. 2021 to 24 Oct. 2021 (AS **2021** 564, 590).

<sup>4</sup> Inserted by No I of the O of 1 Oct. 2021 (Proof for persons who can neither be vaccinated nor tested on medical grounds) (AS **2021** 590). Repealed by Annex No 2 of the O of 3 Nov. 2021, with effect from 16 Nov. 2021 (AS **2021** 653).

<sup>5</sup> Inserted by No III of the O of 17 Sept. 2021, in force from 20 Sept. 2021 to 24 Oct. 2021 (AS **2021** 564, 590).

<sup>6</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.

<sup>7</sup> SR **811.11**

<sup>8</sup> SR **935.81**

<sup>9</sup> SR **745.1**

**Art. 6** Persons in publicly accessible areas of businesses and establishments

<sup>1</sup> A face mask must be worn in publicly accessible indoor areas of businesses and establishments.

<sup>2</sup> The following persons are exempt from the requirement in paragraph 1:

- a. children under the age of 12;
- b. persons who can prove that they are unable to wear a face mask for compelling reasons, in particular medical reasons; proof of medical reasons must be provided in accordance with Article 5 paragraph 1 letter b;
- c. persons in institutions that provide childcare outside the family or in educational institutions, in the event that wearing a face mask significantly impedes the provision of care or the ability to teach;
- d. persons undergoing a medical or cosmetic procedure to the face;
- e. performers, in particular speakers;
- f.<sup>11</sup> persons in the sport and culture sectors who are exempted under a provision of this Ordinance from the requirement to wear a mask;
- g.<sup>12</sup> persons in publicly accessible businesses and establishments or at events to which access is restricted to persons with a certificate.

<sup>3</sup> and <sup>4</sup> ...<sup>13</sup>

<sup>5</sup> Socio-medical institutions may in consultation with the responsible cantonal authority provide in their precautionary measures plans that the following persons are exempted from the requirement under paragraph 1 in their publicly accessible areas:

- a. residents who have been vaccinated against COVID-19: for the period specified in Annex 2;
- b. residents who were infected with Sars-CoV-2 and have recovered: for the period specified in Annex 2.

<sup>6</sup> The persons who are regarded as vaccinated in terms of paragraph 5 letter a are defined in Annex 2.

<sup>10</sup> SR 748.0

<sup>11</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>12</sup> Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>13</sup> Repealed by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), with effect from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

### Section 3 Measures relating to Contact Quarantine and Isolation

#### Art. 7 Ordering contact quarantine

<sup>1</sup> The responsible cantonal authority shall place into quarantine persons who within the periods specified below have had close contact with the following infected persons:

- a. a person whose infection with Sars-CoV-2 has been confirmed or is probable and who is displaying symptoms, where contact takes place in the period from 48 hours before the symptoms began until 10 days thereafter;
- b. a person whose infection with Sars-CoV-2 has been confirmed but who is asymptomatic, where contact takes place in the period from 48 hours before the person was tested until the person goes into isolation.

<sup>2</sup> The following persons are exempted from contact quarantine:

- a. persons who prove that they have been vaccinated against COVID-19: for the period specified in Annex 2;
- b. persons who prove that they were infected with Sars-CoV-2 and have recovered: for the period specified in Annex 2;
- c. persons who carry out an activity that is of high importance to society and for which there is an acute shortage of staff; while working and when travelling to work.

<sup>3</sup> The persons who are regarded as vaccinated in terms of paragraph 3 letter a are defined in Annex 2.

<sup>4</sup> Persons working for businesses that have a testing plan that meets the following requirements are exempted from contact quarantine while working and when travelling to work:

- a. The plan allows employees simple access to tests and provides that employees are regularly informed of the advantages of the tests.
- b. Employees are able to take a test at least once a week.
- c. The requirements are met for the Confederation to pay the cost of the tests in accordance with Annex 6 Sections 3.1 and 3.2 the COVID-19 Ordinance 3 of 19 June 2020<sup>14</sup>.

<sup>5</sup> The persons specified in paragraph 4 must remain in contact quarantine when not at work or travelling to work.

