

## **Ordinance COVID-19**

See below a free English translation of the ordinance COVID 19 adopted by the federal Council federal on March 13<sup>rd</sup>, 2020 regarding the coronavirus:

### **Section 1      General provisions**

#### **Art. 1            Object and purpose**

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

**2** The measures are intended to

- a.      prevent or contain the spread of the coronavirus (COVID-19) in Switzerland;
- b.      reduce the frequency of transmission, interrupt the chains of transmission and prevent or contain local outbreaks;
- c.      to protect vulnerable persons;
- d.      to ensure Switzerland's capacity to contain the epidemic, in particular to maintain the conditions for an adequate supply of care and therapeutic products to the population.

#### **Art. 1a          Competences of the Cantons**

Unless otherwise provided for in this Ordinance, the cantons shall retain their powers.

### **Section 2      Maintenance of health capacities, restriction of border traffic**

#### **Art. 2            Principle**

**1** In order to maintain the country's ability to cope with the coronavirus epidemic, in particular to ensure that conditions are maintained for the adequate supply of care and therapeutic products to the population, measures to restrict the entry into Switzerland of persons from a country or region at risk must be adopted.

**2** A country or region at risk is understood in particular to mean any country or region whose authorities have decreed exceptional measures to prevent and combat the VIDOC epidemic-19. The list of countries or regions at risk is published in the Annex to this Ordinance. The Federal Department of Home Affairs (FDHA) shall draw up the list and keep it constantly updated after consultation with the Federal Department of Foreign Affairs (FDFA).

**Art. 3** Border crossings and controls

**1** The competent border control authority shall refuse entry into Switzerland to any person who comes from a country or region at risk and who does not meet one of the following conditions:

- a. are of Swiss nationality;
- b. have a travel document and a residence permit, in particular a Swiss residence permit, a frontier worker's permit, a visa issued by Switzerland or a residence permit insurance;
- c. have a professional reason for entering Switzerland and possess a registration certificate;
- d. be engaged in the transport of goods for commercial purposes and have a delivery note;
- e. be in transit in Switzerland with the intention of going directly to another country;
- f. be in a situation of absolute necessity.

**2** The persons concerned must be able to credibly demonstrate that they fulfil one of the above conditions. The assessment of necessity in accordance with paragraph 1 must be based on the following criteria. 1 (f) is at the discretion of the authority responsible for border control.

**3** The decisions of the competent authorities shall be immediately enforceable. Any appeals shall not have suspensive effect. Article 6 of the Federal Act of 16 December 2005 on Foreign Nationals and Integration (LEI) shall apply by analogy.

**4** The criminal provisions of Article 115 LEI apply by analogy. In the event of violation of the provisions on entry, a prohibition to enter the country may be imposed.

**5** The entry of foreign travellers into airports via the internal and external borders of the Schengen area may also be refused if none of the conditions set out in para. 1 letters a to e are met. The FDHA shall determine for which countries or regions at risk this measure is necessary after consultation with the FDFA. Paragraphs 2 to 4 also apply by analogy.

**Art. 4** Air traffic restrictions

The FDHA may suspend air traffic from countries at risk in accordance with Art. 2 Para. 2.

**Section 3** Measures for the population, organisations and institutions

**Art. 5** Schools, universities and other educational establishments

**1** Face-to-face activities in schools, universities and other educational institutions are prohibited.

**2** Examinations that have already been scheduled may take place if the required protective measures are applied.

**3** The Cantons shall ensure that childcare facilities are available for children who cannot be cared for privately. This task may not be entrusted to vulnerable persons.

**4** Day nurseries may only be closed down if the competent authorities provide adequate alternative care.

## **Art. 6**            **Events and establishments**

**1** All public or private events, including sporting events and association activities, are prohibited.

**2** In particular, public establishments shall be closed:

- a.     Shops and markets;
- b.     Restaurants;
- c.     Bars, discos, nightclubs and erotic lounges;
- d.     Entertainment and leisure establishments, including museums, libraries, cinemas, concert halls, theatres, casinos, sports and fitness centres, swimming pools, wellness centres and ski areas, botanical and zoological gardens and zoological parks;
- e.     Service providers offering services involving physical contact such as hairdressing, massage, tattooing or beauty salons.

**3** The al. 2 does not apply to the following establishments and events:

- a.     Food shops and other shops (e.g. kiosks, petrol station shops) provided they sell foodstuffs or everyday consumer goods;
- b.     Take-away food services, company canteens, meal delivery services and catering services for hotel guests;
- c.     pharmacies, drugstores and shops selling medical aids (e.g. glasses, hearing aids);
- d.     Post offices and agencies;
- e.     Sales outlets of telecommunication operators;
- f.     banks;
- g.     Service stations;
- h.     Railway stations and other public transport infrastructure;
- i.     Repair shops for means of transport;
- j.     Public administrations;
- k.     Social services (e.g. counselling centres);
- l.     Burials within the restricted family circle;
- m.     Health care institutions such as hospitals, clinics and doctors' surgeries as well as surgeries and institutions run by health care professionals within the meaning of Federal and Cantonal laws;
- n.     Hotels.

