

Issuer:	Government
Type:	order
In force from:	02.06.2021
In force until:	18.07.2021
Translation published:	05.06.2021

Imposition of quarantine on persons who have been diagnosed with or have tested positive for COVID-19 and on persons who have had close contact with them

Passed 28.05.2021 No. 212
RT III, 29.05.2021, 1
Entry into force 01.06.2021

Amended by the following acts

Passed	Published	Entry into force
01.06.2021	RT III, 01.06.2021, 8	02.06.2021

Under § 27 (3) of the Communicable Diseases Prevention and Control Act and considering the provisions of § 27 (1) 1) and 2) and § 28 (8) of the same, requirements for quarantine for the purpose of avoiding and preventing the coronavirus SARS-CoV-2 causing COVID-19 from spreading outside the focus of the disease are imposed as follows:

[RT III, 01.06.2021, 8 - entry into force 02.06.2021]

1. Persons who have been diagnosed with COVID-19 or whose SARS-CoV-2 RT-PCR or SARS-CoV-2 antigen RTD test by a health care provider has come back positive (hereinafter *infected person*) are prohibited from leaving their place of residence or permanent place of stay from the time they were diagnosed or received their test results until their recovery. A place of residence or a permanent place of stay also means places where shelter services and safe house services are provided. Whether a person has made a recovery is decided by a physician.

2. The restriction set out in clause 1 does not apply when an infected person is given an order by a health care professional, a police officer or an official of the rescue service to leave their place of residence or permanent place of stay, or when a health care professional refers them to receive health services, or in the event of an emergency that puts their life or health at risk.

3. A person who is living with or permanently staying in the same place of stay as an infected person or who has otherwise had close contact with an infected person (hereinafter *close contact*) is prohibited from leaving their place of residence or permanent place of stay during a period of 10 calendar days. For a person who is living with or permanently staying in the same place of stay as an infected person the 10-calendar-day period starts from the onset of the infected person's symptoms or, if the infected person exhibits no symptoms, from the day the infected person took the positive test for SARS-CoV-2 referred to in clause 1. For a person who has otherwise had contact with an infected person the 10-calendar-day period starts from last close contact with the infected person.

4. The restriction set out in clause 3 does not apply if the close contact is showing no symptoms of COVID-19 and the following circumstances occur:

- 1) the close contact is given an order by a health care professional, a police officer or an official of the rescue service to leave their place of residence or permanent place of stay;
- 2) the close contact leaves their place of residence or permanent place of stay when a health care professional refers them to receive health services or in the event of an emergency that puts their life or health at risk;
- 3) the close contact is a health care professional who is performing urgent duties by a decision of their employer;
- 4) the close contact is a person who is performing urgent duties by a decision of their employer and with advice from the Health Board and without whom the performance of a task of a state or local authority would be impossible or highly complicated;
- 5) if the person referred to in sub-clause 4) is a person ensuring the continuity of a vital service, they may perform urgent duties only by a decision of their employer and on the latter's proposal justified in writing and with the approval of an authority or local authority referred to in § 36 of the Emergency Act and with advice from the Health Board;

6) the close contact is getting the everyday essentials near their place of residence or place of stay because it is otherwise impossible;

7) any and all contact between the close contact and an infected person who is living in the same place of residence or staying in the same place of stay is excluded;

8) the close contact is outdoors and completely avoids any contact with other persons.

5. The provisions of clauses 3 and 4 do not apply to a close contact who:

1) has suffered from COVID-19 and has been declared healthy by a physician and no more than six months have passed since the person was declared healthy (hereinafter *recovered person*);

2) has completed their vaccination series for COVID-19, has developed full protection after the last dose of vaccine and no more than one year has passed since (hereinafter *vaccinated person*);

3) is considered equal to a vaccinated person (hereinafter *person considered equal to a vaccinated person*). A person considered equal to a vaccinated person is deemed to be a person who has been given one dose of vaccine after recovering from COVID-19, has developed full protection after the dose of vaccine and no more than one year has passed since, or who has contracted COVID-19 after the first dose of vaccine and no more than one year has passed since the person was declared healthy by a physician. If a person contracts COVID-19 within 14 calendar days after the first dose of vaccine, the person will be subject to the provisions of sub-clause 1) applicable to recovered persons.

6. The time when the full protection referred to in clause 5 is developed is, according to the manufacturers, 7 calendar days after the second dose of vaccine for Pfizer/BioNTech Vaccine Comirnaty, 15 calendar days after the second dose of vaccine for AstraZeneca Vaccine Vaxzevria, 14 calendar days after the second dose of vaccine for 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.

