

APPROVED
by the decision No.JALP-1.3/12-2021
of the Executive Board of the
Joint Stock Company "LatRailNet"
in a meeting held on 30 March 2021
(min. No..JALP-1.2./12-2021)

REGULATIONS

30 March 2021

No. JALP-7.6/07-2021

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 Subparagraph 2.4 of the Scheme as follows:

"2.4. application assurance payment - a payment for the allocated part of the railway infrastructure capacity, which is charged by the charging body from the applicant or performer of individual technological processes for performing the essential functions and which is not reimbursed in case of non-use of the applied railway infrastructure capacity;";

1.2. express Subparagraph 2.4.1 of the Scheme as follows:

"2.4.1 non-scheduled application payment – a payment for the allocated part of the railway infrastructure capacity, which is charged for performing the essential functions by the charging body from the applicant or performer of individual technological processes for which the infrastructure capacity is not reserved in the infrastructure manager's maintenance notice, if the applicant or performer of individual technological processes requests capacity allocation outside the capacity allocation plan;"

1.3. express Paragraph 13 of the Scheme as follows:

"13. The application assurance payment for the allocated part of the railway infrastructure capacity allocated in the capacity allocation plan, including if it is not used, is applied to the applicant according to the following formula:

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

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

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

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

M_{rezer bfv pas} – the amount of the charge for the part of the railway infrastructure capacity allocated in the capacity allocation plan in passenger traffic determined by the charging body (euro for the allocated train path, excluding value added tax);

M_{rezer bfv krav} – the amount of the charge for the part of the railway infrastructure capacity allocated in the capacity allocation plan in freight traffic determined by the charging body (euro for the allocated train path, excluding value added tax);

DR bfv pas	– the number of train paths allocated in the capacity allocation plan during the programming period to the applicant in each direction of the route in passenger traffic;
DR bfv krav	– the number of train paths allocated in the capacity allocation plan during the programming period to the applicant in each direction of the movement in freight traffic;
N	– fees and taxes paid by the applicant in accordance with the legislation in force in the Republic of Latvia (euro). ";

1.4. express Paragraph 13.¹of the Scheme as follows:

"13.¹ The non-scheduled application payment for the allocated part of the railway infrastructure capacity is applied to the applicant according to the following formula:

$$\bar{A}KM_{rezer bfv pas} = M_{koord rezer bfv pas} + (M_{\bar{A}rpus rezer bfv pas} \times DR_{\bar{A}rpus bfv pas}) + N,$$

$$\bar{A}KM_{rezer bfv krav} = M_{koord rezer bfv krav} + (M_{\bar{A}rpus rezer bfv krav} \times DR_{\bar{A}rpus bfv krav}) + N, \text{ where}$$

AKM rezer bfv pas	– the non-scheduled application payment to be made by the applicant for the allocated part of the railway infrastructure capacity in passenger traffic (euro);
AKM rezer bfv krav	– the non-scheduled application payment to be made by the applicant for the allocated part of the railway infrastructure capacity in freight traffic (euro);
M koord rezer bfv pas	– the amount of the charge for the coordination process in the passenger traffic determined by the charging body (euro per application, excluding value added tax);
M koord rezer bfv krav	– the amount of the charge for the coordination process in the freight traffic determined by the charging body (euro per application, excluding value added tax);
M arpus rezer bfv pas	– the amount of the charge for the processing of an non-scheduled application in passenger traffic determined by the charging body (euro for the allocated train path, excluding value added tax);
M arpus rezer bfv krav	– the amount of the charge for the processing of an non-scheduled application in freight traffic determined by the charging body (euro for the allocated train path, excluding value added tax);
DR arpus bfv pas	– the number of train paths actually allocated to the applicant according to the non-scheduled application in each direction of the route in passenger traffic;
DR arpus bfv krav	– the number of train paths actually allocated in the capacity allocation centers of Riga and Jelgava regions to the applicant according to the non-scheduled application in each direction of the movement in freight traffic;
N	– fees and taxes paid by the applicant in accordance with the legislation in force in the Republic of Latvia (euro). ";

