Republic of Latvia

Cabinet

Regulation No. 194

Adopted 7 April 2020

**Procedures for the Issuing, Temporary Suspending, or Cancelling of Special Permits (Licences) and Licence Cards for the Performance of Carriage by Road for Reward and for the Issuing of Professional Competence Certificates of the Transport Manager**

*Issued pursuant to*

*Section 6, Paragraph four and Section 30, Paragraph five of the Law on Carriage by Road*

**I. General Provisions**

1. The Regulation prescribes the procedures by which:

1.1. special permits (licences) (hereinafter – the licence) and licence cards for road vehicles which are performing carriage of goods for reward and carriage of passengers by bus and coach for reward (hereinafter – carriage for reward) shall be issued, suspended temporarily, or cancelled;

1.2. professional competence certificates for carriage for reward (hereinafter – the certificate) shall be issued.

2. The applications referred to in this Regulation and the documents appended to the applications may be submitted in accordance with the laws and regulations regarding the procedures by which an application is submitted to an institution or electronically, filling in a special online form on the website www.atd.lv (e-service) of *valsts sabiedrība ar ierobežotu atbildību “Autotransporta direkcija”* [State limited liability company Road Transport Administration] (hereinafter – the Road Transport Administration), indicating an electronic mail address for communication. The means of identification of a person available in the Single Application Module ensured by the State Regional Development Agency shall be used for identification.

**II. Procedures for Issuing the Licence**

3. In order to receive the licence, the carrier shall submit the following documents to the Road Transport Administration:

3.1. an application indicating the type of carriage for reward, the type of the merchant, the name of the merchant, the name of the farm or fishing undertaking, the legal address, the electronic mail address, the registration number of the undertaking assigned by the Enterprise Register of the Republic of Latvia or the registration number of a branch of a foreign merchant, the given name, surname, certificate number, personal identity number or date of birth of a person, if a personal identity number has not been granted, and place of residence of the transport manager if it has not been registered in the Population Register of the Republic of Latvia. The carrier shall certify in the application its compliance with the requirements of Articles 4 and 5 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (hereinafter – Regulation No 1071/2009);

3.2. a certified copy of a certificate recognised in the European Union Member States or states of the European Economic Area, except for the case if the certificate has been issued in the Republic of Latvia;

3.3. information on the financial standing of the carrier (hereinafter – the financial security) in accordance with the requirements of Article 7 of Regulation No 1071/2009 for at least one vehicle if such information cannot be obtained from State information systems.

4. In order to take the decision to issue the licence, the Road Transport Administration shall obtain the following information and:

4.1. verify whether the carrier has been registered with the registers kept by the Enterprise Register of the Republic of Latvia;

4.2. verify whether the transport manager has been issued with an appropriate certificate in the Republic of Latvia for the type of carriage for reward indicated in the application;

4.3. verify the given name, surname, personal identity number, previous personal identity number, declared address of the place of residence, date of birth, and place of birth of the transport manager registered in the Population Register of the Republic of Latvia, and also ascertain the status of the date of death in the Population Register;

4.4. ascertain the compliance of legal representatives of the carrier and of the transport manager with the requirements for good repute, verifying the information in the Punishment Register of the Information Centre of the Ministry of the Interior in accordance with Article 6(1)(a) and (b) of Regulation No 1071/2009;

4.5. ascertain the compliance of the transport manager with the requirements for good repute, verifying the information in accordance with Article 11(4) of Regulation No 1071/2009.

5. The following information on the licence issued shall be indicated in the Informative Database of Road Transport Operators maintained by the Road Transport Administration:

5.1. the type and number of the licence;

5.2. the type, name, legal address of the carrier, the registration number of the undertaking assigned by the Enterprise Register of the Republic of Latvia or the registration number of a branch of a foreign merchant;

5.3. the date when the decision to issue the licence was taken;

5.4. the term of validity of the licence;

5.5. the date of suspending or cancelling the licence if the operation of the licence has been suspended or cancelled.

6. The Road Transport Administration shall notify the decision to refuse to issue the licence to the electronic mail address referred to in Sub-paragraph 3.1 of this Regulation, using safe electronic signature.

7. If data of the carrier which are referred to in the following parts of Article 16(2) of Regulation No 1071/2009 have changed:

7.1. in Article 16(2)(a) and (b) – the carrier shall submit a relevant application to the Road Transport Administration within 15 days after changes in the details. The Road Transport Administration shall make changes in the data;

7.2. in Article 16(2)(c) – the carrier shall, within 15 days after changes in the details, submit an application to the Road Transport Administration indicating the given name, surname, certificate number, personal identity number or date of birth of a person, if a personal identity number has not been granted, place of residence of the transport manager if it has not been registered in the Population Register of the Republic of Latvia. If the certificate has not been issued in the Republic of Latvia, a certified copy of the certificate shall be appended. In order to ascertain the compliance of the transport manager, the Road Transport Administration shall perform the verifications referred to in Sub-paragraphs 4.2, 4.3, 4.4, and 4.5 of this Regulation.

**III. Procedures for Issuing the Licence Card**

8. In order to receive the licence card, the carrier shall submit the following documents to the Road Transport Administration:

8.1. an application indicating the name of the carrier, the registration number assigned by the Enterprise Register of the Republic of Latvia, and the registration number of the road vehicle;

8.2. if the number of road vehicles used in carriage for reward increases, however, the financial security certified is not sufficient for the increase in the number of road vehicles – the information referred to in Sub-paragraph 3.3 of this Regulation on the financial security of the carrier;

8.3. a certified copy of the lease contract of a road vehicle if the carrier is not the owner or holder of the vehicle.