<sup>6</sup> In respect of specific persons or categories of persons, the responsible cantonal authority may:

- a. in justified cases authorise additional exemptions from or relaxations of the regulations on contact quarantine for specific persons;

<sup>14</sup> SR 818.101.24

- b. in cases other than those under paragraph 1 or even if the requirements under paragraphs 2 and 3 are met, place a person in contact quarantine if this is necessary in order to prevent the spread of COVID-19.

<sup>7</sup> It shall notify the FOPH of measures taken in respect of specific categories of persons under paragraph 6.

**Art. 8** Duration and early termination of contact quarantine

<sup>1</sup> Contact quarantine shall last for 10 days from the time of last close contact with the person under Article 7 paragraph 1.

<sup>2</sup> Persons in contact quarantine may leave quarantine early if the following requirements are met:

- a. the person provides the responsible cantonal authority with proof of a negative result for one of the following tests on or after the seventh day of quarantine:
  - 1. a molecular-biological test for Sars-CoV-2,
  - 2. a Sars-CoV-2-rapid test according to the diagnostic standard;
- b. the responsible cantonal authority agrees to the early termination of quarantine.

<sup>3</sup> Persons over the age of 12 who leave quarantine early pursuant to paragraph 4 must wear a face mask and maintain a distance of at least 1.5 metres from other persons when outside their home or accommodation until the point in time at which quarantine would have ended.

**Art. 9** Isolation

<sup>1</sup> The responsible cantonal authority shall order persons who are suffering from COVID-19 or who have been infected with Sars-CoV-2 to isolate for 10 days.

<sup>2</sup> If a person displays particularly serious symptoms or if he or she suffers from severe immunosuppression, the responsible cantonal authority may order a longer period in isolation.

<sup>3</sup> The period in isolation begins:

- a. on the day that symptoms begin;
- b. if the person suffering from COVID-19 or infected with Sars-CoV-2 is asymptomatic: on the day the test is carried out.

<sup>4</sup> The responsible cantonal authority shall terminate isolation after 10 days at the earliest, provided the person in isolation:

- a. has been symptom-free for at least 48 hours; or
- b. continues to display symptoms but these are such that the continuation of isolation is no longer justified.

## **Section 4**

### **Measures relating to Publicly Accessible Establishments, Businesses and Events**

#### **Art. 10** 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> If entry for persons aged 16 and over is not restricted to persons with a certificate, 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 6.
- c. It must arrange for the recording of the contact data of persons present in accordance with Article 11, if in indoor areas:
  1. a face mask need not be worn and the required distance need not be maintained in accordance with this Ordinance; and
  2. no effective protective measures are taken, such as erecting suitable barriers.

<sup>3</sup> If entry for persons aged 16 and over is restricted to persons with a certificate, the precautionary measures plan must include measures on hygiene and on implementing the entry restrictions.

<sup>4</sup> The requirements of paragraphs 2 and 3 are specified in more detail in Annex 1.

<sup>5</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. 11** Recording contact data

<sup>1</sup> If contact data are recorded in accordance with Annex 1 number 1.4, the persons concerned must be informed about the recording and its purpose. If the contact data are already known, the persons concerned must be informed that the data will be used and of the purpose for which they are used.

<sup>2</sup> The contact data must on request be passed on in electronic form without delay to the responsible cantonal authority or organisation in accordance with Article 33 EpidA for the purpose of identifying and notifying persons who may have been infected.

<sup>3</sup> The data recorded may not be used for any purposes other than those provided for in this Ordinance, 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. 12** Special provisions for restaurants, bars and clubs

<sup>1</sup> In restaurants, bars and clubs in which food and drinks are consumed on the premises, the following applies:

- a. Access to indoor areas must be restricted to persons aged 16 and over with a certificate.
- b. Access to outdoor areas may be restricted to persons aged 16 and over with a certificate; however, Article 15 paragraph 1<sup>bis</sup> is reserved. If access to outdoor areas is not restricted, either the required distance must be maintained between each group of guests or effective partitioning must be in place.<sup>15</sup>

<sup>2</sup> ...<sup>16</sup>

<sup>3</sup> Workplace canteens, restaurants and food outlets in airport transit zones and social institutions, in particular those open to the public, may choose not to restrict entry to persons aged 16 and over with a certificate. However, in this case, they are required to have appropriate precautionary measures in place, such as requiring guests or groups of guests to maintain the required distance from each other and to remain seated while consuming food and drinks.<sup>17</sup>

<sup>4</sup> For discotheques and dance venues, only Article 13 applies.

