

APPROVED
by the Executive Board of the
Joint Stock Company LatRailNet
in a meeting held on 29 April 2019
min. No JALP-1.2/31-2019
Riga

REGULATIONS

29 April 2019

No JALP-7.6/02-2019

Amendments to the JSC LatRailNet regulations Nr.JALP-7.6/02-2017 of 30 June 2017 “The Collection Scheme”

1. Amend the JSC LatRailNet regulations No.JALP-7.6/02-2017 of June 30 2017 “The Collection Scheme” as follows:

1.1. express the legal basis of the Preamble to the Regulations as follows:

“Issued under Article 11.¹, (10), Article 12 (2), Article 13.¹ (3) and Article 13.² of the Railway Law”;

1.2. express Paragraph 1 of the Regulations as follows:

“1. These regulations (hereinafter - the Scheme) lay down the procedure how the public-use railway infrastructure (hereinafter - railway infrastructure) manager collects charges for the minimum access package and for the access to the railway infrastructure connecting service facilities mentioned in Article 12.¹ (1) of the Railway Law (hereinafter - infrastructure charges) and other charges provided by Article 12 of the Railway Law, as well as the procedure for the settlement of the payments for performing the essential functions of the public-use railway infrastructure manager provided by Article 13.¹ (3) of the Railway Law.”;

1.3. express Paragraph 2.4. of the Regulations as follows:

“2.4. **application assurance payment** – a payment for the allocated part of the railway infrastructure capacity, that is collected by the charging body from an applicant for performing the essential functions and that is not refunded to the applicant if the requested railway infrastructure capacity is not used;”;

1.4. supplement the Regulations with Paragraph 2.4 .¹ as follows:

“2.4.¹ **ad-hoc application payment** – a payment for the allocated part of the railway infrastructure capacity that is collected by the charging body from an applicant for performing the essential functions if an applicant requests capacity allocation outside the capacity allocation plan;”;

1.5. express Paragraph 4 of the Regulations as follows:

“4. Infrastructure charges are collected in accordance with the charge amount of charging parameters ^{param} determined in the Charging Scheme, observing the designation method included in Annex 7 to the Charging Scheme.”;

1.6. express Paragraph 5 of the Regulations as follows:

“5. The payment for the minimum access package for the provision of passenger traffic including railway infrastructure that provides acceptance, handling and dispatching of trains within a specific market segment is applied by the infrastructure manager in accordance with the following formula:

$$KM_{pas\ s} = M_{ceļ\ uztur\ pas\ s} \times DR_{ceļ\ uztur\ pas\ s} + M_{atj\ pas\ s} \times DR_{atj\ pas\ s} + M_{elektr\ pas\ s} \times DR_{elektr\ pas\ s} + N, \text{ where}$$

KM_{pas s} – the payment to be made by the railway undertaking for the use of the railway infrastructure for passenger traffic within a specific market segment (*euro*);

M_{ceļ uztur pas s} – the amount of the charge set by the charging body in relation to the charging parameter of railway infrastructure maintenance and train operating for providing the minimum access package including railway infrastructure that provides acceptance, handling and dispatching of trains within a specific market segment of passenger traffic (*euro* per one train km, without value added tax);

DR_{ceļ uztur pas s} – the number of train km actually travelled during the respective invoicing period by the railway undertaking's passenger trains within a specific market segment;

M_{atj pas s} – the amount of the charge set by the charging body in relation to the charging parameter of railway infrastructure renewal for providing the minimum access package including railway infrastructure that provides acceptance, handling and dispatching of trains within a specific market segment of passenger traffic (*euro* per one gross tonne km, without value added tax);

DR_{atj pas s} – the number of gross tonne km actually travelled during the respective invoicing period by the railway undertaking's passenger trains within a specific market segment;

M_{elektr pas s} – the amount of the charge set by the charging body in relation to the charging parameter of operating, maintenance and renewal of traction electrical supply equipment within a specific market segment of passenger traffic where electric traction is used (*euro* per one train km, without value added tax);

DR_{elektr pas s} – the number of train km actually travelled during the respective invoicing period by the railway undertaking's passenger trains that use electric traction within a specific market segment;

N – fees and taxes to be paid by the railway undertaking in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.7. express Paragraph 6 of the Regulations as follows:

“6. The payment for the minimum access package for the provision of freight traffic including railway infrastructure that provides acceptance, handling and dispatching of trains and the access to the railway infrastructure connecting service facilities (where freight train sets are assembled or disassembled and where rolling stock is transferred for loading, unloading or to the related sidings) within a specific market segment is applied by the infrastructure manager in accordance with the following formula:

$$KM_{krav\ s} = M_{ceļ\ uztur\ krav\ s} \times DR_{ceļ\ uztur\ krav\ s} + M_{mez\ uztur\ krav\ s} \times DR_{mez\ uztur\ krav\ s} + M_{atj\ krav\ s} \times DR_{atj\ krav\ s} + N, \\ \text{where}$$

- KM** _{krav s} – the payment to be made by the railway undertaking for the use of the railway infrastructure for freight traffic within a specific market segment (*euro*);
- M** _{ceļ uztur krav s} – the amount of the charge set by the charging body in relation to the charging parameter of railway infrastructure maintenance and train operating for providing the minimum access package including the entire railway infrastructure that provides acceptance, handling and dispatching of trains within a specific market segment of freight traffic (*euro* per one train km, without value added tax);
- DR** _{ceļ uztur krav s} – the number of train km actually travelled during the respective invoicing period by the railway undertaking's freight trains within a specific market segment;
- M** _{mez uztur krav s} – the amount of the charge set by the charging body in relation to the charging parameter of railway infrastructure maintenance and train operating for providing access to the railway infrastructure connecting service facilities where freight train sets are assembled or disassembled and where rolling stock is transferred for loading, unloading or to the related sidings within a specific market segment of freight traffic (*euro* per one wagon, without value added tax);
- DR** _{mez uztur krav s} – the number of railway undertaking's wagons actually used in railway traffic within a specific market segment, that consists of the total number of freight wagons registered as parts of collecting and pick-up trains in domestic traffic of the Republic of Latvia and the number of wagons accepted at the last processing station in transit freight traffic from and to EU countries crossing the territory of the Republic of Latvia;
- M** _{atj krav s} – the amount of the charge set by the charging body in relation to the charging parameter of railway infrastructure renewal for providing the minimum access package including railway infrastructure that provides acceptance, handling and dispatching of trains and the access to the railway infrastructure connecting service facilities where freight train sets are assembled or disassembled and where rolling stock is transferred for loading, unloading or to the related sidings within a specific market segment of freight traffic (*euro* per one gross tonne km, without value added tax);
- DR** _{atj krav s} – the number of gross tonne km actually travelled during the respective invoicing period by the railway undertaking's freight trains within a specific market segment;
- N** – fees and taxes to be paid by the railway undertaking in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.8. express Paragraph 7 of the Regulations as follows:

“7. During the periods for which the charging body has taken a decision concerning an additional charge which reflects congestion in a specific part of the railway infrastructure (hereinafter referred to as the scarcity charge) the respective charges of the parameters of the railway infrastructure maintenance, train control and renewal, as well as the maintenance and renewal related to the use of traction electrical supply equipment set by the charging body within a specific market segment of the relevant service group are replaced with a respective scarcity charge **M** _{pārslodz param gr s}:

M _{ceļ uztur krav s} → **M** _{pārslodz ceļ uztur krav s} ;

M _{ceļ uztur pas s} → **M** _{pārslodz ceļ uztur pas s} ;

M _{atj krav s} → **M** _{pārslodz atj krav s} ;

$$M_{\text{atj pas s}} \rightarrow M_{\text{pārslodz atj pas s}} ;$$

$$M_{\text{mez uztur krav s}} \rightarrow M_{\text{pārslodz mez uztur krav s}} ;$$

$$M_{\text{elektr pas s}} \rightarrow M_{\text{pārslodz elektr pas s}} , \text{ where}$$

M_{pārslodz ceļ uztur krav s} – the amount of the scarcity charge in a specific part of the railway infrastructure set by the charging body during the period of congestion in relation to the charging parameter of railway infrastructure maintenance and train operating within a specific market segment of freight traffic (*euro* per one train km, without value added tax);

M_{pārslodz ceļ uztur pas s} – the amount of the scarcity charge in a specific part of the railway infrastructure set by the charging body during the period of congestion in relation to the charging parameter of railway infrastructure maintenance and train operating within a specific market segment of passenger traffic (*euro* per one train km, without value added tax);

