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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 37

Adopted 10 January 2012

**Regulations Regarding International Carriage of Passengers by Bus and Coach, the Procedures for the Organising, Performing Thereof, for the Opening, Changing, and Closing of Routes**

*Issued pursuant to*

*Section 30, Paragraph five of the Law on Carriage by Road*

**I. General Provisions**

1. The Regulation prescribes the procedures by which international carriage of passengers by bus and coach (hereinafter – the international carriage) is organised and performed, and also the procedures for opening, changing, and closing routes.

2. The international carriage shall be organised:

2.1. to the European Union Member States in accordance with Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (hereinafter – Regulation No 1073/2009) and Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (hereinafter – Regulation No 361/2014);

2.2. to countries other than the European Union Member States (hereinafter – the third countries) in accordance with bilateral agreements between States on international carriage by road (hereinafter – the international agreements) and the Agreement on the International Carriage of Passengers by Road by Means of Occasional Coach and Bus Services (hereinafter – INTERBUS).

[*9 June 2015*]

3. The rights of passengers in bus and coach shall be determined by Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (hereinafter – Regulation No 181/2011).

4. Regulation No 181/2011 shall be applied to regular international carriage in routes to the third countries in accordance with Article 2(5) thereof from 1 March 2021.

[*13 December 2016*]

5. The Road Transport Administration shall take a decision:

5.1. to issue a permit for a new route, to issue a permit for a changed route, to re-register a permit for a new time period for regular international carriage in an existing route:

5.1.1. to the third country (hereinafter – the permit for the third country route);

5.1.2. to a European Union Member State (hereinafter – the permit for the EU route);

5.2. to issue a permit for occasional international carriage in the territory of the third country (hereinafter – the permit for occasional carriage);

5.3. to refuse to issue the permit for the third country route, the permit for the EU route, or the permit for occasional carriage;

5.4. to cancel an issued permit.

6. In order to analyse the situation on the market of regular international carriage in routes to the third countries, the Road Transport Administration shall establish the advisory council for international carriage of passengers (hereinafter – the council). Specialists in carriage by road and representatives of non-governmental organisations shall be included in the council. Opinions of the council shall be of advisory nature.

7. Upon deciding on the issuing of the permit for the third country route or the permit for the EU route or on the re-registration thereof for a new time period, the Road Transport Administration shall ensure examination of the written application of the carrier in accordance with Regulation No 1073/2009, the international agreements, and the requirements of this Regulation.

8. The carrier may contest the decision of the Road Transport Administration to the Ministry of Transport in accordance with the procedures laid down in the Administrative Procedure Law. A decision of the Ministry of Transport may be appealed to the court.

**II. Performing of Regular International Carriage in the Territory of Latvia**

9. Regular international carriage in the territory of Latvia shall be performed:

9.1. if the place of departure or place of destination of the route is in the territory of Latvia:

9.1.1. when departing from Latvia to foreign countries, with one or several stops for picking up of passengers without the right to perform domestic carriage;

9.1.2. when departing from foreign countries to Latvia, with one or several stops for setting down of passengers without the right to perform domestic carriage;

9.2. when crossing the territory of Latvia:

9.2.1. without stops for picking up and setting down of passengers;

9.2.2. with one or several stops for picking up and setting down of passengers without the right to perform domestic carriage.

10. Regular international carriage in a specific route shall be performed according to an approved timetable of a bus or coach which has been appended to the permits referred to in Sub-paragraph 5.1 of this Regulation.

11. In the territory of Latvia passengers shall, according to the timetable of a bus or coach, be picked up or set down in bus stations or other stops coordinated with the relevant road managing bodies.

12. A seat shall be ensured for each passenger in a bus or coach in regular international carriage.

13. The relevant permit referred to in Sub-paragraph 5.1 of this Regulation (original or copy) which has been issued by the Road Transport Administration or a foreign competent authority shall be present in the bus or coach.

