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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. 14

Adopted 4 January 2005

**By-laws of the State Railway Technical Inspectorate**

*Issued pursuant to*

*Section 16, Paragraph one of the State Administration Structure Law*

**I. General Provisions**

1. The State Railway Technical Inspectorate (hereinafter – the Inspectorate) is an institution of direct administration under supervision of the Ministry of Transport.

2. The purpose of the operation of the Inspectorate is the implementation of State administration tasks in supervision and control of railway technical operations in order to ensure the conformity with and fulfilment of the requirements of the laws and regulations governing the abovementioned fields.

**II. Functions, Tasks, and Competence of the Inspectorate**

3. The Inspectorate shall fulfil the functions specified in the Railway Law.

4. In order to ensure the fulfilment of its functions, the Inspectorate shall:

4.1. carry out inspections and provide opinions on the compliance of the participants of the rail system with the national requirements laid down in the Railway Law and the requirements of the directly applicable European Union legislation governing railway safety;

4.2. check capacity of the entity to operate in the respective field of commercial activities by complying with the safety requirements;

4.3. check the conformity of railway infrastructure objects or rolling stock with the requirements of the directly applicable European Union legislation in the filed of railway safety and interoperability and the national requirements specified in the Railway Law;

4.4. evaluate construction intentions of railway infrastructure objects, issues technical regulations, makes entries on the fulfilment of design requirements and requirements for the commencement of construction work;

4.5. carry out inspections and provide opinions on the movement of dangerous goods in the field of rail transport;

4.6. collect the information provided by the participants of the rail system regarding railway traffic accidents;

4.7. carry out performance checks of the safety management system;

4.8. carry out market surveillance in the railway sector according to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;

4.9. explain requirements for the procedures and documents that are necessary to acquire the single safety certification, safety certificate, certificate of the entities in charge of maintenance, permit for the placing on the market of vehicles and permit to put into operation fixed installations, and, where necessary, issue documents with instructions on the actions of a candidate in the relevant procedures;

4.10. evaluate documents submitted by candidates to acquire the single safety certification, safety certificate, certificate of the entities in charge of maintenance, permit for the placing on the market of vehicles and permit to put into operation fixed installations;

4.11. make an independent evaluation of the application of risk management process and the suitability of the results obtained during its implementation;

4.12. carry out knowledge and skill testing (administer exams) and decide on the conformity of railway specialists with the qualification requirements;

4.13. collect and analyse data on railway traffic accidents;

4.14. provide the information and communication technology tools that are necessary for the fulfilment of the functions;

4.15. publish on its website (www.vdzti.gov.lv) statistical data on the safety of rail system;

4.16. provide information to the European Union Agency for Railways in accordance with Article 38(3) of Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004, including through the use of information and communication technology tools;

4.17. cooperate with the relevant institutions of other European Union Member States by issuing safety certificates in relation to the cross-border railway infrastructure;

4.18. according to its competence, cooperate with authorities of the European Union, international and non-governmental organisations, their representatives and experts, participate in their working groups;

4.19. conclude the necessary cooperation agreements and organise seminars or working groups;

4.20. collect the fee for the provided services in accordance with the price list of the paid services provided by the Inspectorate;

4.21. according to its competence and by consulting with the participants and stakeholder of the rail system (including railway infrastructure managers, carriers, performers of shunting operations, manufacturers, providers of maintenance works, users and representatives of the personnel), prepare proposals for the necessary amendments to the laws and regulations related to the rail system safety, interoperability and operation;

4.22. when implementing the requirements laid down in Section  33.4, Paragraph one of the Railway Law:

4.22.1. evaluate whether the draft laws and regulations in the field of railway safety and technical requirements provide for the national requirements;

4.22.2. before the adoption of laws and regulations, submit for examination to the European Union Agency for Railways and European Commission those draft laws and regulations which provide for the national requirements (except in the cases specified in Sub-paragraphs 4.22.3 and 4.22.4 of this Regulation). When submitting draft laws and regulations, the Inspectorate shall justify the need for the respective law or regulation, where necessary, by appending evidence which shows that such law or regulation is necessary to fulfil the basic requirements not covered by the relevant technical specification for interoperability;

4.22.3. not submit for examination to the European Union Agency for Railways and European Commission those draft laws and regulations which provide for the national requirements in case of an urgent preventative measure;

4.22.4. not provide to the European Union Agency for Railways and European Commission information regarding national requirements and restrictions of a strictly local nature if these national requirements and restrictions are indicated in the railway infrastructure register or network statement;

4.22.5. notify the European Union Agency for Railways and European Commission of the adopted laws and regulations which provide for the national requirements (including requirements in case of an urgent preventative measure), and publish on its website information regarding these laws and regulations;

4.22.6. monitor whether the participants of the rail system apply such laws and regulations of Latvia in the fulfilment of the requirements specified in Railway Law which are not deemed as national requirements in accordance with the Railway Law.

