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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 3 February 2022)

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 to combat the COVID-19 epidemic that apply to the general public, organisations and institutions, and the cantons.

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

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

² Face masks must be worn in upper secondary schools in accordance with Article 6. The cantons are responsible for measures relating to compulsory and upper secondary schools.²

AS 2021 379

¹ SR 818.101

² Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

Art. 3³ Certificates

In this Ordinance:

- a. *vaccination certificate* means a COVID-19 vaccination certificate under Article 1 letter a number 1 of the COVID-19 Certificates Ordinance of 4 June 2021⁴ or a recognised foreign certificate certifying vaccination under Section 7 of the COVID-19 Certificates Ordinance;
- b. *recovery certificate* means a COVID-19 recovery certificate under Article 1 letter a number 2 of the COVID-19 Certificates Ordinance or a recognised foreign certificate certifying recovery under Section 7 of the COVID-19 Certificates Ordinance;
- c. *test certificate* means a test certificate under Article 1 letter a number 3 of the COVID-19 Certificates Ordinance or a recognised foreign certificate certifying recovery under Section 7 of the COVID-19 Certificates Ordinance;
- d. *exemption certificate* means a COVID-19 exemption certificate under Article 1 letter a number 4 of the COVID-19 Certificates Ordinance.

Art. 3a⁵ Access restrictions

¹ Restrictions on access to businesses, establishments and events for people with specific certificates apply only to person aged 16 or above.

² If access is restricted to persons who hold either a vaccination or recovery certificate and a test certificate, a person does not need a test certificate unless their vaccination or recovery certificate has been valid for more than 120 days. This does not apply to persons with a recovery certificate based on antibody tests in accordance with Article 16 paragraph 3 COVID-19 Certificates Ordinance of 4 June 2021⁶.

³ Persons holding an exemption certificate have the same access to businesses, establishments and events as persons who hold both a vaccination or recovery certificate and a test certificate. The exemption from the requirement to wear a face mask in accordance with Article 6 paragraph 2 letter i does not apply to them.

⁴ Persons who have a medical certificate confirming that they cannot be vaccinated for a medical reason in accordance with Annex 4 shall be treated in the same way as persons with a vaccination or recovery certificate with regard to access to business-

³ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS **2022** 21).

⁴ SR **818.102.2**

⁵ Inserted by No I of the O of 3 Dec. 2021 (Extension of the Requirement to wear a Face Mask and Access Restrictions to Persons with a Certificate) (AS **2021** 813). Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS **2022** 21).

⁶ SR **818.102.2**

es, establishments and events, provided they present a test certificate. The exemption from the mask requirement under Article 6 paragraph 2 letter i does not apply to them.

⁵ The medical certificate must be issued by a doctor registered in Switzerland who is authorised to practise their profession under their own professional responsibility under the Medical Professions Act of 23 June 2006⁷ and holds a federal postgraduate qualification in the field of medicine that encompasses the reason provided.

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 epidemic⁸.

Art. 5 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 in enclosed areas of such vehicles. The following persons are exempt 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 2006⁹ or the Psychology Professions Act of 18 March 2011¹⁰.

² 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 2009¹¹;
- b. aircraft operated by companies holding an operating licence in accordance with Articles 27 or 29 of the Civil Aviation Act of 21 December 1948¹² that are used for scheduled or charter flights.

⁷ SR 811.11

⁸ Available at www.bag.admin.ch > Diseases > Infections diseases: outbreaks, Epidemics, Pandemics > Current outbreaks and epidemics > New coronavirus > Protect yourself and others.

⁹ SR 811.11

¹⁰ SR 935.81

¹¹ SR 745.1

¹² SR 748.0

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

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

² 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.¹³ persons in the sport and culture sectors who are exempted under a provision of this Ordinance from the requirement to wear a mask;
- g.¹⁴ persons in restaurants, bars and clubs: if they sit at a table;
- h.¹⁵ persons in the public area at events: when consuming food or drink while seated;
- i.¹⁶ persons in in publicly accessible businesses and establishments or at events to which access is restricted to persons who have both a vaccination or recovery certificate and a test certificate.