9. In order to take the decision to issue the licence card, the Road Transport Administration shall:

9.1. ascertain whether the carrier has a licence of a corresponding type of carriage for reward issued by the Road Transport Administration;

9.2. verify the registration data of the road vehicle in the State Register of Vehicles and Drivers Thereof;

9.3. ascertain whether a permit to participate in road traffic has been issued to the road vehicle.

10. At least the following information on the licence card issued shall be included in the Informative Database of Road Transport Operators:

10.1. the name of the carrier;

10.2. the State registration number of the road vehicle;

10.3. the type, number, and term of validity of the licence card issued;

10.4. the date of suspending or cancelling the licence card if the operation of the licence has been suspended or cancelled.

11. The Road Transport Administration shall notify the decision to refuse to issue the licence card to the electronic mail address referred to in Sub-paragraph 3.1 of this Regulation, using safe electronic signature.

12. If the State registration number is changed for a road vehicle for which the licence card has been issued, the Road Transport Administration shall, upon receipt of an application of the carrier regarding the change of the State registration number, make the changes in data, indicating the changed State registration number of the road vehicle.

**IV. Temporary Suspending and Cancellation of the Operation of the Licence and the Licence Card**

13. The Road Transport Administration shall notify the carrier of temporary suspending or cancellation of the licence and the licence card to the electronic mail address of the carrier referred to in Sub-paragraph 3.1 of this Regulation, using safe electronic signature. If the carrier has submitted an application for the cancellation of the licence or the licence card, the Road Transport Administration shall notify the carrier of cancellation of the licence or the licence card to the electronic mail address of the carrier referred to in Sub-paragraph 3.1 of this Regulation, without using safe electronic signature.

14. Upon suspending the operation of the licence, the Road Transport Administration shall also suspend the operation of all the licence cards issued to the carrier.

15. Upon cancelling the licence, the Road Transport Administration shall also cancel all the licence cards issued to the carrier.

16. Information on the suspending or cancellation of the operation of the licence is published on the website of the Road Transport Administration, indicating the name, registration number of the carrier, the number of the licence, and the date when the decision to suspend or cancel the operation of the licence entered into effect. Information on the suspended or cancelled licence is stored on the website for one year from entering into effect of the decision.

17. In order to renew the operation of the licence and the licence card, the carrier shall submit the documents referred to in Paragraphs 3 and 8 of this Regulation to the Road Transport Administration. In order to take the decision to renew the operation of the licence and the licence card, the Road Transport Administration shall, in accordance with the procedures laid down in laws and regulations, perform verifications and obtain information in accordance with Paragraphs 4 and 9 of this Regulation.

**V. Procedures for the Issuing of the Certificates**

18. In order to receive the certificate, a person shall submit an application to the Road Transport Administration, indicating:

18.1. the given name, surname;

18.2. the place of birth;

18.3. the personal identity number;

18.4. the date of birth of the person;

18.5. the address of the declared place of residence;

18.6. the electronic mail address;

18.7. the type of the certificate.

19. The Road Transport Administration shall, in accordance with the requirements of Article 8 of and Annexes I, II, and III to Regulation No 1071/2009, issue the certificate to the person who, in accordance with the requirements of Regulation No 1071/2009, has successfully passed the examination certifying the professional competence (hereinafter – the examination).

20. In accordance with Chapter II of Annex I to Regulation No 1071/2009, the examination shall have two parts to be evaluated individually:

20.1. the theoretical part – a multiple choice test. It includes at least 45 questions with four possible answers for each question one of which is correct. The duration of the theoretical part of the examination shall be two hours, if the examination is being taken only for carriage of goods for reward or only for carriage of passengers by bus and coach for reward, and 2.5 hours, if the examination is taken for carriage of goods for reward and carriage of passengers by bus and coach for reward;

20.2. the practical part – a case study. It includes the giving of tasks or describing of situations and it is intended that answers to at least 12 questions must be provided. The duration of the practical part of the examination shall be two hours, if the examination is being taken only for carriage of goods for reward or only for carriage of passengers by bus and coach for reward, and 2.5 hours, if the examination is taken for carriage of goods for reward and carriage of passengers by bus and coach for reward.

21. In order to successfully pass the examination, the applicant must receive the evaluation referred to in Part II, Point 3 of Annex I to Regulation No 1071/2009. In accordance with the second paragraph of Part II, Point 2 of Annex I to Regulation No 1071/2009, the correction coefficient for evaluation of each part of the examination shall be 50 %.

22. A notification regarding the evaluation received in the examination is sent to the person within 14 days after the examination to the electronic mail address of the person referred to in Sub-paragraph 18.6 of this Regulation.

**VI. Closing Provisions**

23. Cabinet Regulation No. 121 of 21 February 2012, Procedures for the Issuing, Temporary Suspending, or Cancelling of Special Permits (Licences) and Licence Cards for the Performance of Carriage by Road for Reward and for the Issuing of Professional Competence Certificates of the Transport Manager (*Latvijas Vēstnesis*, 2012, No. 32; 2014, No. 257), is repealed.

24. The licence and the licence card issued until the day of coming into force of this Regulation shall be valid until the end of the term indicated therein.

Prime Minister A. K. Kariņš

Minister for Transport T. Linkaits