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## **Ordinance on Certificates to Prove COVID-19 Vaccination, COVID-19 Recovery or a COVID-19 Test Result (COVID-19 Certificates Ordinance)**

of 4 June 2021 (Status as of 2 May 2022)

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*The Swiss Federal Council,*

based on Article 6a paragraphs 1, 4 and 5 of the COVID-19 Act of 25 September 2020<sup>1</sup>,

*ordains:*

### **Section 1 Subject Matter**

#### **Art. 1**

This Ordinance regulates:

- a. the form, content, issuance and revocation of the following COVID-19 certificates to prove:
  1. vaccination against COVID-19 (COVID-19 vaccination certificate),
  2. recovery from Sars-CoV-2 infection (COVID-19 recovery certificate),
  3. a negative result following Sars-CoV-2 test analysis (COVID-19 test certificate),
  - 4.<sup>2</sup> ...
- b. the specifications for verifying these certificates;
- c. the recognition of corresponding foreign certificates;
- d. the information systems operated by the Confederation in connection with these certificates;
- e. the apps offered by the Confederation for certificate holders and checkers;

AS 2013 3407

<sup>1</sup> SR 818.102

<sup>2</sup> Inserted by No I of the O of 3 Nov. 2021 (AS 2021 653). Repealed by No I of the O of 16 Feb. 2022 (Expiry of COVID-19 Certificates only valid in Switzerland), with effect from 17 Feb. 2022 (AS 2022 99).

- f. the tasks of the cantons in connection with issuing and revoking certificates;
- g.<sup>3</sup> the payment of costs by requesting persons.

## **Section 2 Issuance, Form and Revocation of COVID-19 Certificates**

### **Art. 2 Request**

Any person wishing to obtain a COVID-19 certificate must submit a request to an issuer specified in Article 6 or 7.

### **Art. 3 Information and identification of the requesting person**

<sup>1</sup> The issuer shall inform the requesting person about:

- a. the type and extent of the data processing required to create and sign the COVID-19 certificate;
- b. the conditions under which the issued certificate is revoked.

<sup>2</sup> The issuer shall verify the identity of the requesting person, with presentation of an identity document for this purpose where necessary.

### **Art. 4 Retrieval of the COVID-19 certificate from the system for issuing COVID-19 certificates**

<sup>1</sup> The issuer shall transmit the information to be included in the certificate to the system operated by the Federal Office of Information Technology, Systems and Telecommunication (FOITT) for issuing COVID-19 certificates in accordance with Article 26.

<sup>2</sup> The system generates the certificate. It shall transmit it to the issuer, provided the issuer is responsible for transmitting or delivering the certificate to the requesting person.

### **Art. 5 Transmission or delivery of the COVID-19 certificate to the requesting person**

<sup>1</sup> The issuer shall ensure the rapid and secure transmission or delivery of the COVID-19 certificate to the requesting person.

<sup>2</sup> The issuer is responsible for compliance with data protection requirements during transmission and delivery. In particular, it must be ensured that third parties are unable to obtain knowledge of the information contained on the certificate.

<sup>3</sup> Inserted by No I of the O of 1 Oct. 2021, in force since 11 Oct. 2021 (AS 2021 592).

<sup>3</sup> The Confederation may propose to the cantons that it take care of printing the certificates in hard copy and transmitting certificates to requesting persons.

<sup>4</sup> It shall charge the cantons for the costs of printing and transmitting COVID-19 vaccination certificates of people vaccinated from 15 July 2021 onwards.<sup>4</sup>

**Art. 6** General provisions concerning the issuers of COVID-19 certificates

<sup>1</sup> The cantons and the Surgeon General shall designate the respective issuers for the various types of COVID-19 certificates.

<sup>2</sup> Issuers shall be natural persons who:

- a. have the necessary expertise to assess the requirements for issuing certificates;
- b. use IT systems and products that allow issuers to be uniquely identified and securely authenticated;
- c. guarantee compliance with the applicable law and in particular with this Ordinance.

<sup>3</sup> The cantons and the Surgeon General shall notify the FOITT of the designated issuers. Notification shall include the following information:

- a. first name, surname, address, email address and telephone number of the issuer;
- b. details of the identification provider used and the identifier this provider uses to identify the person concerned;
- c. details of which certificates the issuer is authorised to issue;
- d. the date on which designation becomes valid and expires.

<sup>4</sup> The designated issuers may call on the services of other persons to whom they have the right to give instructions in order to issue certificates. They shall be responsible for the acts and omissions of these persons.

<sup>5</sup> The cantons and the Surgeon General shall supervise the issuance and revocation of certificates by the issuers in accordance with the applicable federal and cantonal regulations.

<sup>6</sup> They shall revoke such designation if there are clear indications that the issuer no longer meets the requirements. They shall notify the FOITT of the revocation of a designation.

<sup>4</sup> Inserted by No I of the O of 30 June 2021, in force since 3 July 2021 (AS 2021 410).

