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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

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Under § 27 (3) and the preamble of § 28 (2) and § 28 (6) of the Communicable Diseases Prevention and Control Act and considering the provisions of § 27 (1) 1) and 2) and § 27 (6) and § 28 (8) of the same, requirements for quarantine for the purpose of avoiding and preventing the coronavirus SARS-CoV-2 causing COVID-19 from spreading outside the focus of the disease are imposed as follows:

1. Persons diagnosed with COVID-19 (hereinafter *infected person*) 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 an infected 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, or when a health care professional refers them to receive health services, or in the event of an emergency that puts their life or health at risk.
3. A person who is living with or permanently staying in the same place of stay as an infected person or who has otherwise had close contact with an infected person (hereinafter *close contact*) is prohibited from leaving their place of residence or permanent place of stay during a period of 10 calendar days after becoming aware of the COVID-19 diagnosis of the infected person. For a person who is living with or permanently staying in the same place of stay as an infected person the 10-calendar-day period starts from the onset of the infected person's symptoms or, if the infected person exhibits no symptoms, from the day the infected person took the positive test for SARS-CoV-2. For a person who has otherwise had contact with an infected person the 10-calendar-day period starts from last close contact with the infected person.
4. The restriction set out in clause 3 does not apply if the close contact is showing no symptoms of COVID-19, 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 other possible measures for preventing the spread of the communicable disease and the following circumstances occur:
 - 1) the close contact 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 close contact leaves their place of residence or permanent place of stay when a health care professional refers them to receive health services or in the event of an emergency that puts their life or health at risk;
 - 3) the close contact is a health care professional who is performing urgent duties by a decision of their employer;
 - 4) the close contact 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;
 - 5) if the person referred to in sub-clause 4) 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;
 - 6) the close contact is getting the everyday essentials near their place of residence or place of stay because it is otherwise impossible;
 - 7) any and all contact between the close contact and an infected person who is living in the same place of residence or staying in the same place of stay is excluded;
 - 8) the close contact is outdoors and completely avoids contact with other persons.

5. The provisions of clauses 3 and 4 do not apply to close contacts who have suffered from COVID-19 and who have been declared healthy by a physician and no more than six months have passed since they were declared healthy (hereinafter *recovered person*), or to close contacts who have been vaccinated against COVID-19 and no more than six months have passed since the day of last vaccination (hereinafter *vaccinated person*), provided that, during the 10-calendar-day period referred to in clause 3, the close contacts:

1) wear a protective mask or cover their mouth and nose (hereinafter *mask*) in indoor premises where they come into contact with persons with whom they are not permanently staying in the same place of residence or place of stay. A mask need not be worn by 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;

2) they carefully monitor their health, they show no symptoms of the disease and they 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.

6. 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.

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

8. This Order takes effect on 2 February 2021 and remains in effect up to and including 31 May 2021.

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 COVID-19.

Government of the Republic Order No. 455 "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 17 December 2020 is in effect from 1 January 2021 through 1 February 2021. This Order hereby extends the current requirements and imposes the same restrictions for another period as of 2 February 2021.

Quarantine has been applied since the emergency situation from 26 March 2020. After the end of the emergency situation the Government of the Republic imposed a quarantine on persons diagnosed with COVID-19 and on persons close to them from 18 May 2020 until 1 July 2020. 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 was in effect from 16 July 2020 through 30 September 2020. Government of the Republic Order No. 336 "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 29 September 2020 was in effect from 1 October 2020 through 31 December 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 first COVID-19 vaccines have only recently been granted a marketing authorisation in the European Union and vaccination against COVID-19 has also started in Estonia but there is still no disease-specific effective treatment, it is necessary to extend the restrictions. On 26 January 2021, 357 new tests came back positive in 24 hours. According to the population register the most new positive tests were recorded in Harju County and Ida-Viru County where 201 and 46 persons, respectively, were diagnosed with the coronavirus (the morbidity rate per 100,000 inhabitants is 586.6 and 867, respectively). The Estonian morbidity rate per 100,000 inhabitants for the past 14 days is 541.62. 409 people have been hospitalised, 41 of them are in intensive care and 21 of the latter are on mechanical ventilation. For the past 14 days, infected persons were recorded in all counties. 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 COVID-19 caused by the coronavirus SARS-CoV-2.

