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Imposition of temporary restrictions on crossing the state border in order to prevent a new outbreak of the coronavirus SARS-CoV-2 causing the COVID-19 disease

[RT III, 12.06.2020, 2 - entry into force 12.06.2020]

Passed 16.05.2020 No. 169

RT III, 17.05.2020, 2

Entry into force 18.05.2020

Amended by the following acts

Passed	Published	Entry into force
21.05.2020	RT III, 22.05.2020, 2	21.05.2020
28.05.2020	RT III, 28.05.2020, 1	01.06.2020
12.06.2020	RT III, 12.06.2020, 2	12.06.2020
06.07.2020	RT III, 06.07.2020, 1	06.07.2020
28.08.2020	RT III, 28.08.2020, 1	28.08.2020
11.09.2020	RT III, 14.09.2020, 2	14.09.2020
19.02.2021	RT III, 19.02.2021, 3	19.02.2021
17.06.2021	RT III, 17.06.2021, 1	21.06.2021
07.07.2021	RT III, 07.07.2021, 1	12.07.2021
15.07.2021	RT III, 16.07.2021, 3	19.07.2021
23.08.2021	RT III, 23.08.2021, 1	26.08.2021
15.10.2021	RT III, 15.10.2021, 1	18.10.2021
16.12.2021	RT III, 17.12.2021, 2	20.12.2021
23.12.2021	RT III, 28.12.2021, 2	01.02.2022
27.01.2022	RT III, 28.01.2022, 1	01.02.2022
01.03.2022	RT III, 01.03.2022, 1	02.03.2022
17.03.2022	RT III, 17.03.2022, 1	18.03.2022
31.03.2022	RT III, 31.03.2022, 2	01.04.2022

Under § 17 (1) 1) of the State Borders Act and § 28 (2) 3) and § 28 (3) and (6) of the Communicable Diseases Prevention and Control Act:

[RT III, 07.07.2021, 1 - entry into force 12.07.2021]

1. In connection with the worldwide pandemic spread of the coronavirus SARS-CoV-2 causing COVID-19 and identification of the spread of the virus within Estonia and in order to prevent new mass infections, the crossing of the external border for the purpose of entering Estonia and, if the border control is temporarily reintroduced on the internal border, the crossing of the internal border are temporarily restricted.

2. Crossing of the state border for the purpose of entering Estonia is allowed for persons who have Estonian citizenship, Estonian residence permit or right of residence or whose permanent place of residence according to the population register is in Estonia.

3. Crossing of the state border for the purpose of entering Estonia is allowed for foreigners who are asymptomatic and who are employees of diplomatic missions or consular posts of foreign states in Estonia or their family members or foreigners arriving in Estonia in the framework of international military cooperation or members of a foreign delegation arriving in Estonia for an official meeting on the invitation of a state or local authority.

[RT III, 28.08.2020, 1 – entry into force 28.08.2020]

4. Crossing of the state border for the purpose of entering Estonia is allowed for foreigners who are asymptomatic and who are directly involved in transporting goods and raw products, including loading of goods or raw products.

5. Crossing of the state border for the purpose of entering Estonia is allowed for foreigners who are asymptomatic and who are providing health services or other services necessary for responding to an emergency.

6. Crossing of the state border for the purpose of entering Estonia is allowed for foreigners who are asymptomatic and who are directly involved in international carriage of goods and passengers, including a crew member and a ship's crew member servicing an international means of transport and a person performing repairs or warranty or maintenance work on such a means of transport.

7. Crossing of the state border for the purpose of entering Estonia is allowed for foreigners who are asymptomatic and who are servicing travel groups and who are directly involved in the provision of passenger transport services.

8. Crossing of the state border for the purpose of entering Estonia is allowed for foreigners who are asymptomatic and whose purpose for arriving in Estonia is related to ensuring the continuity of a vital service.

9. Crossing of the state border for the purpose of entering Estonia is allowed for foreigners who are asymptomatic and whose arrival in Estonia is related to the maintenance or repair of or warranty or information and communication technology work on equipment of a company operating in Estonia if this is necessary for ensuring the operation of the company.

10. Crossing of the state border for the purpose of entering Estonia is allowed for foreigners for immediate transit through the territory of Estonia for reaching their country of residence, provided they are asymptomatic.

10¹. Crossing of the state border for the purpose of entering Estonia is allowed for asymptomatic nationals and residents and holders of a long-stay visa of the European Union, the European Economic Area, the Swiss Confederation, the United Kingdom of Great Britain and Northern Ireland, the Principality of Andorra, the Principality of Monaco, the Republic of San Marino or the Vatican City State (Holy See) and their asymptomatic family members or asymptomatic persons arriving from said country.
[RT III, 31.03.2022, 2 – entry into force 01.04.2022]

11. [Repealed – RT III, 14.09.2020, 2 – entry into force 14.09.2020]

12. [Repealed – RT III, 14.09.2020, 2 – entry into force 14.09.2020]

12¹. [Repealed – RT III, 31.03.2022, 2 – entry into force 01.04.2022]

12². [Repealed – RT III, 31.03.2022, 2 – entry into force 01.04.2022]

12³. [Repealed – RT III, 31.03.2022, 2 – entry into force 01.04.2022]

12⁴. [Repealed – RT III, 31.03.2022, 2 – entry into force 01.04.2022]

12⁵. [Repealed – RT III, 31.03.2022, 2 – entry into force 01.04.2022]

12⁶. Crossing of the state border for the purpose of entering Estonia is allowed for a person who is asymptomatic and who arrives from a country not listed in clause 10¹ and who

1) is under 12 years of age;

2) is 12 years of age or older and up to 48 hours before arrival in Estonia a health care provider tested the person with RT-PCR test for the coronavirus SARS-CoV-2 causing COVID-19 or with a SARS-CoV-2 antigen RTD test approved by the European Union Health Security Committee, the results of which came back negative;

3) is up to 18 years of age and has completed the vaccination series for COVID-19, has developed full protection after the last dose of vaccine and no more than one year and three months have passed since the last dose of vaccine;

4) has completed the vaccination series for COVID-19, has developed full protection after the last dose of vaccine and no more than 270 days have passed since the last dose of vaccine;

5) has completed the vaccination series for COVID-19, has developed full protection and after the completion of the series has received an additional dose of vaccine and no more than one year has passed since the additional dose of vaccine;

6) has recovered from COVID-19 and no more than 180 days have passed since the SARS-CoV-2 RT-PCR test confirming the diagnosis was carried out by a health care provider or a SARS-CoV-2 antigen RTD test was carried out or since the date of confirmation of the diagnosis.

[RT III, 31.03.2022, 2 – entry into force 01.04.2022]

12⁷. The time when the full protection referred to in clause 12⁶ is developed is, according to the manufacturers, 7 calendar days after the second dose of vaccine for Pfizer/BioNTech Vaccine Comirnaty, 14 calendar days after the second dose of vaccine for AstraZeneca Vaccine Vaxzevria and Moderna COVID-19 Vaccine, and

14 calendar days after one dose of vaccine for Janssen COVID-19 Vaccine. For other COVID-19 vaccines not mentioned in this clause, the specific manufacturer's instructions for full protection shall be followed. Full protection for recovered persons vaccinated with one dose is deemed to have been developed at the times stated in this clause.

[RT III, 23.08.2021, 1 – entry into force 26.08.2021]

13. By way of an exception, the Police and Border Guard Board may allow the state border to be crossed for the purpose of entering Estonia by a foreigner:

1) who is asymptomatic and whose direct blood relative in the ascending or descending line or spouse is an Estonian citizen or a person holding an Estonian residence permit or right of residence;

2) whose entry in the country is justified under a special request.

[RT III, 01.03.2022, 1 – entry into force 02.03.2022]

13¹. [Repealed – RT III, 31.03.2022, 2 – entry into force 01.04.2022]

13². Crossing of the state border for the purpose of entering Estonia is allowed for a Ukrainian citizen and his or her direct blood relative in the ascending or descending line or spouse.