¹³ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

¹⁴ Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate) (AS 2021 542). Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

¹⁵ Inserted by No I of the O of 3 Dec. 2021 (Extension of the Requirement to wear a Face Mask and Access Restrictions to Persons with a Certificate) (AS 2021 813). Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

¹⁶ Inserted by No I of the O of 3 Dec. 2021 (Extension of the Requirement to wear a Face Mask and Access Restrictions to Persons with a Certificate) (AS 2021 813). Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

³ and ⁴ ...¹⁷

⁵ 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.

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

Section 3 Measures relating to Isolation¹⁸

Art. 7 and **8**¹⁹

Art. 9²⁰ ...²¹

¹ 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 5 days.

² 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.

³ 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.

⁴ The responsible cantonal authority shall terminate isolation after 5 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.

¹⁷ 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 31 March 2022 (AS 2021 542, 2022 21).

¹⁸ Amended by No I of the O of 2 Feb. 2022 (Lifting the Requirement for Contact Quarantine and to Work from Home), in force since 3 Feb. 2022 (AS 2022 59).

¹⁹ Repealed by No I of the O of 2 Feb. 2022 (Lifting the Requirement for Contact Quarantine and to Work from Home), with effect from 3 Feb. 2022 (AS 2022 59).

²⁰ Amended by Annex No I of the O of 12 Jan. 2022 (Contact Quarantine and Isolation), in force since 13 Jan. 2022 (AS 2022 5).

²¹ Repealed by No I of the O of 2 Feb. 2022 (Lifting the Requirement for Contact Quarantine and to Work from Home), with effect from 3 Feb. 2022 (AS 2022 59).

⁵ The responsible cantonal authority may exempt specific persons or categories of persons from isolation while working and when travelling to work provided the following requirements are met:

- a. The persons concerned carry out an activity that is of high importance to society and for which there is an acute shortage of staff.
- b. Precautionary measures are taken while carrying out the activity in order to prevent the transmission of Sars-CoV-2 from the persons concerned to other persons.

⁶ The persons exempted from isolation in accordance with paragraph 5 must wear a face mask outside their homes or accommodation and maintain the required distance from other persons. They must remain in isolation when not at work or travelling to work.

Section 4 Measures relating to Publicly Accessible Establishments, Businesses and Events

Art. 10 Precautionary measures plan

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

² The precautionary measures plan must provide for the following:

- a. measures relating to hygiene and ventilation;
- b. measures relating to compliance with the requirement to wear a mask under Article 6;
- c. *Repealed*
- d. measures relating to persons who are not required to wear a mask in accordance with Article 6 paragraph 2;
- e. measures relating to maintaining the required distance, unless access is restricted to persons with a vaccination, recovery or test certificate or is more strictly restricted.²²

³ If entry is restricted to persons with a vaccination, recovery or test certificate, the precautionary measures plan must also include the following measures:

- a. measures on implementing the entry restrictions;

²² Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21, 29).

- b. measures relating to persons with a COVID-19 exemption certificate under Article 21a of the COVID-19 Certificates Ordinance of 4 June 2021²³;
- c. measures concerning persons with a certificate under Article 3a paragraph 4 confirming that they cannot be vaccinated for medical reasons.²⁴

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

⁵ 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. 11²⁵

Art. 12²⁶ Special provisions for restaurants, bars and clubs

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

- a. Proprietors must restrict access to indoor areas to persons with a vaccination or recovery certificate. Proprietors must ensure that the premises are effectively ventilated. Guests must be seated, unless access for persons is restricted to persons with either a vaccination or recovery certificate and a test certificate.
- b. Proprietors may restrict access to outdoor areas to persons with a vaccination, recovery or test certificate. 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.
- c. If the outdoor area of a restaurant, bar or club is at an event venue with access restriction, this access restriction also applies to the outdoor area of the restaurant, bar or club.

² The responsible cantonal authority may in individual cases, subject to specific protective measures, provide that operators of restaurants may grant access to persons without the required certificate provided:

²³ SR 818.102.2

²⁴ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21, 29).

²⁵ Repealed by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), with effect from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

²⁶ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

- a. a related request has been made to the Federal Department of Foreign Affairs;
- b. the exception is required in the interests of Switzerland maintaining good foreign relations.

³ 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 provided appropriate precautionary measures are 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.

