



The translation of this document is outdated.
Translation validity: 01.07.2019.–16.06.2020.
Amendments not included: 21.05.2020.

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

20 December 2018 [shall come into force from 29 December 2018];

4 April 2019 [shall come into force from 1 July 2019].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following law:

On the Handling of Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices and Their Liquids

Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **flavouring** - an additive that imparts smell and/or taste;
- 2) **herbal product for smoking** - a product based on plants, herbs or fruit which contains no tobacco and that can be consumed via a combustion process;
- 3) **outside packaging** - any packaging in which a tobacco product, herbal product for smoking, electronic smoking device, or refill container is placed on the market and which includes unit packets or an aggregation of unit packets, except for the transparent wrapper;
- 4) **smokeless tobacco product** - a tobacco product not involving a combustion process, including smokeless tobacco product which is provided for chewing only (chewing tobacco), smokeless tobacco product which may be used via nose (nasal tobacco), and any tobacco products for oral use, made wholly or partly of tobacco, in powder or in particulate form or in any combination of those forms, particularly those presented in sachet portions or porous sachets, except those intended to be inhaled or chewed (tobacco for oral use);
- 5) **health warning** - a warning concerning the adverse effects on human health of a product or other undesired consequences of its consumption, including text warnings, combined health warnings, general warnings and information messages;
- 6) **tar** - raw anhydrous nicotine-free condensate of smoke;
- 7) **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;

8) **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;

9) **emission** - a substance that is released when tobacco, tobacco products, herbal products for smoking, electronic smoking devices, or refill containers are consumed as intended, such as substances found in smoke, or substances released during the process of using smokeless tobacco products;

10) **unit packet** - the smallest individual packaging of a tobacco product, herbal product for smoking, electronic smoking device, or refill container that is placed on the market;

11) **importer** - a person owning the tobacco, tobacco products, herbal products for smoking, electronic smoking devices, or refill containers that have been brought into the territory of a European Union Member State or a state of the European Economic Area or having the right to handle them;

12) **novel tobacco product** - a smokeless tobacco product or a tobacco product for smoking which does not fall into any of the following categories - cigarettes, roll-your-own tobacco, pipe tobacco, waterpipe tobacco, cigars, cigarillos, chewing tobacco, nasal tobacco or tobacco for oral use - and which has been placed on the market after 19 May 2014;

13) **combined health warning** - a health warning consisting of a combination of a text warning and a corresponding photograph or illustration;

14) **placing on the market** - to make products, irrespective of their place of manufacture, available to consumers, including retail outlets, with or without payment, including by means of distance sale;

15) **pouch** - a unit packet of roll-your own tobacco, either in the form of a rectangular pocket with a flap that covers the opening or in the form of a standing pouch;

16) **maximum emission level** - the maximum content or emission, including zero, of a substance in a tobacco product measured in milligrams;

17) **retail outlet** - any retail outlet where tobacco products, herbal products for smoking, electronic smoking devices, or refill containers are placed on the market, including with the intermediation of a natural person;

18) **nicotine** - nicotinic alkaloids, strong poison endangering the nervous system which causes habit and addiction from it;

19) **additive** - a substance, other than tobacco, that is added to a tobacco product, a unit packet or to any outside packaging;

20) **public building or structure** - a building or structure in which more than 50 per cent of the total area is occupied by public space;

21) **public space** - non-residential space available to the public in which visitors may stay for a short period of time and receive different services;

22) **characterising flavour** - a clearly noticeable smell or taste other than one of tobacco, resulting from an additive or a combination of additives, including, but not limited to, fruit, spice, herbs, alcohol, candy, menthol or vanilla, which is noticeable before or during the consumption of the tobacco product;

23) **manufacturer** - any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under their name or trademark;

24) **advertising** - any form of commercial communications (for example, printed work, posters, adhesives, advertising images on walls, radio broadcasts and television broadcasts, clips, films, and videos), as well as an activity with the objective or direct or indirect effect of promoting the purchase or consumption of tobacco products, electronic smoking devices, or refill containers, including placement of products in retail outlets, using different effects promoting consumption [for example, words (slogans), forms, shapes, images, colours, light and sound effects];

25) **ingredient** - tobacco, an additive, as well as any substances or elements present in a finished tobacco product, herbal product for smoking, electronic smoking device, or refill container, including paper, filter, ink, cartridges, and adhesives;