[RT III, 01.03.2022, 1 – entry into force 02.03.2022]

13². Crossing of the state border for the purpose of entering Estonia is allowed for a third-country national who has left Ukraine due to the military conflict.

[RT III, 17.03.2022, 1 – entry into force 18.03.2022]

14. [Repealed – RT III, 12.06.2020, 2 – entry into force 12.06.2020]

15. [Repealed – RT III, 12.06.2020, 2 – entry into force 12.06.2020]

15¹. [Repealed – RT III, 12.06.2020, 2 – entry into force 12.06.2020]

16. [Repealed – RT III, 12.06.2020, 2 – entry into force 12.06.2020]

17. [Omitted from this text.]

17¹. [Repealed – RT III, 31.03.2022, 2 – entry into force 01.04.2022]

18. This Order takes effect on 18 May 2020.

This Order is issued considering the fact that under § 2(2) of the Communicable Diseases Prevention and Control Act COVID-19 corresponds to the signs of a new dangerous communicable disease because COVID-19 is a disease with a high level of infectiousness which spreads rapidly and extensively and which may be serious or life-threatening. There is also no effective treatment or it is not available and the spread of the disease may exceed the hospital treatment capacity.

For the protection of the life and health of people and overriding public interest, this Order establishes restrictions for preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19. The reasons and considerations are set out in the explanatory memorandum to the Order, which will be published on the website of the Government of the Republic.

This Order can be appealed against by filing a challenge pursuant to the procedure provided by the Administrative Procedure Act within 30 days as of the day the relevant person became or should have become aware of the Order. This Order can also be appealed against by filing an action with the administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure within 30 days as of the day of announcement of this Order.

Reasons for the amendments made by the Government of the Republic Order No. 107 of 31 March 2022

Order No 169 is amended for the purpose of simplifying and easing the regulation of crossing of the state border, keeping in mind the changing epidemiological situation in the world.

The Order is amended based on Council Recommendation (EU) 2022/290 of 22 February 2022 amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction (hereinafter *Council Recommendation*), which took effect on 1 March 2022. The Council Recommendation is based on a goal to further simplify arrival in the European Union from third countries. Based on the Council Recommendation, proving recovery from COVID-19 is added as a basis for crossing the state border upon arrival from third countries.

The Council Recommendation further sets out that children above the age of 6 and under the age of 18 should be able to travel under the condition of having tested negative to a RT-PCR test before departure. The Order sets out a framework whereby a negative test result is applied as a basis for crossing of the state border to all persons starting from the age of 12 years. Additional requirements upon border crossing will not apply to persons under 12 years of age regardless of from which country they arrive or which country's nationality they hold. This way the framework of this Order will coincide with the framework of Order No 305 'Measures and Restrictions Necessary for Preventing Spread of COVID-19' of 23 August 2021 whereby isolation after crossing of the state border does not apply to persons under 12 years of age. This framework satisfies the alleviation in the Council Recommendation for the travel conditions of minors but crossing of the state border is eased and simplified in more general terms as well because a negative RT-PCR test or SARS-CoV-2 antigen RTD test approved by the European Union Health Security Committee also allows adults to cross the state border.

This Order repeals clauses 12¹–12⁵ and 13¹ which so far established separate categories where crossing of the state border for the purpose of entering Estonia was allowed. Clause 12¹ is repealed because the framework of clause 12¹ is covered by re-phrased clause 10¹. According to the re-phrased clause 10¹, crossing of the state border for the purpose of entering Estonia is allowed for nationals and residents and holders of a long-stay visa of the European Union, the European Economic Area, the Swiss Confederation, the United Kingdom of Great Britain and Northern Ireland, the Principality of Andorra, the Principality of Monaco, the Republic of San Marino or the Vatican City State (Holy See) and their family members provided they are asymptomatic. Crossing of the state border is also allowed for persons arriving from the aforesaid countries regardless of their nationality provided they are asymptomatic. Clause 12¹ allowed crossing of the state border for persons arriving from a Member State of the European Union or a Schengen Member State or the United Kingdom of Great Britain and Northern Ireland. Therefore, the new framework extends the range of countries of departure upon arrival from where it is allowed to cross the Estonian state border, introducing the Swiss Confederation, the Principality of Andorra, the Principality of Monaco, the Republic of San Marino and the Vatican City State (Holy See). This amendment seeks to simplify the framework in force so far and to harmonise requirements.

