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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]

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RT III, 19.08.2020, 1

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29.09.2020	RT III, 29.09.2020, 9	29.09.2020
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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

Under the preamble of § 28 (2) and under § 28 (6) of the Communicable Diseases Prevention and Control Act and considering § 28 (2) 2), § 28 (5) 3) and § 28 (8) of the same, the following restrictions are imposed:
[RT III, 23.11.2020, 1 - entry into force 24.11.2020]

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]

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

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

1) promptly after arrival in Estonia the person takes an initial test for the coronavirus SARS-CoV-2 causing the COVID-19 disease and the results of that test come back negative; and

2) no earlier than on the seventh day after finding out the results of the initial test the person takes a second test and the results of that test also come back negative or a physician declares the person not to be contagious.

[RT III, 19.08.2020, 1 – entry into force 01.09.2020]

3. A person referred to in clause 1 and in sub-clause 1) of clause 2 may leave their place of residence or permanent place of stay provided the person complies with measures imposed by the Government of the Republic or the Health Board for preventing the possible spread of the communicable disease and takes all possible measures for preventing the 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 upon referral by a health care professional to receive health services or in the event of an emergency that puts the person's life or health at risk;

3) the person performs urgent and inevitably necessary duties by a decision of their employer or attends an urgent family occasion and after arrival in the country the person has taken at least one test for the coronavirus SARS-CoV-2 causing the COVID-19 disease, the results of which came back negative;

[RT III, 28.08.2020, 3 – entry into force 01.09.2020]

- 4) the person is getting the everyday essentials near their place of residence or place of stay because it is otherwise impossible;
- 5) the person is outdoors and completely avoids contact with other persons;
- 6) the person has signed a statement of compliance with instructions issued by the Health Board and applicable requirements, thereby confirming their obligation to comply with the above requirements.

4. The provisions of clauses 1 and 2 do not apply to asymptomatic persons as per clauses of the Government of the Republic Order No. 169 “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” of 16 May 2020 in the following cases:

1) persons referred to in clauses 2 through 8 and 10 through 12 who were abroad and have arrived in Estonia for a purpose set out in clauses 3 through 8 or 10, including employees of diplomatic missions or consular posts of Estonia or their family members or holders of an Estonian diplomatic passport or persons arriving in Estonia in the framework of international military cooperation or members of foreign delegations arriving in Estonia for official meetings on the invitation of a state or local authority;

[RT III, 28.08.2020, 3 – entry into force 01.09.2020]

2) [repealed – RT III, 14.09.2020, 1 – entry into force 14.09.2020]

3) [repealed – RT III, 14.09.2020, 1 – entry into force 14.09.2020]

4) [repealed – RT III, 14.09.2020, 1 – entry into force 14.09.2020]

5) [repealed – RT III, 14.09.2020, 1 – entry into force 14.09.2020]

6) persons referred to in clauses 2 and 12¹ who have been in a Member State of the European Union or a Schengen Member State, 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) 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 country for the past 14 days is equal to or less than 25. The restriction provided for in clauses 1 and 2 of the Government of the Republic Order No. 282 “Restrictions on the freedom of movement and on holding public meetings and public events as necessary for preventing the spread of the COVID-19 disease” of 19 August 2020 does also not apply to persons referred to in this clause if the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants in said country for the past 14 days is greater than 25 but less than or up to 10% greater than the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants in the Republic of Estonia for the past 14 days or equal thereto but not greater than 50. The Ministry of Foreign Affairs publishes this information on its website;

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

7) persons referred to in clause 12², unless they arrive from a country where the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants for the past 14 days is greater than 16;

8) persons referred to in clause 2 who arrive from a country referred to in clause 12², unless the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants in said country for the past 14 days is greater than 16;

9) persons referred to in clause 12³, unless in the country from where a 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 the COVID-19 disease per 100,000 inhabitants for the past 14 days is greater than 16 or unless the above information is not available for that country and there is a high risk of the virus spreading in that country. A sponsor of a person referred to in this clause shall ensure, in the event that 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 the COVID-19 disease 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, in cooperation with that person that the latter can stay in their place of residence or permanent place of stay for up to 10 calendar days after arrival in Estonia and be tested for the coronavirus SARS-CoV-2 immediately after arrival in Estonia and re-tested no earlier than on their 10th day in Estonia. A person who is an athlete, a coach or a team member from a third country 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 league level or who participates in an international championship as an athlete or an athlete’s team member or who is directly involved in carrying out aforesaid sports competition may perform 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 the COVID-19 disease, the results of which came back negative.

