

APPROVED  
by the Executive Board of the  
Joint Stock Company LatRailNet  
in a meeting held on the 30 June 2017,  
min. no. JALP-1.2/32-2017  
in Riga

## REGULATIONS

30 June 2017

No.JALP-7.6/02-2017

### THE COLLECTION SCHEME

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

#### I. General provisions

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.

*(Amended by regulations of 29.04.2019.)*

2. The following terms are used in the Scheme:

**2.1. performers of individual technological processes** – commercial companies that operate upon an assignment by a railway undertaking, the infrastructure manager, an operator of service facility, a consignor or consignee and that are granted the rights to access the railway infrastructure in accordance with Article 5.<sup>1</sup> of the Railway Law;

**2.2. infrastructure manager** – the railway infrastructure manager – SJSC Latvian Railway;

**2.3. charging body** – the performer of the essential functions of the infrastructure manager declared in the railway infrastructure network statement, that in accordance with the Railway Law is responsible for the infrastructure charging;

**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;

*(Amended by regulations of 29.04.2019.)*

**2.4.<sup>1</sup> 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;

*(Amended by regulations of 29.04.2019.)*

2.5. and other terms used in the Charging Scheme.

3. The Scheme is applied to the infrastructure manager, charging body, all the railway undertakings, applicants and performers of individual technological processes.

## II. Determination of the total payment for the use of the railway infrastructure

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 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.

*(Amended by regulations of 30.09.2019.)*

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:

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

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*).

*(Amended by regulations of 29.04.2019.)*

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:

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

**KM<sub>krav s</sub>** – 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<sub>cej uztur krav s</sub>** – 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<sub>cej uztur krav s</sub>** – 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<sub>mez uztur krav s</sub>** – 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<sub>mez uztur krav s</sub>** – 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<sub>atj krav s</sub>** – 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<sub>atj krav s</sub>** – 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*).

(Amended by regulations of 29.04.2019.)

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  $M_{\text{pārslodz param gr s}}$ :

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

$$M_{\text{ceļ uztur pas s}} \rightarrow M_{\text{pārslodz ceļ uztur pas s}};$$

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

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

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

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

$M_{\text{pārslodz ceļ uztur krav s}}$  – 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);

$M_{\text{pārslodz ceļ uztur pas s}}$  – 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);

$M_{\text{pārslodz atj krav s}}$  – 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);

$M_{\text{pārslodz atj pas s}}$  – 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);

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

$M_{\text{pārslodz elektr pas s}}$  – 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).

(Amended by regulations of 29.04.2019.)

8. During the periods for which the charging body has taken a decision on setting a higher charge concerning specific investment projects that are not foreseen in the contractual agreement, but

increase the efficiency or cost-effectiveness of the applicants (hereinafter referred to as the project charge), the respective charges of the parameters of the railway infrastructure maintenance, train control and renewal as well as maintenance and renewal related to the use of traction electrical supply equipment, the railway infrastructure maintenance and train operating for the access to the railway infrastructure connecting service facilities and performing the essential functions of the infrastructure manager set by the charging body within a specific market segment of the relevant service group are replaced with a respective project charge  $M_{\text{infr param gr s}}$ :

$$M_{\text{cej uztur krav s}} \rightarrow M_{\text{infr cej uztur krav s}};$$

$$M_{\text{cej uztur pas s}} \rightarrow M_{\text{infr cej uztur pas s}};$$

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

$$M_{\text{atj krav s}} \rightarrow M_{\text{infr atj krav s}};$$

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

$$M_{\text{elektr pas s}} \rightarrow M_{\text{infr elektr pas s}};$$

$$M_{\text{bfv krav s}} \rightarrow M_{\text{infr bfv krav s}};$$

$$M_{\text{bfv pas s}} \rightarrow M_{\text{infr bfv pas s}}, \text{ where}$$

$M_{\text{infr cej uzt krav s}}$  – the amount of the project charge for the charging parameter of railway infrastructure maintenance and train operating in relation to the specific investment project in a specific part of the railway infrastructure set by the charging body within a specific market segment of freight traffic (*euro* per one train km, without value added tax);