26) **smoking** - use of a tobacco product, herbal product for smoking, or novel tobacco product in a way that it may be inhaled, as a result which smoke is released, or use of an electronic smoking device, novel tobacco product, or another product (except for means of medical treatment) with the purpose of intentional inhaling of nicotine via a mouthpiece, or vapour or smoke containing other chemical substances;

27) **tobacco products for smoking** - tobacco products which are not smokeless tobacco products, also cigarettes, cigarillos, cigars, tobacco which can be consumed via combustion process and intended exclusively for use in a pipe (pipe tobacco), tobacco which may be used by consumers or retail outlets for making of cigarettes (roll-your-own tobacco), a tobacco product which can be consumed using a waterpipe (waterpipe tobacco). If the product may be used in both waterpipes and as a roll-your-own tobacco, it shall be considered as roll-your-own tobacco;

28) **addictiveness** - the pharmacological potential of a substance to cause addiction - a state which affects an individual's ability to control his or her behaviour, typically by instilling a reward or a relief from withdrawal symptoms, or by instilling a reward and a relief from withdrawal symptoms;

29) **sponsorship** - any form of public or private contribution to any event, activity, or individual with the objective of direct or indirect promotion of purchasing and consumption of tobacco products, electronic smoking devices, or refill containers;

30) **tobacco** - leaves and other natural processed or unprocessed parts of tobacco plants, including expanded and reconstituted tobacco;

31) **tobacco product** - a product that can be consumed and consists, even partly, of tobacco, whether genetically modified or not;

32) **room specially designated for smoking** - a separate room intended for smoking which is marked in the technical inventory plan of the building as a structurally separated room and is equipped with ventilation so that the smoke or vapour would not get in other rooms. A relevant information message or symbol is in this room. Primary services of the institution, merchant, any other legal person, or self-employed person are not provided therein;

33) **toxicity** - the degree to which a substance can cause harmful effects in the human organism, including effects occurring over time, usually through repeated or continuous consumption or exposure;

34) **place specially designated for smoking** - a territory outside buildings in an open-air space equipped with a relevant information message or symbol and corresponding to the requirements of fire safety regulations.

[4 April 2019]

Section 2. Purpose, Scope of Activity, and Principles of the Law

(1) The purpose of this Law is to protect public health, including the right of persons to live in a clean and favourable environment which has not been polluted by smoke from tobacco products for smoking and herbal products for smoking, as well as from vapour of electronic smoking devices.

(2) This Law provides for:

1) the conditions for placing on the market of tobacco products, herbal products for smoking, electronic smoking devices and their refill containers, as well as the conditions for advertising, sponsorship, and presentation of packaging of tobacco products, electronic smoking devices, and refill containers;

2) the obligation for manufacturers and importers to provide information regarding tobacco products, herbal products for smoking, electronic cigarettes, refill containers, and novel tobacco products;

3) the smoking restrictions in public places and other places specified in this Law;

4) the procedures by which handling of tobacco products, herbal products for smoking, electronic smoking devices, and their refill containers and smoking restrictions in public places and other places specified in this Law are controlled.

(3) The following principles shall be observed in the application of the norms of this Law:

1) the smoker shall respect the rights of other persons to live in a clean and favourable environment which has not been polluted by smoke from tobacco products for smoking and herbal products for smoking, as well as from vapour of electronic smoking devices;

2) the person rights to breathe clean and favourable air which has not been polluted by smoke from tobacco products for smoking and herbal products for smoking, as well as from vapour of electronic smoking devices, moreover, the rights to non-elevated risk of illnesses caused by smoking (including secondary inhaling of tobacco smoke and vapour of electronic smoking devices) are of priority in comparison to the interest of smokers to smoke.

[4 April 2019]

Section 3. Restrictions on Placing on the Market of Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices, and Refill Containers

(1) It is prohibited to place on the market:

1) nasal tobacco and chewing tobacco;

2) tobacco products for oral use;

3) tobacco products, herbal products for smoking, electronic cigarettes, refill containers, and novel tobacco products 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;

4) tobacco products, herbal products for smoking, electronic smoking devices, refill containers, and novel tobacco products which do not conform to the requirements of this Law;

5) cigarette unit packets holding fewer than 20 cigarettes;

6) unit packets of roll-your-own tobacco holding fewer than 30 grams of tobacco.

(2) It is prohibited to place on the market tobacco products if:

1) they contain vitamins or other additives that create the impression that a tobacco product has a health benefit or presents reduced health risks;

2) they contain caffeine or taurine or other additives and stimulant compounds that are associated with energy and vitality;

3) they contain additives having colouring properties for emissions;

4) tobacco products for smoking contain additives that facilitate inhalation or nicotine uptake;

5) they contain additives that have carcinogenic, mutagenic, reprotoxic properties in unburnt form;

6) the provisions provided for in Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC have not been applied to them

7) they contain additives in quantities that during the consumption of such products the toxic or addictive effect or the carcinogenic, mutagenic, reprotoxic properties of the tobacco product increase significantly or to a measurable degree, and it is scientifically justified.

