

**Draft Law “On Restrictions Regarding Sale, Advertising and Use of Tobacco Products, Herbal Smoking Products and Electronic Nicotine-Containing and Nicotine-Free Products”**

**Section 1. Definitions:**

- 1) **flavouring** – means an additive that imparts smell and/or taste;
- 2) **herbal smoking products** – means a product based on plants, herbs or fruits which contains no tobacco and that can be consumed via a combustion process;
- 3) **outside packaging** – in the meaning of this Law, means any packaging in which tobacco products or herbal smoking products are placed on the market and which includes a unit packet or an aggregation of unit packets, except for the transparent wrappers;
- 4) **smokeless tobacco product** – means a tobacco product not involving a combustion process, including chewing tobacco, nasal tobacco and tobacco for oral use;
- 5) **health warning** – means 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, as provided for in this Law;
- 6) **tar** – means the raw anhydrous nicotine-free condensate of smoke;
- 7) **electronic smoking device – an electronic cigarette** means a product or any component of that product, including a cartridge, a tank and the device without cartridge or tank that can be used for consumption of nicotine-containing vapour via a mouth piece,. Electronic cigarettes can be disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges, or another similar electronic device for uptake of nicotine-free vapour into the respiratory system;
- 8) **refill container of an electronic smoking device** – means a refill container that contains a nicotine-containing liquid, which can be used to refill an electronic cigarette, or a similar container that contains a nicotine-free liquid, which can be used to refill any other electronic smoking device;
- 9) **emissions** – means substances that are released when a tobacco or related product is consumed as intended, such as substances found in smoke, or substances released during the process of using smokeless tobacco products;

10) **unit packet** – means the smallest individual package of a tobacco product or a herbal smoking product placed on the market;

11) **novel tobacco product** – means a tobacco product 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. The requirements of this Law that are applicable to novel tobacco products depend on whether the respective products fall in the definition of smokeless tobacco or the definition of a tobacco product for smoking;

12) **combined health warning** – means a health warning consisting of a combination of a text health warning and a corresponding photograph or illustration;

13) **chewing tobacco** – means a smokeless tobacco product exclusively intended for the purpose of chewing;

14) **placing on the market** – in the meaning of this Law, means to make products, irrespective of their place of manufacture, available to consumers with or without payment;

15) **pouch** – in the meaning of this Law, means 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** – means the maximum content or emission, including zero, of a substance in a tobacco product measured in milligrams;

17) **retail outlet** – in the meaning of this Law, means any outlet where tobacco products are placed on the market including by a natural person;

18) **nicotine** – means an alkaloid contained in tobacco and tobacco products, a powerful poison endangering the nervous system, which causes addiction and dependency;

19) **cross-border distance sales** – means distance sales to consumers where, at the time the consumer orders a tobacco product, electronic smoking device or refill container of an electronic smoking device, the consumer is located in a Member State of the European Union or a third country other than where the respective retailer is established. A retail outlet is deemed to be established in a Member State of the European Union: in the case of a natural person, if he or she has his or her place of business in that Member State; in other cases, if the retail outlet has its statutory seat, central administration or place of business, including a branch, agency or any other establishment, in that Member State;

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

- 21) **pipe tobacco** – means a tobacco product that can be used via a combustion process and is envisaged for use in pipes only;
- 22) **public building or structure** – means a building or structure where more than 50% of the total area are public premises;
- 23) **public territory** – means footpaths, tunnels, concourse, pedestrian subways, traffic ways, as well as parks, squares, bathing places and other recreation areas in the open air specially organised for the needs of the public;
- 24) **public events** – means publicly accessible various types of open events (for example, social gatherings, shows, concerts, sporting events, exhibitions);
- 25) **public premises** – means publicly accessible non-residential premises, in which visitors (for example, viewing public, patients, clients, buyers, passengers) can stay for a short period to receive various services;
- 26) **characterising flavour** – means 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;
- 27) **manufacturer** – in the meaning of this Law, means 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;
- 28) **ingredient** – means tobacco, an additive, as well as any substance or element present in a finished tobacco product or related products, including paper, filter, ink, capsules and adhesives;
- 29) **smoking** – means a process during which deliberate igniting of a tobacco product or a herbal smoking product and combustion process take place resulting in smoke, or deliberate use of an electronic smoking device in such a way that vapour containing of nicotine or another chemical can be breathed in (inhaled);
- 30) **tobacco products for smoking** – means tobacco products other than smokeless tobacco products;
- 31) **addictiveness** – means 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 both;
- 32) **sponsoring** – in the meaning of this Law, means any kind of collective or personal support for an event, activity or an individual with the purpose of directly or indirectly promoting the purchase and consumption of

tobacco products or electronic smoking devices, or refill containers of electronic smoking devices;

