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## Measures and restrictions necessary for preventing the spread of COVID-19

[RT III, 23.11.2020, 1 - entry into force 24.11.2020]

Passed 19.08.2020 No. 282

RT III, 19.08.2020, 1

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Amended by the following acts

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11.09.2020	RT III, 14.09.2020, 1	14.09.2020
24.09.2020	RT III, 24.09.2020, 3	29.09.2020
26.09.2020	RT III, 26.09.2020, 1	28.09.2020
29.09.2020	RT III, 29.09.2020, 9	29.09.2020
09.10.2020	RT III, 09.10.2020, 1	12.10.2020
15.10.2020	RT III, 15.10.2020, 2	19.10.2020
29.10.2020	RT III, 29.10.2020, 2	30.10.2020
12.11.2020	RT III, 12.11.2020, 5	16.11.2020
23.11.2020	RT III, 23.11.2020, 1	24.11.2020, partially 28.11.2020
03.12.2020	RT III, 03.12.2020, 1	05.12.2020
04.12.2020	RT III, 04.12.2020, 3	05.12.2020
10.12.2020	RT III, 10.12.2020, 1	12.12.2020
17.12.2020	RT III, 17.12.2020, 3	18.12.2020
23.12.2020	RT III, 23.12.2020, 1	24.12.2020, partially 28.12.2020
29.12.2020	RT III, 29.12.2020, 1	30.12.2020, partially 11.01.2021
30.12.2020	RT III, 31.12.2020, 8	01.01.2021
08.01.2021	RT III, 08.01.2021, 1	11.01.2021
13.01.2021	RT III, 13.01.2021, 5	15.01.2021
15.01.2021	RT III, 16.01.2021, 1	18.01.2021, partially 25.01.2021 and 01.02.2021
30.01.2021	RT III, 30.01.2021, 4	01.02.2021, partially 03.02.2021
19.02.2021	RT III, 19.02.2021, 7	22.02.2021
26.02.2021	RT III, 26.02.2021, 2	01.03.2021
03.03.2021	RT III, 03.03.2021, 1	06.03.2021, partially 15.03.2021
05.03.2021	RT III, 05.03.2021, 1	06.03.2021
09.03.2021	RT III, 09.03.2021, 11	11.03.2021
01.04.2021	RT III, 01.04.2021, 2	05.04.2021
22.04.2021	RT III, 22.04.2021, 1	26.04.2021, partially 03.05.2021
29.04.2021	RT III, 29.04.2021, 1	03.05.2021
30.04.2021	RT III, 30.04.2021, 1	03.05.2021
06.05.2021	RT III, 06.05.2021, 3	10.05.2021
13.05.2021	RT III, 14.05.2021, 1	17.05.2021, partially 24.05.2021 and 31.05.2021

Under the preamble of § 28 (2) and under § 28 (6) of the Communicable Diseases Prevention and Control Act and considering § 28 (2) 2) and 3) and § 28 (5) and (8) of the same, the following restrictions are imposed:

[RT III, 19.02.2021, 7 - entry into force 22.02.2021]

1. A person who has crossed the state border for the purpose of entering Estonia shall remain in their place of residence or permanent place of stay for 10 calendar days after arrival in Estonia.

[RT III, 29.10.2020, 2 – entry into force 30.10.2020]

1<sup>1</sup>. [Repealed – RT III, 01.04.2021, 2 – entry into force 05.04.2021]

2. The 10-calendar-day restriction referred to in clause 1 does not apply if:

[RT III, 01.04.2021, 2 – entry into force 05.04.2021]

1) up to 72 hours before arrival in the country a person took a test for the coronavirus SARS-CoV-2 causing the COVID-19 disease and the results of that test came back negative and, following arrival in Estonia, no earlier than on the sixth day after the first test the person takes a second test for the coronavirus SARS-CoV-2 causing the COVID-19 disease and the results of that test also come back negative or a physician declares the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

2) a person who failed to take a test for the coronavirus SARS-CoV-2 causing the COVID-19 disease up to 72 hours before arrival in the country took the test promptly after arrival in Estonia and the results of that test came back negative and no earlier than on the sixth day after the initial test the person takes a second test for the coronavirus SARS-CoV-2 causing the COVID-19 disease and the results of that test also come back negative or a physician declares the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

[RT III, 13.01.2021, 5 – entry into force 15.01.2021]

3) a person arrives from a third country for which information has not been released on the European Union green list published on the website of the Ministry of Foreign Affairs (hereinafter *European Union green list*) and if in the country from where the person arrives and under whose laws the person is deemed to be its resident or is deemed to stay there legally the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing COVID-19 per 100,000 inhabitants for the past 14 days is greater than 16 or if the above information is not available for that country and there is a high risk of the virus spreading in that country and the person arrives in the Republic of Estonia under the Aliens Act for the purpose of work or studies in an educational institution registered in Estonia and the person is tested for the coronavirus SARS-CoV-2 causing COVID-19 immediately after arrival in Estonia and the results of that test come back negative and the person is re-tested no earlier than on the sixth day after the first test and the results of that test also come back negative or a physician declares the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay. The Ministry of Foreign Affairs publishes information on the morbidity rates by country on its website.

