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Federal Act on the Statutory Principles for Federal Council Ordinances on Combating the COVID-19 Epidemic (COVID-19 Act)

of 25 September 2020 (Status as of 1 January 2022)

The Federal Assembly of the Swiss Confederation,
on the basis of Articles 68 paragraph 1, 69 paragraph 2, 92, 93, 101 paragraph 2, 102, 113, 114 paragraph 1, 117 paragraph 1, 118 paragraph 2 letter b, 121 paragraph 1, 122, 123 and 133 of the Federal Constitution¹,
and having considered the Federal Council dispatch dated 12 August 2020²,
decrees:

Art. 1³ Subject matter and principles

¹ This Act regulates special powers of the Federal Council to combat the COVID-19 epidemic and to respond to the effects of the measures to combat the disease on society, the economy and the public sector.

² The Federal Council shall use these powers only to the extent that they are required to respond to the COVID-19 epidemic. In particular, it shall not use these powers if the same objective can be achieved using regular or emergency legislative procedures.

^{2bis} The Federal Council shall be guided by the principles of subsidiarity, efficacy and proportionality. It shall aim for the shortest and least severe restriction of economic and social life possible, by ensuring that the Confederation and the cantons exhaust all the options provided by precautionary measures, testing and vaccination strategies and contact tracing beforehand.⁴

AS 2020 3835

¹ SR 101

² BBl 2020 6563

³ Applies until 31 Dec. 2031 (Art. 21 para. 6).

⁴ Inserted by No I of the FA of 18 Dec. 2020 (Culture. Hardship Cases. Sport, Unemployment Insurance, Fixed Penalty Fines) (AS 2020 5821; BBl 2020 8819). Amended by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 20 March 2021 to 31 Dec. 2031 (AS 2021 153, 878 No II para. 3; BBl 2021 285, 2515).

³ It shall consult the cantonal governments and the umbrella organisations for the social partners when drawing up measures that relate to their responsibilities.⁵

⁴ It shall inform Parliament regularly, in good time and comprehensively about the implementation of this Act. It shall consult the relevant committees beforehand about planned ordinances and amendments to ordinances.

⁵ In emergency cases the Federal Council shall inform the presidents of the relevant committees. They shall inform their committees without delay.

⁶ When ordering measures, the Federal Council and the cantons shall be guided by any available data, comparable with regard to time and the regions concerned, that indicate that the healthcare system is in danger of becoming overburdened, the mortality rate is increasing or the disease is becoming more virulent.

Art. 1a⁶ Criteria and guideline values

¹ The Federal Council shall stipulate the criteria and guideline values for imposing and easing restrictions on economic and social life. It shall take account of economic and social consequences in addition to the epidemiological situation.

² If a sufficient number of adults in the population who are willing to be vaccinated have been vaccinated, the capacity restrictions for publicly accessible establishments and businesses, and for events and private gatherings shall be lifted. Appropriate precautionary measures plans are permitted, provided they are proportionate.⁷

Art. 2⁸ Measures relating to political rights

¹ In order to support the democratic process, the Federal Council may permit popular initiatives and requests for a referendum to be submitted to the Federal Chancellery within the deadline for a popular initiative or requesting a referendum with the required number of signatures, but without the certificate of eligibility to vote.⁹

² If necessary, the Federal Chancellery shall send the signature lists to the office that is responsible under cantonal law for the certificate of eligibility to vote.

⁵ Amended by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 20 March 2021 to 31 Dec. 2031 (AS **2021** 153, 878 No II para. 3; BBl **2021** 285, 2515).

⁶ Inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 20 March 2021 to 31 Dec. 2022 (AS **2021** 153, 878 No II para. 2; BBl **2021** 285, 2515).

⁷ Inserted by No I of the FA of 18 June 2021 (Loss of Earnings Compensation, Sport and Capacity Restrictions), in force since 19 June 2021 (AS **2021** 354; BBl **2021** 1093).

⁸ In force until 31 Dec. 2022 (AS **2021** 878 No II para. 2; BBl **2021** 2515).

⁹ Amended by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force since 20 March 2021 (AS **2021** 153; BBl **2021** 285).

Art. 3¹⁰ Measures relating to healthcare provision

¹ The Federal Council may require manufacturers, distributors, laboratories, healthcare facilities and other cantonal facilities to report their stocks of therapeutic products, protective equipment and other medical goods required for healthcare provision (essential medical goods).

² In order to guarantee a sufficient supply of essential medical goods for the public, it may:

- a. provide for exceptions to the provisions on the import of essential medical goods;
- b. provide for exceptions to the requirement of authorisation for activities in connection with essential medical goods or adapt the licensing requirements;
- c. provide for exceptions to the requirement of authorisation for medicinal products or adapt the authorisation requirements or authorisation procedure;
- d. provide for exceptions to the provisions on the conformity assessment of medical devices and the provisions on the conformity assessment procedure and the placing on the market of protective equipment;
- e.¹¹ procure essential medical goods or have them manufactured itself; in this case, it shall regulate the funding of procurement or manufacture and the repayment of the costs by the cantons and facilities to which the goods are supplied;
- f. provide for the allocation, delivery and distribution of essential medical goods;
- g. provide for the direct marketing of essential medical goods;
- h. order the requisitioning of essential medical goods in return for compensation;
- i. require manufacturers to produce essential medical goods, to prioritise the production of such goods or to increase production volumes; the Confederation shall compensate manufacturers if they suffer financial disadvantages as a result of changes in production.

³ It shall take the measures under paragraph 2 letters e, f, h and i only if supplies cannot be guaranteed by the cantons and the private sector alone.

