

Message 001

Communication from the Commission - TRIS/(2026) 1678

Directive (EU) 2015/1535

Notification: 2026/0316/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 - Nezahajuje 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 késésekét - Non fa decorrere la mora - Atidėjimai 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: 20261678.EN

1. MSG 001 IND 2026 0316 LV EN 25-06-2026 LV NOTIF

2. Latvia

3A. Atkritumu apsaimniekošanas un aprites ekonomikas departaments

3B. Atkritumu apsaimniekošanas un aprites ekonomikas departaments

4. 2026/0316/LV - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5. Amendments to the Waste Management Law

6. A deposit system for electronic smoking devices with non-rechargeable batteries

7.

8. The draft legislative amendments to the Waste Management Law provide for the introduction of a mandatory uniform deposit system for electronic smoking devices with non-rechargeable batteries, to ensure the separate collection, safe management, recycling, or recovery of these devices and to reduce fire safety

and environmental pollution risks associated with lithium-ion batteries, plastic, and metal components. The regulation establishes new definitions and sets out the obligations of manufacturers, sellers, and operators of deposit-refund systems, including the requirement to place a special label on the packaging and a machine-readable identifier on the device. The regulation also provides for the refund of the deposit fee to the end user in non-cash form, and stipulates that the Latvian State Environmental Service shall select the deposit system operator through a competitive bidding process, while the Cabinet of Ministers establishes the detailed procedures for the system's operation, accounting, reporting, territorial coverage requirements, the amount of the deposit fee, and mutual settlements. The new rules on the deposit-refund system for electronic smoking devices will enter into force on 1 February 2027 in order to provide producers and traders with a transitional period to implement the system.

9. The draft law has been drawn up to introduce a mandatory deposit system in Latvia for electronic smoking devices with non-rechargeable batteries, thereby ensuring the separate collection, safe management and delivery for recycling or recovery of these devices. Such regulation is necessary because, as the consumption of electronic smoking devices increases, so too do the environmental safety risks associated with their waste, including the risk of spontaneous combustion caused by lithium-ion batteries, the potential for chemical leaks, and inadequate separate collection of this waste. The introduction of a deposit system will at the same time facilitate the re-use of resources and the involvement of citizens in responsible waste management.

9a. The notified measure aims at addressing a significant risk to the public interest, namely the inadequate management after use of electronic smoking devices whose battery is not rechargeable. Such devices contain lithium-ion batteries, plastic and metal components, as well as residual liquids, and, if they end up in the general waste stream or are managed together with other waste from electrical and electronic devices, they pose risks of spontaneous combustion, explosion and chemical contamination. The significance of the risk is supported by the data in the explanatory memorandum, according to which approximately 15 million electronic smoking devices were discarded in Latvia in 2023, of which only about 5 % was separately collected, while the majority went to municipal waste landfills; furthermore, it is noted that 48 % of fires in waste management are related to lithium-ion batteries.

The mandatory deposit system provided for in the draft law is an appropriate instrument for achieving the stated objective, as it ensures the separate collection of devices from other waste streams and establishes a clear legal framework for the management of such devices after they have reached the end of their useful life.

A key element of the measure is the financial incentive for the end-user: when purchasing a deposit-bearing device, the individual pays a deposit, which is then refunded in non-cash form upon returning the device.

This mechanism is designed to change people's behaviour by encouraging them to return used devices to a specially established system, rather than disposing of them as household waste. Public involvement is an essential prerequisite for the effectiveness of the system.

The public interest objective pursued is achieved in a consistent and systematic manner, since the draft law does not provide for a voluntary or fragmentary collection initiative, but for a single nationwide deposit system with a clearly defined operator, a monitoring mechanism and an authorisation from the Cabinet of Ministers to regulate the operation of the system in detail. The Cabinet of Ministers will lay down the procedures for the selection of the operator, record-keeping, reporting, territorial coverage, the level of the deposit charge, collection and recycling volumes, as well as the methodology for determining costs, whilst the Latvian State Environmental Service will select the deposit system operator and oversee the operation of

the system. Thus, the draft law creates a verifiable, comprehensive and result-oriented system that directly addresses the identified environmental and safety risks.

