

APPROVED
by the decision No. JALP-1.3./74-2019
of the Executive Board of the
Joint Stock Company LatRailNet
in a meeting held on 30 September 2019
min. No..JALP-1.2./74-2019
Riga

REGULATIONS

30 September 2019

No.JALP-7.6/08-2019

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” (hereinafter - the Scheme) as follows:

1.1. express Paragraph 4 of the Scheme as follows:

“4. Infrastructure charges are collected in accordance with the charge amount of charging parameters $param$ determined in the Charging Scheme, taking into account the designation method included in Annex 7 to the Charging Scheme and determining the market segment feature s by the train number range (according to Annex 5 to the capacity Allocation Scheme), within which a railway undertaking or a performer of individual technological processes has performed transportation during the invoicing period.”;

1.2. express Paragraph 15 of the Scheme 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, where the transportation is performed using pre-assigned train paths, is applied in accordance with the following formula:

$$NKM_{rezer\ gr\ s} = M_{rezer\ gr\ s} \times DR_{ceļ\ uztur\ gr\ s} + N, \text{ where}$$

NKM_{rezer gr s} – the total railway infrastructure capacity assurance payment to be made by an applicant within a specific market segment of the relevant service group where the transportation is performed using pre-assigned train paths (*euro*);

M_{rezer gr s} – the amount of the railway infrastructure capacity assurance charge set by the charging body within a specific market segment of the relevant service group where the transportation is performed using pre-assigned train paths (*euro* per train km, without value added tax);

DR_{ceļ uztur gr s} – the amount of the km performance indicator indicated by an applicant in relation to applicant's trains in a specific market segment of the relevant service group where the transportation is performed using pre-assigned train paths in the programming period according to the capacity allocation plan or its amendments;

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

1.3. express Paragraph 16 of the Scheme as follows:

“16. In case if the actual performance of a performance indicator of train km in relation to applicant's trains in specific market segments of the relevant service group, provided by Paragraph 48 of the Charging Scheme where the transportation is performed using pre-assigned train paths in the programming period, exceeds the amount requested for reservation, the infrastructure manager calculates the final 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:

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

- KM_{rezer gr s}** – the final payment to be made by the applicant for the actually used part of the railway infrastructure capacity in a specific market segment of the relevant service group referred to in Paragraph 48 of the Charging Scheme of the relevant service group where the transportation is performed using pre-assigned train paths (*euro*);
- TI_{rezer gr s}** – the average direct unit costs set by the charging body in relation to all cost parameters for a performance indicator unit of one train km of the respective market segment in a specific market segment of the relevant service group where the transportation is performed using pre-assigned train paths (*euro* per train km, without value added tax);
- DR_{fakt ceļ uztur gr s}** – the actual amount of the train km performance indicator in relation to the applicant's trains in a specific market segment of the relevant service group where transportation is performed using pre-assigned train paths;
- DR_{ceļ uztur gr s}** – the amount of the performance indicator of train km in relation to the applicant's trains requested for reservation in a specific market segment of the relevant service group where transportation is performed using pre-assigned train paths in the programming period according to the capacity allocation plan;
- N** – fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).”;

1.4. supplement the Scheme with Paragraph 16.¹ as follows:

“16.¹ If a train path allocated to an applicant in market segments provided by Paragraph 48 of the Charging Scheme where transportation is performed using pre-assigned train paths is cancelled in the cases referred to in Subparagraph 20.2 of the Capacity Allocation Scheme and the respective applicant has not agreed to move those paths to other time or route offered by the infrastructure manager, then the infrastructure manager compensates the collected assurance payment referred to in Paragraph 15 of the Scheme for the allocated part of the railway infrastructure capacity to the applicant by decreasing the following regular payment by a part of the collected assurance payment for the allocated railway infrastructure capacity, applying the ratio according to the following formula:

$$AM_{rezer\ gr\ s} = M_{rezer\ gr\ s} \times DR_{ceļ\ uztur\ gr\ s} + N, \text{ where}$$

- AM_{rezer gr s}** – the total railway infrastructure capacity assurance payment compensation applicable to the applicant for the cancelled train paths in a specific market segment of the relevant service group where transportation is performed using pre-assigned train paths (*euro*);
- M_{rezer gr s}** – the amount of the railway infrastructure capacity assurance charge set by the charging body in a specific market segment of the relevant service group where transportation is performed using pre-assigned train paths (*euro* per train km, without value added tax);

DR *ceļ uztur gr s* – the amount of train km performance indicator in relation to the applicant's trains in a specific market segment of the relevant service group where transportation is performed using pre-assigned train paths in the invoicing period in accordance with the number and length of actually cancelled trains;