[RT III, 01.04.2021, 2 – entry into force 05.04.2021]

3. A person referred to in clauses 1 and 2 may leave their place of residence or permanent place of stay provided the person takes measures imposed by the Government of the Republic or the Health Board and all other possible measures for preventing the possible spread of the communicable disease and the following circumstances occur:

1) the person is given an order by a health care professional or a police officer to leave their place of residence or permanent place of stay;

2) the person leaves their place of residence or permanent place of stay because a health care professional has referred them to receive health services or in the event of an emergency that puts the person's life or health at risk;

3) the person referred to in sub-clauses 1) and 2) of clause 2 performs urgent and inevitably necessary duties by a decision of their employer and up to 72 hours before arrival in the country or after arrival in the country the person has taken at least one test for the coronavirus SARS-CoV-2 causing COVID-19, the results of which came back negative, or a physician has declared the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

4) a person who is an athlete, a coach or a team member who arrives in Estonia from a third country referred to in sub-clause 3) of clause 2 for the purpose of working and who has an employment relationship with a club playing in Estonian championship league or who is involved in an athlete's everyday training activities at the Estonian national team level or who participates in an international high level competition as an athlete or an athlete's team member or who is directly involved in carrying out aforesaid sports competition performs urgent and inevitably necessary duties by a decision of their employer if after arrival in the country the person has taken at least one test for the coronavirus SARS-CoV-2 causing COVID-19, the results of which came back negative or if a physician has declared the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

[RT III, 14.05.2021, 1 – entry into force 17.05.2021]

5) the person attends an urgent family occasion and up to 72 hours before arrival in the country or after arrival in the country the person has taken at least one test for the coronavirus SARS-CoV-2 causing COVID-19, the results of which came back negative, or if a physician has declared the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

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

7) the person is outdoors and completely avoids contact with other persons;

8) for the performance of urgent duties, acquiring an education or due to a family occasion, the person returns to the country from where the person arrived in Estonia provided up to 72 hours before leaving Estonia the person

took at least one test for the coronavirus SARS-CoV-2 causing COVID-19, the results of which came back negative, or if a physician has declared the person not to be contagious.  
The provisions of sub-clause 5) of this clause do not apply to a person referred to in sub-clause 3) of clause 2.  
[RT III, 01.04.2021, 2 – entry into force 05.04.2021]

3<sup>1</sup>. [Repealed – RT III, 13.01.2021, 5 – entry into force 15.01.2021]

4. The provisions of clauses 1 through 3 do not apply to asymptomatic persons:

- 1) who are employees of a diplomatic mission or a consular post of a foreign country or the Republic of Estonia or their family members or holders of an Estonian diplomatic passport;
- 2) who arrive in the Republic of Estonia in the framework of international military cooperation;
- 3) who are members of foreign delegations arriving in the Republic of Estonia for the performance of duties on the invitation of a state or local authority;
- 4) who are directly involved in transporting goods and raw products, including loading of goods or raw products, and who arrive in Estonia for the performance of duties;
- 5) who arrive in Estonia for the purpose of providing health services or other services necessary for responding to an emergency;
- 6) 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, and who arrive in Estonia for the performance of duties;
- 7) whose purpose for arriving in the Republic of Estonia is directly related to the provision of passenger transport services and who are servicing travel groups;
- 8) whose purpose for arriving in the Republic of Estonia is related to ensuring the continuity of a vital service;
- 9) who are using the territory of the Republic of Estonia for immediate transit;
- 10) who are nationals, residents or long-stay visa holders of a Member State of the European Union or a Schengen Member State or an EEA country or the Swiss Confederation or the Principality of Andorra or the Principality of Monaco or the Republic of San Marino or the Vatican City State (Holy See) or the United Kingdom of Great Britain and Northern Ireland or their family members and who arrive in the Republic of Estonia from said countries and who have been in one or several of said countries for the past 10 days in succession, provided the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants in said countries for the past 14 days is equal to or less than 150. The Ministry of Foreign Affairs publishes information on the morbidity rates by country on its website;
- 11) who are persons referred to in sub-clause 10) or persons who are residents of a third country, according to the laws of that country, which is on the European Union green list and who arrive in Estonia from said country, provided the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing COVID-19 per 100,000 inhabitants in said country for the past 14 days is equal to or less than 16;  
[RT III, 01.04.2021, 2 – entry into force 05.04.2021]
- 12) who arrive from a third country that is not on the European Union green list and if in the country from where they arrive and under whose laws they are deemed to be its residents or are deemed to stay there legally the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing COVID-19 per 100,000 inhabitants for the past 14 days is equal to or less than 16 and if the above information is available for that country and there is no high risk of the virus spreading in that country. The Ministry of Foreign Affairs publishes this information on its website;  
[RT III, 01.04.2021, 2 – entry into force 05.04.2021]
- 13) who cross the state border between the Republic of Estonia and the Republic of Latvia at least twice a week for the purpose of urgent cross-border work or studies, provided the relevant person has taken at least one test for the coronavirus SARS-CoV-2 causing COVID-19 during the past seven days and the results of that test have come back negative or a physician has declared the person not to be contagious;  
[RT III, 30.04.2021, 1 – entry into force 03.05.2021]
- 14) whose place of residence is in the administrative territory of the local authorities of Valga in the Republic of Estonia or Valka in the Republic of Latvia and who cross the state border between the Republic of Estonia and the Republic of Latvia provided they will not go beyond the borders of the administrative territory of the local authorities of Valga and Valka, respectively.  
[RT III, 30.04.2021, 1 – entry into force 03.05.2021]