(3) It is prohibited to place on the market cigarettes if:

1) the maximum level of tar emissions therein exceeds 10 milligrams per cigarette;

2) the maximum level of nicotine emissions therein exceeds one milligram per cigarette;

3) the maximum level of carbon monoxide emissions therein exceeds 10 milligrams per cigarette.

(4) It is prohibited to place on the market cigarettes and roll-your-own tobacco:

1) with a characterising flavour. The prohibition shall not apply to additives which are essential for the manufacture of tobacco products and roll-your-own tobacco, provided that those additives do not result in a product with a characterising flavour and do not increase to a significant or measurable degree the addictiveness, toxicity or the carcinogenic, mutagenic, reprotoxic properties of the tobacco product;

2) filters, papers, packages, cartridges of which contain flavourings or any technical features allowing modification of the smell or taste of the tobacco products concerned or intensity of their smoke. Filters, papers and cartridges shall not contain tobacco or nicotine.

(5) 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 maximal concentration of nicotine in the nicotine-containing liquid is 20 milligrams per millilitre;

3) the nicotine-containing or nicotine-free liquid does not contain the additives listed in Paragraph two, Clauses 1, 2, 3, 4, and 5 of this Section;

4) 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;

5) 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;

6) electronic cigarettes deliver nicotine doses at consistent levels under normal conditions of use;

7) 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 shall be stipulated by the Cabinet.

(6) The expenses which are related to the evaluation whether cigarettes or roll-your-own tobacco have a characterising flavour, or prohibited additives or flavourings are used in tobacco products and whether tobacco products contain additives in such quantities which, to a significant or measurable degree, increase the toxic or addictive effect of the relevant tobacco product, or the additive has the carcinogenic, mutagenic, reprotoxic properties, shall be covered by manufacturers and importers according the price list of paid services of the Health Inspectorate. Manufacturers and importers shall make a payment to an accredited laboratory for testing of tobacco products at the relevant laboratory upon request of the Health Inspectorate.

[4 April 2019]

Section 4. Conformity Assessment of Cigarettes

(1) The maximum levels of nicotine, tar, and carbon monoxide emissions in cigarettes shall be measured on the basis of:

1) the standard LVS ISO 10315:2013 "Cigarettes - Determination of nicotine in smoke condensates - Gas-chromatographic method" for nicotine;

2) the standard LVS ISO 4387:2007 "Cigarettes - Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine" for tar;

3) the standard LVS ISO 8454+A1:2011 "Cigarettes - Determination of carbon monoxide in the vapour phase of cigarette smoke - NDIR method".

(2) The accuracy of nicotine, tar, and carbon monoxide quantities shall be determined according to the standard LVS ISO 8243:2013 "Cigarettes - Sampling".

(3) Laboratories in which manufacturers, wholesalers, or importers of tobacco products (tobacco industry) do not own capital shares (stocks) or which are not in their direct or indirect control and which have been accredited at the national accreditation institution in accordance with the laws and regulations regarding assessment, accreditation, and supervision of conformity assessment institutions, as well as laboratories notified by other European Union Member States or states of the European Economic Area in the field of tobacco products are entitled to check the emission levels of the substances referred to in Section 3, Paragraph three of this Law.

(4) Cigarette samples shall be tested by laboratories upon request of the Health Inspectorate. Testing laboratories shall inform the Health Inspectorate regarding the testing results. Expenses which are related to sample selection and testing shall be covered by manufacturers and importers by making a payment to the Health Inspectorate according to the price list of paid services and to the relevant laboratory. If cigarettes of the same brand and type have a different nicotine, tar, or carbon monoxide level or cigarettes have been manufactured at different places of manufacture, the Health Inspectorate has the right to request that a check is performed for each such type of cigarettes.

Section 5. Reporting of Tobacco Products, Herbal Products for Smoking, Electronic Cigarettes, and Refill Containers

(1) Manufacturers and importers shall provide information to the Health Inspectorate regarding tobacco products, electronic cigarettes, and refill containers which have already been placed on the market, and regarding tobacco, products, herbal products for smoking, electronic cigarettes, refill containers, and novel tobacco products 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 tobacco products, electronic cigarettes, and refill containers.