M_{pārslodz atj krav s} – the amount of the scarcity charge in a specific part of the railway infrastructure set by the charging body during the period of congestion in relation to the charging parameter of railway infrastructure renewal within a specific market segment of freight traffic (*euro* per one gross tonne km, without value added tax);

M_{pārslodz atj pas s} – the amount of the scarcity charge in a specific part of the railway infrastructure set by the charging body during the period of congestion in relation to the charging parameter of railway infrastructure renewal within a specific market segment of the passenger traffic (*euro* per one gross tonne km, without value added tax);

M_{pārslodz mez uztur krav s} – the amount of the scarcity charge in a specific part of the railway infrastructure set by the charging body during the period of congestion in relation to the charging parameter of maintenance and train operating for access to railway infrastructure connecting service facilities where freight train sets are assembled or disassembled and where rolling stock is transferred for loading, unloading or to the related sidings within a specific market segment of freight traffic (*euro* per one wagon, without value added tax);

M_{pārslodz elektr pas s} – the amount of the scarcity charge in a specific part of the railway infrastructure set by the charging body during the period of congestion in relation to the charging parameter of operating, maintenance and renewal of traction electrical supply equipment within a specific market segment of the passenger traffic for trains, that use electric traction (*euro* per one train km, without value added tax).”;

1.9. express Paragraph 12 of the Regulations as follows:

“12. The payment for the railway infrastructure capacity used for providing technological processes (construction, repair and technical maintenance of technical equipment of the railway infrastructure, modernization, repair of the railway rolling stock, preparation of trains and locomotives for movement, movement of locomotives, etc.) using the rolling stock and trains of railway undertakings or performers of individual technological processes, that do not participate in passenger or freight transportation on railway, is applied in accordance with the following formula:

$$KM_{\text{tehpr gr}} = (M_{\text{tehpr gr}} \times DR_{\text{tehpr gr}}) + N, \text{ where}$$

KM_{tehpr gr} – the payment to be made by the railway undertaking or a performer of individual

technological processes for the railway infrastructure capacity, that is used for providing technological processes with the rolling stock and trains that do not participate in passenger or freight transportation on railway (*euro*);

M_{tehpr gr} – the amount of the charge set by the charging body in relation to a specific service group for the use of the railway infrastructure capacity, that is used for providing technological processes with the rolling stock and trains of railway undertakings or performers of individual technological processes, that do not participate in passenger or freight transportation on railway (*euro* per one train km, without value added tax);

DR_{tehpr gr} – the number of train km actually travelled during the respective invoicing period by the railway undertakings or performers or relevant technological processes trains within a specific service group;

N – fees and taxes to be paid by the railway undertaking in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.10. express Paragraph 13 of the Regulations as follows:

“13. The application assurance payment for the allocated part of the railway infrastructure capacity, which is allocated in the capacity allocation plan, even if it is not used, is applied in accordance with the following formula:

$$\begin{aligned} \mathbf{NKM}_{\text{rezer bfv pas}} &= (\mathbf{M}_{\text{rezer bfv pas}} \times \mathbf{DR}_{\text{bfv pas}}) + \mathbf{N}, \\ \mathbf{NKM}_{\text{rezer bfv krav}} &= (\mathbf{M}_{\text{rezer bfv krav}} \times \mathbf{DR}_{\text{bfv krav}}) + \mathbf{N}, \text{ where} \end{aligned}$$

NKM_{rezer bfv gr} – the application assurance payment to be made by the applicant for the allocated part of the railway infrastructure capacity in the capacity allocation plan (*euro*);

M_{rezer bfv gr} – the amount of the charge set by the charging body in relation to a specific service group for the allocated part of the railway infrastructure capacity in the capacity allocation plan (*euro* per one allocated train path, without value added tax);

DR_{bfv krav} – the number of train paths in every direction of freight traffic assigned in the capacity allocation plan within the programming period;

DR_{bfv pas} – the number of train paths in every direction of passenger traffic assigned in the capacity allocation plan within the programming period;

N – fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.11. supplement the Regulations with Paragraph 13.¹ as follows:

“13.¹ Ad-hoc application payment for allocated part of the railway infrastructure capacity is applied in accordance with the following formula:

$$\begin{aligned} \bar{\mathbf{AKM}}_{\text{rezer bfv pas}} &= \mathbf{M}_{\text{koord rezer bfv pas}} + (\mathbf{M}_{\text{ārpas rezer bfv pas}} \times \mathbf{DR}_{\text{ārpas bfv pas}}) + \mathbf{N}, \\ \bar{\mathbf{AKM}}_{\text{rezer bfv krav}} &= \mathbf{M}_{\text{koord rezer bfv krav}} + (\mathbf{M}_{\text{ārpas rezer bfv krav}} \times \mathbf{DR}_{\text{ārpas bfv krav}}) + \mathbf{N}, \text{ where} \end{aligned}$$

- ĀKM** _{rezer bfv gr} – the ad-hoc application assurance payment to be made by the applicant for the allocated part of the railway infrastructure capacity (*euro*);
- M** _{koord rezer bfv gr} – the amount of the charge set by the charging body in relation to a specific service group for coordination procedure (*euro* per application, without value added tax);
- M** _{ārpus rezer bfv gr} – the amount of the charge set by the charging body in relation to a specific service group for processing ad-hoc application (*euro* per assigned train path, without value added tax);
- DR** _{ārpus bfv krav} – the number of actually assigned train paths in the capacity allocation centers of Riga, Jelgava and Daugavpils regions in every direction of freight traffic according to ad-hoc applications;
- DR** _{ārpus bfv pas} – the number of actually assigned train paths in every route direction of passenger traffic according to ad-hoc applications;
- N** – fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.12. supplement the Regulations with Paragraph 13.² as follows:

“13.² If the capacity allocator during the process of assigning train paths according to the criteria laid down in the Capacity Application Scheme establishes that an applicant does not use train paths and, according to Paragraph 68 of the Cabinet of Ministers Regulations No.472 of July 15, 2016 on public-use railway infrastructure capacity allocation in order to improve the utilization of unused railway infrastructure capacity, has assigned train paths to other applicants, or if the capacity allocated to an applicant has been cancelled and assigned to another applicant in accordance with the ad-hoc coordination procedure, then the charging body recalculates the applicant's application assurance payment for the allocated part of the railway infrastructure according to the provisions of Paragraph 30.² of this Scheme.”;

1.13. express Paragraph 14 of the Regulations as follows:

“14. In case if the number of actually allocated train paths for the applicant's trains of a specific service group in every direction of the traffic or route during the railway infrastructure capacity allocation period exceeds the planned number of train paths, the charging body calculates the payment for the actually allocated part of the railway infrastructure capacity after the end of the railway infrastructure capacity allocation period and determines the final payment to be made by the applicant in accordance with the following formula:

$$\mathbf{KM}_{\text{rezer bfv gr}} = (\mathbf{TI}_{\text{bfv gr}} \times (\mathbf{DR}_{\text{fakt bfv gr}} - \mathbf{DR}_{\text{bfv gr}})) + \mathbf{N}, \text{ where}$$

- KM** _{rezer gr} – the final payment to be made by the applicant for the part of the allocated railway infrastructure capacity (*euro*);
- TI** _{bfv gr} – direct unit costs of performing the essential functions of the infrastructure manager in relation to a specific service group during the programming period (*euro* per one allocated train path, without value added tax);
- DR** _{fakt bfv gr} – the number of train paths actually allocated for the applicant's trains of a specific service group during the railway infrastructure capacity allocation period by Riga,

Daugavpils and Jelgava regional capacity allocation centers in every direction of the traffic or route;

- N** – fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.14. express Paragraph 15 of the Regulations as follows:

“15. The assurance payment for the allocated part of the railway infrastructure capacity in market segments referred to in Paragraph 48 of the Charging Scheme is applied in accordance with the following formula (applying index *integr pied or other- s* corresponding to the relevant market segment):

$$NKM_{rezer\ gr\ s} = \sum (M_{rezer\ param\ gr\ s} \times DR_{param\ gr\ s}) + N, \text{ where}$$

NKM *rezer gr s* – the total capacity assurance payment (in relation to all the charging parameters, excluding *bfv*) to be made by the applicant within a through rate offer market segment in a specific market segment referred to in Paragraph 48 of the Charging Scheme of the relevant service group (*euro*);

