

TOBACCO SUBSTITUTE PRODUCTS (CIRCULATION REQUIREMENTS)

SCOPE

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

A product that meets the definition of a tobacco substitute product will be defined in Article 1, subsection 301) of the Tobacco Law:

"Tobacco substitute product - a product that contains or does not contain nicotine (excluding medicinal products, tobacco products, herbal smoking products, electronic smoking devices and their refill containers) and which is intended to be used for the same or similar purposes as tobacco products, herbal smoking products, smokeless tobacco products, electronic smoking devices and their refill containers, regardless of the nicotine content of these products and the way they are used."

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

Not required, but notification must be made. Before starting the sale of tobacco substitute products, 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 according to the price list.

Before starting the sale of tobacco substitute products, the merchant informs the Health Inspectorate about the place of sale.

The order in which a merchant reports to the Health Inspectorate before starting the sale of tobacco substitute products 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](#)".

From August 1, 2024, manufacturers or importers shall provide the Health Inspectorate with information on tobacco substitute products that have already been placed on the market and on tobacco substitute products that are planned to be placed on the market or whose composition is being changed. Manufacturers or importers pay for the processing of the provided information on tobacco substitute products in accordance with the price list of the Health Inspectorate's fee services.

The amount of information to be provided on tobacco substitute products, the order in which manufacturers and importers provide such information, as well as the requirements for data processing, analysis, storage and publication are determined in 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](#)".

The responsible authority to which the manufacturer or importer of tobacco substitute products notifies the composition of tobacco substitute products six months before starting their sale is the Health Inspectorate.

The responsible authority, which must notify the address of the place of sale of tobacco substitute products, 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

In Directive 2014/40/EU of the European Parliament and of the Council (hereinafter - the Tobacco Directive), tobacco substitute products are not regulated, they are subject to the Latvian national regulation - the requirements set out in the Tobacco Law. Tobacco substitute products are defined in the Tobacco Act.

Requirements for placing tobacco substitute products on the market:

1. It is prohibited to place on the market:

- 1) tobacco substitute products for which information has not been provided in accordance with Article 5.1 of the Tobacco Law and payment for the processing of the provided information has not been made in accordance with the price list of the Health Inspectorate's fee-based services;
- 2) tobacco substitute products that do not meet the requirements of the Tobacco Law;
- 3) from January 1, 2025, tobacco substitute products 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. Tobacco substitute products may be placed on the market only if they meet the following requirements:

- 1) these substitute products are packed in specially designed packages and the weight of the package unit does not exceed 20 grams;
- 2) one tobacco substitute product packaging unit contains no less than 20 tobacco substitute products;
- 3) the maximum concentration of nicotine in the tobacco substitute product does not exceed 4 milligrams per gram;
- 4) they do not contain vitamins or other ingredients that create the impression that the tobacco substitute product is beneficial to health or reduces health risks;
- 5) they do not contain caffeine, taurine or other ingredients and stimulating compounds associated with energy and vitality;
- 6) they do not contain ingredients that facilitate nicotine intake*;
- 7) they do not contain ingredients that have carcinogenic, mutagenic and reproductive system toxic properties;
- 8) in the production of tobacco substitute products, only high purity and ingredients that do not pose a threat to human health are used. No ingredients or additives that have an adverse effect on human health can be used. This point does not apply to nicotine;
- 9) the packaging of tobacco substitute products is safe for children and resistant to manipulation.

* Ingredients that facilitate nicotine intake are menthol, its analogues and geraniol.

Design of tobacco substitute products and appearance and content of packaging units

1. It is prohibited to place such elements (for example, inscriptions, symbols, names, trademarks, graphic or other signs) on the packaging unit of tobacco substitute products and any external packaging, which:

- 1) promotes tobacco substitute products or promotes their consumption, creating a false impression about the properties, health effects or dangers of the respective tobacco substitute products;

- 2) suggests that the particular tobacco substitute product is safer than others, has vitalizing, energizing, medicinal, rejuvenating, natural, organic properties or that it otherwise has a beneficial effect on health or lifestyle;
- 2) suggests that the particular tobacco substitute product is safer than others, has vitalizing, energizing, medicinal, rejuvenating, natural, organic properties or that it otherwise has a beneficial effect on health or lifestyle;
- 3) refers to the taste, smell, any flavorings or other additives or their lack, except for information about flavorings specified in accordance with clause 1 of part 5.1 of this Article;
- 4) resembles a food or cosmetic product;
- 5) suggests that the specific product has better biodegradability or other environmentally beneficial properties;
- 6) creates the impression of an economic benefit, for example, by including discount coupons, offering discounts, information on free distribution, an offer to buy several packaging units at a lower price and other similar offers.

2. The following information shall be indicated on the packaging unit of tobacco substitute products and any outer packaging:

- 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;
- 4) health warning: "This product is harmful to your health and addictive".

Health warnings may be printed on labels if such labels are not removable. The requirements for the placement and presentation of the warning are determined by the Cabinet Regulation No. 306, adopted May 17, 2016 "[Regulations Regarding the Requirements for Health Warnings to be Placed on Packaging](#)".

3. An information sheet 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 tobacco substitute products:

- 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.

Procedure for the circulation of tobacco substitute products

1. Referring to Article 8 of the Tobacco Law, tobacco substitute products have the same sales restrictions as tobacco products, herbal smoking products, electronic smoking devices and refill containers.
2. It is prohibited to sell tobacco substitute products to minors, but from January 1, 2025, to persons under 20 years of age.
3. It is prohibited to sell tobacco substitute products to the consumer and the consumer is prohibited to purchase 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 tobacco substitute 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 tobacco substitute 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>