**4** The establishments and events referred to in paragraph 1 shall be regarded as hotels. 3 must comply with the recommendations of the Federal Office of Public Health on hygiene and social distancing. They must limit the number of persons present accordingly and prevent the gathering of persons.

## **Art. 6a**            **Assemblies of Companies**

**1** The organiser of a company meeting may, irrespective of the expected number of participants and without observing the time limit for convening the meeting, require the participants to exercise their rights exclusively:

- a.     in writing or in electronic form, or
- b.     through an independent representative appointed by the organiser.

**2** The organiser is entitled to take this decision throughout the period in accordance with Article 12 paragraph 6 and must notify this in writing or publish it in electronic form no later than four days before the meeting.

#### **Art. 7 Exceptions**

The competent cantonal authority may derogate from the prohibitions in Articles 5 and 6 if:

- a. there is an overriding public interest, for example for educational establishments or in the event of supply difficulties, and b. there is an overriding public interest, for example for educational establishments or in the event of supply difficulties, and if
- b. the training establishment, organiser or operator submits a protection plan including the following preventive measures:
  1. measures to exclude persons who are ill or who feel ill,
  2. measures to protect vulnerable persons,
  3. measures to inform those present about general protective measures such as hand hygiene, social distancing or hygiene rules to be observed in case of coughs or colds,
  4. adaptation of the premises so as to enable the hygiene rules to be complied with.

#### **Art. 8 Controls by the enforcement agencies and duty to cooperate**

**1** The competent cantonal authorities may at any time carry out unannounced checks on establishments and premises.

**2** The operator and organiser must guarantee the competent cantonal authorities access to the premises and places.

**3** During the ad-hoc checks, the instructions of the competent cantonal authorities must be carried out without delay.

#### **Art. 9 Enforcement**

The cantons shall monitor compliance with the measures provided for in Articles 5 and 6 on their territory.

### **Section 4 Health capacities**

#### **Art. 10 Duty to inform**

The cantons are obliged to provide the Coordinated Health Service with the following information on a regular basis:

- a. The total number and occupancy rate of hospital beds;

- b. The total number and occupancy rate of hospital beds reserved for the treatment of diseases caused by COVID-19;
- c. The total number and occupancy rate of intensive care hospital beds;
- d. The total number of occupancy rate of extracorporeal membrane oxygenator (ECMO) units;
- e. The amount of personal protective equipment available, including hygiene masks, respiratory masks, gloves, gowns and goggles;
- f. Data on the availability of medical and nursing staff in hospitals;
- g. The maximum capacity, in particular the total number of patients and the total number of patients infected with VIDOC-19 that can be treated in their hospitals taking into account available beds and staff.

**Art. 10a            Obligations of health care institutions**

**1** The Cantons may require private hospitals and clinics to make their capacity available for the accommodation of patients.

**2** Healthcare institutions such as hospitals, clinics and medical and dental practices must refrain from all non-urgent medical treatment and interventions.

**Section 5            Vulnerable persons**

**Art. 10b            Principle**

**1** Vulnerable people at risk should stay homes and avoid groupings of people.

**2** Vulnerable persons are persons aged 65 and over and persons suffering from the following conditions in particular: high blood pressure, diabetes, cardiovascular disease, chronic respiratory disease, immune deficiency due to disease or therapy, cancer.

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**Art. 10c            Obligation of the employer**

**1** Vulnerable employees perform their contractual work obligations at home. If this is not possible, the employer will grant them time off with continued payment of their wages.

**2** Employees make a personal declaration of their vulnerability. The employer may request a medical certificate.

**Section 6      Criminal provision**

**Art. 10d**

Anyone who intentionally opposes the measures referred to in article 6 shall be punished by a prison of sentence of up to three years or by a fine, unless he has committed a more serious offence within the meaning of the Criminal Code.

**Section 7      Final provisions**

**Art. 11      Repeal of another act**

The Ordinance of 28 February 2020 on measures to combat the coronavirus (COVID-19)<sup>1</sup> is repealed.

**Art. 12      Effectiveness and period of validity**

**1** This Ordinance shall become effective at 3.30 p.m. on 13 March 2020, subject to para. 2.

**2** Art. 5 shall enter into force at 6 a.m. on 16 March 2020.

**3** Subject to paragraph 2, this Ordinance shall become effective at 3.30 p.m. on 13 March 2020. **6**, this Ordinance shall remain in force for as long as necessary, but at most for six months from the date of entry into force. The Federal Council shall repeal it in whole or in part as soon as the measures are no longer necessary.

**4 and 5** ...

**6** Articles 5 to 9 shall be effective until 19 April 2020.