$M_{\text{infr cej uzt pas s}}$  – the amount of the project charge for the charging parameter of railway infrastructure maintenance and train operating in relation to the specific investment project in a specific part of the railway infrastructure set by the charging body within a specific market segment of passenger traffic (*euro* per one train km, without value added tax);

$M_{\text{infr mez uzt krav s}}$  – the amount of the project charge for the charging parameter of railway infrastructure maintenance and train operating for the access to the railway infrastructure connecting service facilities in relation to the specific investment project in a specific part of the railway infrastructure set by the charging body within a specific market segment of freight traffic (*euro* per one wagon, without value added tax);

$M_{\text{infr atj krav gr s}}$  – the amount of the project charge for the charging parameter of railway infrastructure renewal in relation to the specific investment project in a specific part of the railway infrastructure set by the charging body within a specific market segment of freight traffic (*euro* per one gross tonne km, without value added tax);

$M_{\text{infr atj pas s}}$  – the amount of the project charge for the charging parameter of railway infrastructure renewal in relation to the specific investment project in a specific part of the railway infrastructure set by the charging body within a specific market segment of passenger traffic (*euro* per one gross tonne km, without value added tax);

$M_{\text{infr elektr pas s}}$  – the amount of the project charge for the charging parameter of maintenance and renewal related to the use of traction electrical supply equipment in relation to the specific investment project in a specific part of the railway infrastructure set by the charging body within a specific market segment of passenger traffic where electric traction is used (*euro* per one train km, without value added tax);

**M<sub>infpr bfv krav s</sub>** – the amount of the project charge for the charging parameter of performing the essential functions of the infrastructure manager in relation to the specific investment project in a specific part of the railway infrastructure set by the charging body within a specific market segment of freight traffic (*euro* per one allocated train path, without value added tax);

**M<sub>infpr bfv pas s</sub>** – the amount of the project charge for the charging parameter of performing the essential functions of the infrastructure manager in relation to the specific investment project in a specific part of the railway infrastructure set by the charging body within a specific market segment of passenger traffic (*euro* per one allocated train path, without value added tax).

9. If the charging body in accordance with the provisions of the Charging Scheme has applied a volume discount **A<sub>apj param gr s</sub>** or a network loading optimization discount **A<sub>opt nosl param gr s</sub>**, the infrastructure manager applies the respective discount to the charge of the relevant charging parameter set by the charging body (volume discount – applies to the charges of all the charging parameters, network loading optimization discount – applies to the charges of all the charging parameters except the charge for the parameter of performing the essential functions of the infrastructure manager) by replacing the charges of the charging parameters within a specific market segment of the relevant service group with the charge **M<sub>aratlaidi param gr s</sub>**, that is determined in accordance with the following formula:

$$\begin{aligned} \mathbf{M}_{aratlaidi\ param\ gr\ s} &= \mathbf{M}_{param\ gr\ s} - \mathbf{A}_{apj\ param\ gr\ s}; \\ \mathbf{M}_{aratlaidi\ param\ gr\ s} &= \mathbf{M}_{param\ gr\ s} - \mathbf{A}_{opt\ nosl\ param\ gr\ s}, \text{ where} \end{aligned}$$

**M<sub>aratlaidi param gr s</sub>** – the value of the charge in relation to the respective charging parameter within a specific market segment of the relevant service group, including discount (*euro* per one unit of the respective performance indicator, without value added tax);

**M<sub>param gr s</sub>** – the value of the charge set by the charging body in relation to the respective charging parameter within a specific market segment of the relevant service group (*euro* per one unit of the respective performance indicator of the specific charging parameter, without value added tax);

**A<sub>apj param gr s</sub>** – the value of the volume discount during the respective invoicing and discount application period set by the charging body within a specific market segment of the relevant service group (*euro*);

**A<sub>opt nosl param gr s</sub>** – the value of the network load optimization discount during the respective invoicing and discount application period set by the charging body within a specific market segment of the relevant service group (*euro*).