33) **nasal tobacco** – means a smokeless tobacco product that can be consumed via the nose;

34) **tobacco** – means leaves and other natural processed or unprocessed parts of tobacco plants, including expanded and reconstituted tobacco;

35) **tobacco products** – means products that can be consumed and consist, even partly, of tobacco, whether genetically modified or not;

36) **tobacco products for oral use** – means all tobacco products for oral use, except those intended to be inhaled or chewed, 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;

37) **advertising of tobacco products** – means any commercial information disseminated in any form (for example printed works, posters, adhesive labels, advertising images on walls, radio and television broadcasts, clips, cinema films and videos), as well as activities the purpose of which is the direct or indirect promotion of the purchase or consumption of tobacco products, including placement of tobacco products in outlets using various effect that promote consumption (for example words (slogans), shapes, images, colours, light and sound effects);

38) **import of tobacco or related products** – means the entry into the territory of the European Union of such products unless the products are placed under a customs suspensive procedure or arrangement upon their entry into the European Union, as well as their release from a customs suspensive procedure or arrangement;

39) **importer of tobacco or related products** – means the owner of, or a person having the right of disposal over, tobacco or related products that have been brought into the territory of the European Union;

40) **premises specifically separated for smoking** – means separate premises which are marked as structurally isolated premises on the technical inventory plan of the building and are intended for the receipt of basic services and smoking and are equipped with suction ventilation. Such premises shall take up not more than 50 % of the total public premises area and shall be located as far as possible from the entrance thereto. In the premises, there shall be a relevant information message or symbol;

41) **premises specifically designated for smoking** – means separate premises designated for smoking which are marked as structurally isolated premises on the technical inventory plan of the building and equipped with suction ventilation to prevent entry of tobacco smoke into other premises. In the area, there shall be a relevant information message or symbol. No

basic services of an institution, merchant, any other legal or self-employed person shall be provided at such an area;

42) **roll-your-own tobacco** – means tobacco which can be used for making cigarettes by consumers or retail outlets;

43) **toxicity** – means 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;

44) **waterpipe tobacco** – means a tobacco product for smoking that can be consumed via a waterpipe. If a product can be used both via waterpipes and as roll-your-own tobacco, it shall be deemed to be roll-your-own tobacco;

45) **specially designated smoking area** – means a territory outside of buildings in the open air, premises or a part of premises with a notice with a relevant informative phrase or symbol and equipped in conformity with the requirements of fire safety regulations, which is equipped with air conditioning systems, or a part of premises of a summer (outside) café.

## **Section 2. Purpose, scope and principles of this Law**

(1) The purpose of this Law shall be to protect human health and the right to clean and beneficial environment, free of smoke from tobacco products for smoking and herbal smoking products, and of vapour from electronic smoking devices.

(2) This Law shall stipulate:

1) restrictions of placing on the market of tobacco products, herbal smoking products, electronic smoking devices and refill containers of electronic smoking devices, as well as presentation of unit packet of tobacco products and herbal smoking products;

2) an obligation of manufacturers and importers to provide information on ingredients of tobacco products and herbal smoking products and on emissions of tobacco products and the related reporting obligations, as well as an obligation of manufacturers and importers to provide information on novel tobacco products;

2) restrictions of smoking in public and other places defined in this Law;

3) the procedure according to which the State controls circulation, advertising, sponsoring and smoking restrictions of tobacco products and herbal smoking products in public and other places defined in this Law.

