



Strasbourg, 20 March 2020

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### NOTE VERBALE

The Secretariat General of the Council of Europe (Treaty Office) presents its compliments to the Ministry of Foreign Affairs and has the honour to enclose a copy of a Note verbale from the Permanent Representation of Estonia to the Council of Europe, dated 20 March 2020, transmitted to the Secretary General of the Council of Europe on 20 March 2020, concerning Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5).

This information is transmitted in pursuance of Resolution (56) 16 of the Committee of Ministers.

The Secretariat General of the Council of Europe (Treaty Office) avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Encl.



Note to all member States.  
Copy Estonia.

**Permanent Representation Estonia  
to the Council of Europe**

No. 1-16/6

The Permanent Representation of Estonia to the Council of Europe presents its compliments to the Secretary General of the Council of Europe and pursuant to Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms informs that Estonia exercises the right of derogation from its obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms in the entire territory of Estonia.

The Permanent Representation of Estonia informs that following the announcement of the World Health Organization of 11 March 2020 that COVID-19 has been confirmed as pandemic, and taking into account the significant danger the spread of COVID-19 has posed to public health, on 12 March 2020, the Government of the Republic of Estonia declared emergency situation in the entire territory of the Republic of Estonia.

The declaration of emergency situation was necessary to combat the spread of the coronavirus in Estonia in the most efficient manner. The State must be able to provide its citizens with clear and, if necessary, mandatory instructions to help limit the spread of the virus, which threatens the life of the nation. The emergency situation commenced on 12 March 2020, and, unless decreed otherwise by the Government, remains in force until 1 May 2020.

Among the measures adopted by the Government of Estonia, regular class-room studies in primary, basic, secondary and vocational schools as well as higher education establishments and universities have been suspended as of 16 March 2020 and switched over to remote and home studying. Also hobby education was suspended. All public gatherings are prohibited, museums, theatres and cinemas will be closed to visitors, all performances, concerts and conferences, as well as sports competitions are prohibited. Social welfare institutions, hospitals, and detention facilities will be subject to a visiting ban.

On 14 March 2020, additional movement restrictions for several Estonian islands were introduced. Only people who have a permanent residence on the islands were allowed to travel to the territories if they do not show symptoms of COVID-19. The people currently on the islands were allowed to return home. Restrictions were also imposed on spending leisure time. All sports halls, sports clubs, gyms, spas, swimming pools, water centres, day centres, and children's playrooms were ordered to be closed. Hotels and other accommodation providers were ordered to close their gyms, swimming pools, saunas and spas. The restriction did not apply to the provision of social and health care services.

On 15 March 2020, it was decided to restrict crossing of the Schengen internal and external border temporarily and reintroduce border controls in order to contain the spread of the coronavirus as of 17 March 2020. Only citizens of Estonia and holders of Estonian residency permit or right of residence could enter Estonia, as well as foreign citizens whose family member lives in Estonia. At the border control, travel documents and medical symptoms are checked. The requirement of a two-week quarantine for everyone entering the country has also been imposed.

Some of these measures may involve a derogation from certain obligations of Estonia under Articles 5, 6, 8 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Articles 1 and 2 of Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 2 of Protocol No.4 to the Convention for the Protection of Human Rights and Fundamental Freedoms. The measures adopted by the Government are required by the exigencies of the situation and are not inconsistent with other obligations under international law.

The Permanent Representation of the Republic of Estonia to the Council of Europe attaches to this note the unofficial translations of the Order No.76 of Government of Estonia of 12 March 2020 “On the Declaration of Emergency Situation in the territory of Estonia” and subsequent Orders Nos. 77 and 78 of 13 March 2020 and 15 March 2020 and ruling No. 15 “On the temporary reintroduction of border control and surveillance of internal borders” of 15 March 2020 issued by the Government of Estonia. Also translations of Orders 26, 29, 30, 32, 34 and 35 issued by the Prime Minister as the person in charge of emergency situation are appended as well as the recommendations of the Council for Administration of Courts on the administration of justice during the emergency situation, issued on 16 March 2020.

Pursuant to Article 15, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms, the Permanent Representation of Estonia to the Council of Europe will inform the Secretary General of the Council of Europe about future developments with regard to the emergency situation, and will notify her when these emergency measures have ceased to operate and the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms are fully implemented again.

The Permanent Representation of Estonia to the Council of Europe avails itself of this opportunity to renew to the Secretary General of the Council of Europe the assurances of its highest consideration

Strasbourg, 20 March 2020

*(seal)*

Secretary General of the Council of Europe  
STRASBOURG

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(\* ) **Declaration registered at the Secretariat General on 20 March 2020 – Or. Engl.**

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**Order No. 76**

**Declaration of an emergency situation on the administrative territory of the Republic of Estonia**

Pursuant to clause 87 8) of the Constitution of the Republic of Estonia and section 13, subsection 19 (1), subsection 21 (1), and section 23 of the Emergency Act:

1. The Government of the Republic:

- 1) Declares an emergency situation due to the worldwide pandemic spread of the COVID-19-causing coronavirus, the detection of the spread of the virus within Estonia and the likelihood of its spread and the consequent risk of mass infection; and the need to implement the command organisation provided for in Chapter 4, Section 2 of the Emergency Act, and to enable the measures set out in that Chapter to be applied where necessary. The emergency caused by the spread of the virus can no longer be resolved without the implementation of the command organisation provided in the Emergency Act;
- 2) designates the administrative territory of the Republic of Estonia as the area of the emergency situation;
- 3) appoints the Prime Minister as the Head of the emergency situation.