M *rezer param gr s* – the amount of the railway infrastructure capacity assurance charge set by the charging body in relation to each of the charging parameters, excluding *bfv* in a specific market segment referred to in Paragraph 48 of the Charging Scheme of the relevant service group (*euro* per one unit of the respective performance indicator, without value added tax);

DR *param gr s* – the planned amount of performance indicators of the applicant's trains agreed between the applicant and the infrastructure manager in relation to the respective charging parameters in the programming period in a specific market segment referred to in Paragraph 48 of the Charging Scheme of the relevant service group (train km, gross tonne km, number of wagons, number of train paths);

- N** – fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.15. express Paragraph 16 of the Regulations as follows:

“16. In case if the actual performance indicators of applicant's trains of a specific service group in a market segment referred to in Paragraph 48 of the Charging Scheme (*integr pied or different- s*) during the railway infrastructure capacity allocation period exceed the planned performance indicators, the infrastructure manager calculates the payment to be made by the applicant for the actually used part of the railway infrastructure capacity after the end of the railway infrastructure capacity allocation period in accordance with the following formula:

$$KM_{rezer\ gr\ s} = \sum (TI_{param\ rezer\ gr\ s} \times (DR_{fakt\ param\ gr\ s} - DR_{param\ gr\ s})) + N, \text{ where}$$

KM *rezer gr s* – the payment to be made by the applicant for the actually used part of the railway infrastructure capacity (in relation to all the charging parameters, excluding *bfv*) in a specific market segment referred to in Paragraph 48 of the Charging Scheme of the relevant service group (*euro*);

- TI** _{param rezēr gr s} – the average direct unit costs set by the charging body in relation to the charge amount of each cost parameter of the respective service group in a specific market segment referred to in Paragraph 48 of the Charging Scheme (*euro* per one respective performance indicator unit, without value added tax);
- DR** _{fakt param gr s} – the actual amount of the performance indicators of the applicant's trains of a specific service group in a market segment referred to in Paragraph 48 of the Charging Scheme in relation to the respective charging parameter (train km, gross tonne km, number of wagons);
- DR** _{param gr s} – the planned amount of the performance indicators of the applicant's trains of a respective service group in the programming period agreed between the applicant and the infrastructure manager in relation to a respective charging parameter in a specific market segment referred to in Paragraph 48 of the Charging Scheme (train km, gross tonne km, number of wagons);
- N** – fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.16. express Paragraph 17 of the Regulations as follows:

“17. Payments for the infrastructure charges are made in accordance with the issued payment document (hereinafter - the invoice):

17.1. by railway undertakings for payments provided in Paragraphs 5 – 10 and Paragraph 12 of the Scheme;

17.2. by railway undertakings applicants for payments provided in Paragraphs 15 – 16 of the Scheme;

17.3. by performers of individual technological processes for payments provided in Paragraph 12 of the Scheme.”;

1.17. Supplement the Regulations with Paragraph 17.¹ as follows:

“17.¹ If, according to Article 27(2) of the Railway Law, an applicant and the infrastructure manager have signed a relevant contract, an applicant may make the payments referred to in Subparagraph 17.1 to the infrastructure manager. In this case the infrastructure manager indicates an applicant as the payer. The infrastructure manager sends detailed information referred to in Paragraph 19 of the Scheme about the payments referred to in Subparagraph 17.1 to the applicant only with the written consent of the chosen railway undertaking.”;

1.18. supplement the Regulations with Paragraph 17.² as follows:

“17.² Railway undertakings and applicants may make an advance payment for infrastructure charges, previously informing the railway infrastructure manager in writing about the conditions for using the advance payment according to the provisions of Subparagraphs 17.²¹. – 17.²⁴. of the Scheme. An advance payment is made in accordance with an advance invoice issued by the infrastructure manager and sent by fax or email to the official fax number or email address indicated by the railway undertaking. According to the information submitted by a railway undertaking, an advance invoice includes:

17.²¹. the beginning date of the invoicing period for which the advance payment must be made by the railway undertaking;

17.²². the service group and the market segment where the railway undertaking will perform transportation during the advance invoicing period and the advance payments are calculated;