Art. 13²⁷ Special provisions for discotheques and dance venues and other businesses and establishments in the culture, entertainment, leisure and sport sectors

¹ Discotheques and dance venues must restrict entry to persons with a test or recovery certificate and a test certificate.

² 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.

Art. 14²⁸ Outdoor events

¹ Access to outdoor events for persons aged 16 or over must be restricted to persons with a vaccination, recovery or test certificate. The organisers may restrict access to persons with a vaccination or recovery certificate or by other means.

² A restriction on access is not required if the following requirements are met:

- a. the maximum number of persons, whether visitors or participants, is 300;
- b. the visitors do not dance.

³ 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 businesses and establishments, a restriction on access is not required and there is no requirement to draw up and implement a precautionary measures plan; only Article 4 applies.

²⁷ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

²⁸ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

Art. 14²⁹**Art. 15³⁰** Indoor events

¹ Access to indoor events must be restricted to persons with a vaccination or recovery certificate. The organisers may restrict access to persons with both a vaccination or recovery certificate and a test certificate.

² In the case of 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 that are held indoors, a restriction on access is not required if the following requirements are met:

- a. The maximum number of persons, whether visitors or participants, is 50.
- b. The requirement to wear a face mask in accordance with Article 6 is observed; in addition, the required distance must be maintained where possible.
- c. No food or drinks may be consumed.
- d. The organiser must draw up a precautionary measures plan in accordance with Article 10 and implement the same.

³ 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, it is not necessary to draw up and implement a precautionary measures plan. If no more than 10 persons are present, nor is it necessary to restrict access; in this case, Article 4 only applies.

Art. 16³¹ Special Provisions for large-scale events

¹ 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.

² 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;

²⁹ Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), (AS 2021 542). Repealed by No I of the O of 3 Dec. 2021 (Extension of the Requirement to wear a Face Mask and Access Restrictions to Persons with a Certificate), with effect from 6 Dec. 2021 (AS 2021 813).

³⁰ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

³¹ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

- b. it can be assumed that at the time the event is held the canton has the required 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.

³ 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.

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

^{4bis} The competent cantonal authority may grant exemptions from the obligation to restrict access in the case of outdoor sporting and cultural events that take place over long distances or over areas in open terrain and where neither access controls nor barriers are possible due to local conditions.

⁵ 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. 17³²

Art. 18³³ 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 with a vaccination or recovery certificate; the organisers may also restrict access to persons who have either a vaccination or recovery certificate and a test 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 author-

³² Repealed by No I of the O of 17 Dec 2021 (Mask Requirement at Upper-Secondary Level, Restrictions on Access to Persons with a Vaccination or Recovery Certificate, Restrictions on Private Events. Requirement to Work from Home, Requirements at Tertiary Level and in CET), in force from 20 Dec. 2021 to 31 March 2022 (AS 2021 882; 2022 21).

³³ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Bacculaureate and Professional Bacculaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

ity; 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

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 2007³⁴;
- d.³⁵ hearings before arbitration or judicial authorities.

² Article 10³⁶ does not apply to political and civil society demonstrations and to collecting signatures.

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

Art. 19a³⁷ Special provisions in the education sector

In the case of the following education and training and continued education and training programmes and activities, access must be restricted to persons with a vaccination, recovery or test certificate:

- a. teaching and research activities in a Bachelor or Master degree course or a PhD programme and examinations at tertiary education institutions;
- b. teaching activities for federally recognised courses and post-graduate studies at professional education institutions and examinations at professional education institutions;
- c. federal professional examinations and advanced federal professional examinations;

³⁴ SR 192.12

³⁵ Inserted by No I of the O of 17 Dec. 2021 (Mask Requirement at Upper-Secondary Level, Restrictions on Access to Persons with a Vaccination or Recovery Certificate, Restrictions on Private Events, Requirement to Work from Home, Requirements at Tertiary Level and in CET) (AS 2021 882). Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

³⁶ The reference was adapted on 25 Jan. 2022 pursuant to Art. 12 para. 2 of the Publications Act of 18 June 2004 (SR 170.512).