4<sup>1</sup>. [Repealed – RT III, 09.10.2020, 1 – entry into force 12.10.2020]

4<sup>2</sup>. [Repealed – RT III, 01.04.2021, 2 – entry into force 05.04.2021]

4<sup>3</sup>. [Repealed – RT III, 30.04.2021, 1 – entry into force 03.05.2021]

4<sup>4</sup>. [Repealed – RT III, 13.01.2021, 5 – entry into force 15.01.2021]

4<sup>5</sup>. [Repealed – RT III, 01.04.2021, 2 – entry into force 05.04.2021]

5. [Repealed – RT III, 04.09.2020, 1 – entry into force 04.09.2020]

6. [Repealed– RT III, 30.01.2021, 4 – entry into force 01.02.2021]

6<sup>1</sup>. The 10-calendar-day requirement to remain in one's place of residence or permanent place of stay and the requirements for being tested for the coronavirus SARS-CoV-2 causing COVID-19, as referred to in this Order, are not applied if a person:

- 1) suffered from COVID-19 and no more than six months have passed since the person was declared healthy by a physician;
- 2) has been vaccinated against COVID-19 and no more than six months have passed since the day of last vaccination.

[RT III, 30.01.2021, 4 – entry into force 01.02.2021]

7. Public events, sports competitions and sports and exercise events if the requirements established for the participants differ from those set out in this Order are allowed on the following conditions:

[RT III, 08.01.2021, 1 – entry into force 11.01.2021]

- 1) there is an overriding public or national interest in the relevant event;
- 2) the local authority of the location of the event has provided an opinion on the activity;
- 3) the Health Board has provided an opinion on the suitability of the risk management plan drawn up by the organiser of the event for preventing the spread of the coronavirus SARS-CoV-2 causing the COVID-19 disease.

8. The 10-calendar-day requirement to remain in one's place of residence or permanent place of stay and the requirements for being tested for the coronavirus SARS-CoV-2 causing COVID-19, as referred to in this Order, are not applied to persons performing at a public event referred to in clause 7 or persons directly involved in carrying out such an event or persons who participate in a sports competition or a sports event as an athlete or an athlete's team member or who are directly involved in carrying out a sports competition or a sports event. The Health Board shall establish necessary restrictions on the freedom of movement of said persons.

[RT III, 30.01.2021, 4 – entry into force 01.02.2021]

8<sup>1</sup>. In public indoor spaces, up to two persons may be and move around together while keeping at least two metres of distance from others. This restriction does not apply to families and in cases when said requirements cannot be reasonably ensured. For the purposes of this Order, public indoor space means a space that has been given to the disposal of unspecified people or that is at the disposal of unspecified people or in which unspecified people are allowed to be; among other things, public transport vehicles are also public indoor space.

[RT III, 22.04.2021, 1 – entry into force 03.05.2021]

8<sup>2</sup>. In public indoor spaces people are required to wear a protective mask or cover their mouth and nose (hereinafter '*mask*'). 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.

[RT III, 23.11.2020, 1 – entry into force 24.11.2020]

9. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

9<sup>1</sup>. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

10. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

11. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

12. Passengers are subject to a total restriction on the freedom of movement concerning going on a ferry sailing on the route Tallinn–Stockholm–Tallinn for the purpose of a pleasure trip.

13. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

14. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

15. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

16. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

17. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

18. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

19. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

20. [Repealed– RT III, 14.05.2021, 1 – entry into force 17.05.2021]

20<sup>1</sup>. In general and special care homes (hereinafter '*social welfare institution*') the following requirements must be met:

1) employees and visitors of social welfare institutions shall wear a mask as personal protective equipment inside and on the territory of the relevant institution;

2) a mask need not be worn by a person for whom it is contraindicated for medical reasons, and upon the performance of duties if any and all contact with the employees, customers and other visitors of the relevant social welfare institution is avoided, or in other justified cases;

3) when wearing and using masks the maximum duration of use specified by the manufacturer and instructions from the Health Board and the Consumer Protection and Technical Regulatory Authority shall be complied with. [RT III, 14.09.2020, 1 – entry into force 14.09.2020]