10. If the charging body in accordance with the provisions of the railway infrastructure network Performance Scheme has applied penalties for actions which disrupt the operation of the railway network, compensations to those who suffer losses from disruption and bonuses (charge reduction to the applicants with better-than-planned performance of the parameters mentioned in the railway infrastructure network Performance Scheme), the infrastructure manager collects the respective payments in accordance with the regulations and criteria laid down in the railway infrastructure network Performance Scheme.

11. The infrastructure charges are not collected for the services provided by the trains and rolling stock of the infrastructure manager which do not participate in the transportation of railway freight or passengers by railway, but are related to the prevention or elimination of the consequences of

accidents, the maintenance of the railway infrastructure, the performance of all repair works if the regulations concerning the maintenance notices laid down in the Scheme for the allocation of the public-use railway infrastructure capacity are met.

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<sub>tehpr gr</sub>** – 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<sub>tehpr gr</sub>** – 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<sub>tehpr gr</sub>** – 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*).

(Amended by regulations of 29.04.2019.)

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:

$$NKM_{\text{rezer bfv pas}} = (M_{\text{rezer bfv pas}} \times DR_{\text{bfv pas}}) + N,$$

$$NKM_{\text{rezer bfv krav}} = (M_{\text{rezer bfv krav}} \times DR_{\text{bfv krav}}) + N, \text{ where}$$

**NKM<sub>rezer bfv gr</sub>** – 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<sub>rezer bfv gr</sub>** – 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<sub>bfv krav</sub>** – the number of train paths in every direction of freight traffic assigned in the capacity allocation plan within the programming period;

**DR<sub>bfv pas</sub>** – 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*).

(Amended by regulations of 29.04.2019.)

13.<sup>1</sup> Ad-hoc application payment for allocated part of the railway infrastructure capacity is applied in accordance with the following formula:

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

**$\bar{AKM}_{\text{rezer bfv gr}}$**  – the ad-hoc application assurance payment to be made by the applicant for the allocated part of the railway infrastructure capacity (*euro*);

**$M_{\text{koord rezer bfv gr}}$**  – 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);

**$M_{\text{ārpas rezer bfv gr}}$**  – 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);

**$DR_{\text{ārpas bfv krav}}$**  – the number of train paths actually allocated according to non-scheduled applications in each direction of freight traffic in the capacity allocation centers of Riga and Jelgava regions;

(Amended by regulations of 09.03.2021.)

**$DR_{\text{ārpas bfv pas}}$**  – 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*).

(Amended by regulations of 29.04.2019.)

13.<sup>2</sup> 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.<sup>2</sup> of this Scheme.

(Amended by regulations of 29.04.2019.)

13.<sup>3</sup> If the capacity allocation body has received an application for the allocation of non-scheduled capacity on the part of the network where the network loading optimization measures (discounts) are in place and the charging body finds that other applicants intend to use less of the allocated train paths than planned (for example, it is planned to use the capacity only on certain days of the week), then for the allocation of unused infrastructure capacity within the existing working timetable the non-scheduled application payment for the allocated part of railway infrastructure capacity  **$\bar{AKM}_{\text{rezer bfv gr}}$**  is applied to all train movements in the amount of the application assurance payment  **$NKM_{\text{rezer bfv gr}}$**  referred to in Paragraph 13 of the Scheme.

(Amended by regulations of 12.02.2021.)

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:

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

- KM<sub>rezer bfv gr</sub>** – the final payment to be made by the applicant for the part of the allocated railway infrastructure capacity (*euro*);
- TI<sub>bfv gr</sub>** – 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<sub>fakt bfv gr</sub>** – the number of train paths actually allocated to the trains of a specific service group of the applicant in each direction of movement or route during the period of railway infrastructure capacity allocation in the capacity allocation centers of Riga and Jelgava regions;

(Amended by regulations of 09.03.2021.)

