

# New passenger transport

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According to Section 5.1, Paragraph two of the Railway Law, a railway undertaking shall, under equitable, non-discriminatory, and transparent conditions, be granted the right to access the public-use railway infrastructure for provision of rail passenger services. The railway undertaking has the right to pick up and set down passengers at any station or stopping place. That right shall include also access to the infrastructure connecting the service facilities referred to in Section 12.1, Paragraph two of this Law.

In accordance with Section 5.2, Paragraph one of the Railway Law, the aforementioned rights to access railway infrastructure for the provision of passenger services between a specific place of departure and a specific place of destination may be restricted if one or several State or local government contracts concluded for the public procurement of the provision of rail passenger services relate to the same route or an alternative route and if the exercise of such right would compromise the economic equilibrium of the relevant State or local government contract concluded for the public procurement of the provision of rail passenger services.

In accordance with the second paragraph of Article 5.2, in order to determine whether the economic equilibrium of the State or local government contract concluded for the public procurement of the provision of rail passenger services would be compromised, State Railway Administration shall perform an economic analysis and base its decision on the criteria established in accordance with [Commission Implementing Regulation \(EU\) 2018/1795 of 20 November 2018 laying down procedure and criteria for the application of the economic equilibrium test pursuant to Article 11 of Directive 2012/34/EU of the European Parliament and of the Council \(Regulation \(EU\) 2018/1795\)](#).

Notification of a planned new rail passenger service In accordance with Article 4(1) of Regulation 2018/1795, The applicant shall notify the infrastructure managers and the regulatory bodies concerned of its intention to operate a new rail passenger service no less than 18 months before the entry into force of the working timetable to which the request for capacity relates. In accordance with Section 30, Paragraph 23 of the Railway Law, regarding the intention to provide new railway passenger transport services in Latvia, the applicant shall notify the regulatory body of the railway sector in Latvia - State Railway Administration.

In accordance with Article 4(2) of Regulation 2018/1795, State Railway Administration has developed a standard notification form to be used by applicants in notifying a new passenger service to State Railway Administration.

The notification form is available here:

 [Notification form \(in Latvian\)](#) 

According to Article 4(3) of Regulation 2018/1795, information regarding the planned operation of the new rail passenger service shall cover at least the first three years and, as far as possible, the first five years of operation. However, in justified cases, State Railway Administration may agree that the information is provided for a shorter period.

In accordance with Article 4(5) of Regulation 2018/1795, All information provided by the applicant via the standard notification form and any supporting documents shall be sent to the regulatory bodies and infrastructure managers in electronic form. The applicant shall submit the notification form and additional documents electronically to State Railway Administration by sending the referred to information to the e-mail address: [vda@vda.gov.lv](mailto:vda@vda.gov.lv) However, State Railway Administration may agree, in duly justified cases, that documents are submitted in paper format.

In accordance with Article 4(6) of Regulation 2018/1795, if the notification is incomplete, State Railway Administration shall inform the applicant that incomplete requests will not be considered and shall give the applicant the possibility to complete its request within a reasonable time not exceeding 10 working days.

In accordance with Article 4(4) of Regulation 2018/1795, State Railway Administration shall publish the standard notification form submitted by the applicant on its website [www.vda.gov.lv](http://www.vda.gov.lv) and shall notify it without undue delay and at the latest within 10 days of receiving a complete notification form:

any competent authority which has awarded a public service contract for rail passenger services on the route or alternative route within the meaning of Directive 2012/34/EU;

any other interested competent authority with the right to limit access under Article 11 of Directive 2012/34/EU;

any railway undertaking operating services under public service contract on the route of the new rail passenger service or an alternative route. Deadline for requesting the economic equilibrium test.

#### Deadline for requesting an economic balance check



In accordance with Article 5(1) of Regulation 2018/1795, the following bodies may submit a request for an economic equilibrium test within one month of receipt of information on the planned new passenger service:

- the competent authority or competent authorities which awarded the public service contract;
- any other interested competent authority which has the right to limit access pursuant to this Article;
- infrastructure manager;
- railway undertaking performing the public service contract.

On the other hand, in accordance with Article 5(2) of Regulation 2018/1795, Where, at the time of receipt of the applicant's notification a public service contract covering the same route or an alternative route is being competitively tendered and the deadline for submitting bids to the competent authority has expired, an economic equilibrium test may be requested by the aforementioned entities within one month of receipt of the information on the new route This is without prejudice to the application of this regulation to a public service contract which is on-going at the time of the applicant's notification.

Finally, in accordance with Article 5(3) of Regulation 2018/1795, if no request for an economic equilibrium test is made within the deadline referred to in paragraph 1, the regulatory body shall inform the applicant and the infrastructure manager without delay. The infrastructure manager shall process the access request in accordance with Section 3 of Chapter IV of Directive 2012/34/EU.

#### Content of the request for an economic equilibrium test



The request shall contain the information referred to in Article 7(1) of Regulation 2018/1795 and shall make use of the economic equilibrium test request form drawn up by State Railway Administration, available here:

 [Request form \(in Latvian\)](#) 

Pursuant to Article 7(3) of Regulation 2018/1795, all information shall be sent to the regulatory body in electronic form. The applicant shall submit the request form and additional documents electronically to State Railway Administration by sending the following information to the e-mail address: [vda@vda.gov.lv](mailto:vda@vda.gov.lv) State Railway Administration may agree, in duly justified cases, that the documents are submitted in paper format.

<https://www.vda.gov.lv/en/new-passenger-transport>