(2) The Cabinet shall determine the amount of information to be provided regarding tobacco products, herbal products for smoking, electronic cigarettes, and their refill containers, as well as regarding novel tobacco products, 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.

Section 6. Presentation of Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices and Refill Containers and Appearance and Content of Unit Packets

(1) The labelling of unit packets of tobacco products, any outside packaging and the tobacco product itself shall not include any elements (for example, texts, symbols, titles, trademarks, graphic or other sign) that:

- 1) promote a tobacco product or encourage its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions;
- 2) include information about the nicotine, tar or carbon monoxide content of the tobacco product;
- 3) suggest that a particular tobacco product is less harmful than others or aim to reduce the effect of some harmful components of smoke or has vitalising, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;
- 4) refer to taste, smell, any flavourings or other additives or the absence thereof;
- 5) resemble a food or a cosmetic product;
- 6) suggest that a certain tobacco product has improved biodegradability or other environmental advantages.

(2) The unit packets of tobacco products and any outside packaging shall not include any elements (for example, texts, symbols, names, trademarks, graphic or other signs) that suggest economic advantages, for example, by including discount vouchers, offering discounts, information about free distribution, bulk discount or other similar offers.

(3) The labelling of unit packets of herbal products for smoking and any outside packaging shall not include any statement that the product is free of additives or flavourings, as well as such elements (for example, texts, symbols, names, trademarks, graphic or other signs) that:

- 1) promote a herbal product for smoking or encourage its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions;
- 2) include information about the nicotine, tar or carbon monoxide content;
- 3) suggest that a particular herbal product for smoking is less harmful than others or aim to reduce the effect of some harmful components of smoke or has vitalising, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;
- 4) resemble a food or a cosmetic product.

(4) 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 Paragraph five, Clause 1 of this Section;
- 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 Paragraph five, Clause 1 of this Section;

4) resemble a food or a cosmetic product;

5) suggest that a certain product has improved biodegradability or other environmental advantages.

(5) 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.

(6) 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.

(7) A unit packet of cigarettes shall have a cuboid shape, and such unit packet shall be made of carton or soft material with an opening that cannot be re-closed or re-sealed after it is first opened, other than the flip-top lid and shoulder box with a hinged lid. For packets with a flip-top lid and hinged lid, the lid shall be hinged only at the back of the unit packet.

(8) Unit packets of roll-your-own tobacco shall have a cuboid or cylindrical shape, or the form of a pouch.

(9) An excise duty stamp shall be attached to each unit packet of a tobacco product for smoking and herbal product for smoking which is placed on the market. If there is a closed transparent additional wrapper, the excise duty stamp shall be attached underneath it. The excise duty stamp for unit packets of herbal products for smoking which are placed on the market, may be attached on the closed transparent additional wrapper.

(10) The following shall be placed on each unit packet of a tobacco product which is placed on the market:

1) a unique identifier which is irremovably printed or affixed, indelible and not hidden or interrupted in any form, including through tax stamps or price marks, or by the opening of the unit packet;

2) a tamper proof security feature, composed of visible and invisible elements, which is irremovably printed or affixed, indelible and not hidden or interrupted in any form, including through tax stamps and price marks, or other elements imposed by legal acts.

(11) The Cabinet shall determine the competent authority referred to in Commission Implementing Regulation (EU) 2018/574 of 15 December 2017 on technical standards for the establishment and operation of a traceability system for tobacco products (Text with EEA relevance) (hereinafter - Implementing Regulation No 2018/574) and the requirements for ensuring the operation of a tobacco product tracing system.

(12) The excise duty stamp shall fulfil the function of a safety feature. Safety features other than excise duty stamps shall be used if permitted by the law On Excise Duty. The Cabinet shall determine the composition of such safety features, the method of addition to the unit packets of tobacco products, the requirements for ensuring the elements of authenticity, including the submission of samples of unit packets of tobacco products.

(13) The following is prohibited on the unit packet of tobacco products, herbal products for smoking, 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.

[20 December 2018; 4 April 2019]

Section 7. Health Warnings to be Placed on Tobacco Products, Herbal Products for Smoking, Electronic Cigarettes, and Refill Containers

(1) Health warnings in the official language shall be placed on each unit packet of a tobacco product, herbal product for smoking, electronic cigarette, and refill containers which is placed on the market.

(2) The following health warnings shall be printed on each unit packet and any outside packaging of a tobacco product for smoking:

1) general warning: "Smoking kills - quit now!";

2) information message: "Tobacco smoke contains over 70 substances known to cause cancer";

3) combined health warning which has been supplemented with the following information regarding smoking cessation: "Ask for help! 67037333; www.spkc.gov.lv".