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

1.5. express the body part of Paragraph 17 of the Scheme as follows:

“17. Payments for the infrastructure charges are made based on the issued payment document (hereinafter - the invoice) and the relevant detailed payment information referred to in Paragraph 19 of the Scheme included in it or its attachment:” leaving the content of the Subparagraphs unchanged;

1.6. express Paragraph 17.¹ of the Scheme 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 in the invoice indicates the applicant as the payer. The infrastructure manager sends the payment information about the payments referred to in Subparagraph 17.1 to the applicant only with the written consent of the chosen railway undertaking.”;

1.7. express the body part of Paragraph 17² of the Scheme as follows:

“17.² Railway undertakings and applicants may make an advance payment for infrastructure charges, previously informing the railway infrastructure manager in a written form 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 and payment information 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 or its attachment includes:” leaving the content of the Subparagraphs unchanged;

1.8. express Paragraph 18 of the Scheme as follows:

“18. The infrastructure manager sends the invoice and payment information to the railway undertakings, applicants and performers of individual technological processes using official electronic means of communication.”;

1.9. express Paragraph 19 of the Scheme as follows:

“19. In the invoice or its attachment, the infrastructure manager sends relevant detailed payment information which includes:

19.1. the invoicing period for which the infrastructure charge payment must be made by the railway undertaking, applicant or performer of individual technological processes;

19.2. market segments where the railway undertaking has performed transportation in the invoicing period¹;

¹ Indicate “for the railway infrastructure capacity that is used for providing technological processes” for performers of individual technological processes

19.3. detailed information regarding the performance indicators mentioned in Chapter II of the Scheme (train km, number of wagons, number of trains, gross tonne km) for the relevant market segment during the invoicing period;

19.4. detailed information regarding the applied amount of charges mentioned in Chapter II of the Scheme set by the charging body for the relevant market segment during the invoicing period (*euro* per respective performance indicator unit, without value added tax);

19.5. detailed information regarding the applied amount of higher charges for using railway infrastructure mentioned in Chapter II of the Scheme set by the charging body for the relevant market segment, if any, during the invoicing period (*euro* per respective performance indicator unit, without value added tax);

19.6. detailed information regarding the number of discounts mentioned in Chapter II of the Scheme set by the charging body for the relevant market segment, if any, during the invoicing period (%);

19.7. detailed information regarding the number of train km requested for reservation and cancelled as mentioned in Paragraph 16.¹ of the Scheme (according to the number and length of actually cancelled train paths) mentioned in Chapter II of the Scheme for the relevant market segment where transportation is performed using pre-assigned train paths (train km);

19.8. the amount of the compensation of the total railway infrastructure capacity assurance payment for cancelled train paths in a specific market segment of the relevant service group where the transportation is performed using pre-assigned train paths (*euro*);

19.9. the total payment for each specific market segment of the relevant service group (*euro*).

19.10. the advance payment is subtracted from the total payment, but, if indicated in the information submitted by the railway undertaking, from the payment to be made for each service group or a specific market segment (*euro*);

19.11. total sum to be paid (*euro*);

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

1.10. express Paragraph 19¹ of the Scheme as 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, 20 calendar days 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; in both cases 15 calendar day payment deadline is set”;

1.11. express Paragraph 20 of the Scheme as follows:

“20. The infrastructure manager sends the invoice and payment information to a railway undertaking performing freight transportation twice a week.”;

1.12. express Paragraph 21 of the Scheme as follows:

“21. The infrastructure manager sends the invoice and payment information to a railway undertaking performing passenger transportation three times a month.”;

1.13. express Paragraph 22 of the Scheme as follows:

“22. The infrastructure manager sends the invoice and payment information to a performer of technological processes once a month, but not later than the 10th day of the following calendar month.”;

1.14. express Paragraph 44 of the Scheme as follows:

“44. The Scheme is related to the collection of the infrastructure charges that are calculated in accordance with the Charging Scheme.”;

1.15. supplement the Scheme with Paragraph 44.¹ as follows:

“44.¹ During the time period when Annex 5 of the Capacity Allocation Scheme has not come into force, the infrastructure manager determines the market segment features according to special features in train operating organizational documents, observing the market segment determination features listed in Paragraph 9 of Annex 6 and Annex 5 to the Charging Scheme.”;

1.16. Exclude Annex “The settlement procedure for collecting the infrastructure charges in the period before the infrastructure charges set in accordance with the Charging Scheme enter into force” from the Scheme.

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

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