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

4¹. [Repealed – RT III, 09.10.2020, 1 – entry into force 12.10.2020]

4². The provisions of clauses 1 and 2 and sub-clause 6) of clause 4 are not applied to asymptomatic persons who have been in the territory of the Republic of Lithuania, the Republic of Latvia, the Republic of Finland or the Republic of Estonia for the past 10 days in succession and who arrive in the Republic of Estonia from the Republic of Lithuania, the Republic of Latvia or the Republic of Finland if the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants for the past 14 days in said countries is over 10% greater than the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants in the Republic of Estonia for the past 14 days or greater than 50 and no earlier than 48 hours before arrival in the country the persons took a

test for the coronavirus SARS-CoV-2 causing the COVID-19 disease which came back negative. The Ministry of Foreign Affairs publishes information on the morbidity rates in those countries on its website.
[RT III, 29.10.2020, 2 – entry into force 30.10.2020]

4³. The provisions of clauses 1 and 2, sub-clause 6) of clause 4 and clause 4² are not applied to asymptomatic persons 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 on the condition that they will not go beyond the borders of the administrative territory of the local authorities of Valga and Valka, respectively.
[RT III, 09.10.2020, 1 – entry into force 12.10.2020]

4⁴. The provisions of clauses 1 and 2 and sub-clause 6) of clause 4 are not applied to asymptomatic persons who have been in the territory of the Republic of Lithuania, the Republic of Latvia, the Republic of Finland or the Republic of Estonia for the past 10 days in succession and who have entered the Republic of Lithuania, the Republic of Latvia or the Republic of Finland from the Republic of Estonia and then returned from said countries to the Republic of Estonia if the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants for the past 14 days in the country returned from is over 10% greater than the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing the COVID-19 disease per 100,000 inhabitants in the Republic of Estonia for the past 14 days or greater than 50 and the persons take a test after arrival in the Republic of Estonia. After arrival in the country the persons must stay in their place of residence or permanent place of stay until finding out that their test was negative.
[RT III, 29.10.2020, 2 – entry into force 30.10.2020]

4⁵. The provisions of clauses 1 and 2, sub-clause 6) of clause 4 and clause 4² are not applied to asymptomatic persons who have been in the territory of the Republic of Lithuania, the Republic of Latvia, the Republic of Finland or the Republic of Estonia for the past 10 days in succession and who arrive in the Republic of Estonia from the Republic of Lithuania, the Republic of Latvia or the Republic of Finland and if they arrive in the Republic of Estonia from the Republic of Lithuania, the Republic of Latvia or the Republic of Finland for the purpose of working, studying or receiving health services or for family reasons or transit.
[RT III, 29.10.2020, 2 – entry into force 30.10.2020]

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

6. The provisions of clauses 1 and 2 do not apply to asymptomatic persons who participate in a public event referred to in clause 7 as an artist or who are directly involved in carrying out the event or 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.

7. Public events, sports competitions and sports events if the requirements established for the participants differ from those set out in clauses 11, 15 and 17 through 19 are allowed on the following conditions:

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

- 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 Health Board shall establish necessary restrictions on the freedom of movement of the persons referred to in clause 6.

8¹. 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 and in cases provided for in sub-clause 1) of clause 9¹ and sub-clause 1) of clause 10. 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, 23.11.2020, 1 – entry into force 24.11.2020]

8². 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. Customers may be and move around in indoor sales area of stores and in public spaces of commercial establishments if the following requirements are met:

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

1) up to two persons may be and move around together while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

1¹) a mask is worn indoors. 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]

2) at least at the entrance to and exit from the sales area the possessor thereof has ensured the availability of disinfectants to employees and customers;

3) compliance with the disinfection requirements according to instructions from the Health Board is ensured.