(3) The following health warning shall be printed on each unit packet and any outside packaging of a smokeless tobacco product: "This tobacco product damages your health and is addictive."

(4) The following health warning shall be printed on each unit packet and any outside packaging of a herbal product for smoking: "Smoking this product damages your health."

(5) The following health warning shall be printed on each unit packet and any outside packaging of an electronic cigarette and refill container: "This product contains nicotine which is a highly addictive substance."

(6) The Cabinet shall determine the requirements for drawing up and laying out the health warnings to be placed on the packaging of tobacco products, herbal products for smoking, electronic cigarettes, and refill containers, written warnings, combined health warnings to be placed on the unit packets and outside packaging of tobacco products for smoking, as well as the procedures by which the manufacturer or importer shall report on laying out such combined warnings.

Section 8. Procedures for the Handling of Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices, and Refill Containers

(1) It is prohibited to sell tobacco products, herbal products for smoking, electronic smoking devices, and refill containers:

1) in the premises of State administration institutions, except the National Armed Forces, as well as places of imprisonment where persons of legal age have been placed;

2) at social care, medical treatment and educational institutions, including service hotels of educational institutions, as well as the territories used by such institutions;

3) at shop departments where goods for children are sold;

4) at cultural institutions;

5) at sports bases and premises of sports organisations;

6) at retail outlets where trade is not organised, individually servicing each customer, except tax-free shops which have been specified in the laws and regulations governing the customs field;

7) using automatic vending machines;

8) in territories to which, in accordance with specified procedures, the status of a market has been assigned.

(2) It is prohibited to sell and purchase tobacco products, 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.

(3) It is prohibited to sell tobacco products, herbal products for smoking, electronic smoking devices, and refill containers to persons under 18 years of age, and such persons may not purchase them. In order to verify the age of the person, the retailer has a duty to demand the person present a personal identification document.

(4) A person who is from 18 to 25 years of age, upon purchasing tobacco products, herbal products for smoking, an electronic smoking device or a refill container has a duty to present a personal identification document to the retailer regardless of whether the retailer has demanded it.

(5) It is prohibited to sell tobacco products, herbal products for smoking, electronic smoking devices, and refill

containers to persons regarding whose age the retailer has justified doubts and who do not present a personal identification document upon request of the retailer.

(6) Upon request of the controlling authority the purchaser of a tobacco product, a herbal product for smoking, an electronic smoking device, or a refill container shall present a personal identification document.

(7) It is prohibited to involve such persons in the placing on the market of tobacco products, herbal products for smoking, electronic smoking devices, and refill containers who are under 18 years of age.

(8) Such text shall be visible at retail outlets of tobacco products, herbal products for smoking, electronic smoking devices, and refill containers which warns that the use of tobacco products, herbal products for smoking, and electronic smoking devices seriously damages human health.

(9) 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.

[4 April 2019]

Section 9. Restrictions on Advertising and Sponsorship of Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices, and Refill Containers

(1) Advertising of tobacco products, electronic smoking devices, and refill containers shall be permitted only in publications which are intended for merchants engaged in the selling of such products, as well as in publications issued and printed in states which are not European Union Member States or states of the European Economic Area, and are not intended for the market of European Union Member States or states of the European Economic Area.

(2) For merchants whose main field of activity is manufacturing or selling of tobacco products, sponsorship of such measures or activities 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. 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.

(3) Audial and audiovisual commercial notifications which are related to tobacco products, herbal products for smoking, electronic smoking devices, and refill containers shall be governed by the Electronic Mass Media Law.

(4) It is prohibited to:

1) depict a smoking person in the advertisement;

2) distribute tobacco products, herbal products for smoking, electronic smoking devices, and refill containers free of charge for advertising purposes;

3) manufacture and place on the market sweets, snacks, and toys, and other items attractive to persons under 18 years of age which are visually resembling cigarettes or other tobacco products, or electronic smoking devices and may draw their attention to smoking or promote certain tobacco products or their manufacturers.

(5) *[Paragraph shall come into force on 1 October 2020 and shall be included in the wording of the Law as of 1 October 2020. See Paragraph 13 of the Transitional Provisions]*

(6) *[Paragraph shall come into force on 1 October 2020 and shall be included in the wording of the Law as of 1 October 2020. See Paragraph 13 of the Transitional Provisions]*

[4 April 2019]

Section 10. Smoking Restrictions

(1) An employer has a duty to ensure a working place to the employee which is not polluted with smoke of tobacco products and herbal products for smoking and vapour of electronic smoking devices. The employee has the right to refuse to work in such working place where other employees are smoking, and such refusal may not be regarded as a violation of the work discipline or civil service rules.