14. The carrier has an obligation to provide information to the public on regular international carriage (the timetable of a bus or coach, the fare, the provisions for carrying luggage, the changes in the performance of carriage, and the suitability of the service for persons with disability and persons with reduced mobility in accordance with Article 11(2) and (5) of Regulation No 181/2011).

[*9 June 2015*]

15. Upon performing regular international carriage, the carrier shall place an information sign (dimensions – 600 x 200 mm, presentation – black letters on a white background) in the lower corner of the windscreen of the bus or coach or use an electronic display board with the following information:

15.1. the route code assigned by the Road Transport Administration;

15.2. the name of the route in the official language of the place of departure and the place of destination.

16. The procedures for the purchase and handing over of tickets, the seat reservation, the carrying of passengers, luggage, and animals, taking into account the requirements of the veterinary service, shall be determined by the carrier in cooperation with the merchant with which an agreement regarding servicing of the relevant route (hereinafter – the partnership undertaking) has been entered into, and shall inform the Road Transport Administration thereof.

17. The fare and the changing thereof, the conditions for fare discounts for specific groups of passengers and individual routes shall be determined by the carrier in cooperation with the partnership undertakings, informing the Road Transport Administration thereof.

18. The carrier and the distributor of tickets shall agree on the procedures by which tickets shall be sold and handed over at the cashier’s office of bus stations and ticket distribution agencies.

19. The carriers who have valid permits referred to in Sub-paragraph 5.1 of this Regulation at their disposal shall fill in a report form (Annex 1) regarding the journeys made in each route in each month in the previous quarter, indicating also the operation of the partnership undertakings, and shall send it electronically to the Road Transport Administration by the tenth date of the month following the quarter.

**III. Organising and Performing of Regular International Carriage to the Third Countries**

20. In accordance with the conditions of the international agreements, regular international carriage to the third country shall be performed by one or several carriers. The parity principle may be observed in the organising of such carriage – the partnership undertakings receive permits for the performing of an equal number of journeys which gives the right to perform carriage in equal amount.

21. It shall be provided for in the permit for the third country route issued by the Road Transport Administration that part of the international carriage route is in the territory of Latvia. The permit for the third country route shall be issued in the name of the carrier, and it may not be handed over to the third parties.

22. The permit for the third country route shall contain at least the following information:

22.1. the issuer of the permit;

22.2. the number of the permit;

22.3. the information on the route;

22.4. the name, address, telephone number, fax number, electronic mail address of the carrier;

22.5. the address, telephone number, fax number, electronic mail address of the partnership undertaking;

22.6. the term of validity of the permit;

22.7. the date of issuance of the permit.

23. The permit for the third country route shall be issued for a period of up to five years.

24. In order to receive the permit for the third country route for a new or changed route or to re-register it for a new period of time, a carrier registered in Latvia shall submit an application (Annex 2) to the Road Transport Administration to which the following documents and information have been appended in printed form or in the form of an electronic document in accordance with the laws and regulations regarding drawing up of electronic documents:

24.1. the timetable of the bus or coach (Annex 3) in conformity with the following conditions:

24.1.1. if it is intended that a segment of the new or changed route in the territory of the Republic of Latvia and its stop coincides or is located within the radius of 25 km of a stop in an already existing route for which another carrier or a group of other carriers has received the permit for the third country route or also on the opening or changing of which the Road Transport Administration has taken a favourable decision, the time of departure (arrival) of the bus or coach in this stop shall be different from the time of departure (arrival) of the bus or coach in the relevant stop of an existing route by at least two hours. The group of carriers is considered as other group if at least one carrier therein is different;

24.1.2. the State border crossing points where it is permitted to cross the State border for persons and for bus and coach shall be indicated in the timetable of the bus or coach;

24.1.3. at least 40 minutes shall be planned for the crossing of each State border included in the route where the border control procedure is intended, if it has not been laid down otherwise in the international agreements or the requirements of foreign competent authorities;