2. Unless decreed otherwise by the Government of the Republic, the emergency situation remains in force until 1 May 2020.

3. Possessors of the media and electronic communications operators must publish the Order promptly, in an unaltered form, and free of charge.

4. The Order shall enter into force upon signature.

Jüri Ratas  
Prime Minister

Taimar Peterkop  
Secretary of State

## Order No. 77

### Implementation of emergency situation measures

Due to the emergency situation declared with Order No. 76 of the Government of the Republic of 12 March 2020, 'Declaration of an emergency situation on the territory of the Republic of Estonia', the Government of the Republic resolves:

1. Pursuant to subsections 31 (1) and (3) of the Emergency Act, to impose a restriction on freedom of movement in educational establishments to suspend regular teaching and to transfer teaching to remote learning from 16 March 2020, including:
  - 1) to organise in-house information days in all basic, upper secondary, vocational, and higher education institutions without delay and provide all students with the necessary remote learning materials;
  - 2) the Government of the Republic or the Head of the emergency situation decides separately the measures to be applied to the teaching of students with special needs;
  - 3) the opening and organisation of work of kindergartens and childcare facilities are decided by the operator;
  - 4) to stop recreational activities and hobby education, except where remote learning is possible, and to suspend the activities of open youth centres and youth camps;
  - 5) the measures referred to in subclauses 1 to 4 will remain in force until such time as this Order is amended and their necessity is evaluated every two weeks at the latest.
2. The restriction of clause 1 does not apply to research and development in universities and research institutes.
3. Under subsection 32 (1) of the Emergency Act, to prohibit from 13 March to 1 May 2020 all public gatherings, cinema screenings, nightclubs, performances, concerts and conferences, and sports and exercise events, and under subsection 31 (1) of the Emergency Act, prohibit visiting museums and other exhibition facilities.
4. Pursuant to subsection 31 (3) of the Emergency Act, to impose a restriction on the freedom of movement on cruise passengers on the Tallinn–Stockholm–Tallinn route.
5. To establish the following restrictions on freedom of movement under subsection 31 (1) of the Emergency Act:
  - 1) a ban on visiting social welfare institutions and hospitals;
  - 2) a ban on visits to detention facilities.
6. Possessors of the media and electronic communications operators must publish the Order promptly, in an unaltered form, and free of charge.
7. The Order shall enter into force upon signature.

The current Order introduces more specific measures to protect the life and health of people and the overriding public interest which are essential to prevent the spread of the virus. The reasons and considerations are set out in the explanatory memorandum to the Order. The

explanatory memorandum to the Order will be published on the website of the Government of the Republic.

Failure to properly comply with an emergency situation measure shall be subject to the administrative coercive measures specified in subsection 28 (2) or (3) of the Law Enforcement Act.

The Order may be challenged pursuant to the procedure provided for in the Code of Administrative Court Procedure.

Jüri Ratas  
Prime Minister

Taimar Peterkop  
Secretary of State

## Order No. 78

### Temporary restriction of crossing State borders due to the spread of coronary virus causing COVID-19

Pursuant to Article 17, paragraph 1, point 1 of the State Borders Act:

1. In view of the pandemic spread of COVID-19 coronary virus across the world, the presence of the virus in Estonia and the high probability of the further spread of the virus in Estonia, and the risk of mass-infection as a result, temporarily restrictions have been reintroduced to establish the border controls at the internal border to limit the crossing of the border for the purpose of entry into Estonia.
2. For the purpose of entry into Estonia, border crossing is allowed for Estonian citizens, people with a residence permit or right of residence in Estonia, or for people who have permanent residence in Estonia according to the Population Register.
3. For the purpose of entry into Estonia, border crossing is allowed for foreign citizens who do not have any symptoms of the disease and who are members of the staff of a foreign diplomatic mission or a consular office located in Estonia, or a family member of the staff, or a foreign citizen entering Estonia in the framework of international military cooperation.
4. For the purpose of entry into Estonia, border crossing is allowed for a foreign citizen who does not have any symptoms of the disease and is directly involved in the transport of goods and raw materials.
5. For the purpose of entry into Estonia, border crossing is allowed for a foreign citizen who does not have any symptoms of the disease and who provides health care services or other services necessary for the management of the emergency situation.
6. As an exception, the Police and Border Guard Board may allow a foreign citizen to cross the State border for entry into Estonia, if:
  - 1) they do not show any symptoms of the disease, and have a direct ascending or descending relative or a spouse who is an Estonian citizen, has the residence permit or right of residence in Estonia;
  - 2) they do not show any symptoms of the disease and their admission is justified on the basis of a special application.
7. For the purpose of entry into Estonia, border crossing is allowed if the foreign national needs to cross the territory of Estonia in order to reach their country of residence without delay in transit, provided that person does not show any symptoms of the disease.
8. These measures are valid until the Order is amended and the necessity shall be assessed at every two weeks the latest.
9. The Order shall enter into force on 17 March 2020.

