

courtesy translation – only the Italian text is authentic

Measures concerning the minimum rights that may be claimed from infrastructure managers and rail operators by users of rail transport services subject to public service obligations.

Measure 1

(Subject and scope)

1. In accordance with Article 37 (2) (e) of Decree-Law No 201 of 6 December 2011, converted, with amendments, into Law No 214 of 22 December 2011, the measures contained herein set out the minimum rights, including compensation, that may be claimed by users of national, regional or local rail transport services, that are subject to public service obligations, from rail undertakings operating on the national railway network, on interconnected networks or on isolated networks, and from managers of the stations concerned.
2. Any additional safeguards increasing users' protection that may be included by rail operators and station managers in their service charters, in accordance with the minimum quality standards defined by the Transport Regulation Authority (hereinafter: Authority), shall remain unaffected.
3. Rail passengers' rights and obligations under Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, and the relevant national implementing legislation, shall in any case continue to apply.

Measure 2

(Definitions)

1. For the purpose of these measures, the following definitions shall apply:
 - (a) **service operator**: railway undertaking, including that operating transport services on the Italian territory as part of cross-border services, which provides services on the networks referred to in Measure 1 (1) and holds a public service contract for rail passenger transport;
 - (b) **station manager**: body in charge of rail station operation, that may be the infrastructure manager;
 - (c) **complaint**: any written communication whereby the user, or a legal representative or consumer association on his/her behalf, complains about the non-compliance of the service with one or more requirements under EU or national legislation, general conditions of carriage, or service charter;
 - (d) **delay**: positive difference in minutes between time of actual arrival of users at the final destination as resulting in the travel document, and published train timetable as reported in the official timetable in force;
 - (e) **substitute car services**: temporary services that are made necessary by the temporary disruption of the railway network or the temporary suspension of the rail service due to extraordinary maintenance, breakdown and another force majeure;
 - (f) **additional car services**: temporary services that are made necessary by a provisional and unforeseeable peak demand in transport and are provided according to the same timetable and route as the complemented rail service;

- (g) **stations:** specially equipped facilities for passenger getting on/off operations;
- (h) **travel document:** electronic or paper document that entitles to the use of a public rail transport service, including the document giving certain user categories the right to travel under special fares and conditions. In particular, the following definitions shall apply:
 - single ticket: travel document that entitles to the use of the public rail transport services supplied by a specified railway undertaking on a given route or network;
 - through-ticket: a document or more documents that entitle to the use of subsequent rail services operated by one or several railway undertakings, under a single transport contract;
 - integrated ticket: travel document that entitles to the use of several transport services, by rail or otherwise, covered by one or several transport contracts;
 - season ticket: travel document for an unlimited number of journeys on a specified route or network in a specified period;
- (i) **user:** potential user, i.e. the person who intends to use a rail passenger service subject to public service obligations, or actual user, i.e. the person who uses or has already used this service;
- (j) **disabled user or user with reduced mobility:** any person as defined in Article 3 (15) of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations.

Measure 3

(Right to information)

1. Users shall be entitled, before, during and after the journey, to access general information, that is made available - as referred to in Measure 4 - by rail operators and station managers within their respective areas of responsibility, concerning at least the following:
 - (a) rights set out in the applicable EU and national law, including the right to report to the Authority as the national enforcement body responsible for the application of Regulation (EC) No 1371/2007, as well as the contents of these measures;
 - (b) general terms and conditions applicable to the contract of carriage;
 - (c) contents of service charters, with evidence of the assumptions giving rise to compensation or refund, however described;
 - (d) activities that are likely to suspend or delay the transport service;
 - (e) guaranteed services in the event of strikes;
 - (f) channels available to obtain up-to-date information on train movements and service irregularities, if any;
 - (g) methods for delay calculation as referred to in Measure 6 and the information referred to in Measure 7 (4);
 - (h) procedures for lost luggage claims, and for reporting total or partial loss of, or damage to, mobility equipment or other specific equipment for disabled persons or persons with reduced mobility;
 - (i) procedures for claiming and providing refunds and compensation, as provided for under Measures 6, 7 and 8, and for handling complaints as referred to under Measure 9.