24.1.4. if the carrier reasonably expects different servicing intensity on the route depending on the season (summer season and winter season), it shall be indicated in the section “8. Additional information” of the application and on the timetable of the bus or coach;

24.2. a detailed scheme (map) of the route, indicating the road designations of the route and the stops referred to in the timetable of the bus or coach;

24.3. the schedule of the work and rest time of bus and coach drivers;

24.4. information on bus and coach with which carriage of passengers in the relevant route is intended, taking into consideration that the carrier has in its ownership or holding at least two buses or coaches for which copies of the European Community permit in the name of the relevant carrier have been issued;

24.5. the contract or agreement with the carriers involved in the servicing of the route;

24.6. the fare in the currencies of all the countries (except for transit countries) involved in the route;

24.7. the procedures by which the purchase and handing over of tickets, the seat reservation, the carriage of passengers, luggage, and animals are intended, and also the conditions for granting fare discounts;

24.8. a copy of the European Community permit for the carriage of passengers by bus and coach for reward in the territory of the European Union which has been approved by the carrier and which is necessary for sending to the foreign competent authorities in accordance with the procedures laid down in the international agreements.

[*9 June 2015*]

25. In order to re-register the permit for the third country route for a new period of time, the carrier shall submit the information or documents referred to in Sub-paragraphs 24.4, 24.5, 24.6, 24.7, and 24.8 of this Regulation, if they have changed.

26. A route in which either a stop, except for places of destination, or a State border crossing point, or the days of performing journeys, or the time of departure or arrival of the bus or coach in a stop have been changed shall be considered a changed route.

27. If additional information is necessary for taking of a decision, the Road Transport Administration may request it from the applicant.

28. The permit for the third country route may be re-registered for a new period of time if the application has been submitted not earlier than six months and not later than three months before expiry of the term of validity of the relevant permit for the third country route and if the conditions of the permit for the third country route to be re-registered have been conformed to.

29. The Road Transport Administration shall examine the application within the time limits and in accordance with the procedures laid down in the Administrative Procedure Law and, if a favourable decision is taken, within 14 working days shall:

29.1. assign codes to the route and journeys if the route is new or changed;

29.2. prepare the permit for the third country route;

29.3. send a copy of the application and a copy of the route permit to the competent authorities of such countries in the countries of which it is intended to perform carriage of passengers in order to inform about the application examined and to receive the route permits in the territories of such countries.

30. The decision to refuse to issue the permit for the third country route may not be justified by the fact that the carrier is offering a lower fare in comparison to other carriers.

31. After receipt of the permit issued by the competent authorities of the destination country of the route or other corresponding documentation, the Road Transport Administration shall inform the competent authorities of such countries thereof the territories of which are crossed by the relevant route.

32. After receipt of permits of the competent authorities of all the countries involved in the route, the Road Transport Administration shall issue the original of the permit for the third country route to the carrier.

33. The Road Transport Administration shall, within 10 working days after issuing of the permit referred to in Paragraph 32 of this Regulation, inform the State Border Guard thereof in writing.

34. If the Road Transport Administration approves changes to the route, the permit for the third country route shall have the same term of validity as the previously issued permit for the third country route.

35. The carrier shall, within three months after receipt of the original of the permit for the third country route, commence carriage in the new route and shall inform the Road Transport Administration thereof at least 15 days before commencing carriage.

36. Only one bus or coach may be concurrently used for carriage of passengers in one journey with one permit.

37. In order to receive a permit for the use of additional bus or coach in existing journeys when high flow of passengers is expected, the carrier shall submit an application to the Road Transport Administration.

38. The carrier may close a route for a period of up to three consecutive months during the term of validity of the permit for the third country route, informing the Road Transport Administration thereof at least one month in advance.

39. A route may be closed or carriage in a route journey may be terminated if the carrier has informed the Road Transport Administration thereof at least one month in advance, indicating the date of and reasons for terminating carriage.

