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Measures and restrictions necessary for preventing the spread of COVID-19

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Amended by the following acts

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24.09.2020	RT III, 24.09.2020, 3	29.09.2020
26.09.2020	RT III, 26.09.2020, 1	28.09.2020
29.09.2020	RT III, 29.09.2020, 9	29.09.2020
09.10.2020	RT III, 09.10.2020, 1	12.10.2020
15.10.2020	RT III, 15.10.2020, 2	19.10.2020
29.10.2020	RT III, 29.10.2020, 2	30.10.2020
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
03.12.2020	RT III, 03.12.2020, 1	05.12.2020
04.12.2020	RT III, 04.12.2020, 3	05.12.2020
10.12.2020	RT III, 10.12.2020, 1	12.12.2020
17.12.2020	RT III, 17.12.2020, 3	18.12.2020
23.12.2020	RT III, 23.12.2020, 1	24.12.2020, partially 28.12.2020
29.12.2020	RT III, 29.12.2020, 1	30.12.2020, partially 11.01.2021
30.12.2020	RT III, 31.12.2020, 8	01.01.2021
08.01.2021	RT III, 08.01.2021, 1	11.01.2021
13.01.2021	RT III, 13.01.2021, 5	15.01.2021
15.01.2021	RT III, 16.01.2021, 1	18.01.2021, partially 25.01.2021 and 01.02.2021
30.01.2021	RT III, 30.01.2021, 4	01.02.2021, partially 03.02.2021
19.02.2021	RT III, 19.02.2021, 7	22.02.2021
26.02.2021	RT III, 26.02.2021, 2	01.03.2021
03.03.2021	RT III, 03.03.2021, 1	06.03.2021, partially 15.03.2021
05.03.2021	RT III, 05.03.2021, 1	06.03.2021
09.03.2021	RT III, 09.03.2021, 11	11.03.2021
01.04.2021	RT III, 01.04.2021, 2	05.04.2021
22.04.2021	RT III, 22.04.2021, 1	26.04.2021, partially 03.05.2021
29.04.2021	RT III, 29.04.2021, 1	03.05.2021
30.04.2021	RT III, 30.04.2021, 1	03.05.2021
06.05.2021	RT III, 06.05.2021, 3	10.05.2021
13.05.2021	RT III, 14.05.2021, 1	17.05.2021, partially 24.05.2021 and 31.05.2021
21.05.2021	RT III, 21.05.2021, 9	24.05.2021, partially 31.05.2021
28.05.2021	RT III, 29.05.2021, 2	31.05.2021, partially 01.06.2021 and 14.06.2021

Under § 28 (2) 1) through 3) and 5) and § 28 (5) and (6) of the Communicable Diseases Prevention and Control Act and considering § 28 (8) of the same, the following restrictions are imposed:
[RT III, 29.05.2021, 2 - entry into force 01.06.2021]

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]

1¹. [Repealed – RT III, 01.04.2021, 2 – entry into force 05.04.2021]

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

[RT III, 01.04.2021, 2 – entry into force 05.04.2021]

1) up to 72 hours before arrival in the country a person took a test for the coronavirus SARS-CoV-2 causing the COVID-19 disease and the results of that test came back negative and, following arrival in Estonia, no earlier than on the sixth day after the first test the person takes a second test for the coronavirus SARS-CoV-2 causing the COVID-19 disease and the results of that test also come back negative or a physician declares the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

2) a person who failed to take a test for the coronavirus SARS-CoV-2 causing the COVID-19 disease up to 72 hours before arrival in the country took the test promptly after arrival in Estonia and the results of that test came back negative and no earlier than on the sixth day after the initial test the person takes a second test for the coronavirus SARS-CoV-2 causing the COVID-19 disease and the results of that test also come back negative or a physician declares the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

[RT III, 13.01.2021, 5 – entry into force 15.01.2021]

3) a person arrives from a third country for which information has not been released on the European Union green list published on the website of the Ministry of Foreign Affairs (hereinafter *European Union green list*) and if 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 COVID-19 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 and the person arrives in the Republic of Estonia under the Aliens Act for the purpose of work or studies in an educational institution registered in Estonia and the person is tested for the coronavirus SARS-CoV-2 causing COVID-19 immediately after arrival in Estonia and the results of that test come back negative and the person is re-tested no earlier than on the sixth day after the first test and the results of that test also come back negative or a physician declares the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay. The Ministry of Foreign Affairs publishes information on the morbidity rates by country on its website.