2. Prior to the journey, users have the right to access commercial information, that is made available, in the manner laid down in Measure 4, by service operators, in respect of at least:
 - (a) timetable and conditions for fastest journey;
 - (b) timetable and conditions for lowest tariff;
 - (c) ticket sales channels, including:
 - c.1) stations equipped with ticket offices or ticket vending machines;
 - c.2) available electronic sales channels;
 - c.3) for each station with no ticket office or operating ticket vending machine, distance, address and opening hours of any closest authorised outlets;
 - c.4) where no ticket sale mode is available at the station of departure or nearby, possibility to issue the ticket on board with no application of extra charges;
 - (d) types of travel documents that are available for sale, specifying:
 - d.1) whether they are single, integrated or global tickets, clearly indicating the service operators involved;
 - d.2) terms of use and associated rights;
 - (e) any discounts or rebates for certain user categories.
3. Regarding the accessibility and availability of services and stations, users have the right, prior to the journey, to access information that is made available, in accordance with the procedures laid down in Measure 4, by rail operators and station managers within their respective areas of responsibility, concerning at least:
 - (a) access conditions and availability of services and stations, including availability of seats in dedicated waiting rooms and availability of dedicated infrastructures and services for disabled persons and persons with reduced mobility;
 - (b) availability of first- and second-class seats, sleeping cars, couchette coaches;
 - (c) accessibility and access conditions for bicycles;
 - (d) availability of additional services.
4. In the event of any service irregularity or change, rail operators and station managers, within their respective areas of responsibility, shall provide users with the information, as soon as this is available, as referred to in Measure 4, concerning at least:
 - (a) any decisions to discontinue certain services pursuant to Article 7 of Regulation (EC) No 1371/2007;
 - (b) delays and cancellations, and related causes;
 - (c) rights due in the event of delay, cancellation, discontinuation, clarifying how to exercise them. This information shall at least cover, in the case of users who have already bought a ticket for the journey concerned:
 - c.1) alternative transport;
 - c.2) where the necessary requirements are met, choice between ticket reimbursement, continuation of journey or re-routing;
 - c.3) procedures to access substitute or additional car services, if any;
 - c.4) guaranteed assistance;
 - c.5) any form of compensation, including the procedures for application and refund as referred to in Measure 8.

5. In the case of events involving changes in access conditions and availability of services and stations, the rail operators or station managers, within their respective areas of responsibility, shall provide users with the information, as soon as this is available, as referred to in Measure 4, concerning at least:
 - (a) any use of rolling stock other than that planned or of substitute or additional car services involving restrictions for disabled persons or persons with reduced mobility, including any alternative travel arrangements;
 - (b) any unavailability of infrastructure or station facilities that would limit their accessibility and availability, as well as the necessary timeframe to restore them, by indicating the nearest accessible station for disabled persons or persons with reduced mobility;
 - (c) any use of rolling stock other than that planned, that involves non-accessibility for bicycles, including any travel arrangements and/or reimbursement options;
 - (d) any use of rolling stock other than that planned, that involves less availability of first- and second-class seating, sleeping cars and couchette coaches, or other services, with indication of any alternative travel arrangements, procedures to receive assistance and/or refund, if any.
6. During the journey, the rail operators shall provide users, in accordance with the provisions of Measure 4, with the information concerning at least:
 - (a) available services on board;
 - (b) next stop;
 - (c) delays and related causes, as soon as the information is available;
 - (d) main connections, including those of other rail operators, as soon as the information is available;
 - (e) issues related to technical safety and user security.
7. Station managers shall provide users with at least the information listed under paragraph 1 (a), 3 (a), 4 (b) and 5 (b).

Measure 4

(Rules for the provision of information)

1. The information referred to in Measure 3 shall be provided to users in a clear, comprehensive, up-to-date and easily accessible form, having regard to the needs of disabled persons and persons with reduced mobility, by ensuring the use of at least two free channels for this purpose, one of which shall be accessible to non-web users.
2. The information channels referred to in paragraph 1 shall be indicated by rail operators and station managers, within their respective areas of responsibility, with special posters displayed nearby timetables, ticket offices or ticket vending machines, and on board; rail operators shall also provide information on these channels through ticket resellers entering into transport contracts on behalf of such operators. Where the electronic channel is used, a clearly identifiable link shall be available on the website home page or on the main screen of the mobile application, if any.
3. In any event, the information referred to in Measure 3 (2) (c.2) (c.3) and (c.4) shall be displayed at each station where no ticket office or ticket vending machine is available.

4. The information referred to in Measure 3.2 (d.1) shall, where possible, be provided on the ticket; alternatively, the ticket shall indicate the channels to obtain this information.
5. In any case, the information referred to in Measure 3.4 and 3.5 shall be provided to users with visual aids and recorded announcements at the station and, where relevant, on board; where, upon purchasing the ticket or booking the seat, the user has been requested to provide a mobile telephone number or e-mail address, the above information shall be also provided by using these contact details.
6. In any case, the information referred to in Measure 3.6 shall be provided on board, by means of appropriate recorded announcements, visual aids and/or electronic means.
7. Rail operators and station managers shall consult regularly with the associations representing consumers and disabled persons and persons with reduced mobility to obtain their advice and any proposals concerning clarity, completeness and availability of the information provided.