**Art. 13**<sup>18</sup> Special provisions for discotheques and dance venues and other businesses and establishments in the culture, entertainment, leisure and sport sectors

<sup>1</sup> Discotheques and dance venues must restrict entry for persons aged 16 and over to those with a certificate and record guests' contact details.

<sup>2</sup> Publicly accessible businesses and establishments in the culture, entertainment, leisure and sport sectors in which visitors do not only have access to outdoor areas must restrict entry for persons aged 16 and over to those with a certificate Article 20 is reserved.

**Art. 14**<sup>19</sup> Outdoor events where entry is not restricted to persons with a certificate

<sup>1</sup> Entry to outdoor events may be extended to persons other than those aged 16 or older with a certificate if the following conditions are met:

<sup>15</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>16</sup> Repealed by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), with effect from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>17</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>18</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542, 547).

<sup>19</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

- a. the maximum number of persons, whether visitors or participants, is 1000; with regard to the foregoing, the following applies:
  1. if visitors must be seated, a maximum of 1000 visitors may be allowed entry;
  2. if visitors are allowed to stand or if they may move freely around, a maximum of 500 visitors may be allowed entry to outdoor areas.
- b. The establishment is occupied to a maximum of two thirds of its capacity.
- c. The visitors do not dance.

<sup>2</sup> In the case of events involving family and friends (private events) with a maximum of 50 persons that take place outdoors but not in publicly accessible establishments and businesses, Article 4 alone applies; there is no requirement to draw up and implement a precautionary measures plan.

**Art. 14a<sup>20</sup>** Indoor events where entry is not restricted to persons with a certificate

<sup>1</sup> Entry to indoor events may be extended to persons other than those aged 16 or older with a certificate if the following conditions are met:

- a. the maximum number of persons, whether visitors or participants, is 30;
- b. the event is held by an association or other permanent group whose members are known to the organiser;
- c. the establishment is occupied to a maximum of two thirds of its capacity;
- d. the requirement to wear a face mask under Article 6 is observed and the required distance is maintained wherever possible;
- e. food and drink are not consumed.

<sup>2</sup> For religious events, funerals, events relating to the usual activities and services of authorities, events relating to the formation of political opinion and meetings of established self-help groups for addiction and mental health issues, the provisions under paragraph 1 letters c–e apply; furthermore, the contact data of the persons present must be recorded. The maximum number of persons allowed, whether visitors or participants, is 50.

<sup>3</sup> In the case of private events with a maximum of 30 persons that are not held in indoor areas of publicly accessible establishments or businesses, only Article 4 applies. The requirement to draw up and implement a precautionary measures plan does not apply.

**Art. 15** Events in which entry is restricted to persons with a certificate

<sup>1</sup> For events in which entry for persons aged 16 and over is restricted to those with a certificate, subject to paragraph 2 no restrictions apply in terms of this Ordinance

<sup>20</sup> Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).



other than the requirement to draw up and implement a precautionary measures plan in accordance with Article 10 paragraph 3.

<sup>1bis</sup> For outdoor events in which entry for persons aged 16 and over is restricted to those with a certificate, this restriction also applies to the outdoor areas of restaurants, bars and clubs related to the event.<sup>21</sup>

<sup>2</sup> Article 16 and 17 apply to events with more than 1000 persons.

#### **Art. 16** Special Provisions for large-scale events: Authorisation

<sup>1</sup> Any person planning to hold an event involving more than 1000 persons, whether visitors or participants, (large-scale events), shall require authorisation from the competent cantonal authority.

<sup>2</sup> Authorisation shall be granted provided:

- a. it can be assumed that the epidemiological situation in the canton or region concerned permits the event to be held;
- b. it can be assumed that at the time the event is held the canton has the required capacities in the following areas:
  1. capacities to identify and notify persons who may have been infected as required under Article 33 EpidA,
  2. capacities in the healthcare sector to treat both COVID-19-patients and other patients without restriction; this includes in particular the capacity to carry out non-urgent medical procedures;
- c. the organiser submits a precautionary measures plan under Article 10 paragraph 3.