(2) It is prohibited to smoke:

1) in the presence of a child and a pregnant woman;

2) in premises of educational institutions, service hotels of educational institutions, and instructional institutions,

and in the territories in use of such institutions;

3) in premises of medical treatment institutions, social care and rehabilitation institutions, places of imprisonment and in places where detained persons are placed and stay, as well as in the territories of such institutions, except places which are specially designated for smoking. It shall be permitted to smoke in a room which has been specially designated for smoking, in premises of places of imprisonment and in places where detained persons are placed and stay in cases when it is not possible to ensure a possibility for the detained person to smoke in a place which is specially designated for smoking;

4) less than 10 metres from entrances into buildings or structures (also on external stairs and porches) where State administration institutions and capital companies in which more than 50 per cent of capital shares (stocks) belong to a public person, are located. Information messages or symbols regarding smoking prohibition shall be placed in such places;

5) in shelters and on platforms of public transport stops;

6) in staircases, hallways, and other common-use premises of multiapartment residential houses;

7) on balconies and loggias of multiapartment residential houses, if any of the residents of the house has justified objections against it;

8) at working places in work and common-use premises, except the room specially designated for smoking;

9) in public buildings, structures, and public premises. Such prohibition shall not apply to apartments in public buildings;

10) in saloons, booths, and cabins of public means of transport, taxis, and such vessels which carry out carriage of passengers as the service. Long-distance trains and vessels which carry out carriage of passengers as the service, may have individual wagons or cabins designated for smokers;

11) in vehicles owned or held by State or local government institutions;

12) during sports and other public events in stadiums and other demarcated territories, except places specially designated for smoking;

13) in playgrounds for children;

14) in parks, squares, and bathing places, except places specially designated for smoking;

15) in cafés, restaurants, and other places of public catering, except summer (open-air) cafés in which smoking is permitted only in specially designated places;

16) in any other public place not referred to in this Section in the presence of another person, if such person is objecting against it.

(3) Hotels and other dwellings of temporary residence may have specially designated sleeping lodgings where smoking is permitted.

(4) It shall be permitted to smoke in a casino and gaming halls in a room specially designated for smoking, or in a specially separated room which is intended for smoking and which has been marked as a structurally separated room in the technical inventory plan of the building which is intended for receipt of principal services and for smoking and has been equipped with ventilation. Such room shall occupy not more than 50 per cent of the total public area of the room and shall be located as far from the entrance as possible. There shall be a relevant information message or symbol in this room.

(5) A room specially designated for smoking may be arranged in public departure premises of an international traffic airport after security control points.

(6) A prohibition to smoke shall be indicated by an information message, using the sign "Smoking prohibited" (white letters on a red background), and a permission to smoke - with the same information message, using the sign "Smoking permitted" (white letters on a green background) or a relevant symbol. In addition to the information message "Smoking permitted" or the symbol used which points towards a permission to smoke, an information message "Smoking kills - quit now!" shall be placed.

(7) The procedures by which information messages or symbols regarding smoking prohibition or smoking permission shall be placed, as well as sample texts and symbols shall be determined by the Cabinet.

Section 11. State Committee for Smoking Restriction

The Cabinet shall approve the by-laws of the State Committee for Smoking Restriction. The composition of the State Committee for Smoking Restriction shall be approved by the Minister for Health, including in the Committee at

least one representative from:

- 1) the Ministry of Health;
- 2) the Ministry of Finance;
- 3) the Ministry of Economics;
- 4) the Ministry of Education and Science;
- 5) the Ministry of the Interior;
- 6) the Ministry of Environmental Protection and Regional Development;
- 7) the National Coalition of Latvia on Tobacco and Alcohol Control;
- 8) the Latvian Association of Local and Regional Governments;
- 9) the Latvian Medical Association;
- 10) an organisation of employers;
- 11) an organisation of employees.

Section 12. Competence of State Administration Institutions

(1) The State Revenue Service shall control:

- 1) the restriction specified in Section 3, Paragraph one, Clause 3 of this Law in relation to tobacco products and herbal products for smoking, as well as carrying out the restrictions specified in Clauses 5 and 6;
- 2) the fulfilment of the requirements laid down in Section 6, Paragraphs nine and ten of this Law;
- 3) the fulfilment of the requirements laid down in Section 8, Paragraph two of this Law.

