

|                        |            |
|------------------------|------------|
| Issuer:                | Government |
| Type:                  | order      |
| In force from:         | 18.03.2021 |
| In force until:        | 30.04.2021 |
| Translation published: | 20.03.2021 |

## **Suspension of right of retail sale of alcoholic beverages from 22:00 to 10:00**

Passed 18.03.2021 No. 116

Under § 36 (1) 1) of the Alcohol Act and considering subsection (2) of the same section:

1. In the interests of ensuring public order, the right of retail sale of alcoholic beverages in a place of business where the retail sale of alcohol is permitted for consumption on the premises is suspended throughout the state from 22:00 to 10:00.

2. The restriction referred to in clause 1 does not apply:

- 1) on board of aircraft used for international carriage of passengers or to places of business inside the security restricted area of an international airport and places of business located beyond the boarding gates in the waiting area of a passenger terminal of an international port;
- 2) to minibars in the guest rooms of an accommodation establishment upon the provision of accommodation services and during breakfast.

3. The Ministry of Economic Affairs and Communications is to promptly deliver this Order through the Register of Economic Activities to persons engaged in retail sale of alcohol.

4. Under § 49 (4) of the Alcohol Act, state supervision over compliance with the requirements related to the retail sale of alcoholic beverages and the restrictions on the consumption of alcoholic beverages is exercised by rural municipalities or city governments in their respective administrative territories.

5. This Order takes effect upon signing. Clauses 1 and 2 take effect on 1 April 2021. This Order will remain in effect up to and including 30 April 2021.

6. This Order shall be published in the official gazette Riigi Teataja and on the website [kriis.ee](http://kriis.ee).

7. Broadcasters shall publish this Order promptly.

For the protection of the life and health of people and overriding public interest, including the continuity of the state, this Order establishes a restriction on the freedom of enterprise for preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19.

As currently in effect, the Government of the Republic Order No. 76 "Suspension of right of retail sale of alcoholic beverages from 22:00 to 10:00" of 19 February 2021 has suspended, in the interests of ensuring public order, the right of retail sale of alcoholic beverages in a place of business where the retail sale of alcohol is permitted for consumption on the premises throughout the state from 22:00 to 10:00 from 1 March 2021 up to and including 31 March 2021.

This Order imposes the restriction for another period of time because the spread of the coronavirus SARS-CoV-2 causing COVID-19 is still wide and infection rates are still high in Estonia. The intensity of contracting COVID-19 is currently extremely high and no decline can be seen. On the Health Board's decision, a health emergency was declared due to the wide spread of the coronavirus in Estonia, on the basis of which in-patient specialised medical care and general medical care have been re-arranged to prevent the present situation from escalating.

These restrictions serve the purpose of preventing and stopping the spread of the coronavirus SARS-CoV-2 causing COVID-19. The need to impose the restriction on the right of retail sale of alcoholic beverages again arises from the epidemiological situation faced by Estonia. Compared to Government of the Republic Orders No. 322, 348, 412, 10 and 76 the spread of the coronavirus is still extensive. All comparable figures are significantly higher than at the time the aforesaid Orders were passed.

When Order No. 76 was passed, according to the Health Board's data of 16 February 2021, 622 tests came back positive in 24 hours and the morbidity rate per 100,000 inhabitants for the past 14 days was 637.6 and initial

positive tests accounted for 10.9% of the total number of tests. Over 19,200 people were being monitored by the Health Board. As per 17 March 2021, 1784 tests came back positive in 24 hours, that is 20.7% of the total number of tests. Within 24 hours, a total of 87 new COVID-19 cases were opened in hospitals. 690 persons have been hospitalised. 48 patients are on mechanical ventilation and 66 are in intensive care. Six deaths occurred in the last 24 hours. A total of 745 persons infected with the coronavirus have died in Estonia since the outbreak of the pandemic. According to the Health Board the COVID-19 situation in health care institutions is extremely critical and the morbidity is high across Estonia. A more infectious strain of the coronavirus is spreading rapidly. More and more people need hospital treatment and free beds are scarce. New beds can only be provided at the expense of scheduled treatment. The above shows that the virus is spreading widely across Estonia and the health care system is under great pressure. It is likely that scheduled treatment must be rearranged further or restricted more extensively in the coming weeks than it has been necessary so far.

According to this Order, the right of retail sale of alcoholic beverages in a place of business where the retail sale of alcohol is permitted for consumption on the premises is suspended from 22:00 to 10:00.