7. [Repealed – RT III, 01.06.2021, 8 – entry into force 02.06.2021]

8. The rights and obligations provided for in this Order also apply to persons who are close contacts at the time this Order takes effect or who have recovered from COVID-19 or have been vaccinated before the entry into force of this Order.

9. The time of development of full protection for persons vaccinated before the entry into force of this Order or persons considered equal to vaccinated persons is calculated according to clauses 5 and 6.

10. In the events described in sub-clause 3) of clause 5 before the entry into force of this Order a person is deemed to be a person considered equal to a vaccinated person for the purposes of this Order.

11. Supervision over the requirements imposed by this Order is exercised by the Health Board, involving the Police and Border Guard Board by way of professional assistance or in another manner provided by law, where necessary.

12. The restrictions and measures established by this Order shall apply until the dates specified in this Order or until this Order is changed or repealed under § 53 (1) 4) and (2) 3) and § 66 (2) 1) of the Administrative Procedure Act.

13. This Order takes effect on 1 June 2021 and remains in effect through 31 December 2021.

14. This Order shall be published in the official gazette Riigi Teataja and on the website kriis.ee.

For the protection of the life and health of people and overriding public interest, this Order imposes quarantine requirements for preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19.

Quarantine has been applied since the emergency situation from 26 March 2020. After the end of the emergency situation the Government of the Republic imposed a quarantine on persons diagnosed with COVID-19 and on persons close to them from 18 May 2020 until 1 July 2020. Government of the Republic Order No. 257 "Imposition of quarantine on persons diagnosed with the COVID-19 disease caused by the coronavirus SARS-CoV-2 and on persons living with or permanently staying in the same place of residence as them and on persons who have otherwise had close contact with a person diagnosed with the disease" of 16 July 2020 was in effect from 16 July 2020 through 30 September 2020. Government of the Republic Order No. 336 "Imposition of quarantine on persons diagnosed with the COVID-19 disease caused by the coronavirus SARS-CoV-2 and on persons living with or permanently staying in the same place of residence as them and on persons who have otherwise had close contact with a person diagnosed with the disease" of 29 September 2020 was in effect from 1 October 2020 through 31 December 2020. Government of the Republic Order No. 455 "Imposition of quarantine on persons diagnosed with the COVID-19 disease caused by the coronavirus SARS-CoV-2 and on persons living with or permanently staying in the same place of residence as them and on persons who have otherwise had close contact with a person diagnosed with the disease" of 17 December 2020 was in effect from 1 January 2021 through 1 February 2021. Government of the Republic Order No. 47 "Imposition of quarantine on persons diagnosed with the COVID-19 disease caused by the coronavirus SARS-CoV-2 and on persons living with or permanently staying in the same place of residence as them and on persons who have otherwise had close

contact with a person diagnosed with the disease” of 30 January 2021 is in effect from 1 February 2021 through 31 May 2021.

This Order extends the requirements for quarantine and imposes restrictions and measures for another period of time starting from 1 June 2021.

Under § 27 (5) of the Communicable Diseases Prevention and Control Act, quarantine shall be terminated after the spread of the communicable disease has been prevented, the requirements for the control of the communicable disease have been fulfilled and the focus of the disease has been rendered harmless. As the virus is highly contagious the Science Council advising the Government of the Republic has recommended permanently imposing the quarantine requirement on persons suffering from the disease and on persons who have had close contact with them for the purpose of preventing the spread of the infection. Therefore the Government of the Republic has sought to keep the quarantine requirements in effect. Considering the number of persons infected, the rate at which the disease spreads, the possible serious nature of the disease and the fact that as of 17 May 2021 vaccination against COVID-19 has been available to the entire population of Estonia but providing vaccines for all still depends on the quantities of vaccines arriving in Estonia and there is still no disease-specific effective treatment, it is necessary to extend the restrictions. On 25 May 2021, 160 new tests came back positive in 24 hours. According to the population register the most new positive tests were recorded in Harju County and Ida-Viru County where 81 and 30 persons, respectively, were diagnosed with the coronavirus (the morbidity rate per 100,000 inhabitants is 207.3 and 550.4, respectively). The Estonian morbidity rate per 100,000 inhabitants for the past 14 days is 236.1. 189 people have been hospitalised, 25 of them are in intensive care and 13 of the latter are on mechanical ventilation. 3138 infected persons were recorded within the past 14 days. Although the infection rates and the workload of hospitals has somewhat decreased, the spread of the infection has not been stopped and not applying restrictions may result in increased spread of the infection and higher workload of hospitals.