Jüri Ratas  
Prime Minister

Taimar Peterkop  
Secretary of State

**Temporary reintroduction of border control  
and border surveillance at the internal border**

The Regulation is established on the basis of subsection 113 (4) of the State Borders Act.

**§ 1.** Temporary reintroduction of border control and border surveillance at the internal border: The regulation temporarily reintroduces border control of persons and means of transport at the internal border of the Republic of Estonia and border surveillance from 17 March 2020 in order to ensure public order and protection of public health.

**§ 2.** Requirements for border control and border surveillance

(1) The temporary reintroduction of border control and border surveillance means that the requirements for the surveillance of external borders and border control, taking into account the specifications set out in this Regulation, are applied to the control of persons and means of transport crossing the internal border.

(2) The temporary reintroduction of border control and border surveillance at the internal border:

- 1) border controls are carried out;
- 2) the team and passengers of the means of transport are questioned;
- 3) sanitary controls are carried out.

(3) The temporary reintroduction of border control and the border surveillance at the internal border shall not be subject to customs clearance or to veterinary or phytosanitary control requirements.

(4) During the temporary reintroduction of border control at the internal border, it is not allowed to cross the border between the Republic of Estonia and the Republic of Latvia in the area between the border crossing points.

**§ 3.** Differences between border control and border surveillance requirements for the temporary reintroduction of border control

The requirements referred to in section 2 (1) and (2) shall apply with the following exceptions:

- 1) the stamp imprint allowing the crossing of the border is not made to the travel document;
- 2) the operations accompanying the temporary reintroduction of border control are not generally applied to a local coastal fishing vessel;
- 3) the passengers of passenger trains crossing the State border of the Republic of Estonia and the Republic of Latvia are checked in the wagons and on the platform;
- 4) the airport dispatcher notifies the representative of the airport border crossing point of the aircraft arriving in Estonia at least one hour before the landing. In case of unscheduled landing, the airport dispatcher immediately informs the representative of the airport border crossing point;
- 5) the operations accompanying the temporary reintroduction of border control are not generally applied to personnel and vehicles providing rescue and ambulance services;
- 6) in exceptional circumstances, a border control police officer may authorise a person to cross the internal border outside a border crossing point if they have a legal basis for entry and stay in Estonia, a valid identity document, and their identity has been established or verified.

**§ 4.** Specifications for the application of the requirements of the Border Regime Rules for the temporary reintroduction of border control

Clauses 4, 13, 25, 26–31, and 41 of the Border Regime Rules approved by Regulation No. 176 of the Government of the Republic of 17 September 1997, 'Approval of the Border Regime Rules' (hereinafter border regime rules), do not apply to persons and means of



transport crossing the internal border at the border crossing points specified in sections 6 and 7 of this Regulation.

**§ 5.** Specifications of border crossing points infrastructure for the temporary reintroduction of border control

The requirements for the establishment of infrastructure arising from the State Borders Act and the Border Regime Rules do not apply to the road border crossing points and railway border crossing points specified in section 6.

**§ 6.** Temporary border crossing points on the State border of the Republic of Estonia and the Republic of Latvia

Border control at the following border crossing points open to international traffic at road sections and railway stations shall be temporarily reintroduced at the State border of the Republic of Estonia and the Republic of Latvia:

Name of the border crossing point	Place of border control	Possibilities and limitations of border crossing
Ikla border crossing point	Tallinn–Pärnu–Ikla highway	24 hours
Lilli border crossing point	Karksi-Nuia–Lilli highway	24 hours
Murati border crossing point	Riga–Pskov highway	24 hours
Valga-1 border crossing point	Valga–Uulu highway	24 hours
Valga-3 border crossing point	Valga, Sepa Street	24 hours
Valga railway border crossing point	Valga railway station	Open at the designated time, on call

**§ 7.** Temporary reintroduction of border control at ports and airports

Border checks at ports and airports shall be temporarily reintroduced for persons crossing the internal border at the following border crossing points:

- 1) border crossing points open to international traffic at sea and transboundary water body ports:

Name of the border crossing point	Place of border control	Possibilities and limitations of border crossing
Dirham border crossing point	Port of Dirham	On call, open only to cargo ships
Heltermaa border crossing point	Port of Heltermaa	On call, open only to cargo ships
Kunda border crossing point	Port of Kunda	On call, open only to cargo ships
Kuivastu border crossing point	Port of Kuivastu	On call, open only to cargo ships
Lehtma border crossing point	Port of Lehtma	On call, open only to cargo ships
Loksa border crossing point	Port of Loksa	On call, open only to cargo ships
Miiduranna border crossing point	Port of Miiduranna	On call, open only to cargo ships
Muuga border crossing point	Port of Muuga	Open at the designated time, except for recreational crafts