Measure 5

(Right to accessible and available services and stations)

1. Rail operators and station managers, within their respective areas of responsibility, shall ensure that services and stations are fully accessible and available in accordance with applicable legislation and service charters, by ensuring in particular:
 - (a) compliance and operational capacity of facilities and equipment of stations and trains in accordance with the information provided to the public;
 - (b) operational capacity of visual aids and PA systems for the information provided in the stations and on board;
 - (c) operational capacity of ticket vending and ticket control machines.
2. Where the availability of infrastructure or station equipment is not restored within the time limits laid down pursuant to Measure 3 (5) (b), disabled users or users with reduced mobility shall be entitled to compensation, as indicated by rail operators and station managers, within their areas of responsibility, in their service charters.
3. Where a journey that is indicated on the published timetable as available for disabled persons or persons with reduced mobility is provided with inappropriate equipment or replaced with non-accessible or inappropriate substitute or additional car services, disabled users or users with reduced mobility who have already purchased a ticket for the journey concerned shall be entitled, in addition to ticket refund, to compensation, as established by the relevant operator in the service charter.
4. The compensation referred to in paragraphs 2 and 3 shall be determined by considering the following criteria, where applicable:
 - (a) how long the infrastructure or equipment was unavailable;
 - (b) distance to be travelled to reach the first station, with guaranteed accessibility, which is appropriate for the planned journey;
 - (c) possible use of accessible and economically equivalent alternative transport.
5. The compensation referred to in paragraphs 2 and 3 may be claimed to the rail operator and paid in accordance with Measure 8.

Measure 6

(Right to compensation for single delays)

1. In case of delay, if the refund of the ticket price is not due in accordance with applicable legislation, users are entitled to a minimum compensation in accordance with Article 17(1) of Regulation (EC) No 1371/2007, as follows:
 - (a) 25 % of ticket price for a delay of 60 to 119 minutes,
 - (b) 50 % of ticket price for a delay of 120 minutes or above.
2. For the purpose of the compensation referred to in paragraph 1, rail operators shall allow users to report their presence on the delayed train to the train crew and station staff, or, should this not be possible, before train doors open, by dedicated electronic means (mobile APP or website).
3. In order to determine the delay for the purpose of the right to compensation referred to in paragraph 1:
 - (a) if the rolling stock so allows, the rail operators will use automatic door opening recording devices;
 - (b) if the rolling stock does not so allow, they will consider, as an alternative:
 - b.1) opening time of train doors, recorded by train manager or by other suitable means;
 - b.2) estimated time taking into account the recordings of the infrastructure manager, the distance between the place of this recording and the place where the user got off, and the time needed for train door opening.
4. For the compensation referred to in paragraph 1, to be paid when the minimum threshold, if any, is reached, as provided for by rail operators pursuant to Article 17 (3) of Regulation (EC) No 1371/2007, the methods set out in Measure 8 shall apply.

Measure 7

(Right to compensation of season-ticket holders)

1. Season ticket holders who encounter recurrent delays or cancellations during the period of validity thereof may apply for adequate compensation, in accordance with Article 17 (1) of Regulation (EC) No 1371/2007, to be determined on the basis of specific criteria for calculation of delays and compensation, that are other than those provided for in respect of single travel tickets, and which take into account at least the repeated disruption.
2. The amount of compensation referred to in paragraph 1 above shall be provided, in respect of all types of season tickets, in the service charters. In any case, holders of monthly or annual season tickets shall be entitled to compensation in respect of each month in which, for the route indicated on the ticket, at least 10% of the scheduled trains was delayed by more than 15 minutes or was cancelled; this compensation shall be equal to 10% of the monthly season ticket and 1/12 of 10% of the annual season ticket.

3. In the case of holders of season tickets covering several routes, compensation shall be calculated with reference to all eligible railway routes included in the season ticket, based on the method of allocation of the revenue from season ticket sales among the carriers concerned.
4. Rail operators shall publish on their websites the data concerning delays and cancellations and detailed information on the eligibility to compensation under this Measure, together with the payment procedure.
5. For the compensation referred to in paragraph 1, to be paid when the minimum threshold, if any, is reached, as provided for by rail operators pursuant to Article 17 (3) of Regulation (EC) No 1371/2007, the methods set out in Measure 8 shall apply.

Measure 8

(Rules for application and payment of refunds and compensation)

1. Rail operators shall ensure to users simple and accessible ways of requesting and receiving refunds and compensation, by providing, in any case, several channels for their application, to be used during or immediately after the end of the transport service, including at least:
 - (a) submission of the application via the website, with access from a dedicated link on the homepage, or by e-mail against proof of receipt;
 - (b) submission of the application at any ticket office or customer care service of the undertaking operating in the national territory, against proof of receipt;
 - (c) submission of the application by postal address or PO box.
2. Compensation or refunds may be provided in the form of vouchers and/or other services, provided that they are flexible, in particular with respect to period of validity and destination; in this case, users shall at the same time be informed of the right to receive, as an alternative, a cash payment, and of the arrangements for submitting the relevant application.
3. The service charters shall include the maximum timeframe allowed for awarding refunds and compensation; if the request is not accepted, the rail operator shall provide the user with the underlying reasons, informing him/her of the procedures for contesting the non-acceptance of the application within the time limits provided for in the same charters.
4. Rail operators shall ensure that, in addition to the Italian language, the application for refund and compensation may be submitted in English; in this case the information referred to in paragraphs 2 and 3 shall be provided in the latter language.