(3) The application of the legal provisions of this Law shall comply with the following principles:

- 1) a smoker shall respect another person's right to clean and beneficial environment, free of smoke from tobacco products for smoking and herbal smoking products, and of vapour from electronic smoking devices;
- 2) a person's right to clean and beneficial environment, free of smoke from tobacco products for smoking and herbal smoking products, and of vapour from electronic smoking devices, and the right to not be subjected to increased risk of diseases caused by smoking (including repeated breathing in of tobacco smoke) shall be a priority in comparison with the interests of smokers.

### **Section 3. Restrictions of placing on the market of tobacco products, herbal smoking products, electronic smoking devices and refill containers of electronic smoking devices**

(1) In Latvia, it shall be prohibited to place on the market:

- 1) nasal tobacco and chewing tobacco
- 2) tobacco products for oral use;
- 3) electronic smoking devices and refill containers of electronic smoking devices other than electronic smoking devices and refill containers of electronic smoking devices that have been deemed to be medical devices in accordance with the regulatory enactments governing the area of health care;
- 4) tobacco products and herbal smoking products packaging presentation of which does not comply with the provisions of Section 6 of this Law;
- 5) herbal smoking products smoking, snuffing, chewing or inhalation of which results in release or absorption of substances that cause mental disorders to the user similar to psychoactive substances and the use of which may lead to addiction;
- 6) novel tobacco products regarding which a notice has not been submitted to the Centre for Disease Prevention and Control (CDPC) and which do not comply with the requirements of this Law. The scope of the information to be reported and the procedure according to which the manufacturers and importers of novel tobacco products shall report these products shall be defined by the Cabinet of Ministers;
- 7) unit packets of cigarettes that contain less than 20 cigarettes and unit packets of roll-your own tobacco that contain less than 30 grams of tobacco;

8) tobacco products that are not subjected to the provisions or conditions laid down 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) and 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;

9) tobacco products and herbal smoking products regarding which information has not been provided in compliance with the provisions of Section 5 of this Law.

(2) It shall be prohibited to place on the market tobacco products that contain:

- 1) vitamins or other additives that create the impression that a tobacco product has a health benefit or presents reduced health risks;
- 2) caffeine or taurine or other additives and stimulant compounds that are associated with energy and vitality;
- 3) additives having colouring properties for emissions;
- 4) for tobacco products for smoking additives that facilitate inhalation or nicotine uptake;
- 5) additives that have carcinogenic, mutagenic or reprotoxic properties in unburnt form.

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

- 1) the maximum level of nicotine emission therein exceeds 1 milligram per cigarette;
- 2) the maximum level of tar emission therein exceeds 10 milligram per cigarette;
- 3) the maximum level of carbon monoxide emission therein exceeds 10 milligram per cigarette.

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

- 1) characterising flavour. The prohibition shall not apply to additives that are essential for the manufacture of tobacco products (for example sugar to replace sugar that is lost during the curing process), provided those additives do not result in a product with a characterising flavour and do not increase to a significant or measureable degree the addictiveness, toxicity

or the carcinogenic, mutagenic or reprotoxic properties properties of the tobacco product. Tobacco products to which this Point is applicable, as well as procedures that shall be applied to determine whether this Paragraph should be applied to certain tobacco products, shall be defined by the Cabinet of Ministers;

2) containing flavourings in any of their components such as filters, papers, packages, capsules or any technical features allowing modification of the smell or taste of the tobacco products concerned or their smoke intensity;

3) filters, papers and capsules of which contain tobacco or nicotine.

(5) It shall be permitted to place on the market tobacco products and herbal smoking products, except for cigars and cigarillos, in closed unit packets only.

#### **Section 4. Evaluation of compliance of tobacco products**

(1) The tar, nicotine and carbon monoxide maximal emission levels in cigarettes shall be determined in accordance with the following standards:

1) requirements of LVS ISO 10315:2007 “Cigarettes – Determination of nicotine in smoke condensates – Gas-chromatographic method” with respect to nicotine;

2) requirements of LVS ISO 4387:2003 “Cigarettes – Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine” with respect to tobacco tar;

3) requirements of LVS ISO 8454:2008 “Cigarettes – Determination of carbon monoxide in the vapour phase of cigarette smoke – NDIR method” with respect to carbon monoxide.

(2) The accuracy of nicotine, tar and carbon monoxide content shall be determined in accordance with standard LVS ISO 8243:2007 “Cigarettes – Sampling”.