1.5. express Paragraph 13.²of the Scheme as follows:

"13.² If the capacity allocation body in the process of allocating train paths in accordance with the criteria laid down in the capacity allocation scheme establishes that any of the applicants or performers of individual technological processes do not use the train paths provided for in the annual capacity allocation plan, and promoting the use of unused railway infrastructure capacity, has allocated unused train paths to other applicants or performers of individual technological processes in accordance

with Paragraph 68 of Cabinet of Ministers Regulations No.472 of 15 July 2016 "Allocation of Public-Use Railway Infrastructure Capacity", or if the capacity allocated to the applicant has been canceled and allocated to another applicant in accordance with the non-scheduled coordination process, then the charging body recalculates the application assurance payment for the allocated part of railway infrastructure capacity in accordance with the procedure specified in Paragraph 30.² of the Scheme. ";

1.6. supplement the Scheme with Paragraph 13.⁴as follows:

"13.⁴ The application assurance payment for the allocated part of the railway infrastructure capacity allocated in the capacity allocation plan, including, if not used, is applied to the performer of individual technological processes according to the amount of the charge determined for freight traffic according to the following formula:

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

NKM <i>rezer bfv atpv</i>	– the application assurance payment to be made by the performer of individual technological processes for the part of the railway infrastructure capacity allocated in the capacity allocation plan (<i>euro</i>);
M <i>rezer bfv krav</i>	– the amount of the charge for the part of the railway infrastructure capacity allocated in the capacity allocation plan in freight traffic determined by the charging body (<i>euro</i> for the allocated train path, excluding value added tax);
DR <i>bfv atpv</i>	– the number of train paths allocated in the capacity allocation plan during the programming period to the performer of individual technological processes in each direction of the movement;
N	–fees and taxes paid by the performer of individual technological processes in accordance with the legislation in force in the Republic of Latvia (<i>euro</i>). ";

1.7. supplement the Scheme with Paragraph 13.⁵as follows:

"13.⁵ The non-scheduled application payment for the allocated part of the railway infrastructure capacity is applied to the performer of individual technological processes, for which the infrastructure capacity is not reserved in the infrastructure manager's maintenance notice, according to the amount of the charge determined for freight traffic for the allocated part of the railway infrastructure capacity according to the following formula:

$$\bar{AKM}_{rezer\ bfv\ atpv} = (M_{rezer\ bfv\ krav} \times DR_{\bar{arpus}\ bfv\ atpv}) + N, \text{ where}$$

AKM <i>rezer bfv atpv</i>	– the non-scheduled application payment to be made by the performer of individual technological processes for the allocated part of the railway infrastructure capacity (<i>euro</i>);
M <i>rezer bfv krav</i>	– the amount of the charge for the part of the railway infrastructure capacity allocated in the capacity allocation plan in freight traffic determined by the charging body (<i>euro</i> for the allocated train path, excluding value added tax);
DR <i>\bar{arpus} bfv atpv</i>	– the number of train paths actually allocated in the capacity allocation centers of Riga and Jelgava regions to the performer of individual technological processes in each direction of movement in freight traffic according to non-scheduled applications;";
N	–fees and taxes paid by the performer of individual technological processes in accordance with the legislation in force in the Republic of Latvia (<i>euro</i>). ";

1.8. express Paragraph 14 as follows:

"14. If during the railway infrastructure capacity allocation period the number of train paths actually allocated to the applicant or performer of individual technological processes in each direction of movement or route exceeds the planned, 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 according to the following formula:

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

KM_{rezer gr}	– the final payment of the applicant or the performer of individual technological processes for the allocated part of the railway infrastructure capacity (<i>euro</i>);
TI_{bfv gr}	– the direct unit costs of performing the essential functions during the programming period for a specific service group (<i>euro</i> per allocated train path, excluding value added tax);
DR_{fakt bfv gr}	– the number of train paths actually allocated in the capacity allocation centers of Riga and Jelgava regions to the performer of individual technological processes in each direction of movement or route during the railway infrastructure capacity allocation period;
DR_{bfv gr}	– the number of train paths allocated in the capacity allocation plan during the programming period to the applicant or performer of individual technological processes in each direction of the movement or route;
N	–fees and taxes paid by the applicant or performer of individual technological processes in accordance with the legislation in force in the Republic of Latvia (<i>euro</i>). ";

1.9. express Paragraph 29 of the Scheme as follows:

"29. Applicants settle the payments specified in Paragraphs 13, 13.¹, 13.² and 14 of the Scheme and the performers of individual technological processes those specified in Paragraphs 13.², 13.⁴, 13.⁵ and 14 of the Scheme according to the payment document issued by the charging body (hereinafter - charging body's invoice).";

1.10. express the first sentence of Paragraph 30.² of the Scheme as follows:

"30.² Once a month, but not later than by the 15th date of the following calendar month, the charging body sends a detailed report to the applicants and performers of individual technological processes, indicating: ";

1.11. express Paragraph 30.³ of the Scheme as follows:

"30.³ A summary report regarding the information referred to in Paragraph 30.² of the Scheme and the recalculations performed, as well as an invoice regarding the payment specified in Paragraph 14 of the Scheme, is sent by the charging body within 30 calendar days after the end of the railway infrastructure capacity allocation period.

The charging body recalculates the application assurance payment for the allocated railway infrastructure capacity once a quarter in proportion to the number of unused train paths in the specific period, making a transfer within 15 working days to the current account of the relevant applicant or performer of individual technological processes in a credit institution.

The day of receipt of the invoice is deemed the day when the relevant applicant or the performer of individual technological processes has received the invoice issued by the charging body, which has been sent using the official electronic means of communication.";

1.12. express Paragraph 31 of the Scheme as follows:

"31. Applicants and performers of individual technological processes settle the charging body's invoice within 15 working days after receipt of the invoice by making a transfer to the current account of the charging body in the credit institution indicated in the invoice. ";

1.13. express Paragraph 32 of the Scheme as follows:

"32. The date of payment of the charging body's invoice is deemed the date on which the credit institution has received the payment of the relevant applicant or performer of individual technological processes in accordance with the invoice issued by the charging body. ";

1.14. express Paragraph 33 of the Scheme as follows:

"33. For non-compliance with the payment term specified in the charging body's invoice, the applicant or performer of individual technological processes pays to the charging body interest on arrears in the amount of 0.1% per day for the period from the date set for making the relevant payment (inclusive) to the date the payment is made (excluding), but not more than in the amount of 10% of the payment amount indicated in the relevant charging body's invoice. Payment of interest on arrears does not exempt the applicant or performer of individual technological processes from paying the principal amount of the debt. The charging body and the relevant applicant or performer of individual technological processes may conclude a mutual agreement governing the mutual settlements agreeing on additional conditions related to the mutual settlement of payments for performing the essential functions of the infrastructure manager, including the application of means of enforcement other than statutory interest on arrears. In the case provided for in Section 12.³, Paragraph 2 of the Railway Law, a railway undertaking that performs passenger transportation on the basis of a public transport service contract may in this case agree with the charging body not to apply interest on arrears. The provisions of the agreement concluded between the charging body and the applicants or performers of individual technological processes regarding mutual settlements may not be in conflict with the procedures included in the Scheme. ";

1.15. express Paragraph 40 of the Scheme as follows:

"40. The dispute settlement procedure set out in Chapter V of the Scheme and its principles also apply to settlements between the charging body, applicants and performers of individual technological processes. ";

1.16. delete Paragraph 44.¹ of 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 on 6 April, 2021.

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 not later than a month after the date of their publication.

This document contains timestamp and is signed with a secure electronic signature by JSC LatRailNet
the Finance Director for Charging Affairs M. Andiņš - **see certificate**