Measure 9

(Rights related to complaint-handling)

1. Rail operators shall ensure that a user-friendly complaint-handling system is available, while ensuring:
 - (a) possible use of the English language, in addition to the Italian, for the submission of complaints; in this case, the reply shall be sent in the same language;
 - (b) several channels to lodge a complaint, including at least:

- b.1) submission of the complaint via the website, with access from a dedicated link on the homepage, or by e-mail, against proof of receipt;
 - b.2) submission of the complaint at any ticket office or customer service of the undertaking operating on the national territory, against proof of receipt;
 - b.3) submission of the complaint via postal address or PO box.
2. Rail operators are required to examine the complaints that include user's details (name, surname, address and telephone) and journey information (train number, date, time of departure, origin and destination), as well as description of the contested disruption and/or non-compliance. Users may lodge a complaint with any of the rail operators involved, which shall cooperate for its examination.
3. For the purpose of the deadline for responding to the complaint, account shall be taken of the date of its receipt. Where a complaint is submitted by e-mail, via website, at a ticket office or customer service in the station of arrival or departure, the complaint is considered to have been received on that date; where it is submitted at a ticket office or customer service in a station other than that of arrival or departure, or via a postal address or PO box, the complaint is considered to have been received on the day of its registration in the systems of the rail operator, which shall take place within five days of submission or receipt by post.
4. Complaints with cross-border rail operators shall be lodged at the station of arrival if this is in the Italian territory, by e-mail or via website, and are considered to have been received on that date. In the case of submission via a postal address or PO box, the complaint shall be deemed to have been received on the date of its registration in the systems of the rail operator.
5. The response to the complaint, to be provided within the time limits laid down in Article 27 (2) of Regulation (EC) No 1371/2007, or, if earlier, within the time limits laid down in the service charters, shall provide the reasons thereof and be drafted in easily comprehensible language, in respect of all grounds for complaint, clearly indicating, in particular:
 - (a) whether the complaint is accepted or rejected, in relation to fact-findings and applicable legislation;
 - (b) whether the user is entitled to receive compensation in any form, and, if so, the relevant timeframe and procedure to obtain such compensation;
 - (c) measures implemented to solve the reported disruption and, where it has not been solved yet, the relevant timeframe;
 - (d) remedies that may be adopted by the user in case the response received is considered not to be satisfactory, in particular:
 - d.1) use of out-of-court dispute resolution procedures;
 - d.2) submission of a second-instance complaint to the Authority.
6. In case a complaint is rejected by the rail operator as it relates to issues falling within the competence of the station manager, the rail operator shall, within one month of its receipt, transmit the complaint to the station manager; this, in its turn, shall provide a response to the user according to the time limits and in the manner specified in the service charter.
7. Any compensation as provided for in the service charters in the cases where:

- (a) the user has been imposed a penalty for irregularity or a surcharge, however described, which, following the complaint, is found not to be due under the general conditions of carriage or is contrary to the rights referred to in these Measures;
- (b) the user has been denied a preferential rate which, following the complaint, is found to be applicable under the general conditions of carriage or the rights referred to in these Measures;
- shall be determined taking into account, *inter alia*, the amount that has been unduly requested to the user or the denied preferential rate.
8. Rail operators shall publish on their websites number and categories of complaints received and handled, response time and any measures taken to improve the procedures. Complaints are classified according to the grounds for complaint in accordance with the items identified in the “Complaint form”, that is available on the Authority’s website. For rail operators that are subject to Regulation (EC) No 1371/2007, the above information is published in the annual report referred to in Article 28 thereof.

Measure 10

(Final provisions)

1. Rail operators holding a passenger licence pursuant to Legislative Decree No 112 of 15 July 2015 are required to comply with the measures laid down herein by adapting their general conditions of carriage and service charter within six months of the date of entry into force.
2. Station managers are required to comply with the measures laid down herein by adapting their service charters within six months of the date of entry into force.
3. Rail operators and station managers operating exclusively on the networks referred to in Article 1 (2) (a) and (b) of Legislative Decree No 112 of 15 July 2015 are required to comply with the measures laid down herein by adapting their general conditions of carriage and service charter as from the conclusion of a new service contract or in case of a revision, if applicable, including as a result of the provisions of Article 2 (461) (c) of Law No 244 of 24 December 2007.