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Imposition of quarantine on persons diagnosed with the COVID-19 disease caused by the coronavirus SARS-CoV-2 and on persons living with or permanently staying in the same place of residence as them and on persons who have otherwise had close contact with a person diagnosed with the disease

Passed 29.09.2020 No. 336
RT III, 29.09.2020, 8
Entry into force 01.10.2020

Amended by the following acts

Passed	Published	Entry into force
29.10.2020	RT III, 29.10.2020, 3	30.10.2020
26.11.2020	RT III, 26.11.2020, 5	26.11.2020, in force up to 01.12.2020.

Under § 27 (3) of the Communicable Diseases Prevention and Control Act and considering the provisions of § 27 (1) 1) and 2) and § 27 (6) of the same, requirements for quarantine for the purpose of avoiding and preventing the coronavirus SARS-CoV-2 causing the COVID-19 disease from spreading outside the focus of the disease are imposed as follows:

1. Persons diagnosed with the COVID-19 disease are prohibited from leaving their place of residence or permanent place of stay from the time they were diagnosed until their recovery. A place of residence or a permanent place of stay also means places where shelter services and safe house services are provided. Whether a person has made a recovery is decided by a physician.
2. The restriction set out in clause 1 does not apply when a 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, 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. A person who is living with or permanently staying in the same place of stay as a person referred to in clause 1 or who has otherwise had close contact with a person referred to in clause 1 is prohibited from leaving their place of residence or permanent place of stay for 14 calendar days after last close contact, unless they are showing no symptoms of the COVID-19 disease, they carefully monitor their health, comply with measures imposed by the Government of the Republic or the Health Board for preventing the possible spread of the communicable disease and take all possible measures for preventing the spread of the communicable disease and the following circumstances occur:
[RT III, 29.10.2020, 3 – entry into force 30.10.2020]
 - 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 is a health care professional who is performing urgent duties by a decision of their employer;
[RT III, 29.10.2020, 3 – entry into force 30.10.2020]
 - 3¹) the person is a person who is performing urgent duties by a decision of their employer and with advice from the Health Board and without whom the performance of a task of a state or local authority would be impossible or highly complicated;

[RT III, 29.10.2020, 3 – entry into force 30.10.2020]

3²) if the person referred to in sub-clause 3¹ is a person ensuring the continuity of a vital service, they may perform urgent duties only by a decision of their employer and on the latter's proposal justified in writing and with the approval of an authority or local authority referred to in § 36 of the Emergency Act and with advice from the Health Board;

[RT III, 29.10.2020, 3 – entry into force 30.10.2020]

3³) [repealed – RT III, 26.11.2020, 5 – was in force up to 01.12.2020]

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

5) any and all contact between the person and a person diagnosed with the COVID-19 disease who is living in the same place of residence or staying in the same place of stay is excluded;

6) the person is outdoors and completely avoids contact with other persons.

3¹. The restriction set out in clause 3 does not apply to a person who is living with or permanently staying in the same place of stay as a person referred to in clause 1 or who has otherwise had close contact with a person referred to in clause 1:

1) if no earlier than on the 10th calendar day since the last close contact identified by the Health Board the person takes a test for the coronavirus SARS-CoV-2 causing the COVID-19 disease and the test comes back negative;

2) if a physician declares the person not to be contagious;

3) if the non-application of the restriction is decided by the Health Board.

[RT III, 29.10.2020, 3 – entry into force 30.10.2020]

4. Supervision over the requirements imposed by this Order is exercised by the Health Board, involving the Police and Border Guard Board by way of professional assistance, where necessary.

5. This Order shall be published in the official gazette Riigi Teataja and in the mass media.

6. This Order takes effect on 1 October 2020 and remains in effect through 31 December 2020.

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

Government of the Republic Order No. 257 "Imposition of quarantine on persons diagnosed with the COVID-19 disease caused by the coronavirus SARS-CoV-2 and on persons living with or permanently staying in the same place of residence as them and on persons who have otherwise had close contact with a person diagnosed with the disease" of 16 July 2020 is in effect from 16 July 2020 through 30 September 2020. This Order hereby extends the current requirements and imposes the same restrictions again as of 1 October 2020.

Essentially similar requirements were in effect during the emergency situation from 26 March 2020 until the end of the emergency situation on 17 May 2020. After the end of the emergency situation the Government of the Republic imposed a quarantine on persons diagnosed with the COVID-19 disease and on persons close to them from 18 May 2020 until 1 July 2020.