³⁷ Inserted by No I of the O of 8 Sept. 2021 (Extension of use of COVID-19 certificate), (AS 2021 542). Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

- d. examinations as part of continuing education and training programmes in accordance with Article 3 letter a of the Federal Act of 20 June 2014³⁸ on Continuing Education and Training (CETA);
- e. officially ordered continuing education and training;
- f. preparatory courses for federal examinations;
- g. programmes for acquiring basic skills in accordance with Article 13 CETA;
- h. programmes for fulfilling integration criteria in accordance with Article 58a of the Foreign Nationals and Integration Act of 16 December 2005³⁹;
- i. Swiss baccalaureate examinations in accordance with the Ordinance of 7 December 1998⁴⁰ on the Swiss Baccalaureate Examination;
- j. federal professional baccalaureate examinations in accordance with the SERI Ordinance of 16 November 2016⁴¹ on the Federal Professional Baccalaureate Examination;
- k. university aptitude tests in accordance with the Ordinance of 2 February 2011⁴² on the University Aptitude Test for the Admission to Universities of Holders of a Federal Vocational Baccalaureate or a nationally recognised Specialised Baccalaureate.

Art. 20⁴³ Special provisions for sports or cultural activities

¹ The following applies to sports and cultural activities outdoors:

- a. There is no requirement to restrict access.
- b. There is no requirement to wear a face mask.
- c. There is no requirement to maintain the required distance.

² The following applies to sports and cultural activities involving two or more persons in publicly accessible indoor areas of businesses and establishments:

- a. Access must be restricted to persons with a vaccination or recovery certificate; it may also be restricted to persons that have both a vaccination or recovery certificate and a test certificate.
- b. The requirement to wear a face mask is governed by Article 6.
- c. The premises must be adequately ventilated.

³⁸ SR 419.1

³⁹ SR 142.20

⁴⁰ SR 413.12

⁴¹ SR 412.103.11

⁴² SR 413.14

⁴³ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

³ The following persons shall have access with a vaccination, recovery or test certificate to sports or cultural activities in publicly accessible indoor areas of businesses and establishments but are not required to wear a face mask there:

- a. in the case of sports activities:
 1. elite athletes who hold a national or regional Swiss Olympic Card or members of the national squad of a national sports association,
 2. athletes in teams competing in a professional or semi-professional league or a national junior league; if play is only professional or semi-professional in the male or female league, the exemption from the mask requirement also applies to the league of the other sex;
- b. in the case of cultural activities:
 1. professional artists,
 2. professional artists in training.

⁴ Children and young adults under the age of 16 are not required to wear a face mask for sports or cultural activities in publicly accessible indoor areas of businesses and establishments.

⁵ Where a sports or cultural activity is carried out as part of an event at which stricter access restriction apply than for the activity, the access restrictions for the event also apply to the persons carrying out the activity. The foregoing does not apply to the persons specified in paragraph 3.

⁶ For sports and cultural activities, a precautionary measures plan must be drawn up and implemented only if the activities are carried out in groups of more than five persons; in the case of persons who carry out activities in terms of their employment, the requirements in Article 25 apply.

Art. 21⁴⁴ 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 provided:⁴⁵

⁴⁴ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

⁴⁵ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

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

¹ 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.

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

Art. 24 Inspections and obligations to cooperate

¹ 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.

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

³ 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. 25⁴⁶ 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 the related measures.

² In indoor areas, including vehicles, in which two or more persons are present, each person must wear a face mask. The requirement does not apply to persons who:

- a. engage in activities during which a mask cannot be worn on safety grounds or because of the nature of the activity; or
- b. are not required to wear a face mask in accordance with Article 6 paragraph 2 letters b, c, e and f.

³ Employers shall arrange for 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 outdoors.⁴⁷

⁴ They are entitled under the following conditions to verify that their employees hold a vaccination, recovery or test certificate:

- a.⁴⁸ Verification is solely to ensure appropriate protective measures.
- b. The result of such a verification may not be used for any other purpose.
- c. Verification and any resulting measures are recorded in writing.
- d. The employees or their representatives are consulted in advance.

⁵ ...⁴⁹

⁶ For the protection of particularly vulnerable employees, Article 27a of COVID-19 Ordinance 3 of 19 June 2020⁵⁰ also applies.

Art. 26 Implementation, inspections and obligations to cooperate

¹ Pursuant to the health protection provisions in Article 6 of the Employment Act of 13 March 1964⁵¹, the authorities implementing the Employment Act and the Federal

⁴⁶ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022, with exception of para. 5 in force to 28 Feb. 2022 (AS 2022 21).