9¹. Customers may be and move around in catering establishments' sales and seating areas if the following requirements are met:

1) up to 10 persons may be and move around together while keeping at least two metres of distance from others, except in cases when said requirements cannot be reasonably ensured. The requirement for being and moving around in groups of up to 10 persons does not apply to families;

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

1¹) a mask is worn indoors. 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]

2) the service provider ensures that customers are not in the catering establishment's sales or seating area from 00:00 to 06:00, except for the purpose of takeaway or provision of delivery or transport services;

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

3) the service provider ensures the availability of disinfectants;

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

4) the service provider ensures compliance with the disinfection requirements according to instructions from the Health Board. The restriction referred to in sub-clause 2) does not apply on board of aircraft used for international carriage of passengers or to places of business located 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. The restriction on business hours referred to in sub-clause 2) does not apply to petrol stations if the service provider ensures that its customers will not consume any food or beverages on the premises.

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

10. Customers may be and move around in places where leisure services are provided if the following requirements are met:

1) up to 10 persons may be and move around together while keeping at least two metres of distance from others, except in cases when said requirements cannot be reasonably ensured. The requirement for being and moving around in groups of up to 10 persons does not apply to families;

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

1¹) a mask is worn indoors. 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]

2) the service provider ensures up to 50% customer capacity of the place of provision of service and the number of customers up to 250 people;

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

3) the service provider ensures that customers are not in the place of provision of service from 00:00 to 06:00;

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

4) the service provider ensures the availability of disinfectants;

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

5) the service provider ensures compliance with the disinfection requirements according to instructions from the Health Board.

[RT III, 12.11.2020, 5 – entry into force 16.11.2020]

Said requirements also apply during the provision of leisure services. The requirements referred to in sub-clause 1) and the limit on the number of customers set out in sub-clause 2) do not apply to children's playrooms.

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

11. People may attend indoor public meetings, public events, including conferences, theatre performances, concerts and film screenings, public religious services and other public religious rites where a specific seat is ensured for persons in the designated area on the condition that:

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

1) the number of attendees up to 400 people is ensured;

[RT III, 23.11.2020, 1 – entry into force 28.11.2020]

2) the organiser of an indoor event ensures up to 50% attendance capacity in Harju County and Ida-Viru County;

[RT III, 23.11.2020, 1 – entry into force 28.11.2020]

3) outside the seating area, up to two persons may be and move around together while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

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

4) a mask is worn indoors. 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]

5) the organiser of an event ensures the availability of disinfectants;

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

6) the organiser of an event ensures compliance with the disinfection requirements according to instructions from the Health Board.

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

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. Public meetings are allowed only if the following requirements are met:

1) up to two persons may be and move around together indoors while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

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

2) the organiser of an indoor meeting ensures up to 50% attendance capacity and the number of attendees up to 250 people;

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

3) the organiser of an outdoor meeting ensures the number of attendees up to 500 people;

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

4) a mask is worn indoors. 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]

5) the organiser of a meeting ensures the availability of disinfectants;

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

6) the organiser of a meeting ensures compliance with the disinfection requirements according to instructions from the Health Board.

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

14. Public saunas, spas, swimming pools and water parks may only be used if the following requirements are met:

1) up to two persons may be and move around together indoors while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

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

2) the service provider ensures up to 50% customer capacity of the place of provision of service;

3) the service provider ensures the availability of disinfectants;

4) the service provider ensures compliance with the disinfection requirements according to instructions from the Health Board.

Engaging in sports or training in said places is subject to the requirements provided for in clauses 17 and 18.

15. Public events are allowed only if the following requirements are met:

1) up to two persons may be and move around together indoors while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

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

2) the organiser of an indoor event ensures up to 50% attendance capacity and the number of attendees up to 250 people;

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

3) the organiser of an outdoor event ensures the number of attendees up to 500 people;

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

4) a mask is worn indoors. 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]

5) the organiser of an event ensures the availability of disinfectants;

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

6) the organiser of an event ensures compliance with the disinfection requirements according to instructions from the Health Board.