Under § 27 (5) of the Communicable Diseases Prevention and Control Act, quarantine shall be terminated after the spread of the communicable disease has been prevented, the requirements for the control of the communicable disease have been fulfilled and the focus of the disease has been rendered harmless. As the virus is highly contagious the Science Council advising the Government of the Republic has recommended permanently imposing the quarantine requirement on persons suffering from the disease and on persons who have had close contact with them for the purpose of preventing the spread of the infection. Therefore the Government of the Republic has sought to keep the quarantine requirements in effect. Considering the number of persons infected, the rate at which the disease spreads, the possible serious nature of the disease and the fact that COVID-19 vaccines are still under development and there is no disease-specific effective treatment, it is necessary to extend the restrictions. On 28 September 2020, 67 new tests came back positive in 24 hours. The morbidity rate per 100,000 inhabitants for the past 14 days is 42.89. 33 persons have been hospitalised. According to the population register the most new positive tests were recorded in Harju County where 34 persons were diagnosed with the coronavirus. 13 new coronavirus cases were recorded in Ida-Viru County and another 13 in Võru County, two cases in Viljandi County and one in Saare County, Lääne County and Jõgeva County each. For two positive test results there was no place of residence indicated in the population register. Infected persons can be found in every county. If no restrictions are applied, the infection rate may rise further.

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

this Order is to prevent and stop the further spread of the COVID-19 disease caused by the coronavirus SARS-CoV-2 after the end of the emergency situation in Estonia.

Under § 2(2) of the Communicable Diseases Prevention and Control Act the COVID-19 disease 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 and currently there is also no effective treatment for COVID-19 and explosive intensification of the spread of the disease may result in a situation where the number of patients who need to be hospitalised exceeds the hospital treatment capacity. The quarantine is necessary for the protection of the life and health of people and overriding public interest in order to prevent and stop the spread of the virus causing the COVID-19 disease. The quarantine imposed by this Order is necessary because the spread of the infection has noticeably increased over the past two months – when on 27 July 2020 the cumulative morbidity per 100,000 inhabitants for the past 14 days was 1.2, then on 28 September 2020 the relevant coefficient was 42.89. To get focuses of the infection under control and slow the spread of the disease down isolating persons suffering from the disease and persons close to them from others is an ineffective measure. Quarantine is imposed until recovery on persons diagnosed with the COVID-19 disease. The quarantine requirement also applies to persons living with or permanently staying in the same place of residence or place of stay as diagnosed persons until the diagnosed person has been declared healthy or until 14 days have passed since establishment of close contact, unless the Health Board decides otherwise. But exceptions are also made as to under which circumstances one may leave their place of residence or place of stay.

Quarantine is imposed on persons diagnosed with COVID-19 and on persons living with or permanently staying in the same place of residence or place of stay as diagnosed persons and on persons who have otherwise had close contact with a person suffering from the disease. This quarantine requirement is justified because the virus spreads fast and may cause great damage to health and without effective application of the restrictions the slightest focus of the disease may lead to extensive spread of the disease and weigh heavily on the healthcare system. Exceptions are made for asymptomatic persons in quarantine and in justified cases they may leave home. For instance, persons who have had close contact with a diagnosed person are allowed to go outside or to a store provided they carefully monitor their health, comply with measures imposed by the Government of the Republic or the Health Board for preventing the possible spread of the communicable disease and take all possible measures for preventing the spread of the communicable disease. So the freedom of movement of asymptomatic persons is not excessively restricted.

Imposing a quarantine on infected persons and persons suspected of having been infected ensures the protection of the health of persons in a risk group, including persons suffering from chronic diseases, persons with a weak immune system and the elderly. According to §§ 16 and 28 of the Constitution, the state shall ensure the protection of the life and health of people but people themselves also play an important role – they must look out for the health of their family and colleagues as well as the weaker groups of society and the public as a whole.

Since § 27(3) of the Communicable Diseases Prevention and Control Act requires that in the event of a quarantine the term of quarantine shall be set out and a quarantine cannot be established without a term, it was planned upon the issue of this Order that the Order will remain in effect through 31 December 2020.

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

This Order can be appealed against by filing a challenge with the Government of the Republic pursuant to the procedure provided by the Administrative Procedure Act within 30 days as of the day the relevant person became or should have become aware of the Order. This Order can also be appealed against by filing an action with the administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure within 30 days as of the day of announcement of this Order.

The explanatory memorandum to the Order is available on the website kriis.ee.