**20<sup>2</sup>**. [Repealed – RT III, 16.01.2021, 1 – entry into force 18.01.2021]

**20<sup>3</sup>**. [Repealed – RT III, 16.01.2021, 1 – entry into force 18.01.2021]

**20<sup>4</sup>**. [Repealed – RT III, 08.01.2021, 1 – entry into force 11.01.2021]

**20<sup>5</sup>**. [Repealed – RT III, 08.01.2021, 1 – entry into force 11.01.2021]

**20<sup>6</sup>**. [Repealed – RT III, 08.01.2021, 1 – entry into force 11.01.2021]

**20<sup>7</sup>**. [Repealed – RT III, 08.01.2021, 1 – entry into force 11.01.2021]

**20<sup>8</sup>**. [Repealed – RT III, 16.01.2021, 1 – entry into force 25.01.2021]

**20<sup>9</sup>**. [Repealed – RT III, 16.01.2021, 1 – entry into force 01.02.2021]

**20<sup>10</sup>**. [Repealed – RT III, 29.12.2020, 1 – entry into force 30.12.2020]

**20<sup>11</sup>**. [Repealed – RT III, 30.01.2021, 4 – entry into force 01.02.2021]

**20<sup>12</sup>**. [Repealed – RT III, 30.01.2021, 4 – entry into force 03.02.2021]

**20<sup>13</sup>**. Students may be in study buildings, used for learning purposes, of general education schools, vocational educational institutions, institutions of professional higher education and universities only when the requirements for wearing a mask provided for in clause 8<sup>2</sup> are met. [RT III, 14.05.2021, 1 – entry into force 17.05.2021]

**20<sup>14</sup>**. As of 17 May 2021, for the purpose of preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19, the following measures and restrictions shall additionally apply:

1) engaging in sports, training, youth work, hobby activities, hobby education and refresher training indoors are allowed if up to two people participate, including the instructor, and if at least two metres of distance is kept from other persons. Group activities and group training are prohibited. This restriction does not apply to families and in cases when said requirements cannot be reasonably ensured. It must be ensured that occupancy does not exceed 25% and the requirements for wearing a mask provided for in clause 8<sup>2</sup> must be met. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured. The restriction of up to two participants does not apply to children in one and the same group in a pre-school child care institution and students who study in the same class, group or course. The restriction on groups and occupancy does also not apply to an international high level competition, sports activities related to Estonian adult championships or cup competitions, professional sports activities within the competitions system of a sports federation, including members of and candidates for Estonian adult and youth teams and team sport athletes in premier and championship leagues, activities related to the military defence or internal security of the state, refresher training and related examinations necessary for obtaining a temporary certificate in proof of acquisition of a qualification, or activities of disabled persons, including provision of social or occupational rehabilitation services and Astangu Vocational Rehabilitation Centre;

2) engaging in sports, training, youth work, hobby activities, hobby education and refresher training are allowed outdoors if it is ensured that the number of participants is no higher than 25 people per group, including instructor, but no more than a total of 250 people, and that there is no contact with other groups. This restriction does not apply to an international high level competition, sports activities related to Estonian adult championships or cup competitions, professional sports activities within the competitions system of a sports federation, members of and candidates for Estonian adult and youth teams and team sport athletes in premier and championship leagues, activities related to the military defence or internal security of the state, refresher training and related examinations necessary for obtaining a temporary certificate in proof of acquisition of a qualification, or activities of disabled persons, including provision of social or occupational rehabilitation services;