According to clause 12², crossing of the state border is allowed for persons who arrive from a third country or who are nationals of a third country for which information is published on the website kriis.ee and who are said country's residents pursuant to the laws of said country. This provision means the list in Annex 1 to Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction (OJ L 2081, 1.7.2020, pp 1–7). According to the Council Recommendation, European Union Member States should allow persons arriving from the countries on the list in Annex 1 to cross the state border without any restrictions. Since an option is provided to persons arriving from third countries to cross the state border on the basis of a negative RT-PCR test or SARS-CoV-2 antigen RTD test approved by the European Union Health Security Committee, which is a more effective measure for preventing the spread of the virus than differentiation based on the country of departure, the provision that establishes an exception for persons arriving from countries on the list in Annex 1 is no longer justified. This also brings about repeal of clause 12⁴ which provides that clause 12² only applies to countries that allow mutual movement of persons with the Republic of Estonia.

Clauses 12³ and 13¹ of the Order currently in effect are also repealed. According to said clauses, a person has the right to cross the state border if the person is asymptomatic and arrives from a third country for the purpose of work or for the purpose of studies in an educational institution registered in Estonia if up to 72 hours before arrival in Estonia a health care provider tested the person with an RT-PCR test for SARS-CoV-2 causing COVID-19 or up to 48 hours before arrival in Estonia with a SARS-CoV-2 antigen RTD test approved by the European Union Health Security Committee, the results of which came back negative. Since the amendment to clause 12⁶ provides that upon arrival from a third country the state border may be crossed, among other things, where up to 48 hours before arrival in Estonia an RT-PCR test for the coronavirus SARS-CoV-2 causing COVID-19 or a SARS-CoV-2 antigen RTD test approved by the European Union Health Security Committee was taken and the results came back negative, there is no longer any need to provide a separate provision for an exception as to studies and work the conditions of which are the same as for crossing of the state border for any other purpose. The described amendment also brings about repeal of clause 12⁵ which set out a right to cross the state border irrespective of the country of arrival or citizenship for family members of a person who under clause 12³ takes up employment in Estonia in a start-up company, as a top specialist or in a position in information and communication technology. Those people will also have the opportunity to cross the state border, among other things, on the basis of a negative SARS-CoV-2 RT-PCR test or SARS-CoV-2 antigen RTD test approved by the European Union Health Security Committee.

When the amendments take effect, in addition to Estonian citizens, the right to cross the state border without additional restrictions will be held by persons who hold an Estonian residence permit or right of residence or whose permanent place of residence according to the population register is in Estonia, and by persons subject to the exceptions set out in clauses 2–10 of the Order based on the purpose of travel, and a person who is a national, resident and holder of a long-stay visa of the European Union, the European Economic Area, the Swiss Confederation, the United Kingdom of Great Britain and Northern Ireland, the Principality of Andorra, the Principality of Monaco, the Republic of San Marino or the Vatican City State (Holy See) and their family members and persons arriving from said countries.

Persons who arrive from countries not listed above (so-called third countries) and who are not nationals, residents or holders of a long-stay visa of the above countries have the right to cross the state border for

the purpose of entering Estonia if they can prove that they have been vaccinated against COVID-19, have recovered from COVID-19, or up to 48 hours before crossing of the state border a health care provider tested them with an RT-PCR test or a SARS-CoV-2 antigen RTD test approved by the European Union Health Security Committee which produced a negative result.

This Order can be appealed against by filing a challenge with the Government of the Republic pursuant to the procedure provided by the Administrative Procedure Act within 30 days as of the day the relevant person became or should have become aware of the Order. This Order can also be appealed against by filing an action with the administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure within 30 days as of the day of announcement of this Order.

The explanatory memorandum to the Order is available on the website kriis.ee.