(2) The Health Inspectorate shall:

- 1) control the fulfilment of the restrictions specified in Section 3, Paragraph three of this Law;
- 2) assess the conformity of tobacco products with the requirements laid down in Section 3, Paragraphs two and four of this Law;
- 3) control the fulfilment of the restrictions specified in Section 3, Paragraph one, Clause 3 of this Law in relation to electronic cigarettes and refill containers, as well as novel tobacco products;
- 4) control the fulfilment of the restrictions specified in Section 3, Paragraph five of this Law;
- 5) receive, store, process, analyse and publish information which has been submitted as defined in Section 5, Paragraphs one and two of this Law;
- 6) approve and notify to the European Commission the list of laboratories accredited in Latvia referred to in Section 4, Paragraph three of this Law, indicating the criteria used for the approval and the supervision methods applied, as well as inform the European Commission regarding amendments made to the list;
- 7) notify the European Commission regarding any measuring methods used in order to measure other emissions of cigarettes which are not tar, nicotine, and carbon monoxide emissions, and emission from tobacco products other than cigarettes;
- 8) notify the European Commission regarding the maximum level of emissions specified for emissions of cigarettes other than the emissions specified in Section 3, Paragraph three of this Law, and emissions from tobacco products other than cigarettes;
- 9) perform the necessary actions as defined in Section 5, Paragraphs three and four of this Law;
- 10) control the fulfilment of the requirements laid down in Section 6, Paragraphs five, six, seven, and eight, as well as Section 7, Paragraphs one, two, three, four, and five of this Law.

(3) The State Revenue Service and the Health Inspectorate are entitled to perform the sampling of tobacco products, herbal products for smoking, electronic smoking devices, refill containers, and novel tobacco products at retail outlets and tax warehouses.

(4) The Consumer Rights Protection Centre shall control the fulfilment of the restrictions specified in Section 6,

Paragraphs one, two, three, four, and thirteen of this Law, as well as Section 9, Paragraphs one, two, four, and five which in accordance with Section 7, Paragraph one of the Advertising Law are considered as additional requirements in the field of advertising and the supervision of the fulfilment of which is performed in accordance with the Advertising Law.

(5) The State Police and the Municipal Police shall control the fulfilment of the restrictions specified in Section 3, Paragraph one, Clauses 1 and 2, Section 8, Paragraphs one, three, and five, as well as Section 10, Paragraphs two, three, four, five, and six of this Law.

(6) The State Labour Inspectorate shall control the fulfilment of the restrictions specified in Section 8, Paragraph seven and Section 10, Paragraph one of this Law.

(7) The Ministry of Education and Science and the Ministry of Health have a duty to create prevention programmes regarding consumption of tobacco products, herbal products for smoking, and electronic smoking devices for different groups of inhabitants, to introduce them in educational institutions and to promote their introduction at working places.

(8) The Ministry of Health has a duty to develop the national policy based on interdepartmental co-operation in the field of reducing the harm of tobacco products, herbal products for smoking, electronic smoking devices, and products related thereto, and to ensure a possibility of getting medical treatment from tobacco addiction for persons who want it.

(9) The issuer of the unique identifiers specified in Implementing Regulation No 2018/574 is *valsts akciju sabiedrība "Latvijas Valsts radio un televīzijas centrs"* [State stock company Latvian Radio and Television Centre].

[20 December 2018; 4 April 2019]

Section 13. Decision of the Surveillance Authority

(1) The State Revenue Service, the Health Inspectorate, the Consumer Rights Protection Centre, the State Police, and the Municipal Police (hereinafter - the surveillance authority), upon establishing a violation, have the right to take the following decisions:

1) to assign the manufacturer or importer to eliminate the non-conformities within a specific period of time, prohibiting placing on the market or selling of the relevant product or manufacturing batch of the product during elimination of non-conformities;

2) if the product may cause substantial risk to the health of the consumer or if its manufacturing and placing on the market is prohibited in accordance with this Law, to prohibit to place the product on the market and to sell it, assigning the manufacturer or distributor to withdraw the product from the market, to destroy it in the most appropriate conditions, or to revoke the product from consumers, as well as to inform consumers regarding the risks existing. Revocation of products shall be performed only as an extreme measure.

(2) The decision of the surveillance authority shall be in effect from the moment of taking it.

(3) The decision of the surveillance authority may be appealed to a court in accordance with the procedures laid down in the Administrative Procedure Law. Appeal of the decision shall not suspend the execution thereof.