- 3) outdoor sports competitions and sports and exercise events are allowed if it is ensured that the number of participants is no higher than 25 people per group, including instructor, but no more than a total of 250 people, and that there is no contact with other groups, and the organiser of an event ensures that participants are not at the venue from 22.00 to 06.00. No spectators are allowed;
- 4) sports competitions and sports and exercise events where the participants are athletes involved in an international high level competition or Estonian adult championships or cup competitions or team sport athletes in premier and championship leagues, professional athletes competing within the competitions system of a sports federation, members of and candidates for Estonian adult and youth teams, or disabled persons or persons to whom social or occupational rehabilitation services are provided are allowed indoors only if the requirements provided for in clauses 8<sup>1</sup> and 8<sup>2</sup> are complied with, and the total number of participants may be no higher than 100 people and outdoors no higher than 250 people. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured indoors. No spectators are allowed;
- 5) people may not be or move around in indoor public saunas, spas, swimming pools or water parks. It is allowed to be in sales and seating areas or service areas of catering establishments in said venues on the conditions provided for in sub-clause 8) of this clause, it is allowed to be in service providers' service points in said venues on the conditions provided for in sub-clause 10) of this clause, it is allowed to be in said venues for engaging in sports and training on the conditions provided for in sub-clauses 1) through 4) of this clause, and it is allowed to be in said venues for using accommodation services. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured indoors. It is allowed to be and move around in outdoor public saunas, spas, swimming pools and water parks if it is ensured that the number of participants is no higher than 25 people per group and the total number of participants is no higher than 250 people and no person is at said venues from 22:00 to 06:00. The restriction on business hours and on stay and movement does not apply to the proprietor of a place of provision of service or their representative, employees, persons involved in emergency work or persons necessary for economic servicing of the place as well as indispensable services that are used to ensure people's personal hygiene;
- 6) indoor public meetings, public events, including conferences, theatre performances, concerts and film screenings and provision of entertainment services are not allowed. Said activities are allowed outdoors if it is ensured that the number of participants is no higher than 25 people per group, including the organiser, and the total number of participants is no higher than 250 people and no person is at said venues from 22:00 to 06:00. The restriction on business hours and on stay and movement does not apply to the proprietor of a place of provision of service or their representative, employees, persons involved in emergency work or persons necessary for economic servicing of the place;
- 7) people may be and move around in indoor museums and exhibition facilities and at public religious services and other public religious rites if compliance with the requirements provided for in clauses 8<sup>1</sup> and 8<sup>2</sup> is ensured and if no person is at said indoor venues from 19:00 to 06:00 and it is ensured that indoor occupancy does not exceed 25% per room. Availability of disinfectants to employees and customers and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured. Indoor group activities are not allowed. It is allowed to be and move around in outdoor museums and exhibition facilities if it is ensured that occupancy does not exceed 50% per territory accessible to visitors and if no person is at said venues from 22:00 to 06:00. In the framework of hobby activities and hobby education, the requirement provided for in clause 8<sup>1</sup> and the prohibition on group activities do not apply to children in one and the same group in a pre-school child care institution and students who study in the same class, group or course. The restriction on business hours, number of people and occupancy set out in this sub-clause does not apply to organisers or the proprietor of a place for carrying out activities or providing services or their representative, employees, contractors, artists, persons involved in emergency work or persons necessary for economic servicing of the place;
- 8) customers may not be or move around in catering establishments' indoor sales or service area, except for the purpose of takeaway or provision of delivery or transport services if it is ensured that the requirements provided for in clauses 8<sup>1</sup> and 8<sup>2</sup> and the requirement for no higher than 25% occupancy of the sales or service area are met. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured indoors. Customers may be and move around in outdoor sales or service area if the service provider ensures that the sales or service area occupancy is no higher than 50% and the number of people is no higher than 10 people at a table and from 22:00 to 06:00 people are and move around in said places only for the purpose of takeaway or provision of delivery or transport services. The restriction of groups of 10 people does not apply to families. The restrictions on stay, movement, business hours and occupancy set out in this sub-clause do not apply to the proprietor of a place of provision of service or their representative, employees, contractors, artists, persons involved in emergency work or persons necessary for economic servicing of the place. The restrictions on stay, movement, business hours and occupancy set out in this sub-clause do not apply on board of aircraft used for international carriage of passengers. The restrictions on stay, movement, business hours and occupancy do not apply to catering establishments' sales or seating area located inside the security restricted area of an international airport and catering establishments' sales or seating area located beyond the boarding gates in the waiting area of a passenger terminal of an international port and catering establishments' sales or service area located on board vessels servicing international routes. The restriction on being and moving around in indoor catering establishments' sales or service area and on business hours thereof as set out in this sub-clause does not apply to petrol stations if the service provider ensures that its customers will not consume any food or beverages on the premises;
- 9) customers may be and move around in the sales area of stores and in public spaces of commercial establishments located indoors if compliance with the requirements provided for in clauses 8<sup>1</sup> and 8<sup>2</sup> is ensured and occupancy is no higher than 25%. The restriction on occupancy provided for in this sub-clause does not apply to the proprietor of a commercial establishment or their representative, employees, persons involved in

emergency work or persons necessary for economic servicing of the place. The availability of disinfectants to employees and customers and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured;

10) customers may be and move around in service providers' service areas if compliance with the requirements provided for in clauses 8<sup>1</sup> and 8<sup>2</sup> is ensured and occupancy does not exceed 25%. The restriction on occupancy provided for in this sub-clause does not apply to the proprietor of a place of provision of service or their representative, employees, persons involved in emergency work or persons necessary for economic servicing of the place. The service provider shall ensure in its service areas the availability of disinfectants to employees and customers and compliance with the disinfection requirements according to instructions from the Health Board. [RT III, 14.05.2021, 1 – entry into force 17.05.2021]

20<sup>15</sup>. The restrictions on persons being and moving around and relevant measures provided for in this Order are not applied in study buildings and other places of general education schools, vocational educational institutions, institutions of professional higher education and universities when state-organised immunisation is being carried out or when handling of blood is being organised under the Blood Act. The organiser shall ensure compliance with the requirements provided for in clauses 8<sup>1</sup> and 8<sup>2</sup>, the availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board. [RT III, 01.04.2021, 2 – entry into force 05.04.2021]

21. 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. The Health Board may involve the Police and Border Guard Board in the supervision, adhering to the requirements and procedure for professional assistance provided for in the Administrative Co-operation Act.

22. The restrictions and measures established by this Order shall apply until the date 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 and the need for these restrictions and measures shall be reviewed no later than after every two weeks.

[RT III, 14.05.2021, 1 – entry into force 17.05.2021]

23. This Order takes effect on 19 August 2020. Clause 2 and sub-clause 3) of clause 3 take effect on 1 September 2020.

24. [Omitted from this text.]

25. This Order shall be published on the website of the Government of the Republic and in the official gazette Riigi Teataja.

This Order is issued considering the fact that under § 2 2) of the Communicable Diseases Prevention and Control Act the COVID-19 disease caused by the coronavirus SARS-CoV-2 corresponds to the signs of a dangerous novel communicable disease because there is no effective treatment and the spread of the disease may exceed the hospital treatment capacity, and the requirements, measures and restrictions established by this Order clearly have a significant social and economic effect. The risk of the virus spreading is currently very high and therefore, in order to minimise the risk, it is proportional to restrict people's freedom of movement in the places referred to in the Order for the protection of the life and health of people and overriding public interest in order to prevent the spread of the coronavirus SARS-CoV-2 causing the COVID-19 disease.

For the protection of the life and health of people and overriding public interest, including for the protection of the continuity of the state, this Order establishes requirements, measures and restrictions that are inevitably necessary for preventing the spread of the virus. 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.

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.

#### **Reasons for the amendments made by the Government of the Republic Order No. 197 of 13 May 2021**

For the protection of the life and health of people and overriding public interest, including for the protection of the continuity of the state, this Order imposes indispensable measures and restrictions for preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19.

§ 28 (1) of the Constitution of the Republic of Estonia (hereinafter the *Constitution*) provides for everyone's right to protection of his or her health. In this case the fundamental right protects different values. Firstly, people's right to protection of their health by having the state do everything in its power to stop the spread of the virus. Also, public interest in avoiding spread of the virus and mass infections as well as overload of the health care system. In a situation where contact with other people poses a great risk of the virus spreading the state has an obligation to minimise the risk of infection, which also means that, for the purpose of achieving this objective, contact between people may be restricted in an appropriate manner.

The Constitution provides for rights and freedoms that the state is also required to ensure. The state may circumscribe the rights and freedoms set out in the Constitution considering the nature of the right or freedom in question and the conditions arising from the Constitution itself. For instance, under § 34 of 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 move freely may be circumscribed in cases and pursuant to the procedure provided by law for the purpose of protecting the rights and freedoms of others and preventing the spread of a communicable disease, among others. It is justified to apply certain restrictions for preventing the spread of the virus causing COVID-19. Setting restrictions on rights and freedoms requires a fair balance between the objective sought by the restriction and the scope and effect of the restriction. Whereas, it is important to consider how can people, in the long run, exercise their other fundamental rights, such as a right to liberty of movement and to engage in enterprise, if the virus that causes COVID-19 is not contained in Estonia and health care institutions are overloaded and health workers are overworked. Proportional restrictions necessary for stopping the virus are justified by the above compelling objectives.

Under § 28 (2), (5) and (6) of the Communicable Diseases Prevention and Control Act and considering § 28 (8) thereof, the Government of the Republic may take measures for preventing communicable diseases when the application of measures and restrictions for the prevention of an epidemic spread of communicable diseases has a significant effect on society or economy. The following preconditions must be met: it is an extremely dangerous communicable disease or a dangerous novel communicable disease; the Health Board has given the Government of the Republic information and a recommendation on a measure (obligation or restriction) on the basis of epidemiological, laboratory and clinical information; the measure is absolutely necessary for preventing the spread of the virus or in other words the requirement must be proportional and rational; the measure is temporary or in other words limited in time and it brings about a significant social or economic effect.

Various restrictions on the freedom of movement and various measures for preventing and stopping the spread of the coronavirus SARS-CoV-2 causing COVID-19 have been established by the Government of the Republic Order No. 282 "Measures and restrictions necessary for preventing the spread of COVID-19" of 19 August 2020, which serve the purpose of reducing contact between people and preventing the spread of the virus. The spread of the coronavirus SARS-CoV-2 is still wide in Estonia and the infection rates are high.

Establishment of the restrictions by the Order is based on the fact that COVID-19 caused by SARS-CoV-2 is an infectious disease that spreads from one person to another by way of droplet infection, primarily upon close contact with an infectious person. The virus can be contracted when in close contact with an infected person, by inhaling particles of the virus<sup>1</sup> or through contaminated surfaces or, for example, contaminated hands. The virus can spread in poorly ventilated and/or crowded indoor settings, where people tend to spend longer periods of time. This is because aerosols (particles of the virus) remain suspended in the air or travel farther than 1 metre. People in risk groups (including older people) are in greater risk of the disease becoming serious or of complications or of needing hospital treatment.

This Order changes various restrictions and measures by areas considering the epidemiological situation in Estonia and having regard to the fact that in March 2021 hospitals were greatly overloaded and the spread of the coronavirus was epidemic but currently the situation has changed, allowing for the restrictions to be eased. According to clause 22 of the Order, the Government of the Republic is required to review the need for applicable restrictions after every two weeks.

During week 18 in 2021, 2283 new COVID-19 cases were registered in Estonia. Compared to the week before, the number of new cases was 5% lower. In the past week 29,631 tests were analysed (2233 tests per 100,000 inhabitants), testing decreased by 3.8% compared to the week before the last one and 8.1% of the tests analysed came back positive.

This so-called United Kingdom variant of the virus (B.1.1.7) is spreading widely in Estonia and has become dominant (97.2% of all new cases). As per 9 May 2021, a total of 64 people infected with the so-called South African (RSA) variant (B.1.351) were registered in Estonia, 37 of them were local cases. Three people infected with the so-called Indian variant (in one case B.617.1 and in two cases B.1.617.2) have also been registered in Estonia. The newly discovered Indian variants (B.1.617.2) were imported from India and Germany.

According to the Health Board, the rate at which the virus spreads has slowed down in Estonia and has stabilised at a moderately high rate and the risk of becoming infected with the coronavirus is still high. In May 2021 the infection rate is at the level seen in November and December 2020. However, the intensity of morbidity is still high throughout the country according to the Health Board.

The Science Council says that the infection coefficient R still shows high morbidity, although it is on the decline. In Estonia, said figure has fallen below 1, which means that the applicable measures are efficient and necessary and they have brought contacts between people to a minimum and the number of new cases is falling. The basic

reproduction number R, or the infection coefficient, remains steady at around 0.95 across Estonia (last week it was 0.88).

This Order has been drawn up considering the fact that the morbidity per 100,000 people per 14 days in Estonia and the intensity of morbidity are high and the spread of the virus is extensive throughout Estonia. On 12 May 2021, the ratio of positive tests from the last 14 days to 100,000 inhabitants was 343.57 and the ratio of positive tests from the last 7 days to 100,000 inhabitants was 312. As per 28 April 2021, the ratio of positive tests from the past 14 days to 100,000 inhabitants was 422.2. On 30 March 2021 the same indicator was 1364.21. On 28 April 2021, the number of initial positive tests was 396 which accounted for 8.3% of the total number of tests, and on 12 May 2021 the number of positive tests was 371 which accounted for 7.87% of the total number of tests.

By this Order the restrictions are eased step by step. First changes will take effect on 17 May and subsequent changes on 24 May and 31 May.

It is necessary to ease the restrictions step by step to avoid a surge in infection rates that may occur due to more frequent contacts between people after the end of restrictions. Firstly, restrictions pertaining to education are repealed and restrictions applicable to outdoor activities are eased as of 17 May 2021. Then, restrictions applicable to indoor activities posing a lower risk as to infectiousness will be eased as of 24 May 2021 and activities that mean even more contacts between people in indoor settings will be allowed as of 31 May 2021.

This Order repeals educational restrictions and measures that were imposed for preventing the spread of COVID-19, as applicable at the time this Order is issued to students of general education schools, vocational educational institutions, institutions of professional higher education and universities who are subject to restrictions on the freedom of movement in study buildings, except for the obligation to wear a mask. As of 17 May 2021 students in grades 5 through 8 and 10 and 11 will be allowed back in study buildings of general education schools, and it will also be allowed to be in study buildings of vocational educational institutions, institutions of professional higher education and universities.

This Order eases restrictions as of 17 May 2021, above all, as to outdoor activities that carry a low risk of infection. The changes will make it possible to carry out activities in larger groups and the total number of people allowed to engage in one and the same activity at the same time will also be changed. Furthermore, restrictions of time will be changed. Engaging in sports, training, hobby activities, hobby education, youth work and refresher training outdoors are currently allowed in groups of up to 10 people, but as of 17 May 2021 said activities may be carried out in groups of up to 25 people. Similar changes are made to using outdoor saunas and swimming pools and holding outdoor public meetings and events. As of 17 May 2021 these activities may also involve up to 25 people per group and 250 people in total; outdoor meetings and events must end by 22:00, which is one hour later than allowed at present.

Restrictions of time imposed on various activities serve the purpose of preventing the spread of the infection and reducing and shortening possible contact between people. Measures imposed for preventing the spread of the virus must be taken as a whole and the restriction on opening hours must be identical for people and not depend on the content of the service provided. The restriction is based on the assumption that if people use cultural, sports, entertainment and other similar services for an unlimited amount of time, it increases the chance that several services are used over a longer period of time and different places of provision of service are visited which may be located in different regions of Estonia. This in turn increases the number of contacts between people and favours the spread of the infection. Therefore, restrictions of time, as one measure among many, are proportional and necessary for preventing the spread of the virus.

24 May 2021 will bring changes in indoor events and consumption of food and drinks in indoor premises of food establishments. It will be allowed to organise indoor public meetings and events and provide entertainment on the condition that attendees will be guaranteed a seat number, occupancy will not exceed 50% and no more than a total of 200 people will attend a meeting or an event. Examples of places of provision of entertainment services are concert halls, nightclubs, adult clubs, casinos, bowling alleys, billiard halls and so on. As of 24 May 2021 it will be allowed to consume food and beverages in indoor settings of restaurants, cafés, bars and other catering establishments on the condition that there will be no more than six people at a table at once, except for families, occupancy will not exceed 50% and no food or beverages will be consumed on the premises after 22:00. Outdoor terraces will remain subject to the current restrictions on stay and movement. More restrictive conditions are imposed on indoor activities because the risk of the virus spreading is higher indoors, thereby increasing the risk of becoming infected. Restrictions are also eased considering that several activities can be carried out outdoors in the springtime and summertime.

Restrictions are also eased for museums and exhibition facilities. Museums are currently subject to a requirement of 25% occupancy per room but as of 24 May 2021 the requirement will be 50% occupancy. Indoor premises of museums and exhibition facilities may remain open for visitors for three hours longer, that is until 22:00.

Restrictions as to indoor activities will be eased further as of 31 May 2021. As of said date, group activities will be allowed when engaging in sports, training, carrying out hobby activities, hobby education, youth work and refresher training, provided there will be up to 10 people in a group and up to 100 people in total. As of

31 May 2021 saunas, spas, water parks and swimming pools may open their doors to visitors again, taking into account the requirement of up to 50% occupancy and a total of up to 200 people at said venues at the same time. Customers will be allowed to be in saunas, spas, water parks and swimming pools until 22:00.

Application of said restrictions and continuation with other restrictions and measures that are not changed by this Order are an efficient and proportional measure for the protection of the life and health of people and for ensuring public health and the continuity of the health care system.

Under § 11 of the Constitution, rights and freedoms may only be circumscribed in accordance with the Constitution. Such circumscription must be necessary in a democratic society and may not distort the nature of the rights and freedoms circumscribed. The principle of proportionality arises from the second sentence of § 11 of the Constitution, according to which circumscription of rights and freedoms must be necessary in a democratic society. In this case, imposing restrictions and measures is in the public interest and they are imposed throughout the state, which means that all economic operators and individuals affected by the imposition of the restrictions are in the same situation and nobody is treated differently. According to § 31 of the Constitution, Estonian citizens have the right to engage in enterprise and to form for-profit undertakings and organisations. Conditions and procedures for the exercise of this right may be provided by a law. The scope of protection of the freedom of enterprise and the right to liberty is infringed when the public authority adversely affects this freedom.

Restricting stay and movement in catering establishments, saunas, spas, water parks and swimming pools interferes with the freedom of enterprise. The second sentence of § 31 of the Constitution gives the legislator authority to restrict the freedom of enterprise by the Communicable Diseases Prevention and Control Act. Any reasonable justification is sufficient for restricting the freedom of enterprise. This justification must be based on public interest or the need to protect the rights and freedoms of others, it must carry weight and it must naturally be lawful. Considering that the basis for restricting this freedom arises from the law and there is a legitimate and justified situation arising from public interest and the need to protect the rights and freedoms of others, the imposition of the restrictions and measures provided for in this Order is lawful. There is no other efficient way to achieve the objective of reduced contacts between people. There are no means that would limit indoor contacts between people and reduce the risk of the virus spreading as a result thereof the same, but that would restrict the rights of economic operators less.

The restrictions and measures imposed by the Order serve the purpose of limiting the spread of the coronavirus and the number of people getting infected and ensuring the continuity of the vital functions of the state. The restrictions and measures provided for in the Order have been carefully considered and it has been decided in favour of those that are more efficient than their alternatives in the context of the current spread of the infection based on currently available information. It has also been assessed that said restrictions and measures are fair and proportional in interaction of various fundamental rights and freedoms (e.g. §§ 12, 16, 19, 28, 31, 34, 37 and 47 of the Constitution). This means that the restrictions and measures as a whole affect all people for the purpose of public interest (protection of the life and health of people, continuity of the state).

The restrictions and measures provided for in the Order affect the usual activities of people, businesses and so on. Due to the epidemiological situation, for example the right of people to go to cafés, shopping, spas, sports clubs, entertainment facilities, etc. in a usual manner, to a usual extent and in a usual fashion must still be restricted (infringement of § 19 of the Constitution). Studies (infringement of § 37 of the Constitution) and public gatherings (events, meetings) are also restricted. The restrictions and measures may affect the operation of businesses and their opportunities to earn the highest income possible (§ 31 of the Constitution). Fundamental rights and freedoms are restricted for the purpose of protecting the life of people (§ 16 of the Constitution) and the health of people (§ 28 of the Constitution) and the continuity of the state.

Continuity involves a risk where a large number of people, e.g. medical staff, police officers, rescue workers, social workers, judges, teachers, state officials and members of the parliament falling ill has a perceivable effect on the availability of public services and the legal order of the state. When restrictions and measures are imposed, it is weighed for each area what is the fair balance between the protection of life, health and continuity of the state and the rights and freedoms circumscribed.

When imposing the Order the Government of the Republic weighed the rights of different social groups and found a reasonable balance that allows for the society to be increasingly opened considering the epidemiological situation. The Government of the Republic makes said judgments based on expert opinions and considering social and economic effects.

The reasons for the measures and restrictions are set out in the Order and the explanatory memorandum to the Order.

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](http://kriis.ee).

<sup>1</sup> [www.who.int/news-room/q-a-detail/coronavirus-disease-covid-19-how-is-it-transmitted](http://www.who.int/news-room/q-a-detail/coronavirus-disease-covid-19-how-is-it-transmitted)