17.²³. the amount of forecasted performance indicators in relation to all parameters and market segments of each service group for which the advance payments are applied;

17.²⁴. the amount of the advance payment for the relevant service group and market segment where the railway undertaking will perform transportation during the invoicing period;

17.²⁵. fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.19. express Paragraph 18 of the Regulations as follows:

“18. The invoice is sent to the railway undertakings, applicants and performers of individual technological processes using official electronic means of communication.”;

1.20. express Paragraph 19 of the Regulations as follows:

“19. With the invoice the infrastructure manager sends relevant detailed invoicing information (hereinafter invoicing information) which includes:

19.1. the invoicing period for which the infrastructure charge payment must be made;

19.2. detailed information regarding the applied amount of the performance indicators and the amount of the charges mentioned in Chapter II of the Scheme during the invoicing period (including information about the respective rolling stock);

19.3. the advance payment subtracted from the payment for each specific market segment of the relevant service group;

19.4. the total payment for each specific market segment of the relevant service group;

19.5. other detailed information if the infrastructure manager has a relevant agreement with a railway undertaking or performer of individual technological processes.”;

1.21. supplement the Regulations with Paragraph 19.¹as follows:

“19.¹ The infrastructure manager sends the invoice for the payment referred to in Paragraph 15 of the Scheme, in accordance with the decision on the railway infrastructure capacity allocation, one calendar month before the annual working timetable, which the decision on the railway infrastructure capacity allocation is related to, enters into force; but for the payment referred to in Paragraph 16 of the Scheme - within 15 calendar days after the end of the railway infrastructure capacity allocation period.”;

1.22. express Paragraph 23 of the Regulations as follows:

“23. Railway undertakings, applicants and performers of individual technological processes pay the invoice issued by the infrastructure manager within five working days after receiving the invoice, transferring the money to the financial institution account of the infrastructure manager indicated in the invoice.”;

1.23. express Paragraph 24 of the Regulations as follows:

“24. The day when a railway undertaking, an applicant or a performer of individual technological processes receives the invoice issued by the infrastructure manager and sent by using official electronic means of communication is deemed the day of receiving the invoice.”;

1.24. express Paragraph 25 of the Regulations as follows:

“25. The infrastructure manager may additionally send the signed invoice to railway undertakings, applicants and performers of relevant technological processes to their indicated postal address if such agreement is included in the relevant contract for using the railway infrastructure.”;

1.25. express Paragraph 26 of the Regulations as follows:

“26. The date on which the payment of a railway undertaking, an applicant or a performer of individual technological processes is received at the financial institution according to the invoice issued by the infrastructure manager is deemed the date of paying the invoice.”;

1.26. express Paragraph 27 of the Regulations as follows:

“27. A railway undertaking, an applicant or a performer of individual technological processes pays a fine to the infrastructure manager for failure to comply with the payment deadline indicated in the invoice in the amount of 0,1% a day for the time period from the day determined for making the relevant payment (including the day) until the day (not including the day) when such payment for the services mentioned in Paragraphs 6.1. and 6.2. of the Charging Scheme is made, but not more than 10% of the payment amount indicated in the respective invoice. The payment of the fine does not exempt the railway undertaking, the applicant or the performer of relevant technological processes from paying the principal sum of the debt. The infrastructure manager and the railway undertaking or the applicant may agree, within the framework of a reciprocal contract laying down the settlement of the payments for using the railway infrastructure, on the application of supplementary conditions related to reciprocal settlement of the payments for using the railway infrastructure, including other methods of liability enforcement, which is not a fine. The railway undertaking performing passenger transportation within the framework of public service contract, in the case referred to in Article 12.³ (2) of the Railway Law, may in this way agree with the infrastructure manager that the fine is not applied. The provisions of the reciprocal contract laying down the settlement of payments between the infrastructure manager and railway undertaking cannot be in breach contravene with the procedures of the Scheme.”;

1.27. express Paragraph 28 of the Regulations as follows:

“28. From the payment sum received from a railway undertaking, an applicant or a performer of individual technological processes the infrastructure manager, firstly, transfers the calculated fine, secondly – the principal sum of the debt and thirdly – the sum of the current payment, but the remaining amount of the payment, if any, is either reimbursed to the railway undertaking or the performer of relevant technological processes or transferred into the subsequent payments.”;

