Republic of Latvia

Cabinet
Regulation No. 155
Adopted 9 April 2019

Regulations Regarding the Traceability System for Tobacco Products

Issued pursuant to
Section 6, Paragraph eleven of the law On the Handling of Tobacco Products, Herbal
Products for Smoking, Electronic Smoking Devices and Their Liquids

1. This Regulation prescribes the competent authority defined 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 (hereinafter – Regulation No 2018/574) and the requirements for ensuring the operation of the traceability system for tobacco products.

2. This Regulation applies to merchants performing activities involving tobacco products.

3. This Regulation does not apply to natural persons who in accordance with the law On Excise Duties import or receive tobacco products in the Republic of Latvia for personal consumption and to legal persons which in accordance with the law On Excise Duties import or receive tobacco products in the Republic of Latvia for their own needs.

4. The terms used in this Regulation conform to the terms used in Regulation No 2018/574.

5. The State Revenue Service shall be the competent authority defined in Article 25(1)(k) of Regulation No 2018/574.

6. Information regarding the issuer of the unique identifier and the identifier code thereof shall be published on the website of the State Revenue Service.

7. The economic operator identifier code and the facility identifier code shall be requested by the merchant which has received the special permit (licence) for the operation of an approved warehousekeeper involving tobacco products, for the operation of a registered consignee involving tobacco products, for the operation of a registered consignor involving tobacco products, for the wholesale trade of tobacco products, for the retail trade of tobacco products (hereinafter – the special permit (licence) for activities involving tobacco products), and by the importer of tobacco products.

8. The machine identifier code shall be requested by the merchant which has received the special permit (licence) for the operation of an approved warehousekeeper involving tobacco products and in the special permit (licence) of which the production of tobacco products is specified or by the importer of tobacco products which will import tobacco products for consumption in the Republic of Latvia.

9. In accordance with Section 1 of Chapter II of Annex II to Regulation No 2018/574 the economic operator identifier code, the facility identifier code, and the machine identifier code shall be requested by the merchants referred to in Paragraphs 7 and 8 of this Regulation at *valsts akciju sabiedrība "Latvijas Valsts radio un televīzijas centrs"* [State joint stock company Latvian State Radio and Television Centre] (hereinafter – the Latvian State Radio and Television Centre).

10. The economic operator identifier codes, the facility identifier codes, and the machine identifier codes shall be published in files to be distributed offline on the website of the Latvian State Radio and Television Centre.

11. The merchant which has received the special permit (licence) for activities involving tobacco products and the importer of tobacco products shall perform activities involving tobacco products only after receipt of the economic operator identifier code, the facility identifier code, and the machine identifier code.

12. The merchant which has received the special permit (licence) for activities involving tobacco products and the importer of tobacco products may not correct the information indicated in points 1.2, 1.5, and 1.8 of Section 1 of Chapter II of Annex II to Regulation No 2018/57 in relation to the request for the economic operator identifier code, the facility identifier code, or the machine identifier code which does not conform to the issued special permit (licence) for activities involving tobacco products or the information indicated in the commercial register.

13. The Latvian State Radio and Television Centre shall, within one working day after information regarding the issuance, re-registration, annulment, suspension, and renewal of the special permits (licences) for activities involving tobacco products is published in the public information database of the State Revenue Service, update information regarding the economic operator identifier code, the facility identifier code, and the machine identifier code in the relevant identifier registers.

14. The producers and importers of tobacco products shall mark each unit packet of tobacco products with a unit level unique identifier.

15. The generating and issuing of unique identifiers shall be ensured by the Latvian State Radio and Television Centre.

16. In accordance with Article 3(9) of Regulation No 2018/574 the Latvian State Radio and Television Centre shall charge fees from merchants for generating and issuing unique identifiers. The fee for generating and issuing a unique identifier shall be EUR 0.502 (excluding value added tax) for 1000 unique identifiers.

17. If tobacco products have been produced in another Member State of the European Union and they are intended for consumption in the Republic of Latvia, in accordance with Article 4(1) of Regulation No 2018/574, upon request of the producer of tobacco products of another Member State of the European Union, the unique identifiers shall be generated and issued by the Latvian State Radio and Television Centre.

18. The Latvian State Radio and Television Centre shall issue the unique identifiers in electronic form.

19. The economic operators shall use valid unique identifiers for marking unit packets or aggregated packaging units of tobacco products.

20. The Latvian State Radio and Television Centre shall, within one working day following the request from the State Revenue Service, deactivate the unique identifiers issued to the economic operator.

21. This Regulation shall come into force on 20 May 2019.

Prime Minister   A. K. Kariņš

Minister for Finance   J. Reirs