Under § 34 of the Constitution of the Republic of Estonia (hereinafter the *Constitution*), everyone whose presence in Estonian territory is lawful has the right to move freely in that territory and to choose freely where to reside. The right to freedom of movement may be circumscribed in the cases and pursuant to a procedure which is provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to ensure that a minor or a person of unsound mind does not remain unsupervised, or to ensure the proper conduct of a criminal case. Under § 27 (3) of the Communicable Diseases Prevention and Control Act, if the establishment of quarantine is accompanied with a significant effect on the society or economy, the quarantine shall be established by an order of the Government of the Republic. The purpose of the quarantine imposed by this Order is to prevent and stop the further spread of COVID-19 caused by the coronavirus SARS-CoV-2.

Under § 2 (2) of the Communicable Diseases Prevention and Control Act, COVID-19 corresponds to the signs of a dangerous novel 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 and currently there is also no effective treatment for COVID-19 and explosive intensification of the spread of the disease may result in a situation where the number of patients who need to be hospitalised exceeds the hospital treatment capacity. The quarantine is necessary for the protection of the life and health of people and overriding public interest in order to prevent and stop the spread of the virus causing COVID-19. The quarantine imposed by this Order is necessary for containing disease clusters and for slowing the spread of the disease down.

Quarantine is imposed on persons diagnosed with COVID-19 and on persons living with or permanently staying in the same place of residence or place of stay as diagnosed persons and on persons who have otherwise had close contact with a person suffering from the disease. As a new requirement, a person tested with a SARS-CoV-2 RT-PCR or SARS-CoV-2 antigen RTD test by a health care provider, if the test results are positive, is also required to be quarantined. This quarantine requirement is justified because the virus spreads fast and may cause great damage to health and without effective application of the restrictions the slightest focus of the disease may lead to extensive spread of the disease and weigh heavily on the healthcare system. Exceptions are made for asymptomatic persons in quarantine and in justified cases they may leave home. Exceptions may be made for close contacts provided they carefully monitor their health, comply with measures imposed by the Government of the Republic or the Health Board for preventing the possible spread of the communicable disease and take all possible measures for preventing the spread of the communicable disease. So the freedom of movement of asymptomatic persons is not excessively restricted.

Although studies on post-vaccination immunity are still on-going and any data is preliminary, the Expert Committee on Immunoprophylactics at the Ministry of Social Affairs has, by relying on available information, found that there is no reason to believe that post-vaccination immunity would be reduced during at least 6 to 8 months after the completion of the vaccination series¹, and it will presumably last even longer. The precise duration of post-vaccination immunity and the precise time when re-vaccination becomes necessary due to reduced immunity is not known because the studies are still on-going and more and more data becomes available. It must also be considered that currently there is also not enough information about how effective the protection provided by COVID-19 vaccines that hold a marketing authorisation in the European Union currently is against new strains of the virus, but there are studies being conducted. When new strains emerge it may

turn out that vaccines that have been granted a marketing authorisation in the European Union do not provide sufficient protection against them and even those who have already completed their vaccination series must be re-vaccinated. As new data becomes available, release from quarantine and the appropriateness thereof shall be reviewed.

Clause 5 of the Order sets out that close contacts who have recovered from the disease or who have been vaccinated or who are considered equal to vaccinated persons are subject to release from quarantine during the period of time provided by the Order.

According to available data, post-recovery immunity lasts for at least 6 months^{2,3,4,5}. However, according to the Expert Committee on Immunoprophylactics and available information, this may depend on the severity of COVID-19. For ensuring subsequent adequate protection, the Expert Committee on Immunoprophylactics recommends vaccinating recovered persons with one dose at six months after recovery. According to the European Centre for Disease Prevention and Control (ECDC)⁶, preliminary information shows that naturally developed immunity reduces over time and may not last long. However, available data shows that contracting the disease again within six months after recovery happens in rare cases. But having recovered from the disease may not protect against new strains.

This Order sets out release from quarantine for one year for persons who have completed their vaccination series for COVID-19, have developed full protection after their last dose of vaccine and no more than one year has passed since that time. A person is deemed to have completed their vaccination series: 1) after the administration of the second dose of vaccine for two-dose vaccines; 2) after the administration of one dose of vaccine for one-dose vaccines. Release from quarantine does not arise immediately after completion of the vaccination series but after the passing of the time required for the development of full protection. Full protection is developed after different periods of time for different vaccines.

