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Ordinance 3 on Measures to Combat the Coronavirus (COVID-19) (COVID-19 Ordinance 3)

of 19 June 2020 (Status as of 13 May 2022)

The Swiss Federal Council,

based on Articles 3, 4, 5 letters a and b and 8 of the COVID-19 Act of
25 September 2020¹,

on Article 63 paragraph 3 of the Therapeutic Products Act of 15 December 2000²,
and on Article 41 paragraph 1 of the Epidemics Act of 28 September 2012³
(EpidA),⁴

ordains:

Chapter 1 General Provisions

Art. 1 Subject matter and purpose

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

² The measures serve to ensure Switzerland's capacities to manage the epidemic, in particular to maintain the provision of the population with adequate care and a sufficient supply of essential medical goods.

Art. 2 Responsibility of the cantons

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

AS 2007 2945

¹ SR 818.102

² SR 812.21

³ SR 818.101

⁴ Amended by No I of the O of 19 March 2021 (Employees at High Risk - Extension), in force from 1 April 2021 (AS 2021 167).

Chapter 2 Maintenance of Capacities to provide Healthcare

Section 1 Principle

Art. 3

¹ In order to maintain Switzerland's capacities to manage the COVID-19 epidemic and in particular to guarantee the provision of the population with adequate care and a sufficient supply of essential medical products, the following measures in particular must be taken:

- a. measures to restrict the entry of persons from high-risk countries and regions and the import and export of goods;
- b. measures to guarantee the provision of essential medical goods.

² High-risk countries or regions are countries or regions in which the coronavirus Sars-CoV-2 has been detected and in which:

- a. there is an increased risk of infection; or
- b. a variant of the virus is widespread that carries a higher risk of infection or causes a more severe form of the disease in comparison with the variant of the virus that is prevalent in the Schengen area.⁵

³ The lists of high-risk countries and regions is published in Annex 1.⁶

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

Art. 4⁷ Border crossings and controls

¹ The following persons shall be refused entry for a period of stay of up to three months that does not require a permit and does not involve gainful employment (Art. 10 of the Foreign Nationals and Integration Act of 16 December 2005⁸ (FNIA)):

- a. foreign nationals who wish to enter Switzerland from a high-risk country or from a high-risk region and who do not fall within the scope of the Agreement of 21 June 1999⁹ 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) or of the Convention of 4 January

⁵ Amended by Annex 3 of the COVID-19 Ordinance on International Travel Measures of 23 June 2021, in force since 26 June 2021 (AS **2021** 380).

⁶ Inserted by Annex 3 of the COVID-19 Ordinance on International Travel Measures of 23 June 2021, in force since 26 June 2021 (AS **2021** 380).

⁷ Amended by No I of the O of 24 June 2020 (Relaxation of Measures relating to Borders, Entry and Admission for Residence and Employment), in force since 6 July 2020 (AS **2020** 2611).

⁸ SR **142.20**

⁹ SR **0.142.112.681**

1960¹⁰ establishing the European Free Trade Association (EFTA Convention);

b. and c.¹¹ ...¹²

² The following persons are exempt from this ban on entry:

a.¹³ persons who prove that they have been vaccinated against Sars-CoV-2; the persons who are regarded as having been vaccinated, the period for which the vaccination is valid, and the accepted forms of proof are regulated in Annex 1a number 1;

a^{bis}.¹⁴ persons who prove that they have been infected with Sars-CoV-2 and have recovered; the period for which exemption is valid and the accepted forms of proof are regulated in Annex 1a number 2;

b. persons who provide credible evidence that they are in a situation of special necessity;

c.¹⁵ persons under the age of 18.¹⁶

2bis ...¹⁷

^{2ter} The exemptions under paragraph 2 letters a, a^{bis} and c do not apply to persons who wish to enter Switzerland from a country or region listed in Annex 1 number 2.¹⁸

^{2quater} The State Secretariat for Migration (SEM) shall issue the required directives on exceptions to the ban on entry.¹⁹

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.

¹⁰ SR **0.632.31**

¹¹ Repealed by Annex 2 No 2 of the COVID-19 Ordinance on International Travel Measures of 27 Jan. 2021, with effect from 8 Feb. 2021 (AS **2021** 61).

¹² Amended by No I of the O of 21 Dec. 2020, in force since 21 Dec. 2020 at 1pm (AS **2020** 6395).

¹³ Amended by No I of the O of 18 March 2022, in force since 21 March 2022 (AS **2022** 182).

¹⁴ Inserted by No I of the O of 18 March 2022, in force since 21 March 2022 (AS **2022** 182).

¹⁵ Inserted by No I of the O of 18 March 2022, in force since 21 March 2022 (AS **2022** 182).