[RT III, 01.04.2021, 2 – entry into force 05.04.2021]

3. A person referred to in clauses 1 and 2 may leave their place of residence or permanent place of stay provided the person takes measures imposed by the Government of the Republic or the Health Board and all other possible measures for preventing the possible 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 because a health care professional has referred them to receive health services or in the event of an emergency that puts the person's life or health at risk;

3) the person referred to in sub-clauses 1) and 2) of clause 2 performs urgent and inevitably necessary duties by a decision of their employer and up to 72 hours before arrival in the country or after arrival in the country the person has taken at least one test for the coronavirus SARS-CoV-2 causing COVID-19, the results of which came back negative, or a physician has declared the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

4) a person who is an athlete, a coach or a team member who arrives in Estonia from a third country referred to in sub-clause 3) of clause 2 for the purpose of working 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 national team level or who participates in an international high level competition as an athlete or an athlete's team member or who is directly involved in carrying out aforesaid sports competition performs 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 COVID-19, the results of which came back negative or if a physician has declared the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

[RT III, 14.05.2021, 1 – entry into force 17.05.2021]

5) the person attends an urgent family occasion and up to 72 hours before arrival in the country or after arrival in the country the person has taken at least one test for the coronavirus SARS-CoV-2 causing COVID-19, the results of which came back negative, or if a physician has declared the person not to be contagious. Until the test has come back negative the person is required to remain in their place of residence or permanent place of stay;

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

7) the person is outdoors and completely avoids contact with other persons;

8) for the performance of urgent duties, acquiring an education or due to a family occasion, the person returns to the country from where the person arrived in Estonia provided up to 72 hours before leaving Estonia the person took at least one test for the coronavirus SARS-CoV-2 causing COVID-19, the results of which came back negative, or if a physician has declared the person not to be contagious.
The provisions of sub-clause 5) of this clause do not apply to a person referred to in sub-clause 3) of clause 2.
[RT III, 01.04.2021, 2 – entry into force 05.04.2021]

3¹. [Repealed – RT III, 13.01.2021, 5 – entry into force 15.01.2021]

4. The provisions of clauses 1 through 3 do not apply to asymptomatic persons:

- 1) who are employees of a diplomatic mission or a consular post of a foreign country or the Republic of Estonia or their family members or holders of an Estonian diplomatic passport;
- 2) who arrive in the Republic of Estonia in the framework of international military cooperation;
- 3) who are members of foreign delegations arriving in the Republic of Estonia for the performance of duties on the invitation of a state or local authority;
- 4) who are directly involved in transporting goods and raw products, including loading of goods or raw products, and who arrive in Estonia for the performance of duties;
- 5) who arrive in Estonia for the purpose of providing health services or other services necessary for responding to an emergency;
- 6) who are directly involved in international carriage of goods and passengers, including a crew member and a ship's crew member servicing an international means of transport and a person performing repairs or warranty or maintenance work on such a means of transport, and who arrive in Estonia for the performance of duties;
- 7) whose purpose for arriving in the Republic of Estonia is directly related to the provision of passenger transport services and who are servicing travel groups;
- 8) whose purpose for arriving in the Republic of Estonia is related to ensuring the continuity of a vital service;
- 9) who are using the territory of the Republic of Estonia for immediate transit;
- 10) who are nationals, residents or long-stay visa holders of a Member State of the European Union or a Schengen Member State or an EEA country or the Swiss Confederation or the Principality of Andorra or the Principality of Monaco or the Republic of San Marino or the Vatican City State (Holy See) or the United Kingdom of Great Britain and Northern Ireland or their family members and who arrive in the Republic of Estonia from said countries and who have been in one or several of said countries 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 countries for the past 14 days is equal to or less than 150. The Ministry of Foreign Affairs publishes information on the morbidity rates by country on its website;
- 11) who are persons referred to in sub-clause 10) or persons who are residents of a third country, according to the laws of that country, which is on the European Union green list and who arrive in Estonia from said country, provided the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing COVID-19 per 100,000 inhabitants in said country for the past 14 days is equal to or less than 16;

[RT III, 01.04.2021, 2 – entry into force 05.04.2021]

- 12) who arrive from a third country that is not on the European Union green list and if in the country from where they arrive and under whose laws they are deemed to be its residents or are deemed to stay there legally the cumulative number of positive tests for the coronavirus SARS-CoV-2 causing COVID-19 per 100,000 inhabitants for the past 14 days is equal to or less than 16 and if the above information is available for that country and there is no high risk of the virus spreading in that country. The Ministry of Foreign Affairs publishes this information on its website;

[RT III, 01.04.2021, 2 – entry into force 05.04.2021]

- 13) who cross the state border between the Republic of Estonia and the Republic of Latvia at least twice a week for the purpose of urgent cross-border work or studies, provided the relevant person has taken at least one test for the coronavirus SARS-CoV-2 causing COVID-19 during the past seven days and the results of that test have come back negative or a physician has declared the person not to be contagious;

[RT III, 30.04.2021, 1 – entry into force 03.05.2021]

- 14) 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 provided they will not go beyond the borders of the administrative territory of the local authorities of Valga and Valka, respectively.

