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Ordinance on Measures to Combat the Coronavirus (COVID-19) (COVID-19 Ordinance 2)

of 13 March 2020 (Status as of 14 May 2020)

The Swiss Federal Council,

on the basis of Article 7 of the Epidemics Act of 28 September 2012¹ (EpidA), on Annex I Article 5 of the Agreement of 21 June 1999² between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the Free Movement of Persons (AFMP) and on Article 28 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016³ on a Union Code on the rules governing movement of persons across borders (Schengen Borders Code),⁴

ordains:

Chapter 1 General Provisions⁵

Art. 1 Subject matter and purpose⁶

¹ This Ordinance orders measures applicable to the population, organisations and institutions and the cantons to combat and reduce the risk of transmission of the coronavirus (COVID-19).

² The measures serve to:

- a. prevent or contain the spread of the coronavirus (COVID-19) in Switzerland;
- b. reduce the frequency of transmission, break transmission chains and prevent or contain localised outbreaks;

AS 2020 773

¹ SR 818.101

² SR 0.142.112.681

³ OJ L 77 of 23.3.2016, p. 1; last amended by Regulation (EU) 2017/458, OJ L 74 of 18.3.2017, p. 1.

⁴ Amended by No I of the O of 18 March 2020, in force since 19 March 2020 (AS 2020 841).

⁵ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

⁶ Inserted by No I of the O of 16 March 2020, in force since 17 March 2020 (AS 2020 783).

- c. protect persons at high risk;
- d. ensure Switzerland's capacities to manage the epidemic, in particular to maintain the conditions required to provide the population with adequate care and a sufficient supply of therapeutic products.

Art. 1a⁷ Responsibility of the cantons

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

Art. 1b⁸ Enforcement

The cantons shall monitor compliance with the measures on their territory, unless the Confederation is responsible for enforcement.

Chapter 2 **Maintenance of Capacities to provide Healthcare⁹**

Section 1 Principle¹⁰

Art. 2 Principle

¹ In order to maintain Switzerland's capacities to manage the COVID-19 epidemic and in particular to guarantee the conditions required to provide the population with adequate care and a sufficient supply of therapeutic products, the following measures in particular must be taken.

- a.¹¹ measures to restrict the entry of persons from high-risk countries and areas and the import and export of goods;
- b. controls on exports of goods important to the provision of healthcare;
- c.¹² measures to guarantee the provision of essential medical goods.¹³

² High-risk countries or areas are in particular countries or areas in which the authorities have taken exceptional measures to prevent and combat the COVID-19-epidemic. A list of high-risk countries and areas is published in Annex 1 to this Ordinance. The Federal Department of Justice and Police (FDJP) shall compile and

⁷ Inserted by No I of the O of 16 March 2020 (AS 2020 783). Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

⁸ Inserted by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

⁹ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

¹⁰ Inserted by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

¹¹ Amended by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods), in force since 17 April 2020 (AS 2020 1245).

¹² Inserted by No I of the O of 3 April 2020 (Provision of Essential Medical Goods), in force since 4 April 2020 (AS 2020 1155).

¹³ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

regularly update the list in consultation with the Federal Department of Home Affairs (FDHA) and the Federal Department of Foreign Affairs (FDFA).¹⁴

Section 2 Restrictions on Border Crossings and the Admission of Foreign Nationals¹⁵

Art. 3 Border crossings and controls

¹ Persons coming from a high-risk country or from a high-risk area who wish to enter Switzerland must meet at least one of the following requirements:¹⁶

- a. they are Swiss citizens;
- b.¹⁷ they have a travel document; and
 1. a residence document, in particular a Swiss residence permit, a cross-border commuter permit, a visa issued by Switzerland for the purpose of attending professional consultations as a health sector specialist or for making an official visit of vital importance,
 - 2.¹⁸ an entry permit with a visa issued by Switzerland or the assurance of a residence permit;
- c.¹⁹ they have rights under the Agreement on the Free Movement of Persons, have a work-related reason for entering Switzerland and can provide a confirmation of notification (*Meldebestätigung/ attestation d'annonce/ attestato di notifica*);
- d. they are transporting goods for commercial purposes and can provide a bill of lading for the goods;
- e.²⁰ they are simply travelling in transit through Switzerland with the intention of going directly to another country that they are permitted to enter;
- f. they are in an emergency situation;

¹⁴ Amended by No I of the O of 18 March 2020, in force since 19 March 2020 (AS 2020 841).

¹⁵ Inserted by No I of the O of 1 April 2020 (AS 2020 1131). Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

¹⁶ Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

¹⁷ Amended by No I of the O of 18 March 2020, in force since 19 March 2020 (AS 2020 841).

¹⁸ Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

¹⁹ Amended by No I of the O of 18 March 2020, in force since 19 March 2020 (AS 2020 841).

²⁰ Amended by No I of the O of 18 March 2020, in force since 19 March 2020 (AS 2020 841).

g.²¹ they are a specialist in the healthcare sector and need to enter Switzerland for important professional reasons.

^{1bis} Entry with a cross-border commuter permit in accordance with paragraph 1 letter b number 1 is only permitted for work-related purposes.²²

^{1ter} Foreign nationals who do not come within the scope of the AFMP or the Convention of 4 January 1960²³ establishing the European Free Trade Association (EFTA Convention) must also meet the entry requirements set out in Article 5 of the Foreign Nationals and Integration Act of 16 December 2005²⁴ (FNIA).²⁵

^{1quater} The competent authorities shall conduct risk-based checks.²⁶

² The persons concerned must provide credible evidence that they meet at least one of the above-mentioned requirements. The State Secretariat for Migration shall issue the required directives.²⁷

³ Decisions taken by the competent authorities may be enforced immediately. Article 65 of the FNIA applies *mutatis mutandis*. An appeal may be filed against the SEM decision within 30 days of notification. The appeal does not have suspensive effect.²⁸

⁴ The criminal provisions of Article 115 FNIA apply *mutatis mutandis*. In the event of any violation of the provision on entry, a ban on entry may also be imposed.

⁵ Foreign nationals at Schengen internal and external borders at airports may likewise be refused entry, unless at least one of the requirements in paragraph 1 is met. The FDJP in consultation with the FDHA and the FDFA shall decide on the high-risk countries or areas to which this measure applies. Paragraphs 2 and 4 apply *mutatis mutandis* in such a case.²⁹

²¹ Inserted by No I of the O of 18 March 2020, in force since 19 March 2020 (AS **2020** 841).

²² Inserted by No I of the O of 1 April 2020 (Channelling of Border Traffic), in force since 2 April 2020 (AS **2020** 1137).

²³ SR **0.632.31**

²⁴ SR **142.20**

²⁵ Inserted by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS **2020** 1505).

²⁶ Inserted by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS **2020** 1505).

²⁷ Amended by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods), in force since 17 April 2020 (AS **2020** 1245).

²⁸ Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS **2020** 1505).

²⁹ Amended by No I of the O of 18 March 2020, in force since 19 March 2020 (AS **2020** 841).

Art. 3a³⁰ Admission of foreign nationals with rights of free movement

¹ In the case of foreign nationals covered by the AFMP or the EFTA Convention³¹, concerns related to public health protection are not taken into consideration for the purposes of admission or the notification for short-term work provided:

- a. the admission or notification is in connection with work that is in the overriding public interest, in particular in relation to the national economic supply;
- b. the admission is for the purpose of family reunification;
- c. the application for admission for a stay in order to work or the notification of short-term work was submitted to the competent cantonal authority as part of the notification procedure before 25 March 2020, or obligations were entered into under an employment contract with a Swiss before this date; or
- d. notification of the short-term provision of a cross-border service under the notification procedure is based on a written contract for the provision of services entered into before 25 March 2020.

² The national economic supply in terms of paragraph 1 letter a supports activities that are in particular related to therapeutic products and care, foodstuffs, energy, logistics and information and communications technology. This also includes maintenance work on infrastructures in these sectors.