⁴ In order to guarantee the capacities required to treat COVID-19 cases and to carry out other urgently required medical tests and treatments, it may authorise the cantons:

- a. to prohibit or restrict non-urgent medical tests and treatment;

¹⁰ In force until 31 Dec. 2022, with the exception of para. 7 let. d (AS 2021 878 No II para. 2; BBl 2021 2515).

¹¹ Amended by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 20 March 2021 to 30 Dec. 2022 (AS 2021 153; BBl 2021 285). Correction by the FA Drafting Committee dated 25 Aug. 2021, published 2 Sept. 2021 (AS 2021 527).

- b. to take further measures to guarantee the capacities required.

^{4bis} In order to support the health care services placed under stress by the COVID-19 crisis, the cantons shall finance the capacity reserves required to cope with peaks in activity. The cantons shall define the required capacities in consultation with the Confederation.¹²

⁵ It may regulate the payment of the costs of COVID-19 tests.

⁶ The Confederation shall support and pay the costs of testing for COVID-19 unless they are paid by a social insurance scheme. The Federal Council shall regulate the details in cooperation with the cantons. It may provide for exceptions to the commitment to pay in the case of:

- a. individual molecular-biological analyses;
- b. rapid tests for personal use;
- c. antibody tests that are not carried out by order of the canton;
- d. other analyses, if this is necessary to guarantee the testing and laboratory capacities required to control the COVID-19 epidemic.¹³

^{6bis} Persons who test negative in pooled molecular-biological analyses as part of repetitive testing in businesses, educational institutions and healthcare facilities are entitled to be issued a certificate in accordance with Article 6a.¹⁴

⁷ The Confederation shall take the following measures in close consultation with the cantons:

- a.¹⁵ comprehensive, effective and digital contact tracing; the data from contact tracing must be anonymised or deleted after they have been evaluated, but at the latest two years after they are collected;
- b. daily monitoring as the basis for decisions in a step-by-step plan for relaxing or tightening measures;
- c. measures, criteria and threshold values shall be based on national and international scientific experiences, in particular with regard to reducing virus transmission in aerosols;
- d.¹⁶ ...
- e. opportunities to relax, shorten the application of or lift quarantine requirements step-by-step if a comparable reduction in transmission can be guaranteed by alternatives such as vaccination, regular testing or other measures.¹⁷

¹² Inserted by No I of the FA of 17 Dec. 2021, in force from 18 Dec. 2021 until 31 Dec. 2022 (AS 2021 878; BBl 2021 2515).

¹³ Inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events) (AS 2021 153; BBl 2021 285). Amended by No I of the FA of 17 Dec. 2021, in force from 18 Dec. 2021 until 31 Dec. 2022 (AS 2021 878; BBl 2021 2515).

¹⁴ Inserted by No I of the FA of 17 Dec. 2021, in force from 18 Dec. 2021 until 31 Dec. 2022 (AS 2021 878; BBl 2021 2515).

¹⁵ Amended by No I of the FA of 17 Dec. 2021, in force from 18 Dec. 2021 until 31 Dec. 2022 (AS 2021 878; BBl 2021 2515).

¹⁶ In force until 31 Dec. 2022 (AS 2021 153).

Art. 3a¹⁸ Persons who have been vaccinated

¹ Persons who have received a COVID-19 vaccine that is approved and provides adequate protection against transmission are not required to quarantine.¹⁹

² The Federal Council may make exceptions.

Art. 3b²⁰ Testing and contact tracing system

The Confederation in cooperation with the cantons shall provide a testing and contact tracing system (TTIQ system²¹) that operates throughout Switzerland. The Confederation may for this purpose in particular:

- a. require the cantons to improve the data situation in relation to suspected clusters and sources of infection in contact tracing and compensate the cantons for the related expenditure;
- b. make subsidiary federal resources available that may be called on at any time if the TTIQ system is no longer operational in a canton.

Art. 4²² Measures relating to employee protection

¹ The Federal Council may order measures to protect employees at high risk and may in particular impose obligations on employers related to this. If an employee must temporarily stop working because of an official measure and the employer is required to continue paying the employee's salary, the employer has an equivalent right to a reimbursement of the salary paid in accordance with Article 15.

² If the Federal Council takes measures under paragraph 1, it shall provide that the implementing bodies under the Employment Act of 13 March 1964²³ and the Swiss National Accident Insurance Fund (Suva) are responsible for implementation and that the implementation costs incurred are financed from the premium surcharge for the prevention of occupational accidents and occupational illnesses under Article 87 of the Federal Act of 20 March 1981²⁴ on Accident Insurance.

³ The Federal Council shall ensure that despite the officially ordered closure of restaurant-type establishments, persons working in the agricultural sector and the construction industry, tradespersons and assembly workers have the opportunity to

¹⁷ Inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force since 20 March 2021 (AS **2021** 153; BBl **2021** 285).

¹⁸ Inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force since 20 March 2021 until 31 Dec. 2022 (AS **2021** 153, 878 No II para. 2; BBl **2021** 285, 2515).

¹⁹ Amended by No I of the FA of 17 Dec. 2021, in force from 18 Dec. 2021 until 31 Dec. 2022 (AS **2021** 878; BBl **2021** 2515).

²⁰ Inserted by No I of the FA of 19 March 2021 (Hardship Cases, Unemployment Insurance, Childcare, Creative Artists, Events), in force from 20 March 2021 to 31 Dec. 2022 (AS **2021** 153, 878 No II para. 2; BBl **2021** 285, 2515).

²¹ TTIQ = Testing, Tracing, Isolation, Quarantine

²² In force until 31 Dec. 2022 (AS **2021** 878 No II para. 2; BBl **2021** 2515).

²³ SR **822.11**

²⁴ SR **832.20**