Under § 2 (2) of the Communicable Diseases Prevention and Control Act, COVID-19 corresponds to the signs of a dangerous novel 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 COVID-19. The quarantine imposed by this Order is necessary because the spread of the infection has noticeably increased over the past two months – when on 20 November 2020 the cumulative morbidity per 100,000 inhabitants for the past 14 days was 253.5, then on 26 January 2021 the relevant coefficient was 541.62. 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 effective measure.

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. Exceptions may be made for close contacts 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.

There is still little scientific research about the probability of recovered and vaccinated persons becoming infected again and transmitting COVID-19 but according to current knowledge the probability of recovered persons becoming infected again within six months is low and therefore the quarantine requirement should not be applied to them during said time. The relevant exception is provided for in clause 5 of the Order.

Vaccination against COVID-19 in Estonia started on 27 December 2020 using the Comirnaty vaccine (Pfizer/BioNTech; according to data of 26 January 2021, Estonia has received 49,140 doses). According to data of 26 January 2021, 1200 doses of the Moderna COVID-19 vaccines have been delivered to Estonia. Both vaccines are mRNA vaccines and have similar mechanism of action. On 26 January 2021, other vaccines had not been granted a marketing authorisation in the European Union. On 26 January 2021, there were 27,180 persons in Estonia who had had at least one dose of vaccine and 3078 persons had been given all required doses.

The Estonian Society for Infectious Diseases and the Science Council advising the Government of the Republic recommend releasing people who have been given all required doses of vaccine from the quarantine requirement.

This recommendation is based on the following knowledge. Currently there is information only about Pfizer/BioNTech and Moderna vaccines that have been granted a marketing authorisation in the European Union. Both Pfizer/BioNTech (Comirnaty) and Moderna (Moderna COVID-19 vaccine) vaccines are highly effective and vaccination prevents the majority of symptomatic cases. There is little information about whether the vaccine also prevents transmission (asymptomatic infection) but this is primarily due to the fact that currently we can rely on the results of third stage clinical trials that focus on the effectiveness of the vaccine – prevention of the disease – and not on reducing transmission.

However, asymptomatic infection has been studied with Moderna vaccine. In the Moderna vaccine trials the SARS-CoV-2 RNA from nasal swab was determined before the second vaccine dose (on the 28th day). In mITT population (persons who had received at least one dose of the vaccine) PCR positivity was found in 0.1% of the people in the vaccine group (N = 15) and 0.3% of the people in the placebo group (N = 39). This leads to the conclusion that the vaccine also reduces asymptomatic infection even after one dose. Yet it is important to observe that all PCR positive cases counted irrespective of the time of occurrence. Infections during the first 12 to 14 days is not surprising because the formation of antibodies takes a couple of weeks (the same applies to asymptomatic infection). There is no data on how much the completion of the vaccination scheme (2 doses) reduces asymptomatic infections but it is reasonable to guess that more than after one dose.

But until it is absolutely certain that COVID-19 vaccines also protect against transmission, it is necessary for close contacts to carefully monitor their health, comply with measures imposed by the Government of the Republic and the Health Board for preventing the possible spread of the communicable disease and take all other possible measures for preventing the spread of the communicable disease. It is as important for close contacts to wear a protective mask or otherwise cover their nose and mouth indoors (for example, in public indoor spaces, at work, in administrative agencies or educational institutions, and sports and leisure facilities and so on) where they come into contact with people with whom they do not share a place of residence, for the purpose of preventing the potential spread of the virus (except in the special cases referred to in the Order). The same principle also applies to recovered persons. Therefore, for 10 calendar days, recovered and vaccinated persons who are released from the restriction are still required to wear a mask or other protective equipment in places specified in the Order. 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.

Being aware of the positive and negative factors involved in amending said Order, the Health Board, the Estonian Society for Infectious Diseases and the Science Council advising the Government of the Republic find that the resulting gain outweighs any possible negative aspects. Currently marketed vaccines are sufficiently effective and the presented efficacy data is reliable.

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 May 2021.

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.

Kaja Kallas
Prime Minister

Taimar Peterkop
Secretary of State