<sup>3</sup> If a large-scale event is being held in two or more cantons, authorisation is required from each canton. The cantons shall coordinate the procedure together.

<sup>4</sup> Any person who wishes to hold similar events regularly in the same establishment may request authorisation to do so in a single application.

<sup>5</sup> The canton shall revoke authorisation or shall issue additional restrictions if:

- a. the epidemiological situation has deteriorated to the extent that holding the event is no longer possible, in particular because the required capacities under paragraph 2 letter b can no longer be guaranteed; or
- b. an organiser did not comply with the measures set out in the precautionary measures plan at an event that has already been held and cannot guarantee that the measures will be complied with in future.

#### **Art. 17** Special Provisions for large-scale events: Protection measures

<sup>1</sup> Persons aged 16 and over may only be allowed entry to a large-scale event if they can provide a certificate.

<sup>21</sup> Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>2</sup> In the case of outdoor sports events that are held over longer routes or on routes in the open air, the cantons may permit exceptions to the requirement in paragraph 1 if no control on access to the event is possible because of local conditions or circumstances.

**Art. 18<sup>22</sup>** Special Provisions for trade and consumer fairs

The following applies to trade and consumer fairs:

- a. If the fair does not take place exclusively outdoors, access must be restricted to persons aged 16 or over with a certificate.
- b. The organiser must draw up and implement a precautionary measures plan in accordance with Article 10.
- c. If more than 1000 persons are present on any day, whether they are visitors or participants, the fair must be authorised by the competent cantonal authority; the authorisation requirements and the requirements for revoking authorisation in Article 16 paragraphs 2, 4 and 5 apply.

**Art. 19** 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>23</sup>.

<sup>2</sup> Articles 10 and 11 do not apply to political and civil society demonstrations and to collecting signatures.

<sup>3</sup> Articles 14–17 do not apply to events in accordance with paragraphs 1 and 2.

**Art. 19a<sup>24</sup>** Special provisions for tertiary-level educational institutions

<sup>1</sup> If the canton or tertiary-level educational institution restricts access to teaching and research activities in a Bachelor or Master degree course or a PhD programme to certificate holders, no further measures are required under this Ordinance other than the requirement to draw up and implement a precautionary measures plan in accordance with Article 10 paragraph 3.

<sup>2</sup> If access to teaching and research activities pursuant to paragraph 1 are not restricted, the following applies:

- a. Rooms may be occupied to a maximum of two thirds of their capacity.

<sup>22</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>23</sup> SR 192.12

<sup>24</sup> Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

- b. The requirement to wear a mask is pursuant to Article 6; furthermore, the required social distance must be maintained where possible.

**Art. 20** Special provisions for persons engaging in sports or cultural activities

The following applies to persons engaging in sports or cultural activities:

- a. The requirements to wear a face mask and to maintain the required distance do not apply.
- b.<sup>25</sup> If the activities are engaged in as part of events, Articles 14 and 15 apply with regard to access, the number of persons and capacity restrictions.
- c. A precautionary measures plan must be drawn up and implemented only if the activities are carried out in groups of more than 5 persons; in the case of persons who carry out activities in terms of their employment, the requirements in Article 25 apply.
- d.<sup>26</sup> In the case of activities in indoor areas:
  1. for persons aged 16 and over entry must be restricted to those with a certificate; this does not apply to activities of an association or other permanent group involving a maximum 30 persons who are known to the organiser, which take place regularly and are held in a separate room, such as training sessions or rehearsals;
  2. effective ventilation must be available.

**Art. 21<sup>27</sup>** Special provisions for child and youth work

In the case of the activities of organisations and institutions involved in public child and youth work involving persons under the age of 16, only the requirement to draw up and implement a precautionary measures plan in accordance with Article 10 applies. The precautionary measures plan shall indicate the permitted activities.

**Art. 22** Relaxation of requirements by the cantons

The responsible cantonal authority may authorise a relaxation of the requirements under Article 10 paragraphs 2–4 and Article 20 provided:

- a. overriding public interests so require;
- b. the epidemiological situation in the canton or the region concerned permits this; and

<sup>25</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>26</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>27</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

- c. the organiser or operator submits a precautionary measures plan under Article 10 that includes specific measures to prevent the spread of the coronavirus and to break transmission chains.

