

## HERBAL SMOKING PRODUCTS (CIRCULATION REQUIREMENTS)

### SCOPE

The requirements for placing herbal smoking products on the market are regulated by the Law on the Handling of Tobacco Products, Tobacco Substitute Products, Herbal Products for Smoking, Electronic Smoking Devices and Their Liquids (hereinafter - Tobacco Law).

### LATVIAN REGULATIONS

- [Tobacco Law](#)
- Cabinet Regulation No. 440, adopted July 5, 2016 "[Procedures for Providing and Processing Information Regarding Tobacco Products, Herbal Products for Smoking, Electronic Cigarettes, and Their Refill Containers](#)"
- Cabinet Regulation No. 306, adopted May 17, 2016 "[Regulations Regarding the Requirements for Health Warnings to be Placed on Packaging](#)"
- Cabinet Regulation No. 593, adopted September 6, 2016 "[Procedures by which an Economic Operator Notifies of the Commencement of Trade of Electronic Cigarettes and Refill Containers of Electronic Cigarettes](#)"
- Cabinet Regulation No. 24, adopted January 11, 2022 "[Price list of paid services of Health Inspectorate](#)"

## **PRIOR AUTHORISATION**

Before placing herbal smoking products on the market in Latvia, it is necessary to obtain a special permit (license) issued by the State Revenue Service (hereinafter - SRS). According to the special permit (license) referred to in paragraph 11 of the Cabinet Regulation No. 662, adopted August 30, 2005 "[Procedures for the Circulation of Excisable Goods](#)", the special permit (license) is issued for wholesale, retail sale of herbal smoking products, registered recipient activity and registered sender activity.

Before putting herbal smoking products on the market, a manufacturer in the European Union or an importer who plans to import herbal smoking products into Latvia from third countries shall also submit information to the Health Inspectorate. The amount of information to be submitted and the procedure for submission are determined by the Cabinet Regulation No. 440, adopted July 5, 2016 "[Procedures for Providing and Processing Information Regarding Tobacco Products, Herbal Products for Smoking, Electronic Cigarettes, and Their Refill Containers](#)" (hereinafter - Regulation No. 440).

Manufacturers and importers provide the Health Inspectorate with information on herbal smoking products that are planned to be placed on the market or whose composition is changed. A herbal smoking product with added nicotine must be notified to the Health Inspectorate as a tobacco substitute.

The manufacturer of the relevant product is responsible for the timely and accurate provision of the information referred to in Regulation No. 440, if it carries out commercial activities in the European Union and the European Economic Area.

If the manufacturer of the relevant product conducts business outside the European Union and the European Economic Area and the importer of the relevant product conducts business within the European Union and the European Economic Area, the importer of the relevant product is responsible for providing the requested information.

The responsible authority, which must provide information about the product's release on the market, is the Health Inspectorate.

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## **CONTACTS**

### **AUTHORITY RESPONSIBLE FOR REGULATIONS**

Ministry of Health

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### **MARKET SURVEILLANCE AUTHORITY**

Health Inspectorate

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## **MAIN REQUIREMENTS FOR ECONOMIC OPERATORS**

Legal terms

Directive 2014/40/EU of the European Parliament and of the Council (hereinafter - the Tobacco Directive) sets requirements for herbal smoking products that are used using the combustion process, which are also adopted in the Tobacco Act. However, since August 1, 2024, the Tobacco Law also regulates the circulation of herbal smoking products that are used using a heating process, namely in a heating device. The definition of **herbal smoking products** in the Tobacco Act states that

a herbal smoking product is a plant, herb or fruit based product that does not contain tobacco and that can be consumed using a burning or heating process.

A herbal smoking product to which nicotine is added is not considered a herbal smoking product in the sense of Latvian legislation, but is classified as a tobacco substitute product and the requirements set for this product group are applied to it.

#### **Restrictions on placing herbal smoking products on the market:**

1. It is prohibited to place on the market:

1.1. herbal smoking products for which no information has been provided in accordance with Article 5 of the Tobacco Law.

2. herbal smoking products that do not meet the requirements of the Tobacco Law.

#### **The presentation of herbal smoking products and the appearance and contents of packaging units**

1. The statement that the product does not contain additives or flavorings, as well as such elements (for example, inscriptions, symbols, names, trademarks, graphic or other signs) that:

- promotes a herbal smoking product or promotes its consumption, creating a false impression of the product's properties, health effects, hazards or emissions;
- includes information on nicotine, tar and carbon monoxide content;
- suggests that a particular herbal smoking product is safer than others, or that it tends to reduce the effects of certain harmful components of smoke, or that it increases energy and vitality, or that it has medicinal, rejuvenating, natural, organic properties, or that it otherwise beneficial to health or lifestyle;
- resembles a food or cosmetic product;
- gives the impression of an economic benefit, for example by including discount coupons, offers of discounts, information about free distribution, offers to buy multiple packages at a lower price and other similar offers.

2. It is prohibited on the packaging unit of the herbal smoking product and any outer packaging

- depict symbols of the Latvian state;
- depict natural persons, except those natural persons who are depicted on combined warnings;
- use animated characters.

3. A health warning is printed on each packaging unit of the herbal smoking product, as well as on any outer packaging: "Smoking this product is harmful to your health".

- The requirements for the design and placing of the warning on health effects on the package are determined by the Cabinet Regulation No. 306, adopted May 17, 2016 "[Regulations Regarding the Requirements for Health Warnings to be Placed on Packaging](#)".

#### **Procedure for circulation of herbal smoking products**

1. Referring to Article 8 of the Tobacco Law, herbal smoking products have the same sales restrictions as tobacco products, tobacco substitute products, electronic smoking devices and refill containers.
2. It is prohibited to sell herbal smoking products to minors, but from January 1, 2025, to persons under 20 years of age.
3. It is forbidden to sell herbal smoking products to the consumer and it is forbidden for the consumer to buy them using distance communication means (distance contract, online link, website, mobile application, electronic mail, telephone, TV shop, catalog, etc.) including

outside a member state of the European Union or national territories of the European Economic Area

4. It is prohibited to place herbal smoking products and their trademarks in retail outlets so that customers can see these products and their trademarks. The ban does not apply to specialized retail outlets if these retail outlets are located in constructively separated premises with a separate entrance and herbal smoking products and their trademarks are not visible outside the relevant retail outlet.

Additional information: <https://www.vi.gov.lv/lv/tabakas-izstradajumi-augu-smekesanas-produkti-elektroniskas-smekesanas-ierices-un-uzpildes-skidrumi>