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

(Amended by regulations of 29.04.2019.)

15. The reference period of 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 the current period of the annual working timetable which the decision on railway infrastructure capacity allocation is referred to. Applicants request pre-assigned train paths for each market segment together with their capacity application to the capacity allocation body for the next period of the annual working timetable, but the infrastructure manager applies the initial payment for the number of the requested pre-reserved train paths for the following period of the annual working timetable in the amount of 25% of the railway infrastructure capacity assurance charge **M<sub>rezer gr s</sub>** for each specific market segment in accordance with the following formula:

$$NKM_{\text{rezer gr s}} = 0,25 \times M_{\text{rezer gr s}} \times DR_{\text{ceļ uztur gr s}} + N, \text{ where}$$

- NKM<sub>rezer gr s</sub>** – the initial 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<sub>rezer gr s</sub>** – 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<sub>ceļ uztur gr s</sub>** – the amount of the performance indicator of the number train km 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 following period of the annual working

timetable which the decision on railway infrastructure capacity allocation is referred to;

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

(Amended by regulations of 13.05.2020.)

16. The final payment for the actual usage of pre-assigned train paths within market segments provided by Paragraph 48 of the Charging Scheme where the transportation is performed using pre-assigned train paths is applied to the actual railway undertaking in the amount of 75% of the railway infrastructure capacity assurance charge  $M_{\text{rezer gr s}}$  for each specific market segment (observing the applied indexation rate for the relevant time period when actual transportation was performed) adding a surcharge based on the direct costs for the exceeding amount of train kilometers in accordance with the following formula:

(Amended by regulations of 13.10.2020.)

$$KM_{\text{rezer gr s}} = 0,75 \times M_{\text{rezer gr s}} \times DR_{\text{ceļ uztur gr s}} + TI_{\text{rezer gr s}} \times \Delta DR_{\text{ceļ uztur gr s}} + N, \text{ where}$$

- KM<sub>rezer gr s</sub>** – the final railway infrastructure capacity assurance payment to be made by the railway undertaking in a specific market segment of the relevant service group where the transportation is performed using pre-assigned train paths (*euro*);
- M<sub>rezer gr s</sub>** – 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<sub>fakt ceļ uztur gr s</sub>** – the actual amount of the train km performance indicator in relation to the railway undertaking's trains in a specific market segment of the relevant service group where transportation is performed using pre-assigned train paths;
- ΔDR<sub>ceļ uztur gr s</sub>** – the exceeded amount of the performance indicator of train km in relation to the railway undertaking's trains in a specific market segment of the relevant service group where transportation is performed using pre-assigned train paths;
- TI<sub>rezer gr s</sub>** – 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);
- N** – fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).

(Amended by regulations of 13.05.2020.)

16.<sup>1</sup> If a train path assigned 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, or it is cancelled in the case referred to in Paragraph 16.<sup>2</sup> of the Scheme due to the applicant's request, then the infrastructure manager compensates the collected railway infrastructure capacity assurance payment referred to in Paragraph 15 of the Scheme by

decreasing railway undertaking's following regular payment for actual usage of pre-reserved train paths applying the compensation  $AM_{rezer\ gr\ s}$  according to the following formula:

$$AM_{rezer\ gr\ s} = 0,25 \times M_{rezer\ gr\ s} \times DR_{ceļ\ uztur\ gr\ s} + N, \text{ where}$$

- $AM_{rezer\ gr\ s}$**  – the railway infrastructure capacity assurance payment compensation applicable to the railway undertaking 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 railway undertaking's trains in a specific market segment of the relevant service group where transportation is performed using pre-assigned train paths corresponding to the number and length of actually cancelled trains;
- $N$**  – fees and taxes to be paid by the infrastructure manager in accordance with the legislation in force in the Republic of Latvia (*euro*).

*(Amended by regulations of 13.05.2020.)*

16.<sup>2</sup> The applicant has rights to request the cancellation of a pre-assigned train path that has been paid for in accordance with the provisions of Paragraph 15 of this scheme in the following calendar month by sending through the official means of communication a relevant application for the cancellation of a specific train path in the following calendar month to the capacity allocation body and the infrastructure manager not later than 15 calendar days before the first date of the following calendar month when the usage of the pre-assigned train path was planned.

*(Amended by regulations of 13.05.2020.)*

### III. Contents of the invoice issued by the infrastructure manager, billing and payment

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:

*(Amended by regulations of 30.09.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

17.<sup>1</sup> 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.

*(Amended by regulations of 30.09.2019.)*

17.<sup>2</sup> 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.<sup>21</sup>. – 17.<sup>24</sup>. 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:

*(Amended by regulations of 30.09.2019.)*

17.<sup>21</sup>. the beginning date of the invoicing period for which the advance payment must be made by the railway undertaking;

17.<sup>22</sup>. 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.<sup>23</sup>. 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.<sup>24</sup>. 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.<sup>25</sup>. fees and taxes to be paid by the applicant in accordance with the legislation in force in the Republic of Latvia (*euro*).

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 30.09.2019.)*

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 period<sup>1</sup>;

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);

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<sup>1</sup> Indicate "for the railway infrastructure capacity that is used for providing technological processes" for performers of individual technological processes

19.6. detailed information regarding the value 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 (euro);

*(Amended by regulations of 13.05.2020.)*

19.7. detailed information regarding the number of train km requested for reservation as mentioned in Paragraph 15 of the Scheme and cancelled as mentioned in Paragraph 16.<sup>1</sup> of the Scheme (according to the number and length of actually cancelled train paths) in a specific market segment of the relevant service group where the transportation is performed using pre-assigned train paths (train km);

*(Amended by regulations of 13.05.2020.)*

19.8. the amount of the total compensation of the 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 mentioned in Paragraph 16.<sup>1</sup> of the Scheme (euro);

*(Amended by regulations of 13.05.2020.)*

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.

*(Amended by regulations of 30.09.2019.)*

19.<sup>1</sup> The infrastructure manager sends the applicant 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, or its amendments enter into force and sets the payment deadline of 15 calendar days; the infrastructure manager sends the actual railway undertaking the invoice and invoicing information for the payment referred to in Paragraph 16 of the Scheme two times a week together with the regular invoice and invoicing information about freight transportation mentioned in Paragraph 20 of the Scheme and sets the payment deadline of 5 working days.

*(Amended by regulations of 13.05.2020.)*

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

*(Amended by regulations of 30.09.2019.)*

20.1. on Monday of each calendar week, but if it is a holiday or a public holiday, then on the following working day, regarding the minimum access package for the provision of freight traffic including the entire 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) during the time period from Monday to Wednesday of the previous week (including);

20.2. on Wednesday of each calendar week, but if it is a holiday or a public holiday, then on the following working day, regarding the minimum access package for the provision of freight traffic including the entire 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) during the time period from Thursday to Sunday of the previous week (including).

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

*(Amended by regulations of 30.09.2019.)*

21.1. until the 10<sup>th</sup> day of each month, but if it is a holiday or a public holiday, then on the following working day, regarding the minimum access package for the provision of passenger traffic including the entire infrastructure that provides acceptance, handling and dispatching of trains during the time period from the 20<sup>th</sup> day of the previous month to the last date (including) of the previous month;

21.2. until the 15<sup>th</sup> day of each month, but if it is a holiday or a public holiday, then on the following working day, regarding the minimum access package for the provision of passenger traffic including the entire infrastructure that provides acceptance, handling and dispatching of trains during the time period from the 1<sup>st</sup> day of the relevant month to the 10<sup>th</sup> day (including) of the relevant month;

21.3. until the 25<sup>th</sup> day of each month, but if it is a holiday or a public holiday, then on the following working day, regarding the minimum access package for the provision of passenger traffic including the entire infrastructure that provides acceptance, handling and dispatching of trains during the time period from the 11<sup>th</sup> day of the relevant month to the 20<sup>th</sup> day (including) of the relevant month.