Art. 3b³² Admission of foreign nationals without rights of free movement

¹ In the case of foreign nationals who are not covered by the AFMP or the EFTA Convention³³ concerns related to public health protection are not taken into consideration for the purposes of admission for a stay in order to work provided:

- a. they meet the requirements of Article 3 paragraph 1 letter f or g and the admission requirements under the FNIA;
- b. the application for admission was approved before 19 March 2020, but the entry permit, visa or assurance of a residence permit could not be issued because of measures taken under this Ordinance; or
- c. the application by the employer was filed before 19 March 2020.

² Admission for the purpose of work under paragraph 1 letter b or c in an establishment that is affected by measures in accordance with Chapter 3 and in particular that falls within the scope of Article 6 paragraph 2 is not permitted.

³⁰ Inserted by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

³¹ SR 0.632.31

³² Inserted by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

³³ SR 0.632.31

Art. 3c³⁴ Family reunification involving Swiss citizens

Concerns related to public health protection are not taken into consideration for admission for the purposes of family reunifications under Article 42 FNIA³⁵ where the family members resident in Switzerland are Swiss citizens.

Art. 3d³⁶ Ban on shopping tourism

The import of goods over land border crossings from a neighbouring state that is a high-risk country is prohibited if the goods have been acquired in the course of a journey that has served the exclusive purpose of going shopping.

Art. 4³⁷ Provisions on cross-border passenger and goods transport³⁸

¹ The FDJP in consultation with the FDHA, the Federal Department of the Environment, Transport, Energy and Communications (DETEC), the Federal Department of Finance (FDF) and the FDFA shall decide on restrictions on road, rail, ship and air passenger services from high-risk countries or areas.

² It may in particular suspend specific forms of passenger transport for certain routes, lines or flights, close individual border crossings, ports or airports to passenger transport from high-risk countries or areas or simply prohibit passenger transport to Switzerland from high-risk countries or areas.

³ Restrictions on cross-border passenger transport are set out in Annex 2.

⁴ The Federal Customs Administration (FCA) may independently order and enforce the closure to passenger and goods transport of small subsidiary land border crossings provided and for as long as this is necessary because of the situation. It shall notify the FDJP, DETEC and the FDFA immediately of any closures that it orders. It shall indicate closed border crossings as such and publish the current list of open land border crossings on its website^{39,40}

⁵ It shall decide on the border crossings at which priority lanes (green lanes) will be provided for road traffic bringing important goods to maintain the national economic supply and for persons in priority professional groups, in particular persons working in the health sector. It shall lay down the conditions for using the green lanes for important goods in consultation with the Logistics Division at the Federal Office for National Economic Supply. It shall consult the cantons with regard to the use of

³⁴ Inserted by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS **2020** 1505).

³⁵ SR **142.20**

³⁶ Originally art. 3a. Inserted by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods), in force since 17 April 2020 (AS **2020** 1245).

³⁷ Originally Art. 3a. Amended by No I of the O of 18 March 2020, in force since 19 March 2020 (AS **2020** 841).

³⁸ Amended by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods), in force since 17 April 2020 (AS **2020** 1245).

³⁹ www.ezv.admin.ch > Geöffnete Grenzübergänge

⁴⁰ Inserted by No I of the O of 1 April 2020 (Channelling of Border Traffic) (AS **2020** 1137). Amended by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods), in force since 17 April 2020 (AS **2020** 1245).

green lanes by persons in priority professional groups. It shall publish the current list of green lanes and the conditions for their use on its website^{41, 42}

Art. 4a⁴³ Granting of visas

The granting of Schengen visas and of national visas and entry permits to persons from high-risk countries or areas in accordance with Annex 1 shall be suspended. Exempted from the foregoing are applications from persons who are admitted in accordance with Article 3a paragraph 1 letter b, Article 3b paragraph 1 letters b and c or Article 3c or who meet the requirements of Article 3 paragraph 1 letter f or g.

Section 3 Export Controls⁴⁴

Art. 4b⁴⁵ Export licence

¹ A licence from the State Secretariat for Economic Affairs (SECO) is required for the export from Swiss customs territory of the goods listed in Annex 3, if applicable in addition to the authorisation required under the law on therapeutic products and narcotics.⁴⁶

² Paragraph 1 does not apply to the export of goods:⁴⁷

- a. provided reciprocity is guaranteed, to EU member states, the overseas countries and territories listed in Annex II of the Treaty of 13 December 2007⁴⁸ on the Functioning of the European Union (Consolidated Version), Norway, Iceland, the United Kingdom, the Faroe Islands, Andorra, San Marino and the Vatican City;
- b. by medical, disaster relief and civil protection personnel in order to carry out their professional duties or to provide first aid;
- c. by other persons for their own personal use;
- d. as equipment for providing first aid or for other emergency uses in buses, trains, aircraft or ships on international transport services;

⁴¹ www.ezv.admin.ch > Green Lanes

⁴² Inserted by No I of the O of 1 April 2020 (Channelling of Border Traffic), in force since 2 April 2020 (AS 2020 1137).

⁴³ Inserted by No I of the O of 18 March 2020 (AS 2020 841). Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

⁴⁴ Inserted by No I of the O of 1 April 2020 (AS 2020 1131). Amended by No I of the O of 8 May 2020 (Relaxation of Export Controls), in force since 11 May 2020 (AS 2020 1501).

⁴⁵ Originally Art. 10d. Inserted by No I of the O of 25 March 2020, in force since 26 March 2020 (AS 2020 1065).

⁴⁶ Amended by No I of the O of 8 May 2020 (Relaxation of Export Controls), in force since 11 May 2020 (AS 2020 1501).

⁴⁷ Amended by No I of the O of 8 May 2020 (Relaxation of Export Controls), in force since 11 May 2020 (AS 2020 1501).

⁴⁸ OJ L C 326 of 26.10.2012, p. 47.

- e. to supply:
1. Swiss foreign representations, foreign missions and deployments for the European Border and Coast Guard Agency Frontex,
 2. Swiss public institutions abroad,
 3. Members of the Swiss armed forces deployed abroad,
 4. Swiss members of international police missions or civilian international peace-keeping missions.

Art. 4c⁴⁹ Procedure and decision

¹ The application must be submitted via the ELIC electronic licensing system operated by SECO.

² SECO shall decide within five working days of receipt of the duly completed application. If particularly complex clarifications are required, this deadline may be extended by a further five working days.

³ SECO notifies the applicant of the decision in electronic form.

⁴ A licence shall be granted provided there are sufficient goods under Annex 3 for healthcare facilities, other medical personnel, patients, civil protection and civil defence and for rescue and security authorities and organisations in Switzerland.⁵⁰

⁵ Before making its decision, SECO shall consult the Federal Office for National Economic Supply, the Federal Office of Public Health (FOPH), the Federal Office for Civil Protection and the Coordinated Medical Services (CMS). The competent bodies shall in particular declare the quantities of protective equipment or essential medical goods that have been reported in compliance with the duty to report under paragraphs 2–4.⁵¹

^{5bis} SECO may decide on applications for the export of up to 10 000 items of goods in accordance with Annex 3 list 1 (protective equipment) without consultations in accordance with paragraph 5.⁵²

⁶ SECO may consult foreign authorities, provide them with relevant information and take account of information they have provided when reaching its decision.

⁷ The decision whether to grant a licence shall be based on all relevant considerations, including where applicable the question of whether the export will support:

- a. states or international organisations that have made a request to Switzerland;
- b. aid organisations abroad that are protected under the Geneva Convention on Refugees⁵³;

⁴⁹ Originally Art. 10e. Inserted by No I of the O of 25 March 2020, in force since 26 March 2020 (AS **2020** 1065).

⁵⁰ Amended by No I of the O of 8 May 2020 (Relaxation of Export Controls), in force since 11 May 2020 (AS **2020** 1501).

⁵¹ Amended by No I of the O of 3 April 2020 (Provision of Essential Medical Goods), in force since 4 April 2020 (AS **2020** 1155).

⁵² Inserted by No I of the O of 8 May 2020 (Relaxation of Export Controls), in force since 11 May 2020 (AS **2020** 1501).