1.28. express Paragraph 29 of the Regulations as follows:

“29. The payments mentioned in Paragraphs 13., 13.¹, 13.² and 14 of the Scheme are made by applicants in accordance with the invoice issued by the charging body (hereinafter - the invoice of the charging body).”;

1.29. express Paragraph 30 of the Regulations as follows:

“30. The invoices regarding the payments mentioned in Paragraph 13 of the Scheme are sent by the charging body with the decision on the railway infrastructure capacity allocation one calendar month before the annual working timetable which the decision of the railway infrastructure capacity is related to enters into force.”;

1.30. supplement the Regulations with Paragraph 30.¹ as follows:

“30.¹ The charging body sends the invoice for the payment referred to in Paragraph 13.¹ of the Scheme together with the decision on ad-hoc railway infrastructure capacity allocation.”;

1.31. supplement the Regulations with Paragraph 30.² as follows:

“30.² The charging body once a month but not later than the 15th day of the following calendar month sends to applicants a detailed report indicating:

30.²¹. the invoicing period for which payments must be made;

30.²². detailed information regarding the applied amount of the performance indicators and the amount of the charges mentioned in Chapter II of the Scheme during the invoicing period, observing the recalculation regarding the assignment of unused train paths to other applicants according to Paragraph 13.² of the Scheme;

30.²³. the total payment for the relevant service group.

The infrastructure manager sends the invoice and the credit invoice for the recalculated payment referred to in Paragraph 13 of the Scheme quarterly but not later than the 15th day of the first month of the following quarter.”;

1.32. supplement the Regulations with Paragraph 30.³ as follows:

“30.³ The charging body sends the summary of the information referred to in Paragraph 30.² of the Scheme and recalculations made, as well as the invoice for the payment referred to in Paragraph 14 of the Scheme within 30 days after the end of the railway infrastructure capacity allocation period.”;

1.33. express Paragraph 34 of the Regulations as follows:

“34. If a railway undertaking, an applicant or a performer of individual technological processes does not agree with the invoice issued by the infrastructure manager or the invoicing information, the railway undertaking or the performer of individual technological processes is entitled to send a request with justified objections regarding the relevant invoice or invoicing information to the infrastructure manager within five working days by using official electronic means of communication.”;

1.34. express Paragraph 35 of the Regulations as follows:

“35. The railway undertaking, the applicant or the performer of relevant technological processes sends the original of the request mentioned in Paragraph 34 of the Scheme by mail on the same day, when the request

is sent by using official electronic means of communication.”;

1.35. express Paragraph 36 of the Regulations as follows:

“36. The objections of the railway undertaking, the applicant or the performer of individual technological processes submitted in written form are reviewed by the infrastructure manager within five working days after the date of receiving the respective request and the identified discrepancies should be eliminated within two working days or a justification of the invoice or invoicing information should be provided to the railway undertaking or the performer of individual technological processes in a written form.”;

1.36. express Paragraph 37 of the Regulations as follows:

“37. The day when the infrastructure manager receives objections sent by a railway undertaking, an applicant or a performer of individual technological processes by using official electronic means of communication is deemed the day of receiving the respective request.”;

1.37. express Paragraph 38 of the Regulations as follows:

“38. In the case laid down in Paragraph 34 of the Scheme the railway undertaking, the applicant or the performer of individual technological processes is not exempted from paying the invoice in the time and the amount laid down in Chapter III of the Scheme.”;

1.38. express Paragraph 39 of the Regulations as follows:

“39. If a railway undertaking or a performer of individual technological processes does not agree with the detailed justification of the invoice or invoicing information, it is entitled to submit a complaint to the State Railway Administration in accordance with the Railway Law. An applicant submits a complaint to the State Railway Administration in coordination with the chosen railway undertaking.”.

2. The charging body publishes these amendments on its website on the internet and submits information about it to the public-use railway infrastructure manager for inclusion in the railway infrastructure network statement.

3. These amendments enter into force upon their publication.

4. A complaint regarding these amendments in accordance with the ninth part of Article 12 of the Railway Law may be submitted to the State Railway Administration no later than a month after the date of their publication.

JSC LatRailNet
the Deputy of the Finance Director
for Charging Affairs

M.Andiņš

This document is signed with a secure electronic signature