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

16. Public religious services and other public religious rites are allowed only if the following requirements are met:

1) up to two persons may be and move around together indoors while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

2) the organiser of an indoor event ensures up to 50% attendance capacity and the number of attendees up to 250 people;

3) a mask is worn indoors. 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;

4) the availability of disinfectants is ensured;

5) compliance with the disinfection requirements according to instructions from the Health Board is ensured.
[RT III, 23.11.2020, 1 – entry into force 24.11.2020]

17. Engaging in sports, training and carrying out sports and exercise events outdoors are only allowed if the scattering of people is ensured and the organiser of the activity ensures the availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board. This restriction does not apply to all sports teams if requirements arising from the international competition rules for the sport are complied with, or to training of candidates for Estonian adult sports teams and training of championship league teams.

18. Engaging in sports, training and carrying out sports and exercise events indoors are only allowed if the following requirements are met:

1) the organiser ensures the scattering of people;

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

2) at sports and exercise events in public indoor spaces, up to two spectators may be and move around together while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

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

3) the organiser ensures up to 50% attendance capacity and the number of attendees up to 250 people at sports and exercise events;

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

4) the spectators wear a mask indoors. 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]

5) in Harju County and Ida-Viru County it is ensured that there are up to 10 people in a group and that there is no contact with other groups;

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

6) the organiser ensures the availability of disinfectants;

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

7) the organiser ensures compliance with the disinfection requirements according to instructions from the Health Board.

The requirements in this clause do not apply to activities carried out under preschool, basic and secondary education curricula. Sub-clauses 3) and 5) do not apply to professional and semiprofessional sports activities within the competitions system of a sports federation, including in youth sport to those athletes and teams that participate in Estonian championships organised by a sports federation.

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

19. Sports competitions are allowed only if the following requirements are met:

1) the organiser of an event ensures the scattering of people;

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

2) the organiser of an indoor event ensures up to 50% attendance capacity and the number of attendees up to 250 people;

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

3) the organiser of an outdoor event ensures the number of attendees up to 500 people;

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

4) the spectators wear a mask indoors. 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]

5) at competitions held in public indoor spaces, up to two spectators may be and move around together while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

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

6) the organiser of an event ensures the availability of disinfectants;

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

7) the organiser of an event ensures compliance with the disinfection requirements according to instructions from the Health Board.

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

20. Visiting museums and exhibitions is only allowed if the following requirements are met:

1) up to two persons may be and move around together while keeping at least two metres of distance from others, except for families and in cases when said requirements cannot be reasonably ensured;

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

1¹) a mask is worn indoors. 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]

- 2) the service provider ensures the availability of disinfectants;
- 3) in rooms open for the public, the service provider ensures wet cleaning of surfaces subject to frequent touching after every 2 to 4 hours;
- 4) interactive displays are closed or the service provider ensures their wet cleaning after each use or the service provider has made disposable gloves available to the visitors and ensures the safe handling thereof after use;
- 5) if possible, the service provider replaces physical information materials handed out free of charge with digital ones;
- 6) no creative work or workshops with shared means of work are organised or disinfection is ensured after each user.

20¹. 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]

20². Indoor hobby activities and hobby education and refresher training in Harju County and Ida-Viru County are only allowed if the following requirements are met:

- 1) it is ensured that there are up to 10 people in a group and that there is no contact with other groups;
- 2) a mask is worn indoors. 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;
- 3) shared objects are disinfected after each use;
- 4) the service provider ensures the availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board.

The requirements set out in this clause do not apply to activities related to the military defence or internal security of the state.

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

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 and the need for these restrictions and measures shall be assessed no later than after every two weeks.

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. 417 of 23 November 2020

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 the COVID-19 disease.

§ 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, general public interest in avoiding the 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. It must also be considered that the number of infected people and the number of deaths are still on the rise in the world, including Estonia. The number of critical cases may risk the entire health care system in a very short period of time.