⁵³ Convention of 28 July 1951 relating to the Status of Refugees (SR **0.142.30**)

- c. the Global Outbreak Alert and Response Network (GOARN) of the World Health Organization (WHO).

Section 4⁵⁴ Provision of Essential Medical Goods

Art. 4d Definition

¹ Medicinal products, medical devices and protective equipment (essential medical goods) that are important and urgently needed to prevent and combat the coronavirus (COVID-19) are the goods listed in Annex 4.

² The FOPH is responsible for the list, shall update the same regularly in consultation with the Armed Forces Pharmacy, the Spiez Laboratory and the Therapeutic Products Division of the Federal Office for National Economic Supply with regard to the goods to be procured, and shall decide on the quantities required in each case.

Art. 4e Duty to report

¹ The cantons are obliged to report regularly to the CMS on the current stocks of essential medical goods in their healthcare facilities, subject to paragraphs 2 and 3.

² The cantons, hospitals and manufacturers and distributors of medicinal products are obliged to report regularly to the Therapeutic Products Division of the Federal Office for National Economic Supply on their current stocks of specific medicinal products listed in Annex 4 number 1.

³ Laboratories and manufacturers and distributors of in vitro diagnostics (COVID-19 tests) are obliged to report regularly to the Spiez Laboratory on their current stocks of such tests.

⁴ The CMS may request details of stocks from companies that store essential medical goods.

Art. 4f Procurement of essential medical goods

¹ In order to support the provision of essential medical goods to the cantons and their healthcare facilities, charitable organisations (for example Swiss Red Cross) and third parties (for example laboratories, pharmacies), essential medical goods may be procured if requirements cannot be covered through the normal procurement channels.

² The essential medical goods that are required shall be determined on the basis of the data transmitted in accordance with Article 4e.

³ The following bodies are responsible for procuring essential medical goods under paragraph 1 on behalf of the FOPH:

- a. for medical devices and protective equipment: the Armed Forces Pharmacy;

⁵⁴ Inserted by No I of the O of 3 April 2020 (Provision of Essential Medical Goods), in force since 4 April 2020 (AS 2020 1155).

- b. for medicinal products: the FOPH in consultation with the Therapeutic Products Division of the Federal Office for National Economic Supply.

⁴ The responsible authorities may delegate the procurement of essential medical goods to third parties.

⁵ When procuring essential medical goods, the Armed Forces Pharmacy may take calculated risks and, having obtained the approval of the Federal Finance Administration, diverge from the provisions of existing directives and the Financial Budget Act of 7 October 2005⁵⁵ in relation to risks, such as prepayment without security or currency hedging.⁵⁶

Art. 4g Allocation of essential medical goods

¹ The cantons shall submit requests for allocation to the CMS as required.

² Allocation shall be made continuously based on the supply situation and the current number of cases in each canton.

³ The CMS in consultation with the FOPH and the Therapeutic Products Division of the Federal Office for National Economic Supply may allocate essential medical goods to the cantons, to charitable organisations and to third parties.

⁴ The Spiez Laboratory in consultation with the FOPH is responsible for allocating in vitro diagnostics (COVID-19 tests). Allocation applies to all tests available in Switzerland.

Art. 4h Delivery and distribution of essential medical goods

¹ The Confederation or the third parties that it instructs shall ensure the delivery of the essential medical goods procured under Article 4f to a distribution centre for each canton. In exceptional cases, the Confederation in consultation with the cantons may supply eligible facilities and organisations directly.

² The cantons shall designate cantonal distribution centres for goods that are not supplied directly to the recipient, and shall give notice of these to the responsible federal authorities.

³ They shall ensure that essential medical goods that have been delivered are distributed as required and in good time on their territory.

Art. 4h^{bis} 57 Direct sales by the Confederation

The Confederation may sell the essential medical goods defined in Article 4d on the market in return for payment, either itself or through third parties.

⁵⁵ SR 611.0

⁵⁶ Inserted by No 1 of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 30 April 2020 (AS 2020 1401).

⁵⁷ Inserted by No 1 of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 30 April 2020 (AS 2020 1401).

Art. 4i Costs

¹ The costs of procuring essential medical goods shall be funded in advance by the Confederation in the cases where it procures the goods.

² The cantons, charitable organisations and third parties shall notify the Confederation as quickly as possible of the purchasing costs of the essential medical goods supplied to them where the Confederation has assumed responsibility for their procurement in accordance with Article 4f paragraph 1.

³ The Confederation shall bear the costs of delivering the procured essential medical goods to the cantons.

⁴ The cantons shall bear the costs of distributing these essential medical goods within the canton.

Art. 4j Requisitioning

¹ If the provision of essential medical goods under Article 4f cannot be guaranteed, the FDHA may require individual cantons or public healthcare facilities that have adequate stocks of medicinal products under Annex 4 number 1 to deliver part of their stocks to other cantons or healthcare facilities. The cantons or healthcare facilities shall charge the recipient directly for the costs of the goods and their delivery at the sale price.

² Subject to the requirement of paragraph 1, the FDHA may order the requisitioning of essential medical goods held by companies. The Confederation shall pay compensation at the sale price.

Art. 4k Manufacture

¹ If the provision of essential medical goods under Article 4f cannot otherwise be guaranteed, the Federal Council may require manufacturers to produce essential medical goods, to prioritise the production of such goods or to increase production volumes.

² The Confederation may contribute to the cost of production under paragraph 1 where manufacturers suffer financial disadvantages as a result of the changeover in production or the cancellation of private orders.

Art. 4l Exceptions to the requirement of authorisation for medicinal products

¹ Medicinal products that are manufactured with active substances under Annex 5 for the treatment of COVID-19 patients may, provided an application for authorisation of a medicinal product containing one of these active substances has been filed, be placed on the market without authorisation pending Swissmedic's decision on authorisation. When examining applications for authorisation, Swissmedic may permit a relaxation of the relevant requirements for such medicinal products under the law on therapeutic products on the basis of a risk-benefit analysis.

² Amendments to the authorisation for a medicinal product authorised in Switzerland containing an active substance under Annex 4 number 1 that is used to prevent and treat the coronavirus in Switzerland may be made immediately after filing a corresponding amendment application. Swissmedic may permit a relaxation of the relevant requirements for such amendments under the law on therapeutic products on the basis of a risk-benefit analysis.

³ The FOPH shall regularly update the list in Annex 5 after consulting Swissmedic.

⁴ Swissmedic may on the basis of a risk-benefit analysis permit changes to the manufacturing process approved within the framework of the authorisation of medicinal products used to prevent and treat the coronavirus in Switzerland. It shall specify criteria according to which the person responsible for technical matters may grant an early market release for medicinal products used to prevent and treat the coronavirus in Switzerland.

Art. 4m Exceptions to the provisions on the import of medicinal products

¹ Pharmacists that have pharmaceutical responsibility in a hospital pharmacy may import non-authorised medicinal products with active substances under Annex 5 for the treatment of COVID-19 patients. A company with a wholesale or import licence may be instructed to import such medicinal products.

² Notice of the import must be given to Swissmedic within 10 days of the arrival of goods.

³ In order to prevent and treat the coronavirus in Switzerland, Swissmedic may allow the temporary placing on the market of a medicinal product as a short-term solution for the temporary non-availability of an identical medicinal product authorised in Switzerland, provided no essentially identical medicinal product is authorised and available in Switzerland.

Art. 4n Exceptions for medical devices

¹ In response to an application, Swissmedic may authorise the placing on the market and use of medical devices that have not undergone a conformity assessment procedure in accordance with Article 10 the Medical Devices Ordinance of 17 October 2001⁵⁸ (MedDO), provided their use for preventing and combating the coronavirus in Switzerland is in the interests of public health or patient safety or health and provided, taking account of their intended purpose, their fulfilment of the essential requirements and their effectiveness and performance are adequately proven.

² When assessing the risks under paragraph 1, Swissmedic shall in particular take account of the procurement needs identified by the FOPH for preventing and combating the coronavirus in Switzerland.