[RT III, 30.04.2021, 1 – entry into force 03.05.2021]

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

4². [Repealed – RT III, 01.04.2021, 2 – entry into force 05.04.2021]

4³. [Repealed – RT III, 30.04.2021, 1 – entry into force 03.05.2021]

4⁴. [Repealed – RT III, 13.01.2021, 5 – entry into force 15.01.2021]

4⁵. [Repealed – RT III, 01.04.2021, 2 – entry into force 05.04.2021]

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

6. [Repealed – RT III, 30.01.2021, 4 – entry into force 01.02.2021]

6¹. The 10-calendar-day requirement to remain in one's place of residence or permanent place of stay and the requirements for being tested for the coronavirus SARS-CoV-2 causing COVID-19, as referred to in this Order, are not applied if a person:

- 1) suffered from COVID-19 and has been declared healthy by a physician and no more than six months have passed since the person was declared healthy;
 - 2) has completed the vaccination series for COVID-19, has developed full protection after the last dose of vaccine and no more than one year has passed since;
 - 3) has been given one dose of vaccine after recovering from COVID-19, has developed full protection after the dose of vaccine and no more than one year has passed since, or a person has contracted COVID-19 after the first dose of vaccine and no more than one year has passed since the person was declared healthy by a physician.
- If a person contracts COVID-19 within two weeks after the first dose of vaccine, the person will be subject to the provisions of sub-clause 1) applicable to recovered persons.

[RT III, 29.05.2021, 2 – entry into force 01.06.2021]

6². The time when the full protection referred to in clause 6¹ is developed is, according to the manufacturers, 7 calendar days after the second dose of vaccine for Pfizer/BioNTech Vaccine Comirnaty, 15 calendar days after the second dose of vaccine for AstraZeneca Vaccine Vaxzevria, 14 calendar days after the second dose of vaccine for Moderna COVID-19 Vaccine, and 14 calendar days after one dose of vaccine for Janssen COVID-19 Vaccine. For other COVID-19 vaccines not mentioned in this clause, the specific manufacturer's instructions for full protection shall be followed. Full protection for recovered persons vaccinated with one dose is deemed to have been developed at the times stated in this clause.

[RT III, 29.05.2021, 2 – entry into force 01.06.2021]

7. Public events, sports competitions and sports and exercise events if the requirements established for the participants differ from those set out in this Order are allowed on the following conditions:

[RT III, 08.01.2021, 1 – entry into force 11.01.2021]

- 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 10-calendar-day requirement to remain in one's place of residence or permanent place of stay and the requirements for being tested for the coronavirus SARS-CoV-2 causing COVID-19, as referred to in this Order, are not applied to persons performing at a public event referred to in clause 7 or persons directly involved in carrying out such an event or persons 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. The Health Board shall establish necessary restrictions on the freedom of movement of said persons.

[RT III, 30.01.2021, 4 – entry into force 01.02.2021]

8¹. In public indoor spaces, persons may be and move around together while practising physical distancing. This restriction does not apply to families and in cases when said requirements cannot be reasonably ensured. 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, 29.05.2021, 2 – entry into force 31.05.2021]

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. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

9¹. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

10. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

11. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

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. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

14. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

15. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

16. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

17. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

18. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

19. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

20. [Repealed – RT III, 14.05.2021, 1 – entry into force 17.05.2021]

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. [Repealed – RT III, 16.01.2021, 1 – entry into force 18.01.2021]

20³. [Repealed – RT III, 16.01.2021, 1 – entry into force 18.01.2021]

20⁴. [Repealed – RT III, 08.01.2021, 1 – entry into force 11.01.2021]

20⁵. [Repealed – RT III, 08.01.2021, 1 – entry into force 11.01.2021]

20⁶. [Repealed – RT III, 08.01.2021, 1 – entry into force 11.01.2021]

20⁷. [Repealed – RT III, 08.01.2021, 1 – entry into force 11.01.2021]

20⁸. [Repealed – RT III, 16.01.2021, 1 – entry into force 25.01.2021]