One year is estimated to be an optimum period of time during which data about the duration of immunity and need for re-vaccination, including against new strains, should become available. Since it is impossible to predict the precise time when such data will become available and when possible new strains will emerge, there is a chance that the one-year release from quarantine must be either prolonged or shortened at some point. Consequently, the Order contains a clause 12 that allows the conditions of the Order to be changed if justified by the epidemiological situation.

Vaccination against COVID-19 in Estonia started on 27 December 2020 using the Pfizer/BioNTech Vaccine Comirnaty (as per week 21 of 2021, Estonia has received 470,340 doses). As per week 21 of 2021, Estonia has received 82,800 doses of the Moderna COVID-19 Vaccine, 252,000 doses of the AstraZeneca Vaccine Vaxzevria and 19,600 doses of the Janssen COVID-19 Vaccine. On 25 May 2021, there were 442,089 persons in Estonia who had had at least one dose of vaccine and 226,105 persons had completed their vaccination series.

A person considered equal to a vaccinated person is deemed to be a person who has been given one dose of vaccine after recovering from COVID-19, has developed full protection after the last dose of vaccine and no more than one year has passed since the development of full protection after the dose of vaccine, or who has contracted COVID-19 after the first dose of vaccine and no more than one year has passed since the person was declared healthy by a physician. Should a person be infected within 14 calendar days after the first dose of vaccine, they will be regarded as recovered and they will be subject to the provisions concerning recovered persons.

Information about the vaccine used, the date of administration of the last dose of vaccine and so on is entered on immunisation certificate but the latter does not reflect the time when full protection is reached, which is calculated from the day of completion of the vaccination series and the duration of which depends on the times specified in the summary of product characteristics of the specific vaccine.

Despite the specifications set out in the Order it is necessary for close contacts to carefully monitor their health, comply with measures imposed by the Government of the Republic and the Health Board for preventing the possible spread of the communicable disease and take all other possible measures for preventing the spread of the communicable disease. It is as important for close contacts to wear a protective mask or otherwise cover their nose and mouth indoors (for example, in public indoor spaces, at work, in administrative agencies or educational institutions, and sports and leisure facilities and so on) where they come into contact with people with whom they do not share a place of residence, for the purpose of preventing the potential spread of the virus (except in the special cases referred to in the Order). Therefore, for 10 calendar days, close contacts who are released from the restriction are still required to wear a mask or other protective equipment in places specified in the Order. Said requirement does not apply to children under 12 years of age and in cases when wearing a mask is not possible for health reasons, due to the nature of work or other activities or for other significant reasons.

The implementing provision of the Order is necessary to specify how the provisions of the Order are applied to persons who are close contacts at the time this Order takes effect or who have recovered from COVID-19 or have been vaccinated before the entry into force of this Order.

Imposing quarantine on infected persons and persons suspected of having been infected ensures the protection of the health of persons in risk groups, including persons suffering from chronic diseases, persons with a weak immune system and the elderly. According to §§ 16 and 28 of the Constitution, the state shall ensure the

protection of the life and health of people but people themselves also play an important role– they must look out for the health of their family and colleagues as well as the weaker groups of society and the public as a whole.

Since § 27 (3) of the Communicable Diseases Prevention and Control Act requires that in the event of a quarantine the term of quarantine shall be set out and a quarantine cannot be established without a term, it was planned upon the issue of this Order that the Order will remain in effect through 31 December 2021. The date was chosen due to the fact that by 31 December 2021 more or less a year will have passed since the beginning of vaccination in Estonia and by that time enough reliable studies will presumably have been published to clarify the need for re-vaccination and the duration of immunity after vaccination and recovery as well as the efficacy against new strains.

Failure to duly comply with measures for preventing the spread of the communicable disease will prompt the application of the administrative coercive measures set out in § 28 (2) or (3) of the Law Enforcement Act. According to § 23 (4) of the Law Enforcement Act, the amount of penalty payment is 9600 euros. This penalty payment, which serves the purpose of enforcing the requirements, measures and restrictions imposed by this Order and preventing the spread of a communicable disease, may be imposed repeatedly.

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.