(3) The measurements defined in Paragraph three of Section 3 of this Law may be performed by laboratories which:

1) are accredited by the limited liability company “Standardisation, Accreditation and Metrology Centre” according to standard LVS EN ISO/IEC 17025:2005 “General requirements for the competence of testing and calibration laboratories” and regarding which the Ministry of Economics has published a notice in the Official Journal “*Latvijas*



*Vēstnesis*” or laboratories notified by other European Union Member States in the field of tobacco products;

2) are not owned or directly or indirectly controlled by the tobacco industry.

### **Section 5. Reporting on ingredients of, and emissions from, tobacco products and herbal smoking products**

Manufacturers and importers of tobacco products and herbal smoking products shall provide information to the Centre for Disease Prevention and Control on the ingredients of tobacco products and herbal smoking products and emissions from tobacco products by brand name and type, additional information about additives included in the priority list. The scope of information to be reported, requirements for storing and publishing of information, as well as the procedure according to which the manufacturers and importers of tobacco products and herbal smoking products shall provide information on product ingredients and emissions shall be defined by the Cabinet of Ministers.

### **Section 6. Packaging presentation of tobacco products and herbal smoking products**

(1) On the packaging of tobacco products and herbal smoking products, it shall be prohibited to:

- 1) show specific natural persons;
- 2) show the symbols of the State of Latvia;
- 3) use animation images.

(2) On the labelling of unit packets and any outside packaging and the tobacco product itself, it shall be prohibited to include any element or feature, for example messages, symbols, names, trademarks, figurative or other signs, that:

- 1) promotes a tobacco product or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions;
- 2) includes information about the nicotine, tar or carbon monoxide content of the tobacco product;
- 3) suggests that a particular tobacco product is less harmful than others or aims 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) resembles a food or a cosmetic product;
- 5) refers to taste, smell, any flavourings or other additives or the absence thereof;
- 6) suggests that a certain tobacco product has improved biodegradability or other environmental advantages.

(3) On the unit packets and any outside packaging of tobacco products, it shall be prohibited to include any element or feature, for example messages, symbols, names, trademarks, figurative or other signs, that suggests economic advantages, including, but not limited to, by including printed vouchers, offering discounts, free distribution and two-for-one.

(4) On the unit packets and any outside packaging of herbal smoking products, it shall be prohibited to include any element or feature, for example messages, symbols, names, trademarks, figurative or other signs, referred to in Points 1, 2, 3 and 4 of Paragraph two of this Section, as well as a statement that the product does not contain additives or flavours.

(5) Unit packets of cigarettes shall have a cuboid shape and consist of carton or soft material, and shall not have an opening that can 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.

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

(7) Each unit packet and any outside packaging of tobacco products for smoking shall carry one of the following health warnings in the official language:

- 1) general warning: “Smoking kills – quit now”;
- 2) information message: “Tobacco smoke contains over 70 substances known to cause cancer”;
- 3) combined health warning.

(8) Each unit packet and any outside packaging of smokeless tobacco products shall carry the following health warning in the official language: “This tobacco product damages your health and is addictive”.

(9) Each unit packet and any outside packaging of herbal smoking products shall carry one of the following health warning in the official language: “Smoking of this product damages your health”.

(10) On each unit packet of a tobacco product and a herbal smoking product, an excise tax stamp shall be attached. In the case of a close transparent additional wrapper, the excise tax stamp shall be attached under the wrapper.

(11) Each unit packet of tobacco products shall display the following:

1) unique identifier which, in order to ensure its integrity, shall be 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, except for tobacco products exported to countries other than the Member States of the European Union;

2) tamper proof security feature, composed of visible and invisible elements 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 legislation;

3) batch number or equivalent label so that place and time of manufacture could be determined.

(12) The presentation and placing of health warning to be displayed on packaging of tobacco products and herbal smoking products, as well as the combined health warnings to be displayed on packaging of tobacco products for smoking shall be defined by the Cabinet of Ministers.