³ Authorisation shall be granted to the Swiss distributor or the applicant institution or healthcare facility. It may be made subject to a time limit and other conditions and requirements.

⁵⁸ SR 812.213

^{3bis} Facemasks which have not undergone a conformity assessment procedure under Article 10 MedDO may be placed on the market without authorisation under paragraph 1 provided:

- a. they are placed on the market exclusively for non-medical use; and
- b. their effectiveness has been proven by a Swiss testing laboratory that has been accredited in accordance with European standard SN EN ISO/IEC 17025, 2005, «General Requirements for the competence of testing and calibration laboratories»^{59,60}

^{3ter} Facemasks placed on the market in accordance with paragraph 3^{bis} may not be used in hospitals or medical practices by persons in direct contact with patients.⁶¹

⁴ The obligations in relation to product surveillance under the MedDO, in particular to collecting reports of incidents, continue to apply.

Art. 4o Exceptions for personal protective equipment

¹ In the case of protective equipment in accordance with Annex 4 number 3 that is manufactured and placed on the market in Switzerland or imported into Switzerland and placed on the market here, a derogation may be made from the rules and procedures for the conformity assessment under Article 3 paragraph 2 of the PPE Ordinance of 25 October 2017⁶² (PPEO) if the use of the equipment for preventing and combating the coronavirus in Switzerland is in the interests of the public health or patient safety or health.

² Derogations under paragraph 1 are permitted provided an appropriate level of safety in view of the relevant legal requirements under the PPEO is guaranteed and the equipment is manufactured in accordance with:

- a. a harmonised European standard with a pending conformity assessment procedure;
- b. a standard mentioned in the WHO guidelines; or
- c. another, non-European standard or another technical solution.

³ The inspection bodies that are responsible for PPE under Annex 4 number 3 in accordance with Article 3 of the EAER Ordinance of 18 June 2010⁶³ on Conducting Market Surveillance pursuant to Section 5 of the Ordinance on Product Safety shall examine and approve specific technical solutions in accordance with paragraph 2.

⁵⁹ The text of this standard may be inspected at Swissmedic, Hallerstrasse 7, 3000 Bern 9; it may also be obtained for a fee from the Swiss Association for Standardization (SNV), Sulzerallee 70, 8404 Winterthur; www.snv.ch.

⁶⁰ Inserted by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 24 April 2020 (AS **2020** 1401).

⁶¹ Inserted by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 24 April 2020 (AS **2020** 1401).

⁶² SR **930.115**

⁶³ SR **930.111.5**

Chapter 3 Measures that apply to the Population, Organisations and Institutions⁶⁴

Art. 5⁶⁵ Compulsory schools and childcare services

¹ Classroom teaching in compulsory schools is permitted provided a precautionary measures plan in accordance with paragraph 2 is implemented; the cantons shall decide how classroom teaching is carried out. If classroom teaching does not take place, the cantons shall provide suitable childcare services for schoolchildren.

² In consultation with the Swiss Conference of Cantonal Directors of Education, the FOPH shall decide on the measures required to minimise the risk of transmission to children and young people and to persons working in the school. The cantons shall ensure that the requirements of the precautionary measures plans are met in schools and in related childcare services.

³ Children's nurseries and other childcare services must comply with the FOPH recommendations on hygiene and social distancing. Article 6a applies *mutatis mutandis*.

⁴ The competent cantonal authority shall monitor the implementation of the precautionary measures plans.

Art. 5a⁶⁶ Schools at secondary level II and tertiary level and other education and training institutions

¹ Classroom teaching in schools at secondary level II and tertiary level and in other education and training institutions is prohibited. The foregoing does not apply to classroom teaching for up to five persons.

² When permitted classroom teaching takes place, the FOPH recommendations relating to hygiene and social distancing must be complied with. Article 5 paragraph 2 and Article 6a apply *mutatis mutandis*.

³ Examinations in education and training institutions under paragraph 1 may be held provided the FOPH recommendations relating to hygiene and social distancing and the requirements of paragraph 2 are complied with.

⁴ The competent cantonal authority shall monitor implementation of the precautionary measures plans.

Art. 6⁶⁷ Events and businesses

¹ Public or private events, including sports events and club activities are prohibited.

⁶⁴ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

⁶⁵ Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁶⁶ Inserted by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁶⁷ Amended by No I of the O of 16 March 2020, in force since 17 March 2020 (AS 2020 783).

² Publicly accessible establishments shall be closed to the public; the foregoing applies in particular to:

- a.⁶⁸ ...
- b.⁶⁹ ...
- c.⁷⁰ discotheques, night clubs and strip clubs, and services offered by sex workers, including those offered on private premises;
- d.⁷¹ leisure and entertainment businesses, in particular cinemas, concert halls, theatres, casinos, sports centres, fitness centres, swimming pools, spas, ski resorts, botanical and zoological gardens and zoos;
- e.⁷² ...
- f.⁷³ campsites.

³ Paragraphs 1 and 2 do not apply to the following establishments and events provided they have a precautionary measures plan in accordance with Article 6a and implement the same:

- a. shops and markets;
- b.⁷⁴ take-away businesses, and meal (home) delivery services;
- b^{bis}.⁷⁵ restaurant-type businesses, including cafés, bars and canteens (staff canteens and school canteens);
- c. shops and businesses offering services, such as banks, post offices and travel agents; not included are businesses under paragraph 2 letters b–d;
- d. businesses offering personal services that involve physical contact, such as hairdressers, massage practices, tattoo studios and cosmetics salons;
- e. museums, libraries and archives, with the exception of reading rooms;
- f. railway stations and other public transport facilities;
- g. public administration offices;
- h. social work establishments (e.g. contact points);

⁶⁸ Repealed by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), with effect from 11 May 2020 (AS **2020** 1401).

⁶⁹ Repealed by No I of the O of 8 May 2020 (Transitional Phase 2: Restaurants and Bars), with effect from 11 May 2020 (AS **2020** 1499).

⁷⁰ Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Restaurants and Bars), in force since 11 May 2020 (AS **2020** 1499).

⁷¹ Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS **2020** 1401).

⁷² Repealed by No I of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations), with effect from 27 April 2020 (AS **2020** 1249).

⁷³ Inserted by No I of the O of 1 April 2020, in force since 2 April 2020 (AS **2020** 1131).

⁷⁴ Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Restaurants and Bars), in force since 11 May 2020 (AS **2020** 1499).

⁷⁵ Inserted by No I of the O of 8 May 2020 (Transitional Phase 2: Restaurants and Bars), in force since 11 May 2020 (AS **2020** 1499).

- i. healthcare facilities, such as hospitals, clinics and medical practices, as well as practices and facilities operated by healthcare specialists under federal and cantonal law;
- j. hotels and accommodation establishments, and pitches for caravans and motor homes that are intended for long-term rental or for the travelling community;
- k. funerals attended by family members and close friends;⁷⁶

^{3bis} In the case of restaurant-type businesses in terms of paragraph 3 letter b^{bis}, in addition to the protective measures under Article 6a the following apply:

- a. No more than four guests may sit at any one table; this limit does not apply to parents with children or to canteens in compulsory schools.
- b. Guests must sit when consuming food and drinks.
- c. Staff canteens may only be used by persons working in the establishment concerned and canteens in compulsory schools may only be used by school pupils, teaching staff and other school employees.
- d. Restaurant-type businesses must remain closed between midnight and 6am.
- e. They are only permitted to serve food and drinks; additional offerings, such as concerts or games are prohibited.⁷⁷

⁴ In the field of sport, the following activities are permitted, including the use of the required sports facilities:

- a. sports activities that do not involve physical contact for individuals and in groups of up to 5 persons;
- b. training sessions for competitive athletes who are members of the national squad of a national sports association and who train as individuals, in groups of up to 5 persons or as an established competitive team;
- c. training sessions for members of a team that competes in a predominantly professional league;
- d.⁷⁸ ...⁷⁹

⁵ For activities under paragraph 4, a precautionary measures plan under Article 6a must be drawn up and implemented by:

- a. operators of facilities used for such activities; and
- b. organisers of such activities, in particular clubs.⁸⁰

⁷⁶ Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁷⁷ Inserted by No I of the O of 8 May 2020 (Transitional Phase 2: Restaurants and Bars), in force since 11 May 2020 (AS 2020 1499).