¹<https://www.nejm.org/doi/full/10.1056/NEJMc2103916>

²<https://science.sciencemag.org/content/371/6529/eabf4063>

³https://www.gavi.org/vaccineswork/natural-immunity-covid-19-may-be-long-lasting?gclid=EAIaIQobChMI0MaQ7uGR8AIVBHYYCh1mDAihEAAYAiAAEgJFYPD_BwE

⁴<https://science.sciencemag.org/content/371/6529/eabf4063>

⁵[https://www.cell.com/immunity/fulltext/S1074-7613\(20\)30445-3](https://www.cell.com/immunity/fulltext/S1074-7613(20)30445-3)

⁶European Centre for Disease Prevention and Control

Reasons for the amendments made by the Government of the Republic Order No. 215 of 1 June 2021

For the protection of the life and health of people and overriding public interest, this Order imposes quarantine requirements for preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19.

Under § 34 of the Constitution of the Republic of Estonia (hereinafter the *Constitution*), everyone whose presence in Estonian territory is lawful has the right to move freely in that territory and to choose freely where to reside. The right to freedom of movement may be circumscribed in the cases and pursuant to a procedure which is provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to ensure that a minor or a person of unsound mind does not remain unsupervised, or to ensure the proper conduct of a criminal case. Under § 27 (3) of the Communicable Diseases Prevention and Control Act, if the establishment of quarantine is accompanied with a significant effect on the society or economy, the quarantine shall be established by an order of the Government of the Republic. The purpose of quarantine is to prevent and stop the further spread of COVID-19 caused by the coronavirus SARS-CoV-2.

Under § 2 (2) of the Communicable Diseases Prevention and Control Act, COVID-19 corresponds to the signs of a dangerous novel 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 and currently there is also no effective treatment for COVID-19 and explosive intensification of the spread of the disease may result in a situation where the number of patients who need to be hospitalised exceeds the hospital treatment capacity. The quarantine is necessary for the protection of the life and health of people and overriding public interest in order to prevent and stop the spread of the virus causing COVID-19. Quarantine is necessary for containing disease clusters and for slowing the spread of the disease down.

Quarantine is imposed on persons diagnosed with COVID-19 and on persons living with or permanently staying in the same place of residence or place of stay as diagnosed persons and on persons who have otherwise had close contact with a person suffering from the disease. A person tested with a SARS-CoV-2 RT-PCR or SARS-CoV-2 antigen RTD test by a health care provider, if the test results are positive, is also required to be quarantined.

Exceptions are made for asymptomatic persons in quarantine, including close contacts, and in justified cases they may leave their quarantine. According to the Order in force, when leaving their place of residence or permanent place of stay, close contacts are required to carefully monitor their health, comply with measures imposed by the Government of the Republic and the Health Board for preventing the possible spread of the communicable disease and take all other possible measures for preventing the spread of the communicable disease. The Order currently in force also sets out that close contacts shall wear a protective mask or otherwise cover their nose and mouth indoors (for example, in public indoor spaces, at work, in administrative agencies or educational institutions, and sports and leisure facilities and so on) where they come into contact with people with whom they do not share a place of residence, for the purpose of preventing the potential spread of the virus (except in the special cases referred to in the Order). Said requirement does not apply to children under 12 years of age and in cases when wearing a mask is not possible for health reasons, due to the nature of work or other activities or for other significant reasons.

The amendments at hand repeal the obligation to wear a protective mask or cover one's nose and mouth indoors as one of the conditions imposed on close contacts when they leave their place of residence or permanent place of stay. As a requirement for being released from quarantine, it is not necessary to set out in this Order a separate obligation to comply with all the measures imposed by the Government of the Republic and the Health Board for preventing the possible spread of the communicable disease. All persons whom the various restrictions and measures imposed under the Communicable Diseases Prevention and Control Act concern must comply with them. Consequently, clause 7 of the Order currently in force is repealed.

This amendment is related to an amendment in the Government of the Republic Order No. 282 "Measures and restrictions necessary for preventing the spread of COVID-19" of 19 August 2020, by which the obligation to wear a mask in public indoor spaces is revoked as of 2 June 2021.

Under § 44 (1) of the Communicable Diseases Prevention and Control Act, supervision over the requirements imposed by this Order is exercised by the Health Board. Failure to duly comply with measures for preventing the spread of the virus will prompt the application of the administrative coercive measures set out in § 28 (2) or (3) of the Law Enforcement Act. The maximum amount of penalty payment is 9600 euros. This penalty payment, which serves the purpose of enforcing the requirements, measures and restrictions imposed by this Order and preventing the spread of the virus, may be imposed repeatedly.

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.