20⁹. [Repealed – RT III, 16.01.2021, 1 – entry into force 01.02.2021]

20¹⁰. [Repealed – RT III, 29.12.2020, 1 – entry into force 30.12.2020]

20¹¹. [Repealed – RT III, 30.01.2021, 4 – entry into force 01.02.2021]

20¹². [Repealed – RT III, 30.01.2021, 4 – entry into force 03.02.2021]

20¹³. Students may be in study buildings, used for learning purposes, of general education schools, vocational educational institutions, institutions of professional higher education and universities only when the requirements for wearing a mask provided for in clause 8² are met. [RT III, 14.05.2021, 1 – entry into force 17.05.2021]

20¹⁴. As of 31 May 2021, for the purpose of preventing the spread of the coronavirus SARS-CoV-2 causing COVID-19, the following measures and restrictions shall additionally apply:

1) engaging in sports, training, youth work, hobby activities, hobby education and refresher training are allowed indoors if it is ensured that the number of participants is no higher than a total of 200 people. It must be ensured that occupancy does not exceed 50% and the requirements provided for in clauses 8¹ and 8² must be met. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured. The restriction on occupancy does not apply to international high level sports activities, sports activities related to Estonian adult championships or cup competitions, professional sports activities within the competitions system of a sports federation, including members of and candidates for Estonian adult and youth teams and team sport athletes in premier and championship leagues, activities related to the military defence or internal security of the state, or activities of disabled persons, including provision of social or occupational rehabilitation services and Astangu Vocational Rehabilitation Centre;

2) engaging in sports, training, youth work, hobby activities, hobby education and refresher training are allowed outdoors if it is ensured that the number of participants is no higher than a total of 250 people. This

restriction does not apply to international high level sports activities, sports activities related to Estonian adult championships or cup competitions, professional sports activities within the competitions system of a sports federation, members of and candidates for Estonian adult and youth teams and team sport athletes in premier and championship leagues, activities related to the military defence or internal security of the state, or activities of disabled persons, including provision of social or occupational rehabilitation services;

3) outdoor sports competitions and sports and exercise events are allowed if it is ensured that the number of participants is no higher than a total of 250 people, and the organiser of an event ensures that participants are not at the venue from 22:00 to 06:00. If the nature of the relevant sports competition or sports and exercise event makes it absolutely necessary to finish the on-going activity later than required by the restriction, the organiser shall ensure that the activity is completed within 60 minutes. Whereas, scheduled core activities related to the participants may not be scheduled to end much later than 22:00. No spectators are allowed;

4) sports competitions and sports and exercise events where the participants are athletes involved in an international high level competition or Estonian adult championships or cup competitions or team sport athletes in premier and championship leagues, professional athletes competing within the competitions system of a sports federation, members of and candidates for Estonian adult and youth teams, or disabled persons or persons to whom social or occupational rehabilitation services are provided are allowed indoors only if compliance with the requirements provided for in clauses 8¹ and 8² is ensured, and the total number of participants may be no higher than 200 people and outdoors no higher than 250 people. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured indoors. No spectators are allowed;

5) people may be and move around in indoor public saunas, spas, swimming pools and water parks if compliance with the requirements provided for in clauses 8¹ and 8² is ensured, occupancy does not exceed 50%, the total number of participants is no higher than 200 people and no person is at said venues from 22:00 to 06:00.

The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured. It is allowed to be and move around in outdoor public saunas, spas, swimming pools and water parks if it is ensured that the number of participants is no higher than a total of 250 people and no person is at said venues from 22:00 to 06:00. The restriction on business hours and occupancy does not apply to the proprietor of a place of provision of service or their representative, employees, persons involved in emergency work or persons necessary for economic servicing of the place;

6) indoor public meetings, public events, including conferences, theatre performances, concerts and film screenings, provision of entertainment services and people being and moving around at public indoor religious services and other public indoor religious rites are allowed if compliance with the requirements provided for in clauses 8¹ and 8² is ensured, occupancy does not exceed 50% per room, the total number of attendees is no higher than 200 people and no person is at said venues from 22:00 to 06:00. If the nature of the relevant activity makes it absolutely necessary to finish the on-going activity later than required by the restriction, the organiser shall ensure that the activity is completed within 60 minutes. Whereas, scheduled core activities intended for people may not be scheduled to end much later than 22:00. Availability of disinfectants to employees and customers and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured. The restriction on business hours, number of people and occupancy set out in this sub-clause does not apply to organisers or the proprietor of a place for carrying out activities or providing services or their representative, employees, contractors, artists, persons involved in emergency work or persons necessary for economic servicing of the place;