According to the Order, the restriction on the right of retail sale of alcoholic beverages does not apply on board of aircraft used for international carriage of passengers or to places of business located beyond the boarding gates in the waiting area of a passenger terminal of an international airport and an international port. An exception is made for places of business located in an area intended only for passengers in an airport and a port open for international traffic, in other words in the waiting area of a port or an airport beyond the boarding gates but before the boarding of passengers and on board of aircraft engaged in international flights. Access to the security restricted area of an airport and to the waiting area of a port is only possible for a charge and with a passenger ticket. In connection with these areas it is possible, where necessary, to later identify persons because it is known to which flight and seat or to which watercraft the persons are headed.

An additional exception is made for guests staying overnight at an accommodation establishment for consuming alcoholic beverages using the guest rooms' minibars and during breakfast. Catering will also be subject to additional restrictions as provided for in sub-clause 8 of clause 20<sup>14</sup> of Government of the Republic Order No. 282 "Measures and restrictions necessary for preventing the spread of COVID-19" of 19 August 2020. According to said sub-clause, when offering accommodation services with catering, accommodation establishments will be required to find alternative measures for catering clients instead of using hotel's catering facilities, for example offer room service while it is not allowed to be at the catering establishment's sales or seating area. Minibars are not usually locked, making it harder to implement the restriction. This exception only applies to guests staying overnight at an accommodation establishment who have access to the minibar in their room and who at breakfast can enjoy alcoholic beverages included in their package. During the time the restriction is in force this exception does not extend to other sections or rooms of an accommodation establishment; therefore, during the restriction, alcoholic beverages may not be available, for example, in a drink vending machine in the foyer or the hall or in the lobby bar.

The Government of the Republic has also imposed new and even stricter restrictions because at the time the Order is passed, i.e. in March 2021, the viral epidemic is not just a great but also a serious threat for the purposes of § 5 (3) and (4) of the Law Enforcement Act. The Government of the Republic Order No. 282 "Measures and restrictions necessary for preventing the spread of COVID-19" of 19 August 2020 imposed across Estonia additional restrictions on being and moving around in stores, entertainment facilities and catering establishments, carrying out sports competitions and sports and exercise events was restricted, and additional restrictions were also imposed on engaging in sports, training, youth work, hobby activities, hobby education and refresher training, all applicable from 11 March 2021 up to and including 11 April 2021. While the restrictions are in effect, customers are not allowed to be in entertainment facilities. It is not allowed to be in catering establishments' sales or service areas, except for the purpose of takeaway or provision of delivery or transport services.

Implementing the restrictions on customers' freedom of movement is based on information from the Health Board, according to which COVID-19 caused by the coronavirus 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. This means that a person can contract the virus when in close contact with an infected person or through contaminated surfaces or hands. The virus spreads more extensively indoors and mostly endangers people in risk groups.

The imposition of this restriction also has the support of the Science Council advising the Government of the Republic and of the Health Board.

Under § 61 (1) of the Administrative Procedure Act, an administrative act is in force as of notification thereof or delivery to the addressee, unless a later entry into force is prescribed in the administrative act. Therefore, the Ministry of Economic Affairs and Communications is required to deliver this Order to the addressees. Since economic operators engaged in retail sale of alcohol are registered in the Register of Economic Activities, the Order can be delivered by using said channel. According to § 27 (2) 3) of the Administrative Procedure Act, a document made available or transmitted by electronic means is deemed to be delivered when the document or notice on making the document available has been forwarded to the e-mail address of a company entered in the commercial register.

Pursuant to § 36 (2) of the Alcohol Act, if the right of retail sale of alcoholic beverages is suspended throughout the state, throughout a county or throughout the administrative territory of a local government, the holder of the

right of retail sale of alcoholic beverages shall be notified thereof immediately through the media. Therefore, the Order also requires broadcasters to publish the Order immediately.

This Order takes effect upon signature, subject to the specification that the restriction on retail sale of alcohol and the exceptions to the restriction take effect on 1 April 2021, giving the persons concerned enough time to make relevant arrangements for their activities and duly comply with the Order. This Order will remain in effect up to and including 30 April 2021. When the term of validity of this Order was determined, it was taken into account that the term of validity will provide extra help in preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19.

Failure to duly comply with measures for preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19 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 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).

Jaak Aab  
Minister of Public Administration, Acting Prime Minister

Taimar Peterkop  
Secretary of State