**Art. 23** 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 recognised indicators and their trends;
- 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.

**Art. 24** Inspections and obligations to cooperate

<sup>1</sup> The operator and organisers must:

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

<sup>2</sup> The responsible cantonal authorities shall conduct regularly checks on compliance with the precautionary measures plans, in particular in restaurant-type establishments.

<sup>3</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.

## **Section 5 Measures to Protect Workers**

**Art. 25** 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>2</sup> Employers shall take further measures 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, regular ventilation of rooms or wearing face masks.

<sup>2bis</sup> They are entitled to verify that their employees hold a certificate pursuant to Article 3 if this serves the purpose of ensuring appropriate precautionary measures or implementation of a testing plan pursuant to Article 7 paragraph 4. The result of such a verification may not be used for any other purpose.<sup>28</sup>

<sup>2ter</sup> If the employer chooses to verify that its employees hold a certificate pursuant to Article 2<sup>bis</sup>, this and any resulting measures must be recorded in writing. The employees or their representative body must be consulted in advance.<sup>29</sup>

<sup>3</sup> For the protection of particularly vulnerable employees, Article 27a of COVID-19 Ordinance 3 of 19 June 2020<sup>30</sup> also applies.

#### **Art. 26** 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>31</sup>, the authorities implementing the Employment Act and the Federal Act of 20 March 1981<sup>32</sup> on Accident Insurance are responsible for implementing Article 25.

<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.

### **Section 6** **Reporting Obligation of the Cantons relating to Capacities in the Provision of Healthcare**

#### **Art. 27**

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;

<sup>28</sup> Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>29</sup> Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>30</sup> SR 818.101.24

<sup>31</sup> SR 822.11

<sup>32</sup> SR 832.20

- 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 7 Criminal Provisions

### Art. 28

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

- a.<sup>33</sup> as an operator or organiser, wilfully or negligently failing to comply with any of the following provisions: Article 10 paragraphs 1–3, Articles 12, 13, 14 paragraph 1, 14a paragraphs 1 and 2, 15 paragraphs 1 and 1<sup>bis</sup>, 17 paragraph 1, 18 letters a and b and 20;
- b. as an operator or organiser, wilfully or negligently processing contact data recorded pursuant to Article 11 for other purposes in contravention of Article 11 paragraph 3 or retaining such details for longer than 14 days after the person or persons concerned participated in the event or visited the establishment or business;
- c.<sup>34</sup> wilfully holding an event involving more persons than are permitted under Articles 14 paragraphs 1 letter a and 2; and 14a paragraphs 1 letter a, 2 and 3
- d.<sup>35</sup> wilfully holding a large-scale event under Article 16 paragraph 1 or a trade or consumer fair under Article 18 letter c without the required authorisation or in derogation from the approved precautionary measures plan;
- e.<sup>36</sup> wilfully or negligently failing to wear a face mask in contravention of Article 5 paragraph 1, 6 paragraph 1 or 14a paragraph 1 letter d in enclosed areas of public transport vehicles or in publicly accessible indoor and outdoor areas of businesses and establishments, unless an exception pursuant to Article 5 paragraph 1 or 6 paragraph 2 applies;

<sup>33</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>34</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>35</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>36</sup> Amended by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

f. <sup>37</sup>...

g.<sup>38</sup> as a visitor of an outdoor event without restricted access, wilfully contravening the requirement to be seated in Article 14 paragraph 1 letter a number 1;

h.<sup>39</sup> as a person aged 16 or over without a valid certificate pursuant to Article 3, wilfully obtaining access to an establishment, business or event for which such a certificate is required.

## Section 8 Updating the Annexes

### Art. 29

<sup>1</sup> The Federal Department of Home Affairs shall update Annexes 1 and 2 in accordance with the latest scientific knowledge.

<sup>2</sup> It shall update Annex 1 in consultation with the Federal Department of Economic Affairs, Education and Research and Annex 2 in consultation with the Federal Commission for Vaccination.