Name of the border crossing point	Place of border control	Possibilities and limitations of border crossing
Mõntu border crossing point	Port of Mõntu	On call, open only to cargo ships
Narva-Jõesuu border crossing point	Port of Narva-Jõesuu	On call, open only to cargo ships
Paldiski-1 border crossing point	Paldiski North Port	Open at the designated time
Paldiski-2 border crossing point	Paldiski South Port	Open at the designated time
Pärnu-2 border crossing point	Port of Pärnu	On call, open only to cargo ships
Rohuküla border crossing point	Port of Rohuküla	On call, open only to cargo ships
Roomassaare border crossing point	Port of Roomassaare	On call, open only to cargo ships
Port of Saaremaa border crossing point	Port of Saaremaa	On call, open only to cargo ships
Port of Sillamäe border crossing point	Port of Sillamäe	Open at the designated time
Tallinn-2 border crossing point	Port of Meeruse	On call, open only to cargo ships
Tallinn-3 border crossing point	Port of Bekker	On call, open only to cargo ships
Tallinn-4 border crossing point	Russian-Baltic port	On call, open only to cargo ships
Tallinn-5 border crossing point	Port of Paljassaare	On call, open only to cargo ships
Tallinn-6 border crossing point	Port of Lahesuu	On call, open only to cargo ships
Tallinn-8 border crossing point	Port of Noblessner	On call, open only to cargo ships
Tallinn-10 border crossing point	Port of Patarei	On call, open only to cargo ships
Tallinn-11 border crossing point	Old City Marina	Open at the designated time
Tallinn-12 border crossing point	Port of Pirita	On call, open only to cargo ships
Tallinn-14 border crossing point	Port of Kakumäe	On call, open only to cargo ships
Veere border crossing point	Port of Veere	On call, open only to cargo ships
Vergi border crossing point	Port of Vergi	On call, open only to cargo ships
Virtsu border crossing point	Port of Virtsu	On call, open only to cargo ships

2) Border crossing points open to international traffic at airports:

Name of the border crossing point	Place of border control	Possibilities and limitations of border crossing
Kuressaare-2 border crossing point	Kuressaare Airport	On call
Kärdla border crossing point	Kärdla Airport	On call
Pärnu-1 border crossing point	Pärnu Airport	On call
Tallinn-1 border crossing point	Tallinn Airport	Open at the designated time
Tallinn-13 border crossing point	City Hall Helicopter Terminal	On call
Tartu-1 border crossing point	Tartu Airport	Open at the designated time
Ämari border crossing point	Ämari Airport	On call by special arrangement only

**§ 8. Obligations of the Tax and Customs Board**

During the temporary reintroduction of border control and border surveillance at the internal border, the Tax and Customs Board will perform enhanced State supervision of compliance with prohibitions and restrictions at the internal border, based on risk analysis.

**§ 9. Obligations of the Road Administration**

In accordance with the instructions of the Police and Border Guard Board, the Estonian Road Administration is required to organise the installation of signs, waymarks, bollards, and barriers for the restriction and direction of traffic for the temporary reintroduction of border control and border surveillance at the internal border.

**§ 10. Preparation and completion of the temporary reintroduction of border control and border surveillance at the internal border**

(1) The Police and Border Guard Board, the Tax and Customs Board, the Road Administration, and any other relevant administrative body may start preparations for the temporary reintroduction of border control and border surveillance at the internal border, including the installation of equipment, signs, waymarks, bollards, barriers, and facilities from the entry into force of this Regulation.

(2) The administrative authority referred to in section 1 shall remove any equipment, signs, waymarks, bollards, barriers, and facilities installed for the temporary reintroduction of border control and border surveillance at the internal border within one month of the end of the border control and border surveillance at the internal border if their installation or use is contrary to the State Borders Act.

**§ 11. Informing the public and the relevant authorities**

The Ministry of the Interior, in cooperation with the Ministry of Foreign Affairs, organises the informing of the public, the European Parliament, the European Commission, and the Member States of the temporary reintroduction of border control and border surveillance at the internal border pursuant to the procedure established by law.

**§ 12. Entry into force of the Regulation**

This Regulation shall enter into force on 17 March 2020.

