

## ELECTRONIC SMOKING DEVICES, THEIR FILLING TANKS AND LIQUIDS (CIRCULATION REQUIREMENTS)

### SCOPE

The requirements for placing electronic smoking devices and their filling tanks, as well as liquids on the market (trade) 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](#)"
- Cabinet Regulation No. 441, adopted July 14, 2020 "[Technical Standards for the Refill Mechanism of Electronic Smoking Devices](#)"

### PRIOR AUTHORISATION

A special permit or license is not required before placing an electronic cigarette product on the market, but a notification must be made.

Before starting to put electronic cigarettes and their refill bottles on the market, the merchant must make sure that their manufacturer or importer has submitted the necessary data on these products to the Health Inspectorate and made payment in accordance with the price list of the Health Inspectorate's fee-based services.

A merchant registered in Latvia, who is engaged in the sale of electronic cigarettes and refill bottles, shall inform the Health Inspectorate about the place of sale before starting the sale of such products.

Manufacturers and importers provide the Health Inspectorate with information on electronic cigarettes and refill bottles that have already been placed on the market, and on electronic cigarettes and refill bottles that are planned to be placed on the market or whose composition is changed.

The procedure in which a merchant reports to the Health Inspectorate before starting the sale of electronic cigarettes and their refill bottles is determined by 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](#)".

The responsible authority to report the point of sale before selling electronic cigarettes and refill bottles is the Health Inspectorate, phone.: +371 67081600, e-mail: [vi@vi.gov.lv](mailto:vi@vi.gov.lv)

## **CONTACTS**

### **AUTHORITY RESPONSIBLE FOR REGULATIONS**

Ministry of Health

Web: [www.vm.gov.lv](http://www.vm.gov.lv)

Phone: +371 67876000

### **MARKET SURVEILLANCE AUTHORITY**

Health Inspectorate

Web: [www.vi.gov.lv](http://www.vi.gov.lv)

Phone: +371 67081600

Email: [vi@vi.gov.lv](mailto:vi@vi.gov.lv)

## **MAIN REQUIREMENTS FOR ECONOMIC OPERATORS**

Legal terms

Compared to the European Parliament and Council Directive 2014/40/EU (hereinafter - the Tobacco Directive), the Tobacco Law defines not only electronic cigarettes and refill bottles, but also electronic devices and containers.

### **1. An electronic smoking device is:**

- a) an electronic cigarette, which is an article or part of an article, including a capsule, a reservoir and a device without a capsule or reservoir, which can be used to inhale nicotine-containing vapor through a mouthpiece, and which can be disposable or refillable with a refill bottle and reservoir, or rechargeable with disposable capsules;
- (b) an electronic device that is an article or part of an article, including a capsule, a reservoir and a device without a capsule or reservoir, which can be used to inhale non-nicotine vapor through a mouthpiece, and which can be disposable or refillable with a container containing nicotine containing no liquid, and a reservoir, or rechargeable with disposable capsules.
- c) an electronic heating device, which is a product or a part of this product, which is intended for the use of a newly introduced tobacco product, tobacco substitute product, herbal smoking product or other product (except medicinal products) to inhale nicotine-containing or non-nicotine vapor through the mouthpiece;

### **2. The filling tank is:**

- (a) a refill vial containing a nicotine-containing liquid that can be used to refill an electronic cigarette;
- (b) a container containing a non-nicotine liquid that can be used to refill an electronic smoking device.

### **Restrictions on placing electronic smoking devices and refill containers on the market**

1. It is prohibited to place on the market:

- 1) electronic cigarettes and refill bottles for which information has not been submitted in accordance with the first and second parts of Section 5 of the Tobacco Law and payment has not been made for the processing of the provided information in accordance with the price list of the Health Inspection fee services;
- 2) electronic smoking devices, filling tanks that do not meet the requirements of the Tobacco Law.
- 3) from **January 1, 2025**, liquids of electronic smoking devices containing flavorings, excluding flavorings that create the smell or taste of tobacco. Permitted flavorings that create the smell or taste of tobacco are defined in the Appendix to the Tobacco Law;

2. Electronic smoking devices, refill tanks and nicotine-containing or non-nicotine liquids are allowed to be placed on the market only if they meet the following requirements:

1) nicotine-containing or non-nicotine liquid is filled in specially designed refill tanks with a maximum volume of 10 milliliters, or in disposable electronic smoking devices, or in disposable capsules, and the volume of the reservoirs of such capsules or electronic smoking devices does not exceed 2 milliliters;

2) nicotine-containing or non-nicotine-containing liquid **does not contain** additives specified in Section 3, Part Two, Clauses 1, 2, 3, 4 and 5 of the Tobacco Law:

1) vitamins or other additives that give the impression that the product is beneficial to health or reduces health risks;

2) caffeine or taurine, or other additives and stimulant compounds associated with energy and vitality;

3) additives affecting the color of emissions;

4) additives that facilitate inhalation or nicotine intake, including menthol, its analogues and geraniol;

5) additives which, when unburned, have carcinogenic, mutagenic and reproductive system toxic properties;

3) only high-purity ingredients are used in the production of nicotine-containing or nicotine-free liquids. Any other substances (with the exception of substances contained in the electronic cigarette or refill bottle, or in the emissions resulting from the use of electronic cigarettes), which have not been notified in accordance with the first and second parts of Section 5 of this law, in nicotine-containing or non-nicotine-containing liquid are only at the level of impurities, if it is technically impossible to avoid them in production;

4) in nicotine-containing or non-nicotine-containing liquid, only such components are used, which do not pose a threat to human health either in heated or unheated form. This point does not apply to nicotine;

5) electronic smoking devices and refill containers are child-proof and tamper-proof, tamper-proof and leak-proof, and have a leak-free refill mechanism. The technical standards of the filling mechanism are determined by Cabinet Regulation No. 441, adopted July 14, 2020 "[Technical Standards for the Refill Mechanism of Electronic Smoking Devices](#)".

#### **Technical requirements for filling mechanisms of refillable electronic smoking devices with a filling tank**

The filling mechanism of the electronic smoking device must meet one of the following conditions:

1) for the filling mechanism, a filling tank is used, which consists of a securely attached tip of at least 9 millimeters in length, which is easily inserted into the reservoir opening of the respective refillable electronic smoking device and is narrower than the opening of the respective reservoir, and a flow regulation mechanism, which, placed in a vertical position and exposed at atmospheric pressure at a temperature of 20° C (±5° C), allows no more than 20 drops of nicotine-containing or nicotine-free liquid to flow out per minute;

2) the filling mechanism works with a special connection system (docking system), which allows nicotine-containing or non-nicotine-containing liquid from the filling tank to flow into the reservoir of the refillable electronic smoking device only when the refilling tank is connected to the refillable electronic smoking device.

Instructions for use must meet the following conditions:

1) the width of the tip of the filling tank or the width of the opening of the reservoir is indicated in the attached instruction manual with schematic images;

2) if the filling mechanism of the refillable electronic smoking device works with a special connection system (docking system), the types of special connection system (docking system) with which the respective device and filling tank are compatible are indicated in the attached instruction manual with schematic images.

### **Design and appearance and contents of packaging units of electronic smoking devices and refill containers**

1. It is prohibited to place such elements (for example, inscriptions, symbols, names, trademarks, graphic or other signs) on the packaging unit and any outer packaging of electronic smoking devices and refill tanks that:

- 1) promotes electronic smoking devices or refill tanks or encourages their consumption, creating a false impression about the characteristics, health effects, hazards or emissions of the respective electronic smoking devices or refill tanks;
- 2) includes information on the content of nicotine, tar and carbon monoxide, with the exception of information on nicotine specified in accordance with Article 6, Part Five, Clause 1;
- 3) suggest that a particular electronic smoking device or refill container is more harmless than others, or that they aim to reduce the effects of certain harmful smoke components, or that they have vitalizing, energizing, medicinal, rejuvenating, natural, organic properties, or that they otherwise beneficial to health or lifestyle;
- 4) refers to the taste, smell, any flavorings or other additives or their absence, except for information about flavorings specified in accordance with Article 6, Part Five, Clause 1;
- 5) resembles a food or cosmetic product;
- 6) suggests that the specific product has better biodegradability or other environmentally beneficial properties.
- 7) creates the impression of an economic benefit, for example, by including discount coupons, offering discounts, information about free distribution, an offer to buy several packaging units at a lower price and other similar offers.

2. The packaging unit and any outer packaging of electronic smoking devices and refill containers shall display the following information:

- 1) a list of all ingredients included in the product in descending order and the nicotine content and quantity in the product and in each dose;
- 2) batch number;
- 3) recommendation to keep the product out of the reach of children.

3. An information leaflet containing:

- 1) instructions on the use and storage of the product, including the indication that the product is not recommended for use by young people and non-smokers;
- 2) information on contraindications;
- 3) warnings for special risk groups;
- 4) information on possible unwanted effects;
- 5) information on habituation and toxicity;
- 6) contact information of the manufacturer or importer and legal or natural persons in the European Union and the European Economic Area.

4. The following is prohibited on the packaging unit and any outer packaging of electronic smoking devices and refill containers:

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

4. A warning about health effects is printed on the packaging unit and outer packaging of each electronic cigarette and refill bottle (Article 7, Part Five of the Tobacco Law):

„Šis izstrādājums satur nikotīnu, kas ir stipru pieradumu izraisoša viela.” It should be noted that:

The warning is placed on the two largest surfaces and must not be paraphrased;

The warning is placed parallel to the main text on the surface intended for this warning;

The warning is printed in black Helvetica bold on a white background, located in the center of the surface intended for it;

The warning covers 30% of the surface on which it is printed.

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

#### **Procedure for circulation of electronic smoking devices and refill containers**

1. Referring to Article 8 of the Tobacco Law, electronic smoking devices and refill containers have the same sales restrictions as tobacco products and herbal smoking products.

2. From January 1, 2025, it is prohibited to sell electronic smoking devices and refill tanks to persons under 20 years of age.

3. It is forbidden to sell electronic smoking devices and refill containers 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 the national territory of the European Economic Area

4. It is prohibited to place electronic smoking devices and refill tanks and their trademarks in retail outlets in such a way that buyers can see these devices or 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 E-electronic smoking devices and refill tanks and their trademarks are not visible outside the relevant retail outlet. Retail outlets for electronic smoking devices and refill tanks located in supermarkets or shopping centers are not considered specialized retail outlets.

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