

ELECTRONIC SMOKING DEVICES, THEIR REFILL CONTAINERS AND LIQUIDS (CIRCULATION REQUIREMENTS)

SCOPE

Requirements for electronic smoking devices and their liquids and also specific requirements for the handling of those products regulated by law "On the Handling of Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices and Their Liquids" (hereinafter - Tobacco Law).

LATVIAN REGULATIONS

- [Tobacco Law](#)
- 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.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.441, adopted July 14, 2020 "[Technical Standards for the Filling Mechanism of Electronic Smoking Devices](#)"

PRIOR AUTHORISATION

Electronic cigarettes and refill containers of electronic cigarettes are a subject to prior authorisation.

A merchant who is engaged in selling electronic cigarettes and refill containers, shall notify the Health Inspectorate regarding commencing selling of such products prior to commencing it. The procedures by which a merchant shall notify the Health Inspectorate prior to commencing selling of electronic cigarettes and refill containers of electronic cigarettes shall be determined by the 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](#)", which includes Application on the Commencement of Trade of Electronic Cigarettes and Refill Containers of Electronic Cigarettes.

Competent authority responsible for prior authorisation is Health Inspectorate (consumer helpline: +371 67081600, e-mail: vi@vi.gov.lv).

CONTACTS

AUTHORITY RESPONSIBLE FOR REGULATIONS

Ministry of Health

Web: www.vm.gov.lv

Phone: +371 67876000

Email: vm@vm.gov.lv

MARKET SURVEILLANCE AUTHORITY

The Health Inspectorate

Web: www.vi.gov.lv

Phone: +371 67081600

Email: vi@vi.gov.lv

Responsible for inappropriate advertising:

Consumer Rights Protection Centre

Web: www.ptac.gov.lv

Phone: +371 65452554

Email: pasts@ptac.gov.lv

Responsible for smoking restrictions:

The State Policy

Web: <http://www.vp.gov.lv/?langid=1>

Phone: +371 67075212

Email: pasts@vp.gov.lv

MAIN REQUIREMENTS FOR ECONOMIC OPERATORS

Terms used in this Law

Unlike the [Directives 2014/40/EU](#) of the European Parliament and of the Council (hereinafter Tobacco Directive), Tobacco Law defines not only electronic cigarettes but electronic smoking devices (including electronic cigarettes and electronic devices) and refill containers (including refill container in which a nicotine-containing liquid is filled and container in which a nicotine-free liquid is filled).

1. Electronic smoking device is:

- a) electronic cigarette which is a product that can be used for consumption of nicotine-containing vapour via a mouthpiece, or any component of that product, including a cartridge, a tank and the device without a cartridge or tank, and which can be disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges;
- b) electronic device which is a product or a component of that product, including a cartridge, a tank and the device without a cartridge or tank, which can be used for consumption of nicotine-free vapour via a mouthpiece and which can be disposable or refillable by means of a container which is filled with nicotine-free liquid, and a tank, or rechargeable with single use cartridges.

2. Refill container is:

- a) a refill container in which a nicotine-containing liquid is filled in which can be used to refill an electronic cigarette;
- b) a container in which a nicotine-free liquid is filled in which can be used to refill an electronic smoking device.

Restrictions on Placing on the Market of Electronic Smoking Devices and Refill Containers

1. It is prohibited to place on the market:

- 1) electronic cigarettes and refill containers regarding which information has not been submitted in accordance with that specified in Section 5, Paragraphs one and two of this Law and payment has not been made for processing of the provided information according to the price list for paid services of the Health Inspectorate;
- 2) electronic smoking devices and refill containers which do not conform to the requirements of this Law.

2. It shall be permitted to place electronic smoking devices, refill containers, and nicotine-containing or nicotine-free liquid on the market only in such case if they conform to the following requirements:

- 1) the nicotine-containing or nicotine-free liquid is placed in dedicated refill containers the volume of which does not exceed 10 millilitres, or in single-use electronic smoking devices or in single use cartridges and the volume of such cartridges or tanks of electronic smoking devices does not exceed two millilitres;
- 2) the nicotine-containing or nicotine-free liquid does not contain the additives listed in Tobacco Law of Section 3, Paragraph two, Clauses 1, 2, 3, 4, and 5;
- 3) only ingredients of high purity are used in the manufacture of the nicotine-containing or nicotine-free liquid. Any other ingredients (other than the ingredients which are in an electronic cigarette or refill container, or in exhaust emerging as a result of consuming electronic cigarettes) regarding which it has not been notified in accordance with that specified in Section 5, Paragraphs one and two of this Law, shall only be present in the nicotine-containing or nicotine-free liquid in trace levels, if such traces are technically unavoidable during manufacture;
- 4) only such ingredients are used in the nicotine-containing or nicotine-free liquid which do not pose a risk to human health in heated or unheated form. This Clause shall not apply to nicotine;
- 5) electronic smoking devices and refill containers are child- and tamper-proof, they are protected against breakage and leakage and have a mechanism that ensures refilling without leakage. The technical standards for the refill mechanism of electronic smoking devices have been defined by the Cabinet Regulation No.441, adopted July 14, 2020 "[Technical Standards for the Filling Mechanism of Electronic Smoking Devices](#)".