(13) The unique identifier and security feature, information to be included in the unique identifier, technical standards with respect to establishment and functioning of a tracking and tracing system, requirements for the equipment necessary to perform the above activities, requirements of processing and storing of data and the procedure according to which the unique identifier and the security feature are to be displayed on units of tobacco products, as well as the technical standards of the security feature shall be defined by the Cabinet of Ministers.

## **Section 7. Procedure for circulation of tobacco products and herbal smoking products**

(1) The procedure for circulation of tobacco products and herbal smoking products shall be defined by the Cabinet of Ministers.

(2) It shall be prohibited to sell tobacco products and herbal smoking products:

1) at the premises of central and municipal government institutions, except for the National Armed Forces and places of imprisonment with adult inmates;

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

3) in departments of shops where goods for children and adolescents are traded;

4) in cultural and sports institutions;

5) at an outlet where retail of tobacco products is not organised by providing individual service to each buyer, except for tax-free shops (D type customs warehouses) provided for in the regulatory enactments governing the area of customs;

6) using vending machines;

7) in territories which have been granted the status of markets, according to a specified procedure;

8) using a distance contract, including cross-border distance sales.

(3) It shall be prohibited for retail outlets that perform cross-border distance sales of tobacco products, electronic smoking devices and refill containers of electronic smoking devices to supply such products to consumers in the Member States of the European Union where such sales are prohibited.

(4) It shall be prohibited to sell tobacco products and herbal smoking products to persons who are under 18 years of age, and such persons may not purchase these products. In order to gain assurance of a person's age, a retailer shall be obliged to request that the person presents a personal identification document.

(5) When purchasing tobacco products and herbal smoking products, a person of 18–25 years of age shall be obliged to present his or her personal identification document to a retailer in all cases irrespective of whether the retailer has or has not requested it.

(6) It shall be prohibited to sell tobacco products and herbal smoking products to persons regarding the age of whom a retailer has justified doubts and who upon the retailer's request fail to present a personal identification document that would certify the age of such persons.

(7) Upon request of a supervisory and control authority, any buyer shall be obliged to certify his or her age by presenting a personal identification document;

(8) It shall be prohibited to involve persons who are under 18 years of age in the placement on the market of tobacco products and herbal smoking products.

(9) At outlets of tobacco products and herbal smoking products, a visible notice warning that the use of tobacco products and herbal smoking products seriously damages human health shall be placed.

**Section 8. Restriction of advertising and sponsoring of tobacco products, electronic smoking devices and refill containers of electronic smoking devices**

(1) Advertising via information society services, radio broadcasting, the press and other printed media that aims at directly or indirectly promoting tobacco products, electronic smoking devices and refill containers of electronic smoking devices shall be prohibited, except for publications envisaged only for sales professionals of these products and publications printed and published in third countries, unless the above publications are mainly envisaged for the European Union market.

(2) Merchants the basic activity of which is the manufacture of, or trade in, tobacco products, electronic smoking devices and refill containers of electronic smoking devices shall be prohibited to provide sponsorship that is connected with several Member States of the European Union, takes place in several Member States of the European Union or has a cross-border impact.

(3) Audio and audio visual commercial communications of tobacco products, electronic smoking devices and refill containers of electronic smoking devices that are subject to the requirements of the Electronic Mass Media Law shall be prohibited.

(4) In Latvia, it shall be prohibited to:

- 1) manufacture and place on the market sweets and snacks, as well as toys and other articles in the form of tobacco products;
- 2) depict persons smoking in any advertising.

### **Section 9. Restrictions on smoking and the right of employees to a clean workspace, free of vapour from tobacco products, herbal smoking products and electronic smoking devices**

(1) An employer shall be obliged to provide an employee with a workspace free of smoke from tobacco products and herbal smoking products and of vapour from electronic smoking devices. An employee shall have the right to refuse to work in a workspace where other employees smoke, and such refusal may not be regarded as violation of labour discipline or of civil service regulations.