7) outdoor public meetings, public events, including conferences, theatre performances, concerts and film screenings, provision of entertainment services and people being and moving around at public outdoor religious services and other public outdoor religious rites are allowed if it is ensured that the number of attendees is no higher than a total of 250 people and no person is at said venues from 22:00 to 06:00. If the nature of the relevant activity makes it absolutely necessary to finish the on-going activity later than required by the restriction, the organisers shall ensure that the activity is completed within 60 minutes. Whereas, scheduled core activities intended for people may not be scheduled to end much later than 22:00. The restriction on business hours and number of people set out in this sub-clause does not apply to organisers or the proprietor of a place for carrying out activities or providing services or their representative, employees, contractors, artists, persons involved in emergency work or persons necessary for economic servicing of the place;

8) people may be and move around in indoor museums and exhibition facilities if compliance with the requirements provided for in clauses 8¹ and 8² is ensured, indoor occupancy does not exceed 50% per room, the total number of visitors is no higher than 200 people per room and no person is at said venues from 22:00 to 06:00. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured indoors. It is allowed to be and move around in outdoor museums and exhibition facilities if it is ensured that occupancy does not exceed 50% per territory accessible to visitors and if no person is at said venues from 22:00 to 06:00. The restriction on business hours, number of people and occupancy set out in this sub-clause does not apply to organisers or the proprietor of a place for carrying out activities or providing services or their representative, employees, contractors, artists, persons involved in emergency work or persons necessary for economic servicing of the place;

9) customers may be and move around in catering establishments' indoor sales or service area if compliance with the requirements provided for in clauses 8¹ and 8² is ensured, and it must be ensured that the requirement of no more than 50% occupancy of catering establishments' sales or service area is met and that no person is at catering establishments' indoor sales or service area from 22:00 to 06:00, except for the purpose of takeaway or provision of delivery or transport services. Customers may be and move around in outdoor sales or service area if it is ensured that occupancy is no higher than 50% per sales or service area and from 22:00 to 06:00 people are and move around in said places only for the purpose of takeaway or provision of delivery or transport services. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured indoors. The restrictions on catering establishments' business hours

and occupancy set out in this sub-clause do not apply to the proprietor of a place of provision of service or their representative, employees, contractors, artists, persons involved in emergency work or persons necessary for economic servicing of the place. The restrictions on business hours and occupancy do also not apply on board of aircraft used for international carriage of passengers, or to catering establishments' sales or seating area located inside the security restricted area of an international airport and catering establishments' sales or seating area located beyond the boarding gates in the waiting area of a passenger terminal of an international port and catering establishments' sales or service area located on board vessels servicing international routes;

10) customers may be and move around in the sales area of stores and in public spaces of commercial establishments located indoors if compliance with the requirements provided for in clauses 8¹ and 8² is ensured and occupancy is no higher than 50%. The restriction on occupancy provided for in this sub-clause does not apply to the proprietor of a commercial establishment or their representative, employees, persons involved in emergency work or persons necessary for economic servicing of the place. The availability of disinfectants to employees and customers and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured;

11) customers may be and move around in service providers' indoor service areas if compliance with the requirements provided for in clauses 8¹ and 8² is ensured and occupancy does not exceed 50%. The restriction on occupancy provided for in this sub-clause does not apply to the proprietor of a place of provision of service or their representative, employees, persons involved in emergency work or persons necessary for economic servicing of the place. The availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board shall be ensured.

[RT III, 29.05.2021, 2 – entry into force 31.05.2021]

20¹⁵. The restrictions and measures provided for in this Order are not applied when state-organised immunisation is being carried out or when handling of blood is being organised under the Blood Act. Said activities are allowed if compliance with the requirements provided for in clauses 8¹ and 8² and the availability of disinfectants and compliance with the disinfection requirements according to instructions from the Health Board are ensured.

[RT III, 29.05.2021, 2 – entry into force 31.05.2021]

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 under § 53 (1) 4) and (2) 3) and § 66 (2) 1) of the Administrative Procedure Act and the need for these restrictions and measures shall be reviewed no later than after every two weeks.

[RT III, 14.05.2021, 1 – entry into force 17.05.2021]

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. 213 of 28 May 2021

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 COVID-19.

§ 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, public interest in avoiding increased 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.