¹⁶ Amended by Annex 3 of the COVID-19 Ordinance on International Travel Measures of 23 June 2021, in force since 26 June 2021 (AS **2021** 380).

¹⁷ Inserted by Annex 3 of the COVID-19 Ordinance on International Travel Measures of 23 June 2021 (AS **2021** 380). Repealed by No I of the O of 18 March 2022, with effect from 21 March 2022 (AS **2022** 182).

¹⁸ Inserted by Annex 3 of the COVID-19 Ordinance on International Travel Measures of 23 June 2021 (AS **2021** 380). Amended by No I of the O of 18 March 2022, in force since 21 March 2022 (AS **2022** 182).

¹⁹ Inserted by Annex 3 of the COVID-19 Ordinance on International Travel Measures of 23 June 2021, in force since 26 June 2021 (AS **2021** 380).

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.

Art. 5²⁰ Updating the annexes

The Federal Department of Justice and Police (FDJP) shall update Annexes 1 and 1a continuously in consultation with the Federal Department of Home Affairs (FDHA) and the Federal Department of Foreign Affairs (FDFA).

Art. 6 and 7²¹

Art. 8²²

Art. 9 Provisions on cross-border movements of persons and goods

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

² It may in particular suspend passenger movements for certain flights, close individual airfields with international borders to passenger movements from high-risk countries or regions or prohibit movements of persons to Switzerland from high-risk countries or regions entirely.

³ Restrictions on cross-border movements of persons are set out in Annex 2.

Art. 10²³ Granting of visas

Foreign nationals who wish to enter Switzerland from a high-risk country or from a high-risk region and who do not fall within the scope of the AFMP²⁴ or the EFTA Convention²⁵ shall not be granted a Schengen visa for periods of stay of up to three months that do not require a permit and do not involve gainful employment. Exempted from the foregoing are applications from persons under Article 4 paragraph 2.

²⁰ Amended by Annex 3 of the COVID-19 Ordinance on International Travel Measures of 23 June 2021, in force since 26 June 2021 (AS **2021** 380).

²¹ Repealed by No I of the O of 24 June 2020 (Relaxation of Measures relating to Borders, Entry and Admission for Residence and Employment), with effect from 6 July 2020 (AS **2020** 2611).

²² Repealed by Art. 6 No 1 of the COVID-19 Ordinance on International Travel Measures of 23 June 2021, with effect from 26 June 2021 (AS **2021** 380).

²³ Amended by No I of the O of 18 March 2022, in force since 21 March 2022 (AS **2022** 182).

²⁴ SR **0.142.112.681**

²⁵ SR **0.632.31**

Art. 10a²⁶ Extension of deadlines

¹ Foreign nationals who have been prevented from acting within the deadlines laid down in Articles 47 or 61 FNIA²⁷ because of measures in connection with the coronavirus may carry out the act required at any time while this Ordinance remains in force.

² By carrying out the required act, they shall achieve the position that would have been achieved had they acted within the prescribed deadline.

³ If the deadlines under Articles 59b or 102a FNIA for updating biometric data in order to obtain or extend a permit cannot be met because of the coronavirus, the permit may still be issued or extended at any time while this Ordinance remains in force.

Section 3 Provision of Essential Medical Goods**Art. 11** 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 Federal Department of Home Affairs (FDHA) is responsible for the list and shall update the same regularly in consultation with the Interdepartmental Working Group on Medical Goods in accordance with Article 12 and the Spiez Laboratory.²⁸

³ The Federal Office of Public Health (FOPH) shall define the goods that need to be procured and how they should be used. Based on these terms of reference, the FOPH shall determine the quantities required in consultation with:²⁹

- a. the Interdepartmental Working Group on Medical Goods: for active substances and drugs, medical devices, personal protective equipment and other equipment;
- b. the Spiez Laboratory: for COVID-19 tests and associated reagents.

Art. 12 Interdepartmental Working Group on Medical Goods

¹ The Interdepartmental Working Group on Medical Goods shall comprise as a minimum representatives from the following federal agencies:

- a. the FOPH;

²⁶ Inserted by No I of the O of 24 June 2020 (Relaxation of Measures relating to Borders, Entry and Admission for Residence and Employment), in force since 6 July 2020 (AS 2020 2611).

²⁷ SR 142.20

²⁸ Amended by No I of the O of 18 Dec. 2020 (Sars-CoV-2 Rapid Tests), in force since 21 Dec. 2020 (AS 2020 5801).

²⁹ Amended by No I of the O of 18 Dec. 2020 (Sars-CoV-2 Rapid Tests), in force since 21 Dec. 2020 (AS 2020 5801).