40. A route is closed if carriage in all journeys of the relevant route has been terminated.

41. The granted permit for the third country route may be cancelled if:

41.1. the carrier has not commenced carriage in the route in accordance with the requirements referred to in Paragraph 35 of this Regulation;

41.2. the carrier does not comply with the conditions for the performance of international carriage referred to in the permit;

41.3. the carrier has not temporarily closed the route in accordance with the procedures laid down in Paragraph 38 of this Regulation and has not performed at least 70 % of the journeys provided for in the timetable of the bus or coach for at least three consecutive months;

41.4. the carrier has provided false information in the application or report;

41.5. the granted permit for the third country route has not been taken out within six months.

42. The carrier shall hand over the cancelled permit to the Road Transport Administration within 30 days from the day when the decision to cancel the permit has been received, except for the case referred to in Sub-paragraph 41.5 of this Regulation.

43. If the permit is cancelled for a carrier registered in Latvia for the violations referred to in Paragraph 41 of this Regulation or the carrier submits an application for the closing of a route or termination of carriage in a journey, the partnership undertaking shall use the permits issued thereto in full extent until expiry of the term of validity thereof.

**IV. Receipt of the Permit for the EU Route**

44. In order to receive the permit for the EU route for a new or changed route or to re-register it for a new period of time, the carrier shall submit an application in accordance with the sample included in Annex III to Regulation No 361/2014, appending information on the planned ensuring of enforcement of Regulation No 181/2011 within the scope of the relevant route. The Road Transport Administration shall examine such application in accordance with Chapter III of Regulation No 1073/2009 and Section II of Regulation No 361/2014.

[*9 June 2015*]

45. If a bus or coach crosses borders of two EU Member States, the places and time of crossing the borders of such countries shall be indicated in the timetable of the bus or coach, without providing for a time interval for the crossing of each border, except for cases if a decision on temporary restoring of border control is taken.

46. The permit for the EU route issued by the Road Transport Administration in routes between Latvia and the European Union Member States shall be intended for carriage throughout the route.

**V. Organising and Performing of Occasional International Carriage**

47. The Road Transport Administration shall, in accordance with the conditions of the international agreements, organise exchange of the permits for occasional carriage issued by the foreign competent authorities with the permits for occasional carriage in the territory of Latvia.

48. The form of the permit for occasional carriage in Latvia shall contain at least the following information:

48.1. the issuer of the permit;

48.2. the number of the permit;

48.3. the name and address of the carrier;

48.4. the State registration number of the bus or coach;

48.5. the route of the journey;

48.6. the number of passengers;

48.7. the term of validity of the permit;

48.8. the box in which space is provided for the notes of control authorities regarding entering the country and leaving the country.

49. In order to receive the permit for occasional carriage, the carrier or its authorised person shall submit an application to the Road Transport Administration. The application may be submitted in person, sent by post or electronically in accordance with the laws and regulations regarding drawing up of electronic documents. The Road Transport Administration shall take the decision to issue the permit for occasional carriage within 14 working days from the day of registering the application.

[*9 June 2015*]

49.1 The person referred to in Paragraph 49 of this Regulation may apply for the receipt of the permit for occasional carriage also electronically by filling in a special online form on the website of the Road Transport Administration www.atd.lv (e-service) and using the means of identification of a person available for identification in the single State and local government services portal www.latvija.lv.

[*9 June 2015 / Paragraph shall come into force on 1 May 2016. See Paragraph 57*]

50. The carrier shall hand over the received permit for occasional carriage to the Road Transport Administration within 30 days after the use thereof.

51. In accordance with Article 12(4) of Regulation No 1073/2009 and Article 10 of the INTERBUS Agreement, the books of journey forms shall be issued by the Road Transport Administration.

52. The carrier shall fill in the journey form prior to commencing the journey in accordance with Article 12(5) of Regulation No 1073/2009 and Article 13 of the INTERBUS Agreement. If occasional cabotage carriage is performed, the carrier shall hand over the first copy of the relevant journey form to the Road Transport Administration within 30 days after termination of the journey.