(2) It shall be prohibited to smoke:

- 1) at the premises of educational and training institutions, territories used by such institutions, as well as the premises and territories of dormitories of educational institutions;
- 2) at the premises of social care, medical treatment and rehabilitation institutions, places of imprisonment and territories used by such institutions, except for premises or areas specifically designated for smoking. The internal regulations of the respective institution or body may provide for a possibility of patients or inmates to smoke outside of the premises specifically designated for smoking, considering the physical and mental health condition of such patients or inmates;
- 3) closer than 10 metres from the entrance of buildings or structures (also on the outside steps and landings) where central or municipal government institutions and capital companies in which more than 50 % of the capital shares (stock) is owned by the State or the municipality are located. In such places, information messages or symbols shall be displayed regarding the prohibition to smoke;
- 4) in the shelters of public transport stops and on platforms;
- 5) in the stairwells, hallways and other common use premises of multi-apartment residential buildings;
- 6) in places of work and premises of common use;

- 7) on balconies and loggias of multi-apartment residential buildings if any of the residents of the building has justified objections;
- 8) public buildings, structures and premises (cinemas, concert and sports halls, other sports buildings and structures, post offices and other institution halls, discotheques and dance halls, etc.). This prohibition does not apply to apartments located in public buildings;
- 9) hotels and other short-term accommodation dwellings, except for specifically designated bedrooms in which it is permitted to smoke;
- 10) in means of public transport and taxis, except for long-distance trains and ships where there may be separate railway carriages or cabins designated for smokers;
- 11) during sports and other public events in stadiums and other enclosed territories, except for specifically designated smoking areas;
- 12) in children's recreation areas and playgrounds;
- 13) in parks, squares and at bathing areas, except for specially designated smoking areas;
- 14) in cafés, restaurants and other public catering locations, except for summer (open air) cafés where smoking is permitted only in specifically designated smoking areas;
- 15) in public departure areas of international airports, except for areas specifically designated for smoking beyond the security control points;
- 16) in the presence of a child;
- 17) at any other public area not referred to in this Section in the presence of another person if this person objects.

(3) A prohibition to smoke shall be displayed as an information message using the “*smēķēt aizliegts*” [smoking prohibited] sign (white letters on a red background), whereas a permission to smoke – using the “*atļauts smēķēt*” [smoking permitted] sign (white letters on a green background), or by symbols which are used in international smoking control practice.

(4) The procedure according to which information messages or symbols regarding a prohibition or permission to smoke shall be placed, as well as samples of such messages and symbols shall be defined by the Cabinet of Ministers.

## **Section 10. State Commission on Restriction of Smoking**

The Cabinet of Ministers shall approve by-laws of the State Commission on Restriction of Smoking. The composition of the State Commission on

Restriction of Smoking shall be approved by the Minister for Health by including at least one representative from:

- 1) a professional health care organisation;
- 2) an employers organisation;
- 3) an employees organisation;
- 4) the Ministry of Health;
- 5) the Ministry of Finance;
- 6) the Ministry of Economics;
- 7) the Ministry of Education and Science;
- 8) the Ministry of the Interior;
- 9) the Ministry of Environmental Protection and Regional Development;
- 10) the Latvian Anti-Smoking Coalition;
- 11) the Latvian Association of Local and Regional Governments.

**Section 11. Competencies of State administration authorities in the area of control and prophylaxis of tobacco products, herbal smoking products, electronic smoking devices and refill containers of electronic smoking devices**

(1) The Ministry of Economics:

- 1) shall send to the European Commission the list of accredited laboratories in Latvia referred to in Point 1 of Paragraph three of Section 4 of this Law indicating the criteria used for their approval and the applied supervision methods, as well as shall inform the European Commission about amendments made to the list;
- 2) shall notify the European Commission about any measuring methods used to measure emissions from cigarettes other than tar, nicotine and carbon monoxide emissions, and emissions from tobacco products other than cigarettes;
- 3) shall notify the European Commission about any maximum emission level defined for emissions from cigarettes other than the emissions defined in Paragraph three of Section 3 of this Law and emissions from tobacco products other than cigarettes.