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. § 19 of the Constitution provides for the right to free self-realisation, § 31 for the freedom of enterprise, § 37 for the right to education, and so on. It is justified to apply certain restrictions for preventing the spread of the virus causing the COVID-19 disease. 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. 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 (hereinafter the *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 the obligation to wear a mask on the basis of epidemiological, laboratory and clinical information; the measure (obligation or restriction) 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.

These restrictions are imposed because the spread of the coronavirus SARS-CoV-2 causing the COVID-19 disease has rapidly increased in Estonia. By directive of the Director General of the Health Board of 10 November 2020, a health emergency was established due to the wide spread of the coronavirus in Estonia. According to the Health Board's data of 22 November 2020, 349 tests came back positive in the last 24 hours and the morbidity rate per 100,000 inhabitants for the past 14 days was 270.51. In comparison, the same figure was 43.49 on 14 October 2020, 22.80 on 12 September 2020 and 4.4 on 1 August 2020. As of 22 November 2020, 146 persons are hospitalised and seven patients are on mechanical ventilation.

Establishment of the restrictions is based on the Health Board's assessment, according to which the COVID-19 disease 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 showing typical symptoms. 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 faster indoors and people in risk groups (including older people) are in greater risk of the disease becoming serious or of complications or of needing hospital treatment.

Various restrictions on the freedom of movement for preventing and stopping the spread of the coronavirus SARS-CoV-2 causing the COVID-19 disease were established already after the end of the emergency situation on 18 May 2020 by the Government of the Republic Order No. 282 "Restrictions on the freedom of movement and on holding public meetings and public events as necessary for preventing the spread of the COVID-19 disease" of 19 August 2020. The restrictions were established with the consideration that the implementation thereof would allow people to carry on with their normal lives as much as possible.

At the end of this September when the number of people infected with the coronavirus SARS-CoV-2 causing the COVID-19 disease started increasing rapidly the Government of the Republic changed the earlier restrictions for preventing the spread of the virus and as of 29 September 2020 decreased the number of people allowed to attend indoor public meetings and public events and sports competitions from 1500 to 750.

Due to the continued rapid increase in the spread of the coronavirus SARS-CoV-2 causing the COVID-19 disease the Government of the Republic established as of 16 November 2020 additional restrictions on customers being and moving around in stores, in public spaces of shopping centres, in sales and seating areas of catering establishments, in places of provision of entertainment services, and at public meetings and public events where a seat is designated for attendees – outside said area. A limit was imposed on the number of people allowed to be and move around together in said places – up to two or up to ten persons depending on the place – and their obligation to keep at least two metres of distance from others. A new restriction was also imposed according to that restriction customers may not be in catering establishments' sales or seating area or in places of provision of leisure services from 00:00 to 06:00. Cases when these restrictions do not apply were also set out.

Furthermore, in the interests of ensuring public order, the Government of the Republic suspended throughout the state the right of retail sale of alcoholic beverages in places of business where the retail sale of alcohol is permitted for consumption on the premises from 00:00 to 10:00 starting from 25 September 2020. Said restriction remains in effect up to and including 26 January 2021.

Pursuant to Orders issued by the Government of the Republic, people infected with the coronavirus SARS-CoV-2 causing the COVID-19 disease and people who have had close contact with them are required to be quarantined and people returning from abroad are subject to restrictions on the freedom of movement.

Despite the above restrictions people have not stopped becoming infected with the coronavirus SARS-CoV-2 causing the COVID-19 disease and according to the information and forecasts of the Health Board and the Science Council advising the Government of the Republic the spread of the disease is still wide and rapid. In addition to individuals becoming infected, the virus has had a perceptible effect on the general condition of the health care system starting from the now critically low number of hospital beds intended for the COVID-19 disease caused by the coronavirus SARS-CoV-2 and ending with the availability of scheduled treatment. The wide spread of the virus also has a significant negative effect on the entire society (labour market, enterprise, education, free self-realisation, and so on).

