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## Annex A to Decision no. 96/2018 of 4 October 2018

**Regulatory measures laying down “Minimum quality requirements for national and local passenger transport services by sea, that are subject to public service obligations, pursuant to Article 37 (2) (d) of Decree-Law No 201 of 6 December 2011, converted, with amendments, into Law No 214 of 22 December 2011”.**

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## Definitions

For the purpose of these regulatory measures, the following definitions shall apply:

- (a) *Adequacy of the service*: extent to which the services offered meet the essential needs of passengers;
- (b) *AE - Awarding Entity*: public body, or entity delegated by a public body, that is entrusted with the responsibility of awarding a public service contract to a ShC, and is in charge of the management, monitoring, verification, and control of the contract;
- (c) *Authority*: Transport Regulation Authority (ART) as referred to in Article 37 of Decree-Law No 201 of 23 December 2011, converted, with amendments, into Law No 214 of 22 December 2011;
- (d) *CA - Competent authority*: public body, or entity delegated by a public body, that is entrusted with transport network planning and service scheduling in accordance with existing legislation. This may be the AE where it is also the entity that concludes the public service contract with the ShC;
- (e) *Consumer association*: recognized associations pursuant to the criteria laid down in Article 137 of Consumer Code (Legislative Decree No 206 of 6 September 2005) and other consumer protection associations that concluded a memorandum of understanding with the AE, as well as representatives of maritime season-ticket holders through appropriate representative Committees;
- (f) *CSS*: Customer Satisfaction surveys (cf. perceived quality);
- (g) *Delivered quality*: quality level achieved, as resulting from objective measurements;
- (h) *Disabled person or Person with reduced mobility or PRM*: disabled person or person with reduced mobility as defined in Article 3 (1) (a) of Regulation (EU) No 1177/2010;
- (i) *DPM*: Direct Performance Measure as defined in UNI EN 13816, C.6;
- (j) *OTS*: Online ticketing systems;
- (k) *Expected quality*: quality level that is explicitly or implicitly requested by customers (expectations);
- (l) *External causes of delay and cancellation*: causes considered by the AE not to be attributable to the ShC, such as, but not limited to, force majeure, exceptional circumstances, adverse weather conditions.
- (m) *MA - Maritime Authorities*: entities referred to in Law No. 84/94 and Article 16 of the Navigation Code;
- (n) *Maritime passenger services of national interest*: maritime transport services provided at the supra-regional level which ensure territorial continuity, e.g. from mainland to main islands (connections with Sardinia and Sicily);
- (o) *Maritime passenger services of regional and local interest*: cabotage services that are provided mainly within a region and ensure territorial continuity between a region and its islands (e.g. connections to/from/with minor islands of Campania, Sardinia, Sicily);
- (p) *MQR*: Minimum quality requirements;
- (q) *Peak hours*: time slots (and corresponding vessels) identified with the time span 06:00-09:00 a.m. (with reference to the time of arrival at the ports of destination) and 05:00-08:00 p.m. (with reference to the time of departure from the ports of origin), Mondays through Fridays;
- (r) *Perceived quality*: travellers' impressions/opinions/views on the quality of the services supplied;
- (s) *PSA - Port system authority*: entity referred to in Article 6 of Law No 84 of 28 January 1994 (hereinafter: L. 84/94) as amended by Legislative Decree No 169 of 4 August 2016;
- (t) *PSC - Public service contract or agreement*: agreements and contracts concluded between the AE of a Member State and a EU shipowner referred to in the first sentence of Article 37 (2) (f) of Decree-Law No 201/2011, in Article 2 (3) of Regulation (EEC) No 3577 of 7 December 1992

(hereinafter: Reg. 3577/92) and Article 19 of Legislative Decree No 422 of 19 November 1997 (hereinafter: Legislative Decree No 422/97);

- (u) *PSO - Public service* obligations: obligations which a Community shipowner, if he were considering his own commercial interest, would not assume or would not assume to the same extent or under the same conditions, as referred to in Article 2 (4) and Article 4 (2) of Regulation (EC) No 3577/92;
- (v) *Regulatory period*: period at the end of which the economic and financial equilibrium and the underlying parameters to define the compensation, as well as any contractual revision, are verified;
- (w) *Relevant demand*: commuting demand in peak hours;
- (x) *ShC - Shipping company*: a company or group of public or private companies providing maritime transport services and related ancillary and support services on the basis of a public service contract;
- (y) *Ship, vessel*: any craft used for maritime transport (such as, but not limited to, motor vessels, Ro-Ro ferries, hydrofoils, and other fast craft);
- (z) *SPS*: stated-preference surveys and surveys on the reasons for non-use of the service;
- (aa) *Territorial continuity*: any public intervention, pursuant to existing legislation, that is aimed at ensuring appropriate sea connections to, from and between islands, in order to reduce the natural handicaps of insularity;
- (bb) *TO*: terminal operator, as defined in Article 3 (1) (s) of Regulation (EU) No 1177/2010.