[*9 June 2015*]

**VI. Record-keeping of International Carriage Documents**

53. The Road Transport Administration shall create and maintain a database of the issued international carriage documents.

54. The Road Transport Administration shall ensure the information referred to in Article 28(1) and (2) of Regulation No 1073/2009.

**VII. Closing Provisions**

55. Cabinet Regulation No. 248 of 12 April 2005, Procedures for the Organisation and Performance of International Carriage of Passengers by Buses, Opening, Changing, and Closing of Routes and Issue of Permits Specified in International Agreements (*Latvijas Vēstnesis*, 2005, No. 61), is repealed.

56. The permits which have been issued prior to the day of coming into force of this Regulation shall be valid until the end of the term indicated therein if the conditions included therein are not changed.

57. Paragraph 49.1 of this Regulation shall come into force on 1 May 2016.

[*9 June 2015*]

Prime Minister V. Dombrovskis

Minister for Transport A. Ronis

**Annex 1**

Cabinet Regulation No. 37

10 January 2012

**Report on the Journeys Performed in the Quarter in Regular International Carriage of Passengers by Bus and Coach**

|  |  |
| --- | --- |
| Name of the carrier |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Year | 2 | 0 |  |  |  |  | quarter |

**Journeys performed**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Route number | Journey number | (month) | (month) | (month) |
| 1 | 2 | 3 | 4 | 5 |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

|  |  |
| --- | --- |
| Report was prepared by |  |
|  | (given name, surname, position) |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date |  |  |  |  |
|  |  |  |  |  |

Minister for Transport A. Ronis

**Annex 2**

Cabinet Regulation No. 37

10 January 2012

**Application**

**for the Receipt of the Permit for Regular International Carriage of Passengers by Bus and Coach in a Route to a Third Country**

(mark as appropriate)

|  |  |
| --- | --- |
| To commence carriage |  |
| To perform carriage in a changed route |  |
| To re-register for a new period of time |  |

1. The name of the carrier or the name of the main carrier of an association of carriers

|  |
| --- |
|  |
|  |

2. The address, telephone number, fax number, electronic mail address of the carrier

|  |
| --- |
|  |
|  |

3. The partnership undertaking(s) of the carrier (name, address, telephone number, fax number, electronic mail address)

|  |
| --- |
|  |
|  |

4. The preferable term of validity of the permit

|  |
| --- |
|  |

5. The planned route of carriage, indicating the places for picking up, setting down, and exchange of passengers

|  |
| --- |
|  |

6. Border crossing points

|  |
| --- |
|  |

7. Number of the requested permits

|  |
| --- |
|  |

8. Additional Information

|  |
| --- |
|  |
|  |

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (date) |  | (given name, surname, and signature of the applicant\*) |

Place for a seal\*

Note. \* The details of the document “signature” and “place for a seal” shall not be completed if the electronic document has been drawn up in accordance with the laws and regulations regarding drawing up of electronic documents.

Minister for Transport A. Ronis

**Annex 3**

Cabinet Regulation No. 37

10 January 2012

**Timetable of the Bus or Coach in the Regular International Route to the Third Countries**

|  |  |  |
| --- | --- | --- |
| Name of the carrier |  | |
|  | | |
| (information on the route) | | |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Journey | No. \_\_\_\_\_\_\_\_\_\_ |  |  |  | Journey | No. \_\_\_\_\_\_\_\_ |
|  | Days of departure |  |  |  | Days of arrival |  |
|  |  |  |  |  |  |  |
| Time of arrival | Time of departure | Distance from the place of departure of the route (km) | Distance to the next stop (km) | Name of the stop, border crossing point | Time of arrival | Time of departure |
| X |  | X |  |  |  | X |
|  |  |  |  |  |  |  |
|  | X |  | X |  | X |  |
| Days of arrival |  |  |  |  |  | Days of departure |
|  |  |  |  |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Special conditions |  |  |  |

Minister for Transport A. Ronis