Jüri Ratas  
Prime Minister

Mart Helme  
Minister of the Interior

Taimar Peterkop  
Secretary of State

**ORDER OF THE HEAD OF THE EMERGENCY SITUATION****Order No. 26**

1. Pursuant to subsection 24 (2) of the Emergency Act:
  - 1) Local governments shall develop and provide, as soon as possible, solutions for securing the care of kindergarten children while their parents are required to be at work, and present them immediately to the head of the emergency situation;
  - 2) The Police and Border Guard Board shall apply sanitary checks at border crossing points to identify the country of origin of the persons and their self-reported disease symptoms, including at the external border of the Republic of Estonia and at the border crossing points of Ikla, Valga (I, III), and Lilli, as well as in ports and airports open for international passenger traffic;
  - 3) The Ministry of Foreign Affairs in cooperation with the Ministry of Social Affairs:
    - a) shall provide daily information to the head of the emergency situation on areas of high-level virus spread as passengers coming from there must avoid contact with other persons for two weeks (isolation).
    - b) the list referred to in clause a shall be supplemented with an order of the head of the emergency situation;
    - c) shall develop by 16 March 2020 the isolation rules in cooperation with the Ministry of the Interior.
  - 4) The Ministry of Foreign Affairs, in cooperation with the Government Office, shall ensure that the embassies and the citizens of these countries are kept informed.
2. Pursuant to section 77 of the Police and Border Guard Act and section 30 of the Law Enforcement Act, the Police and Border Guard Board requires the following information at manned border crossing points: the person's name, country of dispatch, country of transit, country of destination, e-mail, telephone, place of residence or stay. The person must be informed of the rules in place to prevent the spread of the virus in Estonia.
3. Pursuant to subsection 24 (2) of the Emergency Act, the Ministry of Economic Affairs and Communications, the Ministry of Social Affairs, and the Ministry of Foreign Affairs, in cooperation with passenger shipping companies, shall:
  - 1) develop and implement measures to control the spread of the virus;
  - 2) inform passengers at the time of ticket purchase, as well as those who have already purchased the ticket, of the above isolation requirement.
4. The Order shall enter into force upon signature.

The current Order introduces more specific measures to protect the life and health of people and the overriding public interest which are essential to prevent the spread of the virus. The reasons and considerations are set out in the explanatory memorandum to the order. The explanatory memorandum to the Order will be published on the website of the Government of the Republic.

Failure to properly comply with an emergency situation measure shall be subject to the administrative coercive measures specified in subsection 28 (2) or (3) of the Law Enforcement Act.

The Order may be challenged pursuant to the procedure provided for in the Code of Administrative Court Procedure.

Jüri Ratas  
Head of the emergency situation

**The Order of the person in charge of the emergency situation regarding restrictions imposed on institutions accessible by the public**

Based on the Order of the Government of the Republic No 76 of 12.03.2020 on Declaring the emergency situation in the administrative territory of the Republic of Estonia, establishing the emergency situation, the person in charge of the emergency situation decides the following:

1. Pursuant to Art 31, paragraph 1 and 3 of the Emergency Act, restrictions on freedom of movement and prohibition to stay in public sports halls, gymnasiums, saunas, spa's, sports clubs, swimming pools, water parks, day centres and children's playrooms are imposed.
2. The restrictions set out in point 1 shall not apply to the employees of these institutions.
3. The restriction set out in point 1 shall not apply to institutions providing social and health services and soup kitchen services. The restriction also does not apply to institutions offering food assistance, care services, services for disabled children and adults, and treatment and rehabilitation services.
4. These measures are valid until the order is amended, and their necessity shall be assessed every two weeks the latest.
5. Mass media and electronic communications operators shall publish the Order without delay, without any alternations and free of charge.
6. The Order shall enter into force upon signature.

This Order introduces more precise measures to protect human life and health and the overwhelming public interest, which are essential to prevent the spread of the virus. The reasons and considerations are given in the Explanatory Memorandum of the Order, which will be published on the Government of the Republic website.

In case of the failure to observe the emergency measure, the administrative coercive measures referred to in Art 28 paragraph 2 or 3 of the Law Enforcement Act shall be implemented. In compliance with Art 47 of the Emergency Act the penalty payment is 2000 EUR.

The Order can be challenged in accordance with the procedure laid down in the Code of Administrative Procedure.

Person in charge of the emergency situation

(signed digitally)

Jüri Ratas

**Order of the person in charge of the emergency situation on the introduction of restrictions on freedom of movement in the territory of Saaremaa, Hiiumaa, Vormsi, Ruhnu, Kihnu and Muhu municipalities**

Based on the Order of the Government of the Republic No 76 of 12.03.2020 on Declaring the emergency situation in the administrative territory of the Republic of Estonia, establishing the emergency situation, the person in charge of the emergency situation decides the following:

1. Pursuant to Article 31, paragraph 3 of the Emergency Act, restrictions on freedom of movement in the territory of Saaremaa municipality, Hiiumaa municipality, Vormsi municipality, Ruhnu municipality, Kihnu municipality and Muhu municipality are imposed as follows:
  - 1) as of entry into force of this Order, prohibit the exit of persons present in the territory of Saaremaa municipality, Hiiumaa municipality, Vormsi municipality, Ruhnu municipality, Kihnu municipality and Muhu municipality;
  - 2) as of entry into force of this Order, prohibit the entry of persons into the territory of Saaremaa municipality, Hiiumaa municipality, Vormsi municipality, Ruhnu municipality, Kihnu municipality and Muhu municipality;
2. The prohibition set out in point 1 of the Order shall not apply to the following persons:
  - 1) a person whose exit from the territory with a restriction of movement is necessary based on the decision of a doctor or a member of an ambulance brigade;
  - 2) a person who does not show any symptoms of the disease and who transports raw materials and goods to the territory where restrictions on movement applies;
  - 3) a person who does not show any symptoms of the disease and who transports locally produced goods from the restricted territory;
  - 4) a person who does not show any symptoms of the disease and wishes to return to their place of residence in the restricted territory;
  - 5) a person who does not have any symptoms of the disease and who is authorised by a decision of a police officer to leave or enter the restricted territory;
  - 6) a person who does not have any symptoms of the disease and who wishes to enter the restricted territory to provide health care services or other services necessary to resolve an emergency;
  - 7) a person who does not have any symptoms of the disease and who transports medical samples from the restricted territory;
  - 8) a person who does not have any symptoms of the disease and who wishes to participate in the funeral of a relative;
  - 9) a person who does not have signs of the disease and who is the driver of a public transportation vehicle in the provision of public transport services.
3. Pursuant to Article 24, paragraph 2 and 5 of the Emergency Act, the following tasks shall be assigned to the authorities due to the reasons which have required the declaration of the emergency situation:
  - 1) the Police and Border Guard Board shall ensure the movement restriction provided for in this Order, subject to the conditions laid down in the Order;
  - 2) Saaremaa municipality, Hiiumaa municipality, Vormsi municipality, Ruhnu municipality, Kihnu municipality and Muhu municipality shall provide the Police and Border Guard Board with all the necessary assistance in the performance of the tasks referred to in this Order.
4. These measures are valid until the Order is amended, and their necessity shall be assessed every two weeks the latest.

5. Mass media and electronic communications operators shall publish the Order without delay, without any alternations and free of charge.

6. The Order shall enter into force upon signature.

This Order introduces more precise measures to protect human life and health and the overwhelming public interest, which are essential to prevent the spread of the virus. The reasons and considerations are given in the Explanatory Memorandum of the Order, which will be published on the Government of the Republic website.

In case of the failure to observe the emergency measure, the administrative coercive measures referred to in Art 28 paragraph 2 or 3 of the Law Enforcement Act shall be implemented. In compliance with Art 47 of the Emergency Act the penalty payment is 2000 EUR.

The Order can be challenged in accordance with the procedure laid down in the Code of Administrative Procedure.

Person in charge of the emergency situation

(signed digitally)

Jüri Ratas

**Order of the person in charge of the emergency situation on the restriction of the freedom of movement after crossing the State border**

Pursuant to the 12 March 2020 Order Nr. 76 of the Government of the Republic "Declaration of an Emergency Situation on the administrative territory of the Republic of Estonia" implementing an Emergency Situation, the person in charge of the emergency situation has decided:

1. Pursuant to Section 31 (3) of the Emergency Act, to implement a restriction on the freedom of movement for the duration of 14 days to persons, who are permitted to enter Estonia at the State border of the Republic of Estonia. For 14 days after arrival in Estonia, these persons are prohibited from leaving the place of residence or address of stay noted in the health declaration or in the document of certification on the provision of healthcare services.
2. A person under restriction may leave their place of residence or stay on the order of a health care worker or police officer or in the event of an emergency that poses a threat to the person's life or health.
3. The restriction outlined in section 1 does not apply to the following people permitted to enter Estonia, who do not exhibit signs of illness:
  - 1) employees or family members of foreign diplomatic representations in Estonia or consular institution employees or their family members or foreigners entering Estonia within the framework of international military cooperation;
  - 2) persons, who are directly involved in the transport of goods or raw materials;
  - 3) persons, who are directly involved in international passenger or commercial freight, including crew members of international transportation services;
  - 4) persons, who are providing services to travelling groups and are directly involved in the provision of passenger freight services;
  - 5) health care workers or other persons essential to resolving the emergency situation;
  - 6) persons, who have been granted permission to cross the State border with the goal of reaching their country of residence;
  - 7) persons, to whom the Police and Border Control Board has given permission to enter Estonia based on a special application.
4. Pursuant to Section 24 (2) of the Emergency Act, in order to resolve the emergency that led to the declaration of the emergency situation, to assign the task of enforcing the restriction on the freedom of movement imposed by this Order to the Police and Border Control Board, according to the provisions and conditions outlined in the Order.
5. The above measures will remain in force until an amendment is made to this Order, whereas the necessity for these measures is re-evaluated every two weeks at the latest.
6. Possessors of media and electronic communications undertakings will publish the Order without delay, without changes and free of charge.
7. The Order enters into force on 17 March 2020.

For the protection of people's lives and health and the overwhelming general interest, this order sets in place measures that are vital to containing the spread of the virus. The justifications and considerations have been outlined in the Explanatory Memorandum that will be published on the website of the Government of the Republic.



In the event of non-compliance with the measures of the emergency situation, administrative coercive measures stipulated in Section 28 (2) or (3) of the Law Enforcement Act will be implemented. The rate of penalty payment provided in Section 47 of the Emergency Act is 2000 euros.