(2) The State Revenue Service:

- 1) shall monitor the restrictions defined in Points 10 and 11 of Section 6 of this Law;
- 2) no less frequently than once a year, shall verify the amount of nicotine, tar and carbon monoxide in cigarettes by each brand name and type. The



laboratories referred to in Paragraph three of Section 4 of this Law shall be entitled to select and test the samples of cigarettes, upon the State Revenue Service's request. The testing laboratories shall inform the State Revenue Service about the testing results. Costs related to selection and testing of samples of cigarettes shall be covered by a manufacturer or importer of tobacco products. If cigarettes of the same brand name and type have different content of nicotine, tar and carbon monoxide or if cigarettes are manufactured in different places of manufacture, the State Revenue Service shall be entitled to require that a verification is performed with respect to each type of cigarettes of the same brand name and type;

3) shall verify the compliance with the restrictions laid down in Paragraphs two and four of Section 3 of this Law. The laboratories referred to in Paragraph three of Section 4 of this Law shall be entitled to test the samples of tobacco products, upon the State Revenue Service's request. The testing laboratories shall inform the State Revenue Service about the testing results. Costs related to selection and testing of samples of tobacco products shall be covered by a manufacturer or importer of tobacco products.

(3) The Consumer Rights Protection Centre:

1) shall control compliance of packaging presentation of tobacco products and herbal smoking products with Point 7 of Paragraph one of Section 3 of this Law and the requirements laid down in Paragraphs one, two, three, four, five, six, seven, eight and nine of Section 6 of this Law;

2) shall control the restrictions of advertising and sponsoring of tobacco products, electronic smoking devices and refill containers of electronic smoking devices laid down in Section 8 of this Law.

(4) The State Police and the Municipal Police shall control the provisions related to prohibitions and restrictions of smoking laid down in Paragraphs two and three of Section 9 of this Law.

(5) The Centre for Disease Prevention and Control shall establish, maintain and update a database of ingredients of tobacco products and herbal smoking products and shall store data submitted regarding novel tobacco products.

## **Section 12. Liability for violations of this Law**

Persons shall be subject to liability for violations of this Law in accordance with the liability prescribed by regulatory enactments.

### **Transitional Provisions**

1. To deem invalid the Law on Restrictions Regarding Sale, Advertising and Use of Tobacco Products (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1997, No 3; 1999, No 22; 2003, No 2, No 23; 2004, No 4, No 18; 2005, No 7, No 14; 2007, No 21; 2008, No 10; 2009, No 1, No 14; *Latvijas Vēstnesis*, 2010, No 34, No 47, No 205, 2014, No 228).

2. Tobacco products and herbal smoking products manufactured or placed on the market and labelled in accordance with the Law on Restrictions Regarding Sale, Advertising and Use of Tobacco Products by 20 May 2016 may be placed on the market by 20 May 2017.

3. Point 11 of Section 1 of this Law shall apply to products placed on the market after 19 May 2014. Novel tobacco products placed on the market after 19 May 2014 shall be reported to the Centre for Disease Prevention and Control by 20 November 2016 in accordance with Point 6 of Paragraph one of Section 3 of this Law.

4. Electronic smoking devices and refill containers of electronic smoking devices manufactured or placed on the market by 20 May 2016 may be placed on the market by 20 May 2017.

5. Point 1 of Paragraph four of Section 3 of this Law regarding tobacco products with a characterising flavour and sales of which in the European Union in the category of the respective product are 3% or more shall come into force on 20 May 2020.

6. Points 1 and 2 of Paragraph eleven of Section 6 of this Law regarding cigarettes and roll-your-own tobacco shall come into force on 20 May 2019, whereas regarding the other tobacco products – 20 May 2024.

7. Manufacturers and importers shall submit the information regarding tobacco products and herbal smoking products already placed on the market as laid down in Section 5 of this Law to the Centre for Disease Prevention and Control by 20 November 2016.

8. This Law shall come into force on 20 May 2016.

### **Informative Reference to the European Union Directives**

This Law includes legal provisions arising from:

1) Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products;

2) 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;

3) Commission Directive 2012/9/EU of 7 March 2012 amending Annex I to Directive 2001/37/EC of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products and Commission Directive 2014/39/EC of 12 March 2014 amending Directive 2012/9/EU as regards the date for its transposition and the deadline for the end of the transitional period;

4) Directive 2014/40/EU 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;

5) Commission Delegated Directive 2014/109/EU of 10 October 2014 amending Annex II to Directive 2014/40/EU of the European Parliament and of the Council by establishing the library of picture warnings to be used on tobacco products.

Minister for Health

G. Belēvičs

22/02/2015 14:05

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