Therefore it is inevitably necessary for the Government of the Republic to impose new measures for preventing the coronavirus SARS-CoV-2. These are also deemed necessary by the Science Council advising the Government of the Republic and the Health Board.

The new restrictions impose a nation-wide obligation to wear a mask or to cover one's nose and mouth in public indoor spaces and to follow the so-called 2+2 rule. Also, the number of people allowed to attend public events, including cultural events, leisure services and public religious services, both indoors and outdoors, is decreased.

This way the spread of the virus as a whole is prevented by minimal contact between people and keeping of distance, hand washing, disinfection and obligation to wear a mask.

Indoor cultural activities taking place in Harju County and Ida-Viru County, which are also understood to mean venues with designated seats such as theatres, cinemas, concert venues, also places of worship, and public events (including conferences), public meetings and entertainment venues (except for children's playrooms), will be subject to a restriction of 50% attendance capacity. The maximum number of attendees in all of the above places with designated seats will be 400. The maximum number of attendees in places with non-designated seats will be 250. Outdoor events may be attended by up to 500 people from now on.

Additional restrictions are imposed on events held in Harju County and Ida-Viru County because the virus is extremely widespread in said counties. The morbidity rate in Harju County per 100,000 inhabitants for the last 14 days is 360.64 and the same figure for Ida-Viru County is 569.79, being the highest in Estonia. In this context it should be kept in mind that said regions are densely populated areas where the bulk of the Estonian population lives, works and studies and where, thereby, the possible transmission of the infection is likely.

Consequently, in addition to decreasing the general limit on attendees an additional restriction of 50% attendance capacity is imposed on activities taking place in the above locations with designated seats in Harju County and Ida-Viru County. Hobby education, hobby activities and refresher training will be subject to a restriction of up to 10 persons in a group (plus trainer or instructor). Said restriction in hobby education and hobby activities is necessary because numerous centres of infection have occurred among young people and adults, including older people, in Harju County and Ida-Viru County in connection with the aforesaid activities. On 22 November 2020 there were 15 active centres of infection related to hobby education and hobby activities in Harju County and approximately 60 single cases of infections. In Ida-Viru County there were 10 centres of infection, 20 to 30 single cases of infections and several cases with less than 5 infected people.

As a new measure the Order imposes an obligation to wear a mask or cover one's mouth and nose in public indoor spaces throughout the administrative territory of Estonia. The Government of the Republic did not impose an overall obligation to wear a mask on 11 September 2020 when masks were made partly obligatory in general and special care homes. Considering the spread of the virus and epidemiological recommendations it is indispensable to extend the obligation to wear a mask or cover one's mouth and nose to other areas of life to the extent and in the manner defined in the Order of the Government of the Republic. Masks mean personal protective equipment, medical masks and community face coverings¹; in the absence thereof the requirement may be met by covering one's mouth and nose, provided the material used for covering allows it to be used as a face covering for a necessary period of time without using hands.

The obligation to wear a mask has a significant social effect. Wearing a mask in an appropriate manner and to the necessary extent as an additional measure for preventing the spread of the coronavirus SARS-CoV-2 is also supported by scientific research carried out in recent months, which has been summarised in guidelines issued by the European Centre for Disease Prevention and Control². The researchers have come to a conclusion that protecting one's nose and mouth with a mask along with keeping distance reduces the likelihood of infection. Scientists have also highlighted the importance of ventilation³; one of the reasons is that the coronavirus may spread by way of aerosol particles from a person's respiratory system while exhaling and the likelihood of the virus spreading is higher in confined spaces. Wearing a mask, keeping distance, washing hands, disinfecting, reducing attendance capacity and properly ventilating confined spaces ensure that less virus particles make their way into the respiratory system of a person in a room, infecting the person. So, it is important to apply different measures at the same time to prevent the spread of the virus. According to international scientific literature, Estonian scientists and the Health Board, there are a lot of people who are unaware that they are carrying the virus⁴ (so-called asymptomatic people or people showing minimal symptoms), which is why a mask is an essential and appropriate measure for slowing down the spread of the infection in general. Also because a carrier may be infectious one to two days before the onset of symptoms. If a person is not experiencing any symptoms yet or they have the disease without any symptoms, they unknowingly spread the virus further, by just talking among other things. Airflow from one's mouth while talking or singing may transmit droplets of saliva that increases the spread of the virus more than just breathing. Wearing a mask reduces the risk of the infection spreading in cases where a person who has been infected wears a mask but also in cases where a healthy person wears a mask because this reduces the amount of the possible virus inhaled.