This Order is subject to challenge according to procedures provided in the Code of Administrative Court Procedure.

Person in charge of the emergency situation

(signed digitally)

Jüri Ratas

**Amendment to Order No. 29 of the prime minister of 14 March 2020, “Order of the head of the emergency situation on restrictions on public institutions”**

Proceeded from the emergency situation established with Order No. 76 of the Government of the Republic of 12 March 2020, “Declaration of an emergency situation on the territory of the Republic of Estonia”, to amend Order No. 29 of the Prime Minister of 14 March 2020, by which the Prime Minister imposed restrictions on the freedom of movement on public institutions, as follows:

1. Supplement clause 1 of the order to include the words “in casinos and slot machine halls” after the words “in day centres”.
2. Supplement the order with clause 31, as follows:  
“31. The restriction set out in clause 1 does not apply to athletes training for the Olympic Games, their coaches, and support staff in the course of their scheduled training at the Audentes Sports Centre and the Pärnu Kalev Rowing Centre in accordance with the list approved by the Estonian Olympic Committee.”
3. Broadcasters and electronic communications undertakings must publish the Order promptly, without any alterations, and free of charge.
4. The Order enters into force upon signing.

Head of the Emergency Situation

(signed digitally)

Jüri Ratas

**Amendment to the Prime Minister's Order Nr 32 of 16 March 2020 "On the restriction of the freedom of movement after crossing the State border"**

Pursuant to the 12 March 2020 Order Nr 76 of the Government of the Republic "Declaration of an Emergency Situation on the administrative territory of the Republic of Estonia" implementing an emergency situation, the following is an amendment to the Prime Minister's Order Nr 32 of 16 March 2020, whereby the Prime Minister implemented restrictions on the free movement of people after crossing the border into Estonia:

1. Supplement section 3 with subsection 6<sup>1</sup>) as follows:

"6<sup>1</sup>) persons, whose border crossing objective is to move to work or return home from Valga to Valka and vice versa,"

2. Channels of mass communication are obliged to publish the Order of the person in charge of the emergency situation immediately, without altering and free of charge.

3. The Order enters into force on 17 March 2020.

Person in charge of the emergency situation

(signed digitally)

Jüri Ratas

## **Recommendations of the Council for Administration of Courts for organising the administration of justice during emergency situation**

Adopted at the session of the Council for Administration of Court on 16 March 2020

The Council for Administration of Courts considers it important that Estonian courts ensure the proper functioning of the administration of justice during emergency situation, while avoiding the spread of the COVID-19 virus to judges, court officers, parties to a proceeding, and other persons engaged in the administration of justice.

Based on subsection 39 (1) and clause 41 (3) 4) of the Courts Act, at its session on 16 March, the Council for Administration of Courts discussed the operation of courts during emergency situation and in order to ensure that any changes in the organisation of work during emergency situation are simultaneous and uniform, it made the following recommendations:

### **- Organisation of the work of judicial authorities**

1. Estonian courts will continue to administer justice during emergency situation by reorganising work in order to prevent the spread of the COVID-19 virus to judges, court officers and parties to a proceeding, and other parties involved in the administration of justice.
2. During emergency situation, the chairman of the court and the director of court are responsible for ensuring the continuous compliance with the orders of the person in charge of national emergency situation and the recommendations of the Health Board in courts. Regardless of any provisions of the plan for division of tasks, the chairman of the court has the right to rearrange cases or give orders to carry out procedural acts on the basis of available resources and by virtue of emergency situation.
3. All training sessions, meetings, assignments abroad, and events in the courts are either postponed or carried out by means of technical assistance resources.
4. It is not allowed for a judge and a court officer, who has any symptoms of a viral disease or has been in close contact with a virus carrier, to come to the courthouse but they shall stay at home and immediately inform the chairman of the court or the director of court of their situation.
5. In the courts, telecommuting is implemented in all positions that allow it. The chairman of the court determines the number of court officials required for the resolution of cases on site and the procedure for their substitution. The remuneration of court officers, who engage in telecommuting, is not reduced during emergency situation.
6. The director of court, and the Centre for Registers and Information Systems, and the Ministry of Justice jointly ensure the availability and functioning of technical solutions enabling telecommuting and electronic conduct of procedural acts.
7. The Court office is open on working days from 9.00-13.00 The courthouse is open on working days until 14.00, unless the chairman of the court decides otherwise.
8. All parties to the proceedings and other persons involved in the administration of justice, who are summoned to the court, will be informed that persons with any symptoms of the disease or those who have been in close contact with a virus carrier are prohibited from entering the courthouse. Persons not involved in judicial proceedings or the administration of justice are not allowed to visit the courthouse during emergency situation.

### **- Performance of judicial proceedings**

9. Where possible, litigation is handled in writing. Written proceedings will be carried out through the information system of courts and by means of a digital court file application. Upon determining procedural time limits and reviewing the requests for their extension, the courts will take in to account the additional burden, tasks or difficulties for the party to a proceeding due to emergency situation.