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**III. Structure of the Inspectorate and Competence of Officials Thereof**

5. The work of the Inspectorate shall be organised and managed by the Director of the Inspectorate. The Director of the Inspectorate shall concurrently be the main inspector of the Inspectorate.

6. The Director of the Inspectorate upon confirmation of the candidacy by the Cabinet shall be appointed to and removed from office by the Minister for Transport.

7. The Director of the Inspectorate shall perform the functions of the head of the institution of direct administration laid down in the State Administration Structure Law.

8. The Director of the Inspectorate shall form the internal organisational structure of the Inspectorate.

9. The Director, deputies thereof, heads of the structural units, senior inspectors, senior specialists and senior task managers of the Inspectorate shall have the control and supervisory powers.

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10. Upon fulfilling the official duties, officials of the Inspectorate have the right to:

10.1. at any time without prior warning, special authorisation, free of charge, and without other restrictions and hindrances visit and inspect railway objects (construction objects) and rolling stock regardless of their belonging and type of ownership;

10.2. temporarily suspend train traffic, reduce traffic speed, and prohibit the operation of technical equipment and rolling stock if violations in their operation endanger the lives or health of people, traffic safety, or the environment;

10.3. issue administrative acts regarding violations of the Railway Technical Operations Regulations and other laws and regulations related to railway operations;

10.4. examine administrative offences committed in railway operations in accordance with the procedures laid down in laws and regulations;

10.5. request and receive free of charge information from legal and natural persons on railway objects, rolling stock, organisational processes of railway operations and carriage, and also on railway specialists of individual categories;

10.6. ride free of charge in the driving cab of trains of railway rolling stock and in all passenger trains.

11. Officials and employees of the Inspectorate are prohibited from:

11.1. during the fulfilment of official and work duties and also after termination of official and employment relationship, disclosing information to third parties (except for law enforcement institutions the competence of which includes receipt of the relevant information) which has become known to them upon fulfilment of official and work duties;

11.2. disclosing information to third parties (except for law enforcement institutions the competence of which includes receipt of the relevant information) regarding persons who have provided information on violations to the Inspectorate;

11.3. expressing the official opinion of the Inspectorate in mass media without authorisation of the Director of the Inspectorate.

12. Officials of the Inspectorate shall have service identification documents. The sample of the service identification document shall be approved by the Minister for Transport.

13. At least the following information shall be indicated in the service identification document:

13.1. the name of the Inspectorate;

13.2. the number of the service identification document;

13.3. the position, given name, and surname of the official;

13.4. the date of issue and term of validity of the service identification document;

13.5. the rights of the official of the Inspectorate referred to in Sub-paragraphs 10.1 and 10.6 of this Regulation;

13.6. the photograph of the official.

**IV. Reports on the Performance of Functions and Use of the State Budget Resources**

14. The Director of the Inspectorate shall, in accordance with the procedures laid down in laws and regulations, provide a report to the Ministry of Transport on the performance of the functions of the Inspectorate and on the use of the State budget resources.

15. The Ministry of Transport has the right to request reports from the Inspectorate, at any time, on the use of the State budget resources and information on the performance of the functions of the Inspectorate, and also on operation of the Inspectorate.

**V. Ensuring of the Rule of Law of the Operation of the Inspectorate and Procedures for Contesting Administrative Acts or Actual Actions Thereof**

16. The rule of law of the operation of the Inspectorate shall be ensured by the Director of the Inspectorate. The Director of the Inspectorate shall be responsible for the creation and operation of the system for internal control and checking of decisions of the Inspectorate.

17. The Director of the Inspectorate has the right to revoke or amend the decisions taken and the internal legal acts issued by officials of the Inspectorate.

18. The Director of the Inspectorate shall take a decision on the administrative act issued by an official of the Inspectorate or actual actions of an official or employee of the Inspectorate that has been contested by a private individual. The decision of the Director of the Inspectorate on the administrative act issued by an official of the Inspectorate or on the actual actions of an official or employee of the Inspectorate that has been contested by a private individual may be appealed to a court.

19. A private individual may contest the administrative acts issued by or actual actions of the Director of the Inspectorate to the Ministry of Transport. The decision of the Ministry of Transport on the administrative act issued by or actual actions of the Director of the Inspectorate that has been contested by a private individual may be appealed to a court.

**VI. Closing Provision**

20. Cabinet Regulation No. 211 of 15 June 1999, By-laws of the Railway Technical Inspectorate (*Latvijas Vēstnesis*, 1999, No. 198/199), is repealed.

**Informative Reference to the European Union Directives**

[*2 June 2020*]

This Regulation contains legal norms arising from:

1) Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the Community;

2) Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety.

Prime Minister A. Kalvītis

Minister for Transport A.Šlesers