9b. The measure provided for in the draft law may have a certain impact on the functioning of the internal market, as additional requirements are imposed on the placing on the Latvian market of electronic smoking devices with non-rechargeable batteries — participation in a deposit system, the display of specific labelling on the packaging, a machine-readable identifier on the device, the application of a deposit charge and record-keeping obligations. However, the measure is not aimed at prohibiting the placing of goods on the market or at restricting cross-border trade, but rather at ensuring that devices sold in Latvia are channelled into a separate, safe collection and management system once they have reached the end of their useful life. Consequently, the effect on cross-border trade and services is mainly an administrative and organisational adaptation requirement for manufacturers, sellers or distributors placing such devices on the Latvian market and not an absolute restriction of access to the market. This measure is justified by the public interest objective of preventing the improper disposal of waste from electronic smoking devices.

The general or special provisions in force are not sufficient to achieve the public interest objective pursued, as they do not ensure a uniform, mandatory and verifiable system of separate collection of electronic smoking devices throughout the territory of Latvia. The abstract assesses the current voluntary collection of electronic smoking devices at retail outlets as a less restrictive alternative, however, it has been rejected as insufficient, as there is no information on the number of collection points, geographical coverage or the actual volume of devices collected; furthermore, such an initiative does not ensure adequate prevention of the risks of spontaneous combustion and chemical leakage. The measure chosen, a mandatory deposit scheme, represents a proportionate and less restrictive solution compared to more stringent measures, such as a ban on the placing on the market of single-use electronic smoking devices, as it maintains the possibility of placing such devices on the market, while imposing a clear obligation to ensure their collection, metering, recycling or recovery. The draft law thus ensures the achievement of a goal with a targeted regulation directly relevant to the identified problem of the input of used electronic smoking devices into an inappropriate waste stream.

9c. The restrictions introduced by the measures set out in the draft law are to be regarded as proportionate to the significance of the public interest objective pursued, as they are directly aimed at preventing a specific risk — the improper disposal of electronic smoking devices with non-rechargeable batteries after they have been used. The measure provides for an obligation to include such devices in the deposit system. Those obligations may impose certain administrative and organisational burdens on manufacturers, sellers and the operator of the deposit system, but they are not intended to prohibit the placing of goods on the market, but rather to ensure that devices placed on the market in Latvia, once used, do not end up in inappropriate waste streams or pose ignition risks. Consequently, the potential burden on market participants stems from the need to ensure safe and traceable waste management, and this is proportionate to the nature and extent of the risk to be prevented.

Having assessed the protection of the public interest and the possible impact on the functioning of the internal market, it can be concluded that the draft law creates a targeted and limited obstacle in the form of additional requirements for market participants placing such devices on the Latvian market, and not in the form of a general restriction on trade or the provision of services. The protection of the public interest outweighs this obstacle, as failure to achieve the objective would result in a continued significant amount of electronic smoking devices ending up in household waste, fire safety and chemical pollution risks would

persist, and the separate collection and delivery for recycling or recovery of the components of these devices — plastics, metals and lithium-ion batteries — would not be ensured. The voluntary collection of electronic smoking devices at retail outlets was assessed as a less restrictive alternative; however, as noted in the impact assessment of the draft law, such an initiative is insufficient, as there is no information available on the number of collection points, their geographical coverage or the volume of devices collected; furthermore, it does not fully eliminate the risks of spontaneous combustion and chemical leakage. Compared to more stringent measures, such as a ban on the placing on the market of single-use electronic smoking devices, a deposit system is a less restrictive solution, as it preserves the possibility of placing goods on the market while ensuring their collection, record-keeping and safe management; the chosen measure therefore represents a balanced solution between preserving the functioning of the internal market and safeguarding the public interest.

10. Reference(s) to main text(s):

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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