The obligation to wear a mask or another measure necessary for preventing the virus not expressly stated in the Act may be extraordinarily imposed by the Government of the Republic under the general provision delegating authority in § 28 (6), (5) and (2) of the Act and considering § 28 (8) of the Act.

The preamble of § 28 (2) of the Act provides: "In order to prevent the epidemic spread of a communicable disease, the Health Board may, inter alia, with an administrative act:...", followed by examples of cases.

Subsection (5) of the same section gives the Health Board the authority and power to prevent the spread of an extremely dangerous communicable disease: "In order to prevent the spread of an extremely dangerous communicable disease, the Health Board may temporarily, if it is absolutely necessary, by an administrative act in addition to the measures and restrictions specified in subsection (2) of this section:..." (followed by a list of examples).

Subsection (6) of the same section gives the authority and power to make the above decisions to the Government of the Republic if the application of these measures and restrictions is accompanied with a significant social or economic effect.

Under subsection (8) of the same section, the requirements, measures and restrictions prescribed for preventing the spread of an extremely dangerous communicable disease in an act or on the basis of an act may be applied for the prevention of a dangerous novel communicable disease. Moreover, subsection (1) of the same section provides for a requirement that it must be based on epidemiological, laboratory and clinical information. Likewise, the requirements of proportionality and rationality arising from the Law Enforcement Act must be complied with (any solution that seems effective but is not absolutely necessary or goes beyond what is minimally necessary for preventing the virus is disproportional).

On the basis of the general provision delegating authority in the Act, the Health Board and the Government of the Republic have the possibility to solve problems in situations where providing for a specific obligation or restriction by law was not possible at the time the law was passed because the future could not be predicted. Everything cannot be predicted in life and therefore it is not possible to ensure a situation where all provisions include detailed elements and legal effects (commentary on the Constitution). The purpose of a general clause is to provide for a basis for the executive power to act in unexpected situations. Such a general provision provides for the bases for and conditions of restricting a person's rights in situations not directly governed by law because there may be situations of risk the solving of which may require restriction of rights (judgment of Tartu Administrative Court of 29 October 2014 in administrative matter No. 3-14-50928). These are *de lege lata* situations where threats not specified by law are dealt with by circumscribing fundamental rights. Since in a crisis the state is put in a difficult situation which may have unexpected consequences, it is justified to extraordinarily apply a general clause for circumscribing fundamental rights in such a situation. A general provision in the Imprisonment Act was applied in the spring of 2020 to impose essential restrictions in prisons for preventing COVID-19 (Tartu Administrative Court order of 27 March 2020 in administrative matter

No. 3-20-521; order of 9 April 2020 in administrative matter No. 3-20-625; order of 16 April 2020 in matter No. 3-20-682; order of 28 April 2020 in matter No. 3-20-627).

The definition not defined in § 28 of the Act is, among other things, comprehensive (except when there is a special provision of law) and it gives the authorities preventing communicable diseases a range as wide as possible of appropriate measures. A general provision does not mean an unlimited general authority to restrict rights and freedoms but it is created for a specific purpose as an open general provision in order to provide a range as wide as possible of appropriate protective measures for preventing the virus.

The Order imposes an obligation to wear a mask or cover one's nose and mouth in public indoor spaces and public transport vehicles. 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. For example, due to a special need or disability. The Order takes into account specifications arising from a person related to an area of activity where wearing a mask is not required. However, the obligation to keep distance and the requirement of disinfection do apply.