## Section 9 Final Provisions

### Art. 30 Repeal of another ordinance

The COVID-19 Special Situation Ordinance of 19 June 2020<sup>40</sup> is repealed.

### Art. 31 Amendment of other legislation

The amendment of other legislation is regulated in Annex 3.

### Art. 32 Transitional provision

Authorisations for pilot projects that have been granted on the basis of Article 6b<sup>quater</sup> of the COVID-19 Special Situation Ordinance of 19 June 2020<sup>41</sup> remain valid until 30 June 2021.

<sup>37</sup> Repealed by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), with effect from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>38</sup> Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>39</sup> Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force from 13 Sept. 2021 to 24 Jan. 2022 (AS 2021 542).

<sup>40</sup> [AS 2020 2213, 2735, 3547, 3679, 4159, 4503, 5189; 2021 52, 60, 110, 145, 213, 222, 275, 297, 300, 308]

<sup>41</sup> AS 2021 297

**Art. 32a**<sup>42</sup> Transitional provision to the Amendment of 3 November 2021

Until 31 December 2021, documentary proof that a person can neither be vaccinated nor tested on medical grounds is deemed equivalent to a certificate under paragraph 1. As proof, a medical certificate from a doctor who is authorised to practise their profession under their own professional responsibility under the Medical Professions Act of 23 June 2006<sup>43</sup> is required

**Art. 33** Commencement and duration

This Ordinance comes into force on 26 June 2021 at 00.00.

<sup>42</sup> Inserted by Annex No 2 of the O of 3 Nov. 2021, in force since 16 Nov. 2021 (AS **2021** 653).

<sup>43</sup> SR **811.11**



*Annex 1<sup>44</sup>*  
(Arts 10 para. 4, 11 para. 1 and 29)

## Requirements for precautionary measures plans

### **1 Precautionary measures plans for publicly accessible establishments and businesses and for events to which entry for persons aged 16 and over is not restricted to those with a certificate**

#### **1.1 General Remarks**

##### 1.1.1 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.

##### 1.1.2 Protection against infection with COVID-19

<sup>1</sup> The operator or organiser shall ensure when choosing the measures under Article 10 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 25.

<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.

##### 1.1.3 Reason for recording contact data

If provision must be made in the precautionary measures plan in accordance with Article 10 paragraph 2 letter d for recording contact data, the reasons for doing so must be stated in the plan.

##### 1.1.4 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 data.

<sup>44</sup> Revised by No II of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), in force until 24 Jan. 2022 (AS 2021 542), of 1 Oct. 2021 (Proof for persons who can neither be vaccinated nor tested on medical grounds) (AS 2021 590) and Annex No 2 of the O of 3 Nov. 2021, in force since 16 Nov. 2021 (AS 2021 653).

## **1.2 Hygiene**

- 1.2.1 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.
- 1.2.2 All contact surfaces must be regularly cleaned.
- 1.2.3 A sufficient number of waste bins must be provided, in particular for disposing of paper handkerchiefs and face masks.

## **1.3 Social distancing**

- 1.3.1 Persons must keep a minimum of 1.5 metres distance from each other (the required distance).
- 1.3.2 In derogation from number 1.3.1, the seating area seats must be arranged or occupied so that where possible and within the limits of existing capacity restrictions one seat remains free or an equivalent distance is maintained between the seats.
- 1.3.3 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.
- 1.3.4 The movement of persons should be controlled so that the required distance can be maintained between all persons.
- 1.3.5 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.

## **1.4 Recording of contact data**

- 1.4.1 The contact data 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.
- 1.4.2 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.
- 1.4.3 Contact details may in particular be recorded via booking or membership systems or by using a contact form.
- 1.4.4 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 involving seats: the seat or table number.
- 1.4.5 The operator or organiser must take appropriate measures to ensure that the contact data recorded are accurate.
- 1.4.6 In the case of families or other groups with persons who know each other, it is sufficient to record the contact data of only one person in the family or group concerned.
- 1.4.7 The operator or organiser must guarantee the confidentiality of the contact data when recording the same, and data security, in particular in storing the data.