Transitional Provisions

1. With the coming into force of this Law, the Law On Restricting the Selling, Advertising and Use of Tobacco Products (Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 1997, No. 3; 1999, No. 22; 2003, No. 2, 23; 2004, No. 4, 18; 2005, No. 7, 14; 2007, No. 21; 2008, No. 10; 2009, No. 1, 14; Latvijas Vēstnesis, 2010, No. 34, 47, 205; 2014, No. 228) is repealed.

2. Until 20 May 2017, it shall be permitted to place on the market such tobacco products and herbal products for smoking which have been manufactured or released into free circulation and labelled in accordance with the Law On Restrictions Regarding Sale, Advertising and Use of Tobacco Products until 19 May 2016.

3. Until 20 May 2017, it shall be permitted to place on the market such electronic cigarettes and refill containers which do not conform to the requirements of this Law, if the relevant electronic cigarettes and refill containers were manufactured or released into free circulation until 20 November 2016.

4. The provisions of Section 3, Paragraphs two and four of this Law in relation to tobacco products which have a characteristic flavour and the sales amount of which in the European Union and the European Economic Area in the relevant product category is three per cent or more, shall be applicable from 20 May 2020.

5. Section 6, Paragraph ten of this Law in relation to cigarettes and roll-your-own tobacco shall be applicable from 20 May 2019, but in relation to other tobacco products - from 20 May 2024.

5.¹ Until 20 May 2020 placing on the market of unit packets of such cigarettes and roll-your-own tobacco on which

no safety features other than excise duty stamps have been placed is permitted, provided that the respective cigarettes (cigarette unit packets) and roll-your-own tobacco (roll-your-own tobacco units) have been manufactured or released for free circulation in the European Union until 19 May 2019.

[20 December 2018]

5.² Until 20 May 2026 placing on the market of unit packets of such tobacco products on which no safety features other than excise duty stamps have been placed is permitted, provided that the respective tobacco products (unit packets thereof) which are not cigarettes and roll-your-own tobacco products have been manufactured or released for free circulation in the European Union until 19 May 2024.

[20 December 2018]

6. The Cabinet shall issue the regulations provided for in Section 6, Paragraph eleven of this Law by 1 March 2019.

[20 December 2018]

7. Merchants who have commenced the sale of electronic cigarettes and refill containers until 19 May 2016 shall notify the Health Inspectorate thereof until 20 November 2016, in accordance with the procedures laid down in Section 8, Paragraph nine of this Law.

8. The requirement of Section 10, Paragraph five of this Law regarding placement of an information message "Smoking kills - quit now!" shall be introduced not later than until 20 May 2017.

9. The Cabinet shall issue the regulations provided for in Sections 10 and 11 of this Law until 1 March 2017. Until coming into force of the relevant Cabinet regulations, but not later than until 28 February 2017, the following Cabinet regulations shall be applicable insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 976 of 20 December 2005, Regulations Regarding the Procedures for Placement of Informative Notices or Symbols Regarding Prohibition to Smoke and Permission to Smoke, as well as Regarding the Samples of Notices and Symbols;

2) Cabinet Regulation No. 637 of 27 August 2013, By-laws of the State Committee for Smoking Restriction.

10. The Cabinet shall issue the regulations provided for in Section 6, Paragraph twelve of this Law by 19 May 2019.

[20 December 2018]

11. Until 1 January 2020 it shall also be permitted to place on the market such electronic devices and electronic device containers which do not conform to the requirements of this Law, if the respective electronic devices and electronic device containers have been manufactured or released for free circulation until 31 December 2018.

[4 April 2019]

12. The Cabinet shall issue the regulations referred to in Section 3, Paragraph five, Clause 7 of this Law until 1 September 2020. Until the day of coming into force of this Regulation, but not longer than until 31 August 2020, Cabinet Regulation No. 372 of 14 June 2016, Technical Standards for the Refill Mechanism of Electronic Cigarettes, shall be in force, insofar as it is not in contradiction with this Law.

[4 April 2019]

13. Section 9, Paragraphs five and six of this Law shall come into force on 1 October 2020.

[4 April 2019 / The abovementioned amendments shall be included in the wording of the law as of 1 October 2020]

Informative Reference to European Union Directives

This Law contains legal norms arising from:

1) Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products;

2) Directive 2014/40/EC of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC.

This Law shall come into force on 20 May 2016.

This Law has been adopted by the *Saeima* on 21 April 2016.

Rīga, 12 May 2016

¹ The Parliament of the Republic of Latvia

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