Reporting of Electronic Cigarettes and Refill Containers

1. Manufacturers and importers shall provide information to the Health Inspectorate regarding electronic cigarettes and refill containers which have already been placed on the market, and regarding electronic cigarettes, refill containers which are planned to be placed on the market or for which the composition is being altered, as well as if new

information is provided or the information submitted regarding novel products is being updated. Manufacturers and importers shall make a payment, according to the price list of paid services of the Health Inspectorate, regarding processing of the provided information regarding electronic cigarettes and refill containers.

2. 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](#)" shall determine the amount of information to be provided regarding electronic cigarettes and their refill containers, the procedures by which manufacturers and importers shall provide such information, as well as the requirements for data processing, analysing, storage, and publishing.
3. The manufacturers, importers, and distributors of electronic cigarettes and refill containers shall establish and maintain a system for collecting information about all of the suspected adverse effects these products have on human health. If the manufacturer, importer, or distributor considers or has reason to believe that electronic cigarettes or refill containers, which are in their possession and are intended to be placed on the market or are placed on the market, are not safe or are not of good quality or are otherwise not in conformity with good quality requirements, it shall immediately take the corrective action necessary to bring the product concerned into conformity with this Law, to withdraw or to recall it, as appropriate. Concurrently the manufacturer, importer, or distributor shall inform the Health Inspectorate thereof, giving details, in particular, of the risk to human health and safety and of any corrective action taken, and of the results of such corrective action.
4. If electronic cigarettes and refill containers comply with the requirements of this Law, but the Health Inspectorate believes or has reasonable grounds to believe that specific type of the product could pose a serious risk to human health, it shall take appropriate measures provided for in the law and shall immediately notify the European Commission and the competent authorities of other European Union Member States and states of the European Economic Area thereof, providing all the supporting data and information on the measures taken.

Presentation of Electronic Smoking Devices and Refill Containers and Appearance and Content of Unit Packets

1. It is prohibited to place such elements on a unit packet and any outside packaging of electronic smoking devices and refill containers (for example, texts, symbols, names, trademarks, graphic or other signs) which:
 - 1) promote electronic smoking devices or refill containers or encourage their consumption by creating an erroneous impression about the characteristics, health effects, risks, or emissions of the respective electronic smoking devices or refill containers. The labelling shall not include information about the nicotine, tar, and carbon monoxide content, except the information about nicotine indicated in accordance with Tobacco Law of Section 6, Paragraph five, Clause 1;
 - 2) suggest that a particular electronic smoking device or refill container is less harmful than others or aim to reduce the effect of some harmful components of smoke or have vitalising, energising, healing, rejuvenating, natural, organic properties or that they are in any other way beneficial to health or lifestyle;

- 3) refer to taste, smell, any flavourings or other additives or the absence thereof, except information about flavourings which has been indicated in accordance with Tobacco Law of Section 6, Paragraph five, Clause 1;
 - 4) resemble a food or a cosmetic product;
 - 5) suggest that a certain product has improved biodegradability or other environmental advantages.
2. The following information shall be indicated on the unit packet and any outside packaging of electronic smoking devices and refill containers:
 - 1) a list of all ingredients contained in the product in descending order of the weight, and an indication of the nicotine content of the product and the delivery per dose;
 - 2) the batch number;
 - 3) a recommendation to keep the product out of reach of children.
 3. An informative leaflet shall be appended to each unit of electronic smoking devices and refill containers, containing:
 - 1) instructions for use and storage of the product, including a reference that the product is not recommended for use by young people and non-smokers;
 - 2) information about contra-indications;
 - 3) warnings for specific risk groups;
 - 4) possible adverse effects;
 - 5) addictiveness and toxicity;
 - 6) contact information of the manufacturer or importer and of legal or natural persons within the European Union and the European Economic Area.
 4. The following is prohibited on the unit packet of electronic smoking devices and refill containers and any outside packaging:
 - 1) depiction of the symbols of the State of Latvia;
 - 2) depiction of natural persons, other than the natural persons depicted on the combined warnings;
 - 3) use of cartoon images.

Selling restrictions for Electronic Smoking Devices and Refill Containers

1. According to Tobacco Law Section 8, Paragraphs one to nine, the selling restrictions for electronic smoking devices and refill containers are the same as selling restrictions for tobacco products and herbal products for smoking.
2. It is prohibited to sell and purchase electronic smoking devices and refill containers using a distance contract, including outside the territory of a European Union Member State or a state of the European Economic Area.

Restrictions on Advertising and Sponsorship of Electronic Smoking Devices and Refill Containers

According to Tobacco Law Section 9, Paragraphs one, three and four, restrictions on advertising and sponsorship of electronic smoking devices and refill containers are the same as restrictions of tobacco products and herbal products for smoking. For merchants whose

main field of activity is the manufacturing or selling of electronic smoking devices and refill containers, sponsorship of such measures, activities, or individuals is prohibited which is related to several European Union Member States or states of the European Economic Area, which takes place in several European Union Member States or states of the European Economic Area, or which has other cross-border impact.

Smoking Restrictions

According to Tobacco Law Section 10, Paragraphs one to seven, smoking restrictions for electronic smoking devices and refill containers are the same as restrictions for tobacco products and herbal products for smoking.

REGISTER OF SALES POINTS

Register of sales points is the competence of the State Revenue Service