## **2 Precautionary measures plans for publicly accessible establishments and businesses and events to which entry is restricted to persons aged 16 and over with a certificate**

The precautionary measures plan shall include measures related to:

- a. the orderly and uninterrupted conduct of entry checks, including the training of staff and the electronic verification of certificates with the verification app pursuant to Article 29 of the COVID-19 Ordinance on Certificates of 4 June 2021<sup>45</sup> or a different app that can verify certificates with data minimisation pursuant to Article 28 of the COVID-19 Ordinance on Certificates and that complies with the principles set out in Article 29 paragraph 2 letters a and b of the COVID-19 Ordinance on Certificates;
- a<sup>bis</sup>. checking the identity of persons during entry checks pursuant to letter a; suitable photo ID must be shown;
- a<sup>ter</sup>. recording personal data during entry checks pursuant to letter a; the following shall apply:
  - 1. The operator or organiser must inform the persons affected in advance that their data will be processed.
  - 2. The data may not be used for any other purpose.
  - 3. The data may only be retained if this is required for the purposes of the entry check; it must be destroyed no later than 12 hours after the end of the event.
- b. the provision of information to visitors and participants on the requirement to have a certificate and on the applicable hygiene and social distancing measures;
- c. hygiene, in particular the provision of disinfectant, regular cleaning, and ventilation;
- d. a requirement to wear a face mask for staff and other persons working at the event who come into contact with visitors on the premises.

<sup>45</sup> SR 818.102.2

- e. the presence of persons with a medical certificate pursuant to Article 3 paragraph 2<sup>bis</sup>, such as the requirement for these persons to wear a face mask or, if they also have a medical certificate exempting them from wearing a face mask pursuant to Article 5 paragraph 1 letter b, rules on maintaining the required distance.

*Annex 2<sup>46</sup>*

(Art. 6 para. 5 and 6, 7 para. 2 and 3 and 29)

## **Requirements for an exemption from the requirement to wear a mask and from contact quarantine for persons who have been vaccinated or who have recovered**

### **1 Persons who have been vaccinated**

- 1.1 Persons who have been vaccinated in terms of this Ordinance are persons, who have been vaccinated with a vaccine that:
  - a. is authorised in Switzerland and which has been administered in full in accordance with the FOPH recommendations;
  - b. has been authorised by the European Medicines Agency for the European Union and has been administered in full in accordance with the requirements or recommendations of the country in which the vaccination was administered;
  - c. has been authorised under the WHO Emergency Use Listing and has been administered in full in accordance with the requirements or recommendations of the country in which the vaccination was administered;
  - d. has been shown to have the same composition as a vaccine licensed under letters a, b or c, but marketed by the licence holder under another name, and which has been administered in full in accordance with the requirements or recommendations of the country in which the vaccination was carried out.
- 1.2 The period during which vaccinated residents of socio-medical institutions are exempt from the requirement to wear a mask (Art. 6 para. 5) and persons who have been vaccinated are exempt from contact quarantine (Art. 7 para. 2 let. a) shall amount to 365 days from the date of vaccination in full; the Janssen Ad26.COVS / COVID-19 vaccine is regarded as being effective for 365 days from the 22nd day after it was administered in full.

### **2 Persons who have recovered**

Residents of socio-medical institutions who have recovered are exempt from the requirement to wear a mask (Art. 6 para. 5 let. b) and persons who have recovered are exempt from contact quarantine (Art. 7 para. 2 let. b) for the following periods:

- a. when based on a molecular-biological analysis for Sars-CoV-2: for 365 days from the eleventh day after confirmation of infection;

<sup>46</sup> Revised by Annex No 4 of the O of 17 Sept. 2021 (AS 2021 563) and Annex No 2 of the O of 3 Nov. 2021, in force since 16 Nov. 2021 (AS 2021 653).

- b. when based on an analysis for Sars-CoV-2 antibodies in accordance with Article 16 paragraph 3 of the COVID-19 Ordinance on Certificates of 4 June 2021<sup>47</sup>; for the term of validity of the certificate concerned.

<sup>47</sup> SR 818.102.2

*Annex 3*  
(Art. 31)

## **Amendment of other legislation**

The legislation below is amended as follows:

...<sup>48</sup>

<sup>48</sup> The amendments may be consulted under AS **2021** 379.