10. In cases where a hearing is scheduled, the court will immediately contact the parties to the proceedings and other persons summoned to the hearing as soon as possible and will inform them of the further course of the proceedings.
11. During emergency situation, the hearings that are absolutely necessary for the performance of unforeseen or urgent service duties<sup>1</sup> will be held by technical means of communication. If it is not possible to hold a hearing by technical means of communication, the court will decide on holding a hearing on the basis of the circumstances of each particular case.
12. The chairman of the court will arrange agreements with the authorities, which are situated within the jurisdiction of a court, in which the procedural acts that are absolutely necessary are to be carried out (hospitals, nursing homes, detention centres, prisons, prosecutor's office) in order to find ways of carrying out the procedural act by means, which pose as little risk to human health as possible. Where possible, technical solutions will be used for carrying out procedural acts, to avoid physical contact. Only in exceptional cases, the court will carry out procedural acts outside the courthouse.
13. Except in cases of urgency referred to in clause 11 and where the judge does not determine the written procedure, the court will also conduct the hearing or carry out any other procedural act by technical means of communication. If this is not possible, the judge will decide whether to hold a hearing based on the circumstances of the particular case. In general, the court will postpone the hearing or the conduct of the procedural act, and will execute it as soon as possible after the end of emergency situation. The administrative and district court may postpone hearings and concentrate its work on matters that can be settled by written procedure.
14. The court takes into account that, during emergency situation, bringing imprisoned persons to the courthouse is complicated and can facilitate the spread of the virus in prison or house of detention. Therefore, this is implemented only if that is absolutely necessary. The trial judge or the chairman of the court will inform the head of the detention centre of the need to bring an imprisoned person to a hearing.
15. In case of prosecutors, the judge can expect that they attend the hearing through a video bridge. Where possible, a space will be provided in the courthouse for parties in the proceedings in order to allow them to attend the hearing by videoconference.
16. If a person is summoned to the court during emergency situation, they will be asked to inform the court if they have any symptoms of the disease or they have been in contact with a virus carrier. Any persons who have any symptoms of the disease or who have been in close contact with a virus carrier are prohibited from appearing in the court and they are not allowed into the courthouse.
17. Procedural acts involving direct physical contact are carried out in the court only when it is absolutely necessary. The hearings will be conducted and procedural acts carried out in the largest possible courtroom, where there is sufficient distance between persons. For the transmission of procedural documents, a table is set up in the courtroom and the documents are placed on this table in order to avoid direct contact during physical delivery of documents. After the hearing, the courtroom will be thoroughly cleaned and, if necessary, disinfected.
18. The courts prefer the public e-File and email when choosing the method of service of procedural documents. The courts take into account that the service of procedural documents through the postal service provider and the court security guard may facilitate the spread of the virus, and that such methods are disrupted during emergency situation.

#### **- Court's communication with the public and the parties to the proceedings**

19. The court's communication with the parties to the proceedings, the public, and its partners is guided by the fact that, even during emergency situation, the court acts in a professional, credible, and independent manner. Communication is organised by means of active cooperation.

<sup>1</sup> See list in Annex

List of unforeseen or urgent service duties referred to in clause 11 of the recommendations of the Council for Administration of Courts adopted on 16 March 2020

- **Offence matters**

- 1) Granting permissions for surveillance activities (section 126<sup>4</sup> of the Code of Criminal Procedure);
- 2) Resolving search requests (subsection 91 (2) of the Code of Criminal Procedure);
- 3) Taking into custody or deciding whether to continue it (section 130, clause 262 4), section 275, section 395<sup>1</sup>, section 429, section 447 of the Code of Criminal Procedure);
- 4) Imposing custodial detention in misdemeanour procedure (clause 44 (2) 3) of the Code of Misdemeanour Procedure);
- 5) Prematurely releasing a convicted offender from service of punishment due to illness (section 425 of the Code of Criminal Procedure);
- 6) Enforcing imprisonment (section 414 of the Code of Criminal Procedure), its deferral (section 415 of the Code of Criminal Procedure) and waiver (section 416 of the Code of Criminal Procedure);
- 7) Releasing a convicted offender on parole (section 426 of the Code of Criminal Procedure);

- **Civil matters**

- 8) Applying provisional legal protection in matters of placing a person in a closed institution (subsection 534 (6) of the Code of Civil Procedure);
- 9) Applying provisional legal protection in matters of separating a child from family (section 563<sup>2</sup> of the Code of Civil Procedure);
- 10) Applying provisional legal protection in establishing guardianship for an adult (section 521 of the Code of Civil Procedure);

- **Administrative matters**

- 11) Processing of requests from the Police and Border Guard Board for the placement of illegal residents in a detention centre (subsection 23 (11) of the Obligation to Leave and Prohibition on Entry Act; subsection 36<sup>2</sup> (2) of the Act on Granting International Protection to Aliens);
- 12) Resolving urgent disputes arising from the establishment of an emergency situation.

- **Any other urgent procedural act in all types of proceedings if the court considers it urgent.**