

LATVIAN COMMENTS ON THE COMMUNICATION FROM THE COMMISSION - APPROVAL OF THE CONTENT OF A DRAFT FOR A COMMISSION REGULATION DECLARING CERTAIN CATEGORIES OF AID IN THE RAIL, INLAND WATERWAYS AND MULTIMODAL TRANSPORT SECTOR COMPATIBLE WITH THE INTERNAL MARKET IN APPLICATION OF ARTICLES 93, 107 AND 108 OF THE TREATY (HEREAFTER – THE DRAFT REGULATION) (HT.5524)

No.	Place in the document text	Comments/Proposals
1.	<i>Preamble</i>	Given that the draft TBER preamble does not contain detailed information on the planned target measures which are included in the draft TBER Regulation in Articles 11 to 17, but for which this detailed information is included in the draft LMTG, please ensure that the TBER preamble also contains a sufficiently broad explanation of the planned aid objectives for correct interpretation from Member States side.
2.	<p><i>Article 1</i></p> <p><i>1. This Regulation shall apply to the following categories of aid:</i></p> <p><i>(a) operating aid schemes to reduce the external costs of transport;</i></p> <p><i>(b) operating aid schemes to launch new commercial connections;</i></p> <p><i>(c) investment aid schemes for the construction, upgrade and renewal of rail and inland waterways multimodal transport facilities, rail facilities or inland waterways facilities and both ad hoc investment aid and investment aid schemes for the construction,</i></p>	We would like to draw Commission's kind attention to the fact that in the case of small Member States, there may be situations where Member state need to implement state aid to one aid beneficiary, however, the current draft regulation excludes such possibility. Therefore, we kindly ask the Commission to consider the possibility of providing ad-hoc aid also in other aid objectives listed in the subsections of the first part of Article 1, not only in subsection c) as it is envisaged now.

	<p><i>upgrade and renewal of rail and inland waterways multimodal freight terminals;</i></p> <p><i>(d) investment aid schemes for the construction, upgrade and renewal of private sidings;</i></p> <p><i>(e) investment aid schemes for the acquisition of vehicles for rail or inland waterways transport;</i></p> <p><i>(f) investment aid schemes for the acquisition of intermodal loading units (ILUs) and cranes on board of vessels;</i></p> <p><i>(g) investment aid schemes for interoperability;</i></p> <p><i>(h) investment aid schemes for the adaptation and modernisation of vehicles for rail or inland waterways transport and of equipment for sustainable multimodal transport.</i></p>	
3.	<p><i>Article 1</i></p> <p><i>1. This Regulation shall apply to the following categories of aid:</i></p> <p><i>[..]</i></p>	<p>From the wording of Article 1 and 17, it is not clear whether it will be possible to provide aid for the construction of the workshops (depot) as well. We draw your attention to the fact that one of the important elements of railway infrastructure development is also the workshop; vehicle maintenance is crucial for the safety of railway system and reliability of operations (according to Directive (EU) 2016/798 of the European Parliament and of the council of 11 May 2016 on railway safety).</p>

	<p><i>(h) investment aid schemes for the adaptation and modernisation of vehicles for rail or inland waterways transport and of equipment for sustainable multimodal transport.</i></p> <p><i>and Article 17</i></p> <p><i>Aid for the technical adaptation and modernisation of vehicles for rail or inland waterways transport and equipment for sustainable multimodal transport</i></p>	<p>Until now, this type of investment aid was notified to the Commission, see for example, case SA.64546 (2021/N) – Slovakia – Workshops for light maintenance of passenger trains in Kosice and Zilina.</p> <p>Hence the Latvian authorities would appreciate if the Commission would consider the possibility to include the provision into Articles 1 and 17 of the regulation for both investment aid for construction and operating aid for maintenance of workshops (depot).</p>
4.	<p><i>Article 9</i></p> <p><i>Publication and information</i></p> <p><i>1. The Member State concerned shall ensure the publication on a comprehensive State aid website at national or regional level of:</i></p>	<p>Given that for transparency requirements Member States have option to use the IT platform established by the European Commission (Transparency Award module), in order to ensure a common approach to transparency requirements in the State aid regulations, including the wording of the LMTG point 82, we kindly propose to use the wording, e.g., as in GBER Article 9, point 1: "The Member State concerned shall ensure the publication, in the Commission's transparency award module or on a comprehensive State aid website, at national or regional level." Accordingly, should be specified annex IV.</p>
5.	<p><i>Article 12</i></p> <p><i>Aid for the construction, upgrade and renewal of unimodal and multimodal rail and inland waterways transport facilities</i></p>	<p>Considering that the Article 12 of the draft regulation use specific terms of tangible and intangible assets, please ensure that Article 2 of the draft regulation also includes the definition of mentioned terms in the context of this regulation.</p>

	<p>[..]</p> <p>3. The eligible costs shall be the investment costs in tangible (fixed and movable) and intangible assets directly related to the construction, upgrade or renewal of the relevant facility. The investment may include surface arrangements (such as for storage), fixed equipment (such as warehouses and terminal buildings) and mobile terminal equipment (such as reach stackers) located in the facility for the provision of transport-related services. Feasibility and topological studies as well as planning and installation costs shall also be eligible.</p>	
6.	Article 2	<p><i>Technical comment.</i> We kindly ask to review the translation of the document into Latvian, for example, the definitions (e) “dedicated infrastructure” (in Latvian “specializēta infrastruktūra”) should be translated in Latvian the same as in LMTG Art.54 (f) “mērķorientēta infrastruktūra”</p> <p>(aa) “rail and/or inland waterways multimodal transport facility” should be translated in Latvian the same as in LMTG Art.54 (bb) “sliežu ceļu un/vai iekšzemes ūdensceļu multimodālā transporta objekts””</p>