### Introductory note

1. These regulatory measures lay down the minimum quality requirements (MQR) of maritime cabotage services that are identified according to the characteristics of territorial demand and supply, pursuant to Article 37 (2) (d) of Decree-Law No 201 of 6 December 2011, converted, with amendments, into Law No 214 of 22 December 2011 establishing the Authority (hereinafter: ART).
2. The Measures contained herein shall apply to maritime transport services of both national and regional and local interest (hereinafter: regional), that are subject to public service obligations (PSO) where they are regulated in public service contracts (PSCs) or agreements. The Measures do not differentiate among different services unless this is explicitly mentioned. The indicators and the minimum levels identified in the Measures are the minimum requirements to be included in the documents concerning the award procedures provided for under existing legislation.
3. Regarding the temporal scope, the Measures shall apply to the award procedures of PSCs that are initiated after the date of entry into force of these Measures, i.e. the date of publication of the relevant decision.
4. On the same terms, the Measures shall also have effect on:
  - a) Quality Customer Charters for maritime passenger services which, pursuant to Article 2 (461) (a) of Law No 244 of 24 December 2007, describe the qualitative and quantitative standards of the supplied services as set out in the PSC referred to in paragraph 3 above;
  - b) planning activities for the transport services referred to in Articles 14 and 16 of Legislative Decree No 422/97.
5. The minimum qualitative and quantitative indicators and levels are defined, measured, monitored, and verified by considering:
  - a) territorial, socio-economic, and temporal characteristics of demand;
  - b) territorial characteristics of supply, including those related to the infrastructure, inside each of the mobility areas of reference for the awarded services.

## **Title I – MINIMUM QUALITY REQUIREMENTS OF SERVICES: GENERAL CRITERIA**

### **Measure 1 - Definition of minimum quality requirements: factors, indicators and levels**

1. The MQR of services, to be measured with qualitative and quantitative indicators and levels (or standards) are regulated in the PSC. They identify (minimum) obligations and/or performance that ensure the fulfilment of users' essential mobility needs and the territorial continuity under conditions of efficient use of public resources, which are intended to provide compensation for PSOs where they are regulated by a PSC.
2. The MQR are included in the PSC schemes that are attached to the tender notices or letters of invitation and in the related specifications where they are added up to the basis of the tender compensation. The AE may provide for additional indicators and/or higher levels than those defined as minimum levels under these Measures. Higher qualitative and quantitative levels, additional indicators and related minimum levels may be offered by competitors and assessed for the purpose of the award in accordance with the relevant evaluation criteria set out in the tender notice or letter of invitation.
3. Qualitative indicators and standards which add up to the tender evaluation criteria to be included in the tender notice, are, as a general rule, set by the AE with the contribution of stakeholders, such as - but not limited to – the shipping companies that are likely to be concerned, consumer associations, institutions and port economic operators, such as Port System Authorities (PSA), Maritime Authorities (MA), Terminal Operators (TO), through public consultation procedures prior to the publication of the tender notices, and by relying on the outcome of:
  - (a) systematic monitoring and control of delivered quality, also entrusted to third parties, including consumer associations, as regulated in the PSC;
  - (b) monitoring of alerts, proposals and complaints received by the operator which has provided the service so far, by the TO and by the AE;
  - (c) surveys on quality expected by users and, where relevant, non-users (potential users), as referred to in Measure 4 below, that are carried out either directly or through third parties by the CA in charge of scheduling the service;
  - (d) surveys on the quality perceived by regular and occasional users, that are carried out both by the operator which has provided the service so far, through third parties or by the AE.The consultation procedures shall not distort competition and shall not lead to the infringement of non-discrimination and transparency principles.
4. The minimum qualitative and quantitative levels of services are defined in the Measures referred to in Title II concerning the following quality factors:
  - (a) service regularity and punctuality;
  - (b) information to users and transparency;
  - (c) commercial accessibility;
  - (d) vessel cleanliness and comfort;
  - (e) public accessibility of vessels and infrastructures (with particular reference to PRM).To increase transparency in the description of the awarded services, the Measures also include descriptive indicators on port accessibility and environmental issues, that are not associated with any MQR.
5. In addition to the foregoing, the AE and other CAs shall ensure minimum quality requirements, including by reference to environmental impact, inter-modality, and integration of services by determining specific performance standards in order to provide:

- (a) integration of service scheduling, in terms of interchange time between maritime transport service and services with other modes, net of transfer time;
  - (b) fare integration, in terms of participation in existing regional systems, if any, integration of travel passes and related technological supports, with particular reference to online ticketing systems, in accordance with the specifications for interoperability, including those relating to different operators and types of services;
  - (c) availability of services to users for access to administrative, social, health, cultural, study and training services;
  - (d) accessibility of maritime transport services in case of emergency (ambulance) and for mail transport purposes;
  - (e) efficient use of energy and fuel, including for containment of pollutant emissions.
6. In order to ensure an adequate supply of services, the CA, in the exercise of its planning functions and on the basis of the methodology to define the public service areas referred to in Decision No 48/2017 of 30 March 2017 (hereinafter: ART Decision No 48/2017), verifies, prior to the preparation of the tender notice, the market ability to ensure the residents' essential mobility needs and the continuity with the relevant territories pursuant to Article 2 (4) of Regulation (EC) No 3577/92. If no open market services are supplied, the CA identifies the most suitable solutions to meet the above needs and ensure territorial continuity. Where the most appropriate solution is to subject the services to PSO within the scope of the PSC, the CA shall define the operating programme, by matching the transport supply in terms of capacity and quality of the service, to the extent of the demand for potential, effective and weak mobility, by considering the characteristics of the port infrastructure and the availability of port calls.

## **Measure 2 - Monitoring and verification of minimum quality requirements. Transparency on the efficient use of resources and obligation of data access**

1. In line with the purposes and features of the MQR measures referred to herein and of the penalty system adopted for this purpose, the AE lays down in the PSC scheme that is attached to the tender notices, the monitoring and reporting obligations to be borne by the shipping company (ShC) and the procedures to assess and verify the performance under its responsibility, according to criteria that ensure effectiveness and efficiency of the solutions adopted, as well as maximum transparency and accessibility of data and results by the stakeholders involved, together with their regular publication and sharing.
2. The monitoring of the performance by the ShCs may be carried out automatically or manually through regular data reporting to the AE. In the event of automatic monitoring, the ShC takes any necessary steps to allow the AE to access the information systems for data retrieval in order to check the indicators. As part of the monitoring activities, the ShC provides for systematic customer listening to collect and analyse any complaints and suggestions for improvement.
3. The AE shall verify whether the minimum requirements are appropriate by involving consumer associations, pursuant to Article 2 (461) (d) of Law No 244 of 24 December 2007.
4. The AE shall provide for the verification activities with a sample survey at least every six months. The choice of the items to be checked may be supplemented by considering the information arising from any alerts and/or complaints. The verification procedures are subject to an improvement plan in the period of application of the PSC, with a view to gradually achieving a verification procedure on a quarterly basis, based on monthly surveys for each indicator. The AE shall describe the improvement plan in a report to be transmitted to ART within one year of conclusion of the contract. In the PSC the

AE shall regulate the issues related to the communication of non-compliance and the procedures for discussion with the ShC.

5. Following the conclusion of the PSC, the qualitative and quantitative levels of the services defined in the PSC schemes are subject to annual assessment. This shall concern the suitability of the qualitative and quantitative parameters or indicators of the supplied service, as set out in the awarded PSC, to the users' needs and shall be carried out by involving consumer associations, pursuant to Article 2 (461) (c) of Law No 244 of 24 December 2007.
6. In order to encourage the development of mobility services and widespread monitoring of the ways maritime passenger transport services are provided, as well as the efficient use of public resources to compensate PSO and promote participation in the public debate, the data needed to define the indicators and minimum levels laid down in the Measures below, that are produced either directly or indirectly by the ShCs and PSAs, are held by the AEs and/or CAs in charge of service scheduling and are made accessible to, and re-usable by, any applicant, in accordance with the provisions of paragraph 7 et seq. of this Measure, within the limits laid down by Legislative Decree No 33 of 14 March 2013, as amended.
7. Prior to the publication of the tender notice, the AE defines a 'Data Access Plan' to be attached to the PSC, by consulting with the main stakeholders, including economic operators providing passenger transport and ancillary services, also in the form of intermediation, and by identifying at least the following:
  - (a) set of elementary data available to the AE, as referred to in paragraph 6 above;
  - (b) mode of data collection, either automatic or manual. The mode of automatic collection takes place in real-time; in the absence of automatic monitoring systems, the manual data collection provides "ex post" data, that are certified and accounted for in accordance with the procedures defined between the AE and other entities and included in the PSC;
  - (c) mode of data access by third parties, subject to compliance with the restrictions on the processing of personal data and with the information that cannot be disclosed due to industrial secrecy, that is guaranteed by the AE, by promoting both the "open access" in editable format, with particular reference to real-time elementary data, and the online data access requests;
  - (d) the data provider, that is subject to the obligation to provide the information to the AE.
8. The AE promotes the access to real-time elementary data, that are useful to improve all the elements of the travel experience on the whole, before, during and after the journey, with a user-friendly approach. In this regard, where available, the minimum set of information to be made available to users is characterised by elementary data concerning:
  - (a) vessel movements and state of port departures and arrivals;
  - (b) vessel accessibility in terms of pier/landing, available equipment for PRM accessibility, availability and access with accompanying vehicle, availability of bicycle transport.
9. The AE shall update the 'Data Access Plan', with reference to real-time data, