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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

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 or the Principality of Andorra, the Principality of Monaco, the Republic of San Marino and the Vatican City State (Holy See) and their asymptomatic family members.

[RT III, 06.07.2020, 1 – entry into force 06.07.2020]

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. Crossing of the state border for the purpose of entering Estonia is allowed for persons who are asymptomatic and who arrive in the Republic of Estonia from a Member State of the European Union or a Schengen Member State or the United Kingdom of Great Britain and Northern Ireland.

[RT III, 28.05.2020, 1 – entry into force 01.06.2020]

12². Crossing of the state border for the purpose of entering Estonia is allowed for persons who are asymptomatic and who arrive from a country not listed in clauses 10¹ and 12¹ but published on the website kriis.ee and who are said country's residents pursuant to the laws of said country.

[RT III, 17.12.2021, 2 – entry into force 20.12.2021]

12³. Crossing of the state border for the purpose of entering Estonia is allowed for persons who are asymptomatic and who arrive from a third country not listed in clause 12² for the purpose of work or for the purpose of studies in an educational institution registered in Estonia.

[RT III, 06.07.2020, 1 – entry into force 06.07.2020]

12⁴. The provisions of clause 12² are not applied if the country under whose laws the relevant person is deemed to be its resident or is deemed to stay there legally does not permit mutual movement of persons with the Republic of Estonia.

[RT III, 06.07.2020, 1 – entry into force 06.07.2020]

12⁵. Crossing of the state border for the purpose of entering Estonia is allowed for asymptomatic family members of a person referred to in clause 12³ if the person referred to in clause 12³ takes up employment in a start-up company, as a top specialist or in a position in information and communication technology.

[RT III, 19.02.2021, 3 – entry into force 19.02.2021]

12⁶. Crossing of the state border for the purpose of entering Estonia is allowed for persons who are asymptomatic and who arrive from a third country not listed in clause 12² and who

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

[RT III, 28.12.2021, 2 – entry into force 01.02.2022]

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

Crossing of the state border for the purpose of entering Estonia together with a person referred to in this clause is allowed for persons under 18 years of age who have not completed vaccination series or who have not received an additional dose if the person referred to in this clause is the minor's legal representative or a person authorised to accompany the minor on the condition that up to 72 hours before arrival in Estonia a health care provider tested the minor with RT-PCR test for the coronavirus 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. The requirements for testing for the coronavirus SARS-CoV-2 are not applied to persons under 12 years of age. The exception set out in this clause for persons under 18 years of age is not applied to groups of minors travelling together (for instance, sports and tourist groups);

[RT III, 15.10.2021, 1 – entry into force 18.10.2021]

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.

[RT III, 28.01.2022, 1 – entry into force 01.02.2022]

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. Crossing of the state border for the purpose of entering Estonia is allowed for persons referred to in clauses 12³ (work or studies) and 12⁵ (family member) if up to 72 hours before arrival in Estonia a health care provider tested the relevant person with a 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. The requirements for testing for the coronavirus SARS-CoV-2 are not applied to persons under 12 years of age.

[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 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. List of countries referred to in clause 12² along with the information referred to in clause 12⁴ is published on the website kriis.ee.

[RT III, 17.12.2021, 2 – entry into force 20.12.2021]

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. 94 of 17 March 2022

On 2 March 2022 an exception was added to Order No. 169 whereby the restrictions on the crossing of the state border established for preventing COVID-19 do not apply to a Ukrainian citizen and his or her direct blood relative in the ascending or descending line or spouse in connection with the massive armed conflict that started in the territory of Ukraine on 24 February 2022. After said addition, on 4 March 2022, the Council of the European Union adopted Implementing Decision (EU) 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection. This is a measure that simplifies receiving Ukrainian war refugees in the European Union Member States. Under subsection 3 of § 52 of the Act on Granting International Protection to Aliens, on 8 March 2022 the Government of the Republic decided in respect to whom temporary protection is to be applied. This Order extends the target group of the exception to all third-country nationals leaving Ukraine due to the military conflict.

The exception established by this Order covers persons in the scope of application of temporary protection as well as other third-country nationals arriving in Estonia from Ukraine (such as third-country nationals who were studying or working in Ukraine or Ukrainian citizens who left Ukraine before 24 February 2022). According to Article 2(6) of Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), a third-country national is deemed to be any person who is not a Union citizen. It means that this Order also covers stateless persons who enjoyed international protection or equivalent national protection in Ukraine before 24 February 2022. Persons to whom the Government of the Republic has decided to apply temporary protection are subjects of international protection and in accordance with the principles of the European Union and international law no additional restrictions will apply to them for entry in the country.

Subjects of temporary protection are not Ukrainian citizens who left Ukraine before 24 February 2022 or their family members or third-country nationals who stayed in Ukraine under a basis for stay other than international protection. Their entry in the country will be decided by the Police and Border Guard Board who can grant permission to enter the country for humanitarian considerations, accept an application for international protection, or initiate migration supervision proceedings if a third-country national has a safe country of citizenship. In making such decisions compliance with the travel restrictions established for preventing COVID-19 should not be taken into consideration because similarly to subjects of temporary protection other persons arriving from Ukraine cannot be forced to return to Ukraine.

However, as a precaution, the requirement for isolation after crossing of the state border for persons who hold no COVID-19 certificate arising from Government of the Republic Order No. 305 'Measures and Restrictions Necessary for Preventing Spread of COVID-19' of 23 August 2021 will remain in effect to avoid increased spread of the SARS-CoV-2 virus.

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.