**Art. 7** Issuers for the retrospective issuance of COVID-19 vaccination certificates and COVID-19 recovery certificates<sup>5</sup>

<sup>1</sup> The cantons and the Surgeon General shall ensure that in the following cases requests for a COVID-19 vaccination certificate or COVID-19 recovery certificate pursuant to Article 16 paragraph 1 letter a are processed, even if an issuer under Article 6 has no access to the relevant medical history or primary documentation for this purpose:<sup>6</sup>

- a. where the person concerned received the vaccination or recovered from an infection confirmed by a molecular-biological analysis in Switzerland;
- b.<sup>7</sup> where a person in the following groups received the vaccination or recovered from an infection confirmed by a molecular-biological analysis abroad:
  1. Swiss citizens,
  2. foreign nationals holding a short-stay, residence, settlement or cross-border commuter permit under Articles 32–35 of the Foreign Nationals and Integration Act of 16 December 2005<sup>8</sup> (FNIA),
  3. temporarily admitted persons under Article 83 paragraph 1 FNIA,
  4. persons in need of protection under Article 66 of the Asylum Act of 26 June 1998<sup>9</sup>,
  5. asylum seekers holding a permit or confirmation under Article 30 of the Asylum Ordinance 1 of 11 August 1999<sup>10</sup>,
  6. persons holding a legitimation card under Article 17 of the Host State Ordinance of 7 December 2007<sup>11</sup>,
  7. persons holding a Ci permit under Article 22 paragraph 3 of the Host State Ordinance.<sup>12</sup>

<sup>1bis</sup> The cantons shall ensure that requests for a COVID-19 recovery certificate pursuant to Article 16 paragraph 1 letters b or c are processed for the following persons even if an issuer under Article 6 has no access to the relevant medical history or primary documentation for this purpose:

- a. persons who have received an isolation order;
- b. persons who have been issued with a COVID-19 recovery certificate pursuant to Article 16 paragraph 1 letter b in its version of 19 January 2022<sup>13,14</sup>

<sup>5</sup> Amended by Annex No 3 of the O of 17 Dec. 2021, in force since 17 Jan. 2022 (AS **2021** 881).

<sup>6</sup> Amended by No 1 of the O of 27 April 2022 (EU Compatible COVID-19 Recovery Certificates for Rapid Antigen Tests), in force since 2 May 2022 (AS **2022** 258).

<sup>7</sup> Amended by No 1 of the O of 16 Feb. 2022 (Expiry of COVID-19 Certificates only valid in Switzerland), in force since 17 Feb. 2022 (AS **2022** 99).

<sup>8</sup> SR **142.20**

<sup>9</sup> SR **142.31**

<sup>10</sup> SR **142.311**

<sup>11</sup> SR **192.121**

<sup>12</sup> Amended by No 1 of the O of 2 Feb. 2022, in force since 3 Feb. 2022 (AS **2022** 60).

<sup>13</sup> AS **2022** 20

<sup>2</sup> They shall designate at least one issuer for dealing with such requests.

<sup>3</sup> The request for issuance of a COVID-19 vaccination certificate or COVID-19 recovery certificate under paragraph 1 must be submitted in an official language of the canton, in English or an officially certified translation into one of these languages must be provided together with the documents listed in Articles 13 paragraph 2 letter c and 16.<sup>15</sup>

<sup>4</sup> If there is any doubt as to whether the documents submitted are genuine, the issuer may:

- a. demand that the requesting person:
  1. appear in person,
  2. submit officially certified documents,
  3. submit the information or documents required to assess the request;
- b. obtain further information from the competent foreign authorities in compliance with Article 62 of the Epidemics Act of 28 September 2012<sup>16,17</sup>

<sup>5</sup> If there is still doubt as to whether the documents submitted are genuine despite taking the foregoing measures, the issuer may decline the request. In such an event, the requesting person is not entitled to a refund of any fee paid.<sup>18</sup>

**Art. 7a<sup>19</sup>** Issuers of COVID-19 test certificates for targeted and repetitive tests

The cantons shall ensure that in the following cases requests for a COVID-19 test certificate are processed:

- a. in the case of pooled molecular-biological analyses for Sars-CoV-2:
  1. targeted and repetitive tests in schools, universities and educational institutions for the prevention and early detection of outbreaks,
  2. targeted and repetitive tests in hospitals, homes for the elderly and care homes, and in other socio-medical institutions that admit persons for treatment or care, for rehabilitation or for socio-professional rehabilitation or employment,
  3. targeted and repetitive tests in businesses;
- b. in the case of individual molecular-biological analyses for Sars-CoV-2 carried out to confirm the positive result of a test conducted in accordance with letter a.

<sup>14</sup> Inserted by No I of the O of 2 Feb. 2021 (AS **2022** 60). Amended by No I of the O of 27 April 2022 (EU Compatible COVID-19 Recovery Certificates for Rapid Antigen Tests), in force since 2 May 2022 (AS **2022** 258).

<sup>15</sup> Inserted by No I of the O of 17 Sept. 2021, in force since 20 Sept. 2021 (AS **2021** 564).  
<sup>16</sup> SR **818.101**

<sup>17</sup> Inserted by No I of the O of 1 Oct. 2021, in force since 11 Oct. 2021 (AS **2021** 592).

<sup>18</sup> Inserted by No I of the O of 1 Oct. 2021, in force since 11 Oct. 2021 (AS **2021** 592).

<sup>19</sup> Inserted by Annex No 3 of the O of 17 Dec. 2021, in force since 17 Jan. 2022 (AS **2021** 881).