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

*(Amended by regulations of 30.09.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

#### **IV. Contents of the invoice issued by the charging body, billing and payment**

29. The payments mentioned in Paragraphs 13., 13.<sup>1</sup>, 13.<sup>2</sup> 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).

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

30.<sup>1</sup> The charging body sends the invoice for the payment referred to in Paragraph 13.<sup>1</sup> of the Scheme together with the decision on ad-hoc railway infrastructure capacity allocation.

*(Amended by regulations of 29.04.2019.)*

30.<sup>2</sup> 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.<sup>21</sup>. the invoicing period for which payments must be made;

30.<sup>22</sup>. detailed information regarding the applied values of the performance indicators and the charges mentioned in Chapter II of the Scheme during the invoicing period, as well as the number of unused and additionally assigned train paths;

*(Amended by regulations of 17.06.2019.)*

30.<sup>23</sup>. 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.

*(Amended by regulations of 29.04.2019.)*

30.<sup>3</sup> The charging body sends the summary of the information referred to in Paragraph 30.<sup>2</sup> 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.

*(Amended by regulations of 29.04.2019.)*

The charging body quarterly makes the recalculation of application assurance payment for the allocated part of the railway infrastructure proportionate to the number of unused train paths during the specific period transferring the money to the applicant's financial institution account indicated in the invoice within 15 working days.

The day on which the applicant has received the invoice issued by the charging body and sent by using official electronic means of communication is deemed the day of receiving the invoice.

The charging body may additionally send the signed invoice to the applicant to its indicated postal address if such agreement is included in the relevant contract on performing the essential functions, and the agreement about the day deemed as the day of receiving the invoice is reached.

*(Amended by regulations of 17.06.2019.)*

31. Applicants pay the invoice of the charging body within 15 working days after receiving the invoice, transferring the money to the financial institution account of the charging body indicated in the invoice.

32. The date on which the payment of an applicant is received at the financial institution according to the invoice issued by the charging body is deemed the date of paying the invoice.

33. An applicant pays an interest on late payments to the charging body for failure to comply with the payment deadline indicated in the invoice issued by the charging body 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 is made, but not more than 10% of the payment amount indicated in the respective invoice of the charging body. The payment of the fine does not exempt the applicant from paying the principal sum of the debt. The charging body and an applicant may, by entering into contract governing mutual settlements for the use of the railway infrastructure, agree on additional conditions which are related to mutual settlements for the use of the railway infrastructure, including the application of other means of enhanced liability, other than statutory interest on late payments. Railway undertaking providing passenger services

based on public transport service contract in case mentioned in the second part of Paragraph 12.<sup>3</sup> of the Railway Law may agree with the charging body to non-application of interest on late payments. The provisions of the contract in force between the charging body and the applicant regarding mutual settlements may not be in contradiction with the procedures mentioned in this Scheme.

*(Amended by regulations of 19.01.2018.)*

## **V. Dispute settlement procedure**

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

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.

*(Amended by regulations of 29.04.2019.)*

40. Regarding mutual settlements the charging body and an applicant follow the dispute settlement procedure laid down in Chapter V of the Scheme.

## **VI. Closing provisions**

41. The infrastructure manager no later than one calendar month before the decision regarding infrastructure charges enters into force submits to the charging body the procedure for recording the performance indicators of the charging parameters for the trains and rolling stock to which the infrastructure charges are applied within the specific market segments of the relevant service groups determined in the Charging Scheme.

42. The charging body publishes the Scheme on its website on the internet and submits the Scheme to the infrastructure manager for inclusion in the railway infrastructure network statement.

43. The Scheme enters into force upon its publication.

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

*(Amended by regulations of 30.09.2019.)*

44.<sup>1</sup> 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.

*(Amended by regulations of 30.09.2019.)*

45. The owner of the railway infrastructure, the infrastructure manager, an applicant or a railway undertaking may submit complaints regarding the Scheme to the State Railway Administration not later than one month after its publication.

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