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. It is justified to apply certain restrictions for preventing the spread of the virus causing COVID-19. 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. Whereas, it is important to consider how can people, in the long run, exercise their other fundamental rights, such as right to liberty of movement and to engage in enterprise, if the virus that causes COVID-19 is not contained in Estonia and health care institutions are overloaded and health workers are overworked. 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 a measure (obligation or restriction) on the basis of epidemiological, laboratory and clinical information; the measure 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.

Various restrictions on the freedom of movement and various measures for preventing and stopping the spread of the coronavirus SARS-CoV-2 causing COVID-19 have been established by the Government of the Republic Order No. 282 "Measures and restrictions necessary for preventing the spread of COVID-19" of 19 August 2020, which serve the purpose of reducing contact between people and preventing the spread of the virus. The spread of the coronavirus SARS-CoV-2 is still wide in Estonia and the infection rates are high.

Establishment of the restrictions by the Order is based on the fact that COVID-19 caused by 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. The virus can be contracted when in close contact with an infected person, by inhaling particles of the virus¹ or through contaminated surfaces or, for example, contaminated hands. The virus can spread in poorly ventilated and/or crowded indoor settings, where people tend to spend longer periods of time. This is because aerosols (particles of the virus) remain suspended in the air or travel farther than 1 metre. People in risk groups (including older people) are in greater risk of the disease becoming serious or of complications or of needing hospital treatment.

This Order changes various restrictions and measures by areas considering the epidemiological situation in Estonia and having regard to the fact that in March 2021 hospitals were greatly overloaded and the spread of the coronavirus was epidemic but currently the coronavirus situation has changed, allowing for the restrictions to be eased further. According to clause 22 of the Order, the Government of the Republic is required to review the need for applicable restrictions after every two weeks.

During week 20 in 2021, 1465 new COVID-19 cases were registered in Estonia. Compared to the week before, the number of new cases was 21.6% lower. In the past week 32,573 tests were analysed (2455 tests per 100,000 inhabitants), the number of tests remained steady compared to the week before the last one and 4.5% of the tests analysed came back positive. This so-called United Kingdom variant of the virus (B.1.1.7) is spreading widely in Estonia and has become dominant (92% of all new cases). As per 24 May 2021, a total of 68 people infected with the so-called South African (RSA) variant (B.1.351) were registered in Estonia, 41 of them were local cases. Six people infected with the so-called Indian variant (in one case B.617.1 and in five cases

B.1.617.2) have also been registered in Estonia. The new discovered Indian variants (B.1.617.2) were imported from India, Germany and Russia.

According to the Health Board, the rate at which the virus spreads has slowed down in Estonia and has stabilised at a moderately high rate and the risk of becoming infected with the coronavirus is still great. In May 2021 the infection rate is at the level seen in November and December 2020. However, the intensity of morbidity is still high throughout the country according to the Health Board.

The Science Council says that the infection coefficient R still shows high morbidity, although it is on the decline. In Estonia, said figure has fallen below 1, which means that the applicable measures are efficient and necessary and they have brought contacts between people to a minimum and the number of new cases is falling. The basic reproduction number R , or the infection coefficient, remains steady at around 0.86 across Estonia (last week it was 0.92).

This Order has been drawn up considering the fact that the morbidity per 100,000 people per 14 days in Estonia and the intensity of morbidity are high. On 26 May 2021, the ratio of positive tests from the last 14 days to 100,000 inhabitants was 222.13 and the ratio of positive tests from the last 7 days to 100,000 inhabitants was 94.7. On 12 May 2021, the ratio of positive tests from the last 14 days to 100,000 inhabitants was 343.57 and the ratio of positive tests from the last 7 days to 100,000 inhabitants was 312. As per 28 April 2021, the ratio of positive tests from the last 14 days to 100,000 inhabitants was 422.2. On 30 March 2021 the same indicator was 1364.21. On 28 April 2021, the number of initial positive tests was 396 which accounted for 8.3% of the total number of tests, and on 12 May 2021 the number of positive tests was 371 which accounted for 7.87% of the total number of tests.

This Order extends the period of release from self-quarantine after crossing the border (from six months to one year) for people who have recovered from the disease or who have been vaccinated or who are deemed equivalent to vaccinated persons. This Order repeals the current so-called 2+2 rule applicable to being and moving around in indoor public space as of 31 May 2021 and this rule is substituted with the requirement of physical distancing in carrying out various activities and organising events.

This Order also changes the eased restrictions that will take effect on 31 May 2021, allowing to engage in sports, training, hobby education, hobby activities, youth work and refresher training without being subject to any restrictions on groups. The restrictions on groups are cancelled for all activities. The occupancy requirement is also eased and according to the amendment occupancy may be up to 50%. As of 31 May 2021 it will also be allowed to organise public indoor meetings and events with and without designated seats. At said events, attendees must be physically distanced, a total of up to 200 persons may attend, occupancy may not exceed 50% and closing time shall be 22:00.