⁷⁸ Comes into force on 9 June (AS 2020 1401).

⁷⁹ Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁸⁰ Inserted by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

Art. 6a⁸¹ Precautionary measures

¹ Operators of facilities and organisers of activities and events under Article 6 paragraphs 3 and 4 must plan and implement precautionary measures in order to guarantee that the risk of transmission is minimised for:⁸²

- a. customers, clients, visitors and participants; and
- b. persons working in the establishment or at the event.

² The FOPH in cooperation with SECO shall specify the public health and employment law requirements for the precautionary measures. In consultation with BASPO, it shall lay down the requirements for the precautionary measures in accordance with Article 6 paragraph 5.⁸³

³ The sectoral or professional or sports associations shall if possible devise general plans for their sectors or field that take account of the requirements referred to in paragraph 2. They shall consult their social partners thereon.⁸⁴

⁴ Operators and organisers shall if possible base their precautionary measures on the general plans devised for their sector or association in accordance with paragraph 3 or directly on the requirements referred to in paragraph 2.⁸⁵

⁵ The competent cantonal authorities shall close individual facilities or prohibit individual events where the operator or organiser fails to plan adequate precautionary measures or fails to implement such measures.

Art. 6b⁸⁶ Company meetings

¹ In the case of company meetings, the organiser may, regardless of the probable number of participants and without complying with the period of notice for convening meetings, order the participants to exercise their rights exclusively:

- a. in writing or online; or
- b. through an independent proxy appointed by the organiser.

² The organiser shall decide within the period specified in Article 12 paragraph 10. Notification of the order must be given in writing or published online no later than four days before the event.⁸⁷

⁸¹ Inserted by No I of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations), in force since 27 April 2020 (AS 2020 1249).

⁸² Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁸³ Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁸⁴ Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁸⁵ Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁸⁶ Originally Art. 6a. Inserted by No I of the O of 16 March 2020, in force since 17 March 2020 (AS 2020 783).

⁸⁷ Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Restaurants and Bars), in force since 11 May 2020 (AS 2020 1499).

Art. 7⁸⁸ Exceptions

The competent cantonal authority may authorise exceptions to the bans under Articles 5–6 if:⁸⁹

- a. overriding public interests so require, for example for education and training institutions and in the case of supply or service provision problems; and
- b. the education and training institution, the organiser or the establishment manager submits a precautionary measures plan that includes the following preventive measures:
 1. measures to exclude persons who are or who feel ill,
 2. measures to protect persons at high risk,
 3. measures to inform the persons present about general protection measures such as hand hygiene, social distancing and hygiene for persons with coughs and colds,
 - 4.⁹⁰ adapting the layout of rooms in order to comply with the recommendations of the FOPH relating to hygiene and social distancing.

Art. 7a⁹¹ Providing the population with food

¹ Postal service providers as defined in Article 1 letter a of the Postal Service Ordinance of 29 August 2012⁹² are permitted to deliver to the population on each day of the week and in all parts of the country foodstuffs and everyday household articles that have been ordered online.

² Special authorisation from SECO for working on Sundays and an exemption from the prohibition of Sunday driving for related deliveries are not required, provided the postal service provider is registered with the Federal Postal Services Commission.

³ Pursuant to Article 3 paragraph 3 of the Road Traffic Act of 19 December⁹³, postal service providers making deliveries in terms of paragraph 1 are also exempted from the requirement to comply with driving prohibitions and other traffic restrictions, in particular in town centres and pedestrian zones.

Art. 7b⁹⁴ Universal provision of services by SwissPost

DETEC may in response to a justified request from Swiss Post authorise the temporary restriction or temporary selective suspension of local, regional or supra-regional services that form part of universal postal services and universal payment transaction

⁸⁸ Amended by No I of the O of 16 March 2020, in force since 17 March 2020 (AS 2020 783).

⁸⁹ Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Restaurants and Bars), in force since 11 May 2020 (AS 2020 1499).

⁹⁰ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

⁹¹ Inserted by No I of the O of 20 March 2020, in force since 21 March 2020 (AS 2020 863).

⁹² SR 783.01

⁹³ SR 741.01

⁹⁴ Inserted by No I of the O of 20 March 2020, in force since 21 March 2020 (AS 2020 863).

services in accordance with the Postal Services Act of 17 December 2010⁹⁵ (PostSA). Goods transport and payment transactions in accordance with the PostSA must be maintained if at all possible.

Art. 7c⁹⁶ Ban on gatherings of people in public areas

¹ Gatherings of more than five persons in public areas, in particular in public places, on footpaths or in parks are prohibited. The foregoing does not apply to gatherings of school children in school playgrounds.⁹⁷

² In the case of gatherings of up to five persons, each person must keep a distance of at least two metres from the others.⁹⁸

³ The police and enforcement bodies authorised by the cantons shall ensure compliance with the requirements that apply in public areas.

Art. 7d⁹⁹ Preventive measures on construction sites and in industry

¹ Employers in the main and ancillary construction industry and in other industries are required to comply with the recommendations issued by the FOPH relating to hygiene and social distancing. In particular, the number of persons present on construction sites or in other workplaces must be limited accordingly, the organisation of construction sites and other workplaces must be adapted and the use in particular of break rooms and canteens must be suitably restricted.¹⁰⁰

² Pursuant to the health protection provisions in Article 6 of the Employment Act of 13 March 1964¹⁰¹, the executive authorities under the Employment Act and the Federal Act of 20 March 1981¹⁰² on Accident Insurance are responsible for enforcing paragraph 1.

³ The competent cantonal authorities may close individual businesses or construction sites in the event of any failure to comply with the obligations under paragraph 1.

Art. 7e¹⁰³ Exceptions for cantons in special risk situations

¹ If, as a result of the epidemiological situation, there is a special risk to the health of the population in any canton, the Federal Council may in response to a justified request authorise the canton concerned to restrict or suspend the activities of certain sectors of the economy for a limited time and in specific regions.

⁹⁵ SR 783.0

⁹⁶ Inserted by No I of the O of 20 March 2020, in force since 21 March 2020 (AS 2020 863).

⁹⁷ Amended by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS 2020 1401).

⁹⁸ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

⁹⁹ Inserted by No I of the O of 20 March 2020, in force since 21 March 2020 (AS 2020 863).

¹⁰⁰ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

¹⁰¹ SR 822.11

¹⁰² SR 832.20

¹⁰³ Inserted by No I of the O of 27 March 2020, paras 1–3 in force since 21 March 2020, paras 4 and 5 in force since 28 March 2020 (AS 2020 1101).

² The Federal Council may authorise requests under paragraph 1 in their entirety or in part, provided the following requirements are met:

- a. The canton has insufficient capacity in the healthcare sector even after support is provided by other cantons.
- b. The sectors concerned are highly unlikely to be able to implement the preventive measures under Article 7d paragraph 1.
- c. The social partners, once consulted, agree to the measures provided for in paragraph 1.
- d.¹⁰⁴ The provision of the population with goods to meet daily needs and with essential services, and the provision of healthcare facilities and their suppliers remains guaranteed.
- e. The ability of the relevant sectors of the economy to function is compromised by the absence of cross-border commuters.

³ If the measures taken by a canton exceed what the Federal Council has authorised, the canton shall not be entitled to compensation for short-time work from the Confederation.

⁴ The Federal Council may exempt specific economic sectors or establishments that play an important role in the provision of goods to meet daily needs and of essential services from the restriction or suspension of their activities.¹⁰⁵

⁵ Establishments that credibly demonstrate to cantonal workplace health and safety inspectorate that they are implementing the preventive measures under Article 7d paragraph 1 may continue to operate.

Art. 8¹⁰⁶ Controls by law enforcement agencies and obligation to cooperate

¹ The competent cantonal authorities may carry out controls of establishments and venues at any time without prior notice.

² Establishment managers, organisers and employers must grant the competent cantonal authorities access to the premises and venues.¹⁰⁷

³ Orders issued by the competent cantonal authorities when carrying out on-site controls must be implemented immediately.

Art. 9¹⁰⁸

¹⁰⁴ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

¹⁰⁵ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

¹⁰⁶ In force until 8 June 2020 (AS 2020 1401).

¹⁰⁷ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

¹⁰⁸ Repealed by No I of the O of 1 April 2020, with effect from 2 April 2020 (AS 2020 1131).

Chapter 4 Healthcare Provision¹⁰⁹

Art. 10 Duty to report¹¹⁰

The cantons are required to report the following information regularly to the CMS:

- a. the total number and occupancy of hospital beds;
- b.¹¹¹ the total number and occupancy of hospital beds that are available for treating cases of COVID-19 and the number of patients currently being treated for COVID-19;
- c.¹¹² 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 availability of devices for extracorporeal membrane oxygenation (ECMO);
- e.¹¹³ ...
- f. details on the availability of medical and nursing staff in hospitals;
- g. maximum capacity, i.e. the total number of all patients and the total number of COVID-19 patients that can be treated by their hospitals given the numbers of beds and staff available.

Art. 10a¹¹⁴ Hospitals and clinics¹¹⁵

1 ...¹¹⁶

2 The cantons shall ensure that sufficient capacities (in particular beds and specialist staff) are available in the inpatient departments of hospitals and clinics for COVID-19 patients and for other urgently required medical examinations and treatments, in particular in the intensive care units and the general internal medicine departments.¹¹⁷

3 For this purpose, they may require hospitals and clinics:

- a. to make their inpatient capacities available immediately or on demand; and

¹⁰⁹ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS **2020** 1131).

¹¹⁰ Inserted by No I of the O of 16 March 2020, in force since 17 March 2020 (AS **2020** 783).

¹¹¹ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS **2020** 1131).

¹¹² Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS **2020** 1131).

¹¹³ Repealed by No I of the O of 3 April 2020 (Provision of Essential Medical Goods), with effect from 4 April 2020 (AS **2020** 1155).

¹¹⁴ Inserted by No I of the O of 16 March 2020, in force since 17 March 2020 (AS **2020** 783).

¹¹⁵ Amended by No I of the O of 22 April 2020 (Transitional Phase 1; Easing Measures in the Healthcare Sector), in force since 27 April 2020 (AS **2020** 1333).

¹¹⁶ Repealed by No I of the O of 22 April 2020 (Transitional Phase 1; Easing Measures in the Healthcare Sector), with effect from 27 April 2020 (AS **2020** 1333).

¹¹⁷ Amended by No I of the O of 22 April 2020 (Transitional Phase 1; Easing Measures in the Healthcare Sector), in force since 27 April 2020 (AS **2020** 1333).

b. to restrict or suspend non-urgent medical procedures and treatments.¹¹⁸

⁴ The hospitals and clinics must ensure that supplies of medicinal products for COVID-19 patients and for other urgently required medical examinations and treatments is guaranteed in their outpatient and inpatient departments.¹¹⁹

⁵ In hospital departments that experience a substantial increase in work as a result of COVID-19, the application of the provisions of the Employment Act of 13 March 1964¹²⁰ relating to working hours and rest periods shall be suspended for as long as the exceptional situation requires. Time off in compensation or financial compensation shall however continue to be granted. Employers however remain responsible for protecting the health of their employees and must in particular ensure that they are given sufficient rest periods.¹²¹

Art. 10a^{bis}¹²² Assumption of costs for diagnostic molecular-biological analyses

¹ Where the costs of diagnostic molecular-biological analyses for SARS-CoV-2 in the case of persons displaying symptoms that meet the FOPH clinical criteria for suspicion, sampling and reporting of 22 April 2020¹²³ are not covered under the provisions of the Federal Act of 18 March 1994¹²⁴ on Health Insurance or the Federal Act of 20 March 1981¹²⁵ on Accident Insurance, the analyses shall be deemed to be medical investigations ordered in accordance with Articles 31 paragraph 1 and 36 EpidA.

² In these cases, in accordance with Article 71 letter a EpidA, the costs shall be paid by the canton in which the person concerned is resident.

¹¹⁸ Inserted by No I of the O of 20 March 2020 (AS 2020 863). Amended by No I of the O of 22 April 2020 (Transitional Phase 1; Easing Measures in the Healthcare Sector), in force since 27 April 2020 (AS 2020 1333).

¹¹⁹ Inserted by No I of the O of 20 March 2020 (AS 2020 863). Amended by No I of the O of 22 April 2020 (Transitional Phase 1; Easing Measures in the Healthcare Sector), in force since 27 April 2020 (AS 2020 1333).

¹²⁰ SR 822.11

¹²¹ Inserted by No I of the O of 20 March 2020 (AS 2020 867). Amended by No I of the O of 27 March 2020, in force since 28 March 2020 (AS 2020 1101).

¹²² Inserted by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 30 April 2020 (AS 2020 1401).

¹²³ Available at www.bag.admin.ch > Krankheiten > Infektionskrankheiten bekämpfen > Meldesysteme für Infektionskrankheiten > Meldepflichtige Infektionskrankheiten > Meldeformulare.

¹²⁴ SR 832.10

¹²⁵ SR 832.20

Chapter 5¹²⁶ Persons at High Risk¹²⁷**Art. 10b** Principle

¹ Persons at high risk should remain at home and avoid gatherings of people. If they leave home, they shall take special precautions to be able to comply with the FOPH recommendations on hygiene and social distancing.¹²⁸

² Persons at high risk are persons aged 65 and over and persons suffering from any of the following diseases in particular: high blood pressure, diabetes, cardio-vascular diseases, chronic respiratory diseases, diseases and treatments that weaken the immune system, cancer.

³ The categories mentioned in paragraph 2 shall be specified according to medical criteria in Annex 6. This list is not exhaustive; the clinical assessment of the risk in individual cases is reserved.¹²⁹

⁴ The FOPH shall regularly update Annex 6.¹³⁰

Art. 10c¹³¹ Employers' obligations related to protecting the health of employees at high risk

¹ Employers shall make it possible for employees who are at high risk to carry out their work from home. They shall take the required organisational and technical measures to achieve this.

² If it is not possible for an employee to carry out normal working duties from home, the employer shall in derogation from the contract of employment assign the employee concerned equivalent alternative work that can be carried out from home for the same pay. The employer shall take the organisational and technical measures required to do this.

³ If for operational reasons the presence of employees at high risk in the normal workplace is essential, the employees may carry out their normal working duties in their normal workplace provided the following requirements are met:

- a. The workplace is organised so as to prevent any close contact with other persons, in particular by providing the employee concerned with his or her own room or a clearly separate working area that allows the employee to maintain a minimum distance of two metres from others.

¹²⁶ Inserted by No I of the O of 16 March 2020, in force since 17 March 2020 (AS 2020 783).

¹²⁷ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

¹²⁸ Amended by No I of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations), in force since 17 April 2020 (AS 2020 1249).

¹²⁹ Inserted by No I of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations), in force since 17 April 2020 (AS 2020 1249).

¹³⁰ Inserted by No I of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations), in force since 17 April 2020 (AS 2020 1249).

¹³¹ Amended by No I of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations), in force since 17 April 2020 (AS 2020 1249).

- b. In cases where close contact cannot be avoided at all times, appropriate protective measures shall be taken in accordance with the STOP principle (substitution, technical measures, organisational measures, personal protective equipment).

⁴ If it is not possible for the employees concerned to work in accordance with paragraphs 1–3, the employer shall in derogation from the contract of employment assign them equivalent alternative work in their normal workplace for the same pay in conditions which meet the requirements of paragraph 3 letters a and b.

⁵ Before the employer takes any measures, he or she shall consult the employees concerned.

⁶ The employee concerned may decline to carry out work assigned to him or her if the employer fails to meet the requirements of paragraphs 1–4 or if the employee regards his or her personal risk of infection with the coronavirus for specific reasons as being too high despite the employer taking measures in accordance with paragraphs 3 and 4. The employer may request a medical certificate.

⁷ If it is not possible for the employee concerned to work in accordance with paragraphs 1–4, or if the employee declines the work assigned in terms of paragraph 6, the employer shall furlough the employee while continuing to pay his or her salary.

⁸ Employees shall give notice that they are at high risk by making a personal declaration. The employer may request a medical certificate.

Art. 10d and **10e**¹³²

Chapter 6¹³³ **Criminal Provisions**¹³⁴

Art. 10f

¹ Unless a more serious offence under the Criminal Code¹³⁵ has been committed, any person who wilfully fails to comply with any measures under Article 6 is liable to a custodial sentence not exceeding three years or to a monetary penalty.¹³⁶

² A fine shall be imposed on any person who:

- a.¹³⁷ violates the ban on gatherings of people in public areas under Article 7c;
- b.¹³⁸ exports protective equipment or essential medical goods for which a licence is required under Article 4b paragraph 1 without holding such a licence;

¹³² Repealed by No I of the O of 1 April 2020, with effect from 2 April 2020 (AS 2020 1131).

¹³³ Inserted by No I of the O of 16 March 2020, in force since 17 March 2020 (AS 2020 783).

¹³⁴ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).
¹³⁵ SR 311.0

¹³⁶ In force until 8 June 2020 (AS 2020 1401).

¹³⁷ In force until 8 June 2020 (AS 2020 1401).

¹³⁸ Amended by No I of the O of 3 April 2020 (Provision of Essential Medical Goods), in force since 4 April 2020 (AS 2020 1155).

c.¹³⁹ violates restrictions on cross-border passenger and goods transport at border crossings in accordance with Article 4 paragraph 4;

d.¹⁴⁰ violates the ban on shopping tourism in Article 3*d*.¹⁴¹

³ The following offences carry a fixed penalty fine of 100 francs pursuant to the procedure under the Fixed Penalties Act of 18 March 2016¹⁴².

a.¹⁴³ violations of the ban on gatherings of people in public areas under Article 7c;

b.¹⁴⁴ violations of restrictions on cross-border passenger and goods transport at border crossings in accordance with Article 4 paragraph 4.

c.¹⁴⁵ Violations of the ban on shopping tourism in Article 3*d*.¹⁴⁶

4 ...¹⁴⁷

⁵ The FCA is authorised within the scope of its controlling powers to impose fixed penalty fines for violations of Articles 3*d* and 4 paragraph 4. If the fine is not paid immediately, it shall refer the matter to the competent prosecution authority.¹⁴⁸

Chapter 7 Final Provisions¹⁴⁹

Art. 11 Repeal of another enactment

The Ordinance of 28 February 2020¹⁵⁰ on Measures to Combat the Coronavirus (COVID-19) is repealed.

¹³⁹ Inserted by No I of the O of 1 April 2020 (Channelling of Border Traffic) (AS 2020 1137). Amended by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods), in force since 17 April 2020 (AS 2020 1245).

¹⁴⁰ Inserted by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods) (AS 2020 1245). Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

¹⁴¹ Inserted by No I of the O of 20 March 2020 (AS 2020 863). Amended by No I of the O of 25 March 2020, in force since 26 March 2020 (AS 2020 1065).

¹⁴² SR 314.1

¹⁴³ In force until 8 June 2020 (AS 2020 1401).

¹⁴⁴ Amended by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods), in force since 17 April 2020 (AS 2020 1245).

¹⁴⁵ Inserted by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

¹⁴⁶ Inserted by No I of the O of 20 March 2020 (AS 2020 863). Amended by No I of the O of 1 April 2020 (Channelling of Border Traffic), in force since 2 April 2020 (AS 2020 1137).

¹⁴⁷ Inserted by No I of the O of 1 April 2020 (Channelling of Border Traffic) (AS 2020 1137). Repealed by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), with effect from 11 May 2020 (AS 2020 1505).

¹⁴⁸ Inserted by No I of the O of 16 April 2020 (Restrictions on the Import and Export of Goods) (AS 2020 1245). Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS 2020 1505).

¹⁴⁹ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS 2020 1131).

¹⁵⁰ [AS 2020 573]

Art. 12 Commencement and duration

¹ Subject to paragraph 2, this Ordinance comes into force on 13 March 2020 at 15.30.

² Article 5 comes into force on 16 March 2020 at 06.00.

³ Subject the following paragraphs, this Ordinance applies for a maximum of 6 months from its commencement in accordance with paragraph 1.¹⁵¹

⁴ Article 4a applies until 15 June 2020.¹⁵²

⁵ ...¹⁵³

⁶ ...¹⁵⁴

⁷ ...¹⁵⁵

⁸ ...¹⁵⁶

⁹ Chapter 3 (Arts 5–8) and Article 10f paragraphs 1, 2 letter a and 3 letter a apply, subject to the following paragraphs, until 7 June 2020.¹⁵⁷

¹⁰ Article 6b applies until 30 June 2020.¹⁵⁸

¹⁵¹ Amended by No I of the O of 1 April 2020, in force since 2 April 2020 (AS **2020** 1131).

¹⁵² Amended by No I of the O of 18 March 2020, in force since 19 March 2020 (AS **2020** 841).

¹⁵³ Repealed by No I of the O of 16 March 2020, with effect from 17 March 2020 (AS **2020** 783).

¹⁵⁴ Inserted by No I of the O of 16 March 2020 (AS **2020** 783). Repealed by No I of the O of 8 April 2020, with effect from 9 April 2020 (AS **2020** 1199).

¹⁵⁵ Inserted by No I of the O of 8 April 2020 (AS **2020** 1199). Repealed by No I of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations), with effect from 27 April 2020 (AS **2020** 1249).

¹⁵⁶ Inserted by No I of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations) (AS **2020** 1249). Repealed by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), with effect from 11 May 2020 (AS **2020** 1401).

¹⁵⁷ Inserted by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport) (AS **2020** 1401). Amended by No I of the O of 8 May 2020 (Transitional Phase 2: Restaurants and Bars), in force since 11 May 2020 (AS **2020** 1499).

¹⁵⁸ Inserted by No I of the O of 29 April 2020 (Transitional Phase 2: Schools, Shops and Sport), in force since 11 May 2020 (AS **2020** 1401).

*Annex 1*¹⁵⁹
(Art. 2 para. 2)

List of high-risk countries and areas

All Schengen states (with the exception of the Principality of Liechtenstein), in each case including civil aviation from such States)

All other states (civil aviation from such States)

¹⁵⁹ Originally Annex. Amended by No I of the FDJP O of 24 March 2020, in force since 25 March 2020 (AS **2020** 1059).

*Annex 2*¹⁶⁰
(Art. 4 para. 3)

Restrictions on cross-border passenger transport

The following applies to flights from abroad:

1. Flights carrying passengers from abroad shall be directed to the national airports at Zurich-Kloten, Geneva-Cointrin and Basel-Mulhouse.
2. Passenger flights from abroad to other Swiss customs aerodromes are suspended.
3. Cargo and aerial work flights, maintenance check flights, air-ambulance flights and air force flights are not regarded as passenger flights.

¹⁶⁰ Inserted by No I of the O of 18 March 2020 (AS **2020** 841). Amended by No I of the FDJP O of 24 March 2020 (AS **2020** 1059) and by No I of the O of 8 May 2020 (Transitional Phase 2: Relaxation of Migration Measures), in force since 11 May 2020 (AS **2020** 1505).

*Annex 3*¹⁶¹
(Art. 4b para. 1)

Goods requiring an export licence

1. Protective equipment

The protective equipment listed in this Annex corresponds to the provisions the PPE Ordinance¹⁶² or the MedDO¹⁶³.

Category	Description	Customs tariff no
Protective eyewear and visors	<ul style="list-style-type: none"> – Protection against potentially infectious material – Covering the eyes and surrounding areas – Compatible with different models of filtering facepiece FFP masks and facial masks – Transparent lens – Reusable (may be cleaned and disinfected) and single-use items – Can be sealed to the skin of the face 	ex 3926.9000 ex 9004.9000
Mouth-nose protective equipment	<ul style="list-style-type: none"> – Masks intended to protect the wearer against potentially infectious material or prevent the wearer from spreading such material – Reusable (may be cleaned and disinfected) and single-use items – Can include a face shield – With or without a replaceable filter 	ex 4818.9000 ex 6307.9099 ex 9020.0000

¹⁶¹ Inserted by No II of the O of 25 March 2020 (AS **2020** 1065). Amended by No II of the O of 8 May 2020 (Relaxation of Export Controls), in forces since 11 May 2020 (AS **2020** 1501).

¹⁶² SR **930.115**

¹⁶³ SR **812.213**

<p>Protective clothing</p>	<ul style="list-style-type: none"> - Non-sterile clothing (e.g. gowns, suits) intended to protect the wearer against potentially infectious material or prevent the wearer from spreading such material - Reusable (may be cleaned and disinfected) and single-use items 	<p>ex 3926.2090 ex 4015.9000 ex 4818.5000 ex 6113.0000 ex 6114 ex 6210.1000 ex 6210.2000 ex 6210.30 ex 6210.4000 ex 6210.50 ex 6211.3200 ex 6211.3300 ex 6211.3910 ex 6211.3990 ex 6211.4210 ex 6211.4290 ex 6211.4300 ex 6211.4910 ex 6211.4920 ex 6211.4990 ex 9020.0000</p>
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2. Essential medical goods

Category	Description	Customs tariff no
<p>Active substances or medicinal products with the listed active substances</p>	<ol style="list-style-type: none"> 1. Propofol 2. Rocuronium Bromide 3. Atracurium Besilate 	<ol style="list-style-type: none"> 1. (ex 3003.9000, ex 3004.9000) 2. (ex 3003.9000, ex 3004.9000) 3. (ex 3003.9000, ex 3004.9000)

*Annex 4*¹⁶⁴
(Art. 4d para. 1)

List of important medicinal products, medical devices and protective equipment (Essential Medical Goods)

1. Active substances or medicinal products with the listed active substances

1. Lopinavir/Ritonavir
2. Hydroxychloroquine
3. Tocilizumab
4. Remdesivir
5. Propofol
6. Midazolam
7. Ketamine
8. Dexmedetomidine
9. Etomidate
10. Sufentanil
11. Remifentanil
12. Rocuronium Bromide
13. Atracurium Besilate
14. Suxamethonium
15. Cisatracurium
16. Noradrenalin
17. Adrenalin
18. Insulin
19. Fentanyl
20. Heparin
21. Morphine
22. Lorazepam
23. Azithromycin
24. Co-Amoxicillin
25. Piperacillin/Tazobactam
26. Meropenem

¹⁶⁴ Inserted by No II para.2 of the O of 3 April 2020 (Provision of Essential Medical Goods), in force since 4 April 2020 (AS 2020 1155).

27. Imipenem/Cilastatin
28. Cefuroxime
29. Ceftriaxone
30. Amikacin
31. Posaconazole
32. Vaccine against influenza
33. Vaccines against bacterial pneumonia (Pevnar 13 and Pneumovax 23)
34. Medical gases

2. Medical devices

1. Ventilators
2. Monitoring equipment for intensive care
3. In vitro diagnostics (COVID-19 tests)
4. Surgical masks / OP masks
5. Surgical gloves / examination gloves
6. Medical oxygen
7. Infusion solutions

3. Personal protective equipment and other equipment

1. hygiene masks
2. Protective masks
3. Disposable gloves
4. Aprons
5. Protective overalls
6. Protective eyewear
7. Hand disinfectants
8. Surface disinfectants
9. hygiene products for intensive care (such as absorbent pads, diapers, faecal collectors, oral hygiene items)

Annex 5¹⁶⁵
(Art. 4l)

List of active substances for the treatment of COVID-19

1. Hydroxychloroquine
2. Lopinavir/Ritonavir
3. Remdesivir
4. Tocilizumab i.v.in mg

¹⁶⁵ Inserted by No II para.2 of the O of 3 April 2020 (Provision of Essential Medical Goods), in force since 4 April 2020 (AS 2020 1155).

*Annex 6*¹⁶⁶
(Art. 10b para. 3)

Categories of persons at high risk

According to the current state of scientific knowledge, only certain categories of adults can be assumed to be at high risk. The following criteria therefore apply to adults only.

1. High blood pressure (hypertension)

- Arterial hypertension with end-organ damage
- Therapy-resistant arterial hypertension

2. Cardio-vascular diseases

2.1 General criteria

- Patients with dyspnea of functional class NYHA II–IV and NT per BNP > 125 pg/ml
- Patients with at least 2 cardio-vascular risk factors (one of which is diabetes or arterial hypertension)
- Prior stroke and/or symptomatic vasculopathy
- Chronic renal insufficiency (Stage 3, GFR <60ml/min)

2.2 Other criteria

2.2.1 Coronary heart disease

- Myocardial infarction (STEMI and NSTEMI) in the past 12 months
- Symptomatic chronic coronary syndrome despite medical treatment (irrespective of any prior revascularisation)

2.2.2 Disease of the heart valves

- Moderate or serious stenosis and/or regurgitation in addition to meeting at least one general criterion
- Any surgical or percutaneous valve replacement in addition to meeting at least one general criterion

¹⁶⁶ Inserted by No II of the O of 16 April 2020 (Transitional Phase 1; Employees at High Risk; Employers' Obligations) (AS 2020 1249). Revised by No I of the FOPH O of 12 May 2020 (Annex 6: Persons at High Risk), in force since 14 May 2020 (AS 2020 1585).

2.2.3 Cardiac insufficiency

- Patients with dyspnea of functional class NYHA II–IV or NT-Per BNP > 125pg/ml despite medical treatment for any LVEF (HFpEF, HFmrEF, HFrEF)
- Cardiomyopathy with any cause
- Pulmonary arterial hypertension

2.2.4 Arrhythmia

- Auricular fibrillation with a CHA2DS2-VASc score of at least 2 points
- Prior implant of pacemaker (incl. ICD and/or CRT implantation) in addition to meeting one general criterion

2.2.5 Adults with congenital heart disease

- Congenital heart disease according to the individual assessment of the attending cardiologist

3. Chronic respiratory diseases

- Chronic obstructive lung diseases GOLD Grade II-IV
- Pulmonary emphysema
- Unmanaged asthma, in particular serious bronchial asthma
- Interstitial lung diseases
- Active lung cancer
- Pulmonary arterial hypertension
- Pulmonary vascular disease
- Active sarcoidosis
- Cystic fibrosis
- Chronic lung infections (atypical mycobacteriosis, bronchiectasis, etc.)
- Ventilated patients

4. Diabetes

- Diabetes mellitus, with long-term complications or a HbA1c von > 8%

5. Diseases/Therapies that weaken the immune system

- Serious immunosuppression (e.g. CD4+< 200µl)

- Neutropenia ≥ 1 week
- Lymphocytopenia $<0.2 \times 10^9/L$
- Hereditary immunodeficiencies
- Use of medication that suppresses the immune defences (such as long-term use of glucocorticoids, monoclonal antibodies, cytostatics, etc.)
- Aggressive lymphomas (all entities)
- Acute lymphatic leukaemia
- Acute myeloid leukaemia
- Acute promyelocytic leukaemia
- T-cell prolymphocytic leukaemia
- Primary lymphomas of the central nervous system
- Stem cell transplantation
- Amyloidosis (light-chain (AL) amyloidosis)
- Aplastic anaemia undergoing immunosuppressive treatment
- Chronic lymphatic leukaemia
- Asplenia / splenectomy
- Multiple myeloma
- Sickle-cell disease

6. Cancer

- Cancer undergoing medical treatment

7. Obesity

- Patients with a body-mass index (BMI) of 40 kg/m^2 or more