



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs  
Single Market Enforcement  
Notification of Regulatory Barriers

Notification Number : 2023/0405/LV (Latvia)

# **Draft law: “Amendments to the law On the handling of tobacco products, herbal products for smoking, electronic smoking devices and liquids”**

Date received : 30/06/2023

End of Standstill : 03/10/2023 (closed)

## **Message**

Message 001

Communication from the Commission - TRIS/(2023) 1981

Directive (EU) 2015/1535

Notification: 2023/0405/LV

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Ne zahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20231981.EN

1. MSG 001 IND 2023 0405 LV EN 30-06-2023 LV NOTIF

2. Latvia

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4. 2023/0405/LV - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5. Draft law: “Amendments to the law On the handling of tobacco products, herbal products for smoking, electronic smoking devices and liquids”

6. Tobacco products, herbal products for smoking, electronic smoking devices and their liquids

7.



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8. The Draft law provides for the following:

- 1) to regulate (procedures for handling and restrictions for placing on the market) tobacco substitute products on the Latvian market (e.g. tobacco-free nicotine pads) that do not contain tobacco but contain nicotine or other chemical substances, as well as other new nicotine-containing products or products that do not contain nicotine and may appear on the Latvian market, which are intended to be used similarly or for similar purposes as tobacco products, herbal products for smoking, smokeless tobacco products, electronic smoking devices and their refill containers, and the handling of which is currently not regulated either by the European Union (hereinafter — the EU) or Latvian legislation;
- 2) to determine that the procedures for handling and restrictions laid down in the Law On the handling of tobacco products, herbal products for smoking, electronic smoking devices and liquids (hereinafter — the Tobacco Law) are applied to heated herbal smoking products;
- 3) to determine that electronic heating devices (e.g. IQOS) used together with heated tobacco products are subject to the procedures for handling and restrictions laid down in the Tobacco Law;
- 4) to impose restrictions on the placing on the market of liquids of electronic smoking devices and tobacco substitute products containing flavourings, with the exception of flavourings which impart the smell or taste of tobacco, a list of permitted flavourings that impart the smell or taste of tobacco, as laid down in the Annex to the Tobacco Law;
- 5) to increase the age from which tobacco products, tobacco substitute products, herbal products for smoking, electronic smoking devices and refill containers may be purchased from, currently provided for in the Tobacco Law, from 18 years for 20 years;
- 6) to establish a ban on the addition of additives — menthol, its analogue and geraniol to facilitate inhalation or nicotine intake — to tobacco products for smoking (including novel tobacco products);
- 7) to require manufacturers and importers of cigarettes to ensure that cigarettes comply with combustion and fire safety requirements and, before placing cigarettes on the market, to provide the competent authority with test reports demonstrating the conformity of cigarettes.

9. The aim of the draft law is to protect public health interests, especially that of children and young persons, by establishing stricter regulation regarding products containing tobacco and nicotine, reducing their availability and attractiveness among children and young consumers, taking into account the harm caused by their use to health and the Latvian economy as a whole.

According to research data on smoking habits carried out by the Centre for Disease Prevention and Control (hereinafter — SPKC), smoking of traditional tobacco products has been decreasing in Latvia in recent years among adults. At the same time, the use of novelty tobacco and nicotine-containing products such as electronic cigarettes, heated tobacco, nicotine pads, etc. has increased (with different frequencies). At the same time, the smoking of tobacco products (including trying out) has been decreasing in recent years among schoolchildren, while the smoking of electronic cigarettes (both trying out and daily use) has increased. According to the data of the 2022 study on habits affecting the health of the population of Latvia, 29 % of the population aged 15–74 years smoked tobacco products (excluding heated tobacco) in 2022. This indicator has increased compared to the data of the 2020 study, which was 23 %. At the same time, it should be stressed that since 2016 the proportion of the daily smoking population in Latvia who smoke tobacco products (excluding heated tobacco) has decreased by 10 percentage points compared to 2020. At the same time, it should be stressed that, according to the 2022 study on health-related habits of the population of Latvia, the share of electronic cigarette smokers among men and women has increased significantly since 2020. The daily share of men smoking electronic cigarettes has more than doubled in 2022 compared to 2020 from 2 % to 5 %, but among women there is a 13-fold increase — from 1 % to 13 %. The biggest increase is among those who smoke electronic cigarettes from time to time: in 2022 it increased from 8 % to 30 % for men compared to 2020, while for women it increased from 7 % to 23 %.

On the other hand, regarding the use of nicotine pads, 3 % of the population tried out nicotine pads once, according to a study conducted by the SPKC in 2022. Compared to 2020 data, the proportion that has tried nicotine pads has increased by one percentage point. According to the 2022 study conducted by the SPKC, the highest proportion of nicotine pad users is observed in younger age groups. They are primarily tried out and used by young men aged 15–24. Nicotine pads have been tried by 11 % of young men aged 15–24, which is a two-fold increase when compared to 2020.

Regarding the prevalence of tobacco products, smoking of electronic cigarettes and tobacco substitutes among children and young people, only data from the SPKC study in 2019 are currently available. The current research data on children



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and young people will only be available in 2024. Despite the above, according to a report prepared by the SPKC, since 2011 the proportion of young people aged 13–15 who smoked traditional tobacco products has decreased by 18 percentage points compared to 2019 and reached 23 %. Tobacco smoking has significantly decreased among both boys and girls in all age groups. At the same time, since 2011, the proportion of smokers of electronic cigarettes who have tried these products has doubled among 13–15 year-olds from 20 % in 2011 to 51 % in 2019. We hereby point out that in 2019, compared to studies carried out in previous years, the prevalence of smoking electronic cigarettes was higher than that of tobacco cigarettes among 13–15 year-olds in the given year.

Taking into account the results of studies indicating the increase in trying out and use of novelty nicotine-containing products in the Latvian population, especially among young consumers, and taking into account the recommendations of the World Health Organisation (hereinafter — WHO) that it is essential to implement a comprehensive smoking control policy at a national level in order to reduce not only the prevalence of tobacco smoking, but also the formation of nicotine addiction in society, Latvia has developed a draft law.

10. Reference(s) to main text(s): The primary texts were forwarded together with an earlier notification:  
2018/0348/LV

11. Yes

12. Tobacco substitute products are currently not regulated by the Tobacco Law, this group of products cannot be subject to any of the restrictions laid down in the Tobacco Law. The use of electronic cigarettes among school children in Latvia has increased dramatically and rapidly.

13. No

14. No

15. Yes

16.

TBT aspects:

The draft has significant impact on international trade

SPS aspects: No

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European Commission

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