As of 14 June 2021, restrictions will be eased for indoor and outdoor activities. This Order greatly changes the total number of people who may engage in one and the same activity at once. In indoor settings, a total of 600 people may participate in an activity or event at once, and in outdoor settings 1000 persons. This limit has been established in consideration of the Health Board's assessment according to which as of mid-June indoor activities may be allowed with up to 600 participants, subject to the requirement of 50% distancing, and outdoor activities with up to 1000 participants. The Health Board based this assessment on the assumption that when 600 participants gather indoors and 1000 participants gather outdoors, there will be about 2 to 3 infected persons among them (if the morbidity per 100,000 inhabitants per 14 days is 250–300 people) which may result in an additional 2 to 7 secondary infections. It is estimated that the eased limit on the number of participants in mid-June will bring about an increase in the number of infected people. According to the Health Board, as per 26 May 2021, the average age of infected people is below 45 years and by the end of June at least 60% of people over 50 years of age will have recovered from the disease or been vaccinated with 2 doses, i.e. have developed protection against becoming seriously ill. The Health Board therefore finds that a possible increase in the number of infected persons related to controlled raising of the limits will not have a significant effect on the workload of hospitals. Furthermore, restrictions of time will be changed.

Restrictions of time imposed on various activities serve the purpose of preventing the spread of the infection and reducing and shortening possible contact between people. Measures imposed for preventing the spread of the virus must be taken as a whole and, for example, the restriction on opening hours must be identical for people and not depend on the content of the service provided. The restriction is based on the assumption that if people use cultural, sports, entertainment and other similar services for an unlimited amount of time, it increases the chance that several services are used over a longer period of time and different places of provision of service are visited which, among other things, may be located in different regions of Estonia. This in turn increases the number of contacts between people and favours the spread of the infection. Therefore, restrictions of time, as one measure among many, are proportional and necessary for preventing the spread of the virus.

According to the restrictions applicable until 14 June, it is allowed to carry out various activities in outdoor settings, for example engage in sports and training, with the participation of up to 250 people, but as of 14 June 2021 these activities may be carried out in outdoor settings with the participation of up to 1000 people. Similar changes are made to using outdoor saunas and swimming pools and holding outdoor public meetings and events.

As of 14 June 2021 these activities may also involve up to 1000 people in total; outdoor meetings and events must end by 00:00, which is two hours later than allowed before.

As of 14 June 2021, sports and exercise events may be organised in indoor settings if the participants are physically distanced, and events may have up to 600 participants, including spectators, and occupancy may not exceed 50%. The number of participants, including spectators, allowed in outdoor settings will be up to 1000. Both indoor and outdoor sports and exercise events must end by 00:00. The restriction of time will not be applied to international high-level sports competitions because based on a contract concluded between the relevant international sports federation and broadcaster international competitions may end after 00:00 and the organiser in Estonia cannot change previous agreements. Also, due to their nature, sports competitions may last longer if the ordinary match time ends with a tie or it takes longer than expected for an athlete to reach the finish line in individual sports.

14 June 2021 will also bring changes in indoor events and consumption of food and beverages in indoor premises of food establishments. It will be allowed to organise indoor public meetings and events and provide entertainment on the condition that attendees will be physically distanced, occupancy will not exceed 50% and no more than a total of 600 people will attend a meeting or an event.

Examples of places of provision of entertainment services are children's playrooms, concert halls, nightclubs, adult clubs, casinos, bowling alleys, billiard halls and soon. As of 14 June 2021 the restrictions on the size of a party at a table in indoor settings of restaurants, cafés, bars and other catering establishments will be revoked and as of 14 June 2021 it will be allowed to consume food and beverages on the premises if it is ensured that occupancy will not exceed 50% and no food or beverages will be consumed on the premises after 00:00. Catering establishments will be allowed to serve customers on outdoor terraces until 00:00; catering establishments will not be subject to any other restrictions in outdoor settings.

Restrictions are also eased for museums and exhibition facilities. As of 14 June 2021 museums and exhibition facilities may remain open for visitors for two hours longer, that is until 00:00.

More restrictive conditions are imposed on indoor activities because the risk of the virus spreading is higher indoors, thereby increasing the risk of becoming infected. Restrictions are also eased considering that several activities can be carried out outdoors in the springtime and summertime.