⁴⁷ Amended by No I of the O of 2 Feb. 2022 (Lifting the Requirement for Contact Quarantine and to Work from Home), in force since 3 Feb. 2022 (AS 2022 59).

⁴⁸ Amended by No I of the O of 2 Feb. 2022 (Lifting the Requirement for Contact Quarantine and to Work from Home), in force since 3 Feb. 2022 (AS 2022 59).

⁴⁹ Repealed by No I of the O of 2 Feb. 2022 (Lifting the Requirement for Contact Quarantine and to Work from Home), with effect from 3 Feb. 2022 (AS 2022 59).

⁵⁰ SR 818.101.24

⁵¹ SR 822.11

Act of 20 March 1981⁵² on Accident Insurance are responsible for implementing Article 25.

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 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;
- 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. 28⁵³

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

⁵² SR **832.20**

⁵³ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Bacculaureate and Professional Bacculaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS **2022** 21).

- a. 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 paragraphs 1 and 2, 15, 18 letters a and b, 19a and 20 paragraphs 2, 3 and 5;
- b. *Repealed*
- c. wilfully holding an event involving more persons than are permitted under Articles 14 paragraphs 2 and 3; and 15 paragraphs 2 and 3;
- d. 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. wilfully or negligently failing to wear a face mask in contravention of Articles 5 paragraph 1, 6 paragraph 1 or 15 paragraph 2 letter b 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;
- f. *Repealed*
- g. as a guest in a restaurant, wilfully contravening the requirement to be seated in Article 12 paragraph 1 letter a;
- h. wilfully obtaining access without the required certificate to an establishment, business or event for which such a certificate is required.

Section 8 Updating the Annexes

Art. 29

¹ The Federal Department of Home Affairs shall update Annexes 1, 2 and 4 in accordance with the latest scientific knowledge.⁵⁴

² 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 2020⁵⁵ is repealed.

⁵⁴ Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

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^{quater} of the COVID-19 Special Situation Ordinance of 19 June 2020⁵⁶ remain valid until 30 June 2021.

Art. 32a⁵⁷ Transitional provision to the Amendment of 19 January 2022

¹ Until 13 February 2022, persons who can provide a certificate confirming that they can neither be vaccinated nor tested on medical grounds may have the same access to businesses, establishments and events as persons who have a vaccination, recovery or test certificate. The exception to the requirement to wear a mask under Article 6 paragraph 2 letter i does not apply to them.

² The certificate must be issued by a doctor registered in Switzerland who is authorised to practise their profession under their own professional responsibility in accordance with the Medical Professions Act of 23 June 2006⁵⁸.

Art. 32b⁵⁹ Transitional provision to the Amendment of 2 February 2022

Persons in quarantine at the time the Amendment of 2 February 2022 comes into force are no longer required to quarantine from that point in time.

Art. 33 Commencement and duration

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

⁵⁵ [AS 2020 2213, 2735, 3547, 3679, 4159, 4503, 5189; 2021 52, 60, 110, 145, 213, 222, 275, 297, 300, 308]

⁵⁶ AS 2021 297

⁵⁷ Inserted by Annex No 2 of the O of 3 Nov. 2021 (AS 2021 653). Amended by No I of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

⁵⁸ SR 811.11

⁵⁹ Inserted by No I of the O of 2 Feb. 2022 (Lifting the Requirement for Contact Quarantine and to Work from Home), in force since 3 Feb. 2022 (AS 2022 59).

Annex 1⁶⁰
(Arts 10 para. 4 and 29)

Requirements for precautionary measures plans

1 Precautionary measures plans for publicly accessible businesses and establishments 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

¹ 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.

² Where employees are at work in publicly accessible businesses and establishments 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.

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.

1.1.3 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.

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.

⁶⁰ Amended by No II para. 1 of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

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 one seat remains free or an equivalent distance is maintained between the seats.
- 1.3.3 The movement of persons should be controlled so that the required distance can be maintained between all persons.
- 1.3.4 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.