It is necessary to impose additional measures because the spread of the coronavirus SARS-CoV-2 has noticeably increased in Estonia in recent weeks, more and more people are admitted to hospital and the number of deaths has also risen. As of 22 November 2020, 146 persons are hospitalised and seven patients are on mechanical ventilation. Not imposing additional measures for preventing the spread of the virus may put the continuity of the medical system in great risk and in addition to reorganising scheduled treatment it must also be extensively limited. The latter is also supported by assessments of the Scientific Council advising the Government of the Republic and the Health Board. The Order is established for the better protection of the health of all people, including persons suffering from chronic diseases, people with a weaker immune system and older people in risk groups, and for ensuring the availability of health services to all inhabitants of Estonia.

The Government of the Republic has thoroughly weighed the imposition of additional restrictions, including the obligation to wear a mask, and imposed less restrictive measures before imposing this obligation. 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.

Before imposing this restriction the Government of the Republic also invited people to wear a mask voluntarily. On 29 September 2020 the Government of the Republic decided to send the public a message in a nation-wide communication that due to the COVID-19 disease caused by the coronavirus SARS-CoV-2 the situation was becoming more difficult, a mask should be worn in crowded indoor spaces and public transport vehicles and if a person suspects that they have become infected they must stay at home and call their family physician who can refer them to testing.

Due to the rapid increase of the spread of the coronavirus SARS-CoV-2 causing the COVID-19 disease in October and November the Government of the Republic decided on 12 November 2020 to inform the public in a nation-wide communication that it was recommended to wear a mask in public transport vehicles, sales areas and public spaces of commercial establishments as well as at conferences and concerts and in theatre and cinema. An exception was made for persons for whom wearing a mask is contraindicated for medical reasons, children under 12 years of age and other justified situations (for example, no other passengers in public transport vehicle). This requirement shall also be met by carriers, commercial establishments and organisers of conferences, concerts, theatre performances and film screenings. It was also decided that carriers shall inform about wearing a mask in public transport vehicles; recommended slogan "Dear passenger, please wear a mask". The Government of the Republic also stressed that before meeting with a person in a risk group one must make sure that they are not infectious and ensure the person's safety upon the visit: wear a mask, keep distance and wash hands and clean surfaces. In cooperation with the Health Board a mass campaign was launched in the media and public spaces, inviting people to wear a mask. Providers of welfare services were required to ensure safe and infection-free communication with and without close contact for those receiving welfare services.

In the Health Board's assessment people have taken the advice and have started wearing more masks in public. Many public event organisers, shops and service providers require their employees and customers to wear a mask. To increase the efficiency of various measures of preventing the spread of the virus it is important for people to wear masks even more.

Since the level of infection remains high in Estonia and there is a risk that without any additional restrictions the virus will spread widely across the country, adding new restrictions to the Order of the Government of the Republic is absolutely necessary. Not imposing additional restrictions would pose a risk to the continuity of the national health care system, whereas the emergency has already made it necessary to reduce the provision of regular out-patient treatment. The normal functioning of other sectors and the availability of public services are also at risk, for example the availability of education and studying (teachers and students get infected), safety (police officers and other officials get infected), the public transport system, the service sector and so on. The restrictions are imposed for preventing the spread of the virus and they will be eased once the situation allows. The restrictions serve the purpose of keeping life in Estonia going as much as possible. Therefore, this Order

does not impose any absolute restrictions and no institutions are fully closed but rather it sets requirements that allow, if complied with, to organise and attend public events in future as well and to provide and be provided hobby education and to organise hobby activities. The relevance of these measures will be reviewed after every two weeks as of imposition thereof.

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.

¹ https://www.ttja.ee/sites/default/files/content-editors/juhend_isikukaitsevahendite_ja_laiatarbe_naokatete_turustamisele_1.pdf

² <https://www.ecdc.europa.eu/sites/default/files/documents/covid-19-guidelines-non-pharmaceutical-interventions-september-2020.pdf>

³ <https://www.ecdc.europa.eu/sites/default/files/documents/Heating-ventilation-air-conditioning-systems-in-the-context-of-COVID-19-first-update.pdf>

⁴ <https://www.ecdc.europa.eu/en/covid-19/latest-evidence/transmission>