Application of restrictions and continuation with other restrictions and measures that are not changed by this Order are an efficient and proportional measure for the protection of the life and health of people and for ensuring public health and the continuity of the health care system.

Under § 11 of the Constitution, rights and freedoms may only be circumscribed in accordance with the Constitution. Such circumscription must be necessary in a democratic society and may not distort the nature of the rights and freedoms circumscribed. The principle of proportionality arises from the second sentence of § 11 of the Constitution, according to which circumscription of rights and freedoms must be necessary in a democratic society. In this case, imposing restrictions and measures is in the public interest and they are imposed throughout the state, which means that all economic operators and individuals affected by the imposition of the restrictions are in the same situation and nobody is treated differently. According to § 31 of the Constitution, Estonian citizens have the right to engage in enterprise and to form for-profit undertakings and organisations. Conditions and procedures for the exercise of this right may be provided by a law. The scope of protection of the freedom of enterprise and the right to liberty is infringed when the public authority adversely affects this freedom.

Restricting stay and movement in catering establishments, saunas, spas, water parks and swimming pools interferes with the freedom of enterprise. The second sentence of § 31 of the Constitution gives the legislator authority to restrict the freedom of enterprise by the Communicable Diseases Prevention and Control Act. Any reasonable justification is sufficient for restricting the freedom of enterprise. This justification must be based on public interest or the need to protect the rights and freedoms of others, it must carry weight and it must naturally be lawful. Considering that the basis for restricting this freedom arises from the law and there is a legitimate and justified situation arising from public interest and the need to protect the rights and freedoms of others, the imposition of the restrictions and measures provided for in this Order is lawful. There is no other efficient way to achieve the objective of reduced contacts between people. There are no means that would limit indoor contacts between people and reduce the risk of the virus spreading as a result thereof the same, but that would restrict the rights of economic operators less.

The restrictions and measures imposed by the Order serve the purpose of limiting the spread of the coronavirus and the number of people getting infected and ensuring the continuity of the vital functions of the state. The restrictions and measures provided for in the Order have been carefully considered and it has been decided in favour of those that are more efficient than their alternatives in the context of the current spread of the infection based on currently available information. It has also been assessed that said restrictions and measures are fair and proportional in interaction of various fundamental rights and freedoms (e.g. §§ 12, 16, 19, 28, 31, 34, 37 and 47 of the Constitution). This means that the restrictions and measures as a whole affect all people for the purpose of public interest (protection of the life and health of people, continuity of the state).

The restrictions and measures provided for in the Order affect the usual activities of people, businesses and so on. Due to the epidemiological situation, for example the right of people to go to cafés, shopping, spas, sports clubs, entertainment facilities, etc. in a usual manner, to a usual extent and in a usual fashion must still

be restricted (infringement of § 19 of the Constitution). Studies (infringement of § 37 of the Constitution) and public gatherings (events, meetings) are also restricted. The restrictions and measures may affect the operation of businesses and their opportunities to earn the highest income possible (§ 31 of the Constitution). Fundamental rights and freedoms are restricted for the purpose of protecting the life of people (§ 16 of the Constitution) and the health of people (§ 28 of the Constitution) and the continuity of the state.

Continuity involves a risk where a large number of people, e.g. medical staff, police officers, rescue workers, social workers, judges, teachers, state officials and members of the parliament falling ill has a perceivable effect on the availability of public services and the legal order of the state. When restrictions and measures are imposed, it is weighed for each area what is the fair balance between the protection of life, health and continuity of the state and the rights and freedoms circumscribed.

According to § 47 of the Constitution, everyone has the right to assemble peacefully and to conduct meetings without prior permission. This right may be circumscribed in the cases and pursuant to a procedure provided by law to safeguard national security, maintain public order, uphold public morality, ensure the safety of traffic and the safety of participants of the meeting, or to prevent the spread of an infectious disease. So, the right provided for in § 47 of the Constitution is also not an absolute right. The reason why § 47 of the Constitution specifically refers to the prevention of the spread of an infectious disease is that infectious diseases spread among people when people get together. Therefore, one of the most important and main measures of preventing the spread of infectious diseases in stopping the spread of an infection is to restrict interaction between people.

When imposing the Order the Government of the Republic weighed the rights of different social groups and found a reasonable balance that allows for the society to be increasingly opened considering the epidemiological situation. The Government of the Republic makes said judgments based on expert opinions and considering social and economic effects.

The reasons for the measures and restrictions are set out in the Order and the explanatory memorandum to the Order.

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.who.int/news-room/q-a-detail/coronavirus-disease-covid-19-how-is-it-transmitted>