2 Precautionary measures plans for publicly accessible businesses and establishments and events to which entry is restricted to persons with a vaccination, recovery or test certificate or more strictly

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 2021⁶¹ 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;
- b. checking the identity of persons during entry checks pursuant to letter a; suitable photo ID must be shown;
- c. 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.
- d. the provision of information to visitors and participants on the requirement to have a certificate and on the applicable hygiene and social distancing measures;
- e. hygiene, in particular the provision of disinfectant, regular cleaning, and ventilation;

⁶¹ SR 818.102.2

- f. 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.
- g. the presence of persons holding documentary proof in accordance with Article 3*a* paragraph 4 or 32*a* paragraph 1, such as the requirement for these persons to wear a face mask or, if they are able to provide a certificate exempting them from this requirement under Article 5 paragraph 1 letter b, specifications on maintaining the required distance.

*Annex 2*⁶²
(Art. 6 para. 5 and 6 and 29)

Requirements for an exemption from the requirement to wear a mask for residents of socio-medical institutions who have been vaccinated or who have recovered

1 Persons who have been vaccinated

- 1.1 Persons who have been vaccinated pursuant to Article 6 paragraph 5 letter a 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 let. a) shall amount to 270 days from the date of vaccination in full; the Janssen Ad26.COVS / COVID-19 vaccine is regarded as being effective for 270 days from the 22nd day after it was administered in full.

2 Persons who have recovered

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

⁶² Revised by Annex No 4 of the O of 17 Sept. 2021 (AS **2021** 563), No II of the O of 12 Jan. 2022 (Contact Quarantine and Isolation (AS **2022** 5), No II para. 2 of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations) (AS **2022** 21) and No II of the O of 2 Feb. 2022 (Lifting the Requirement for Contact Quarantine and to Work from Home), in force since 3 Feb. 2022 (AS **2022** 59).

- a. when based on a molecular-biological analysis for Sars-CoV-2, a Sars-CoV-2-rapid test for specialist use or a laboratory immunological analysis for Sars-CoV-2 antigens: from the end of isolation until the 270th day after confirmation of infection;
- 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 2021⁶³: for the term of validity of the certificate concerned.

2.2 ...

Annex 3
(Art. 31)

Amendment of other legislation

The legislation below is amended as follows:

...⁶⁴

⁶⁴ The amendments may be consulted under AS **2021** 379.

Annex 465
(Art. 3a para. 4)

Medical reasons why a person may not be able to receive a vaccine

Medical reasons why a person may not be able to receive a vaccine are as follows:

- a. severe allergies to components of vaccines authorised in Switzerland confirmed by a specialist in allergology and immunology, namely the following absolute or relative contraindications of an allergic nature before or after vaccination where there is no option or recommendation to administer a different vaccine of the same or a different technology:
 1. severe anaphylaxis (grade III or IV) with unclear or as yet undetermined cause,
 2. idiopathic anaphylaxis,
 3. a general reaction or anaphylaxis to ingredients of the vaccine,
 4. known or probable immediate-type sensitisation to polyethylene glycol, tromethamine or polysorbate 80,
 5. anaphylaxis following the first dose of the vaccine;
- b. severe non-allergic vaccination reactions after the first or second dose of an mRNA vaccine, namely myocarditis or pericarditis, with no option or recommendation to perform the second vaccination or booster with a vaccine of the same or a different technology;
- c. capillary leak syndrome with no option or recommendation to be vaccinated with a vaccine other than the Janssen COVID-19 vaccine;
- d. pregnancy for the first 12 weeks of pregnancy and the time needed to establish the vaccination schedule;
- e. severe mental impairment that generally makes vaccination impossible despite psychological or medical support and individual care.

⁶⁵ Inserted by No II para. 2 of the O of 17 Dec 2021 (Mask Requirement at Upper-Secondary Level, Restrictions on Access to Persons with a Vaccination or Recovery Certificate, Restrictions on Private Events, Requirement to Work from Home, Requirements at Tertiary Level and in CET) (AS 2021 882). Amended by No II para. 1 of the O of 19 Jan. 2022 (Extension of Measures, Reduction in the Period of Validity of Vaccination and Recovery Certificates, Waiving the Collection of Contact Data, Exemption from the Certificate Requirements for International Delegations, Provisions on the Federal Baccalaureate and Professional Baccalaureate Examinations), in force from 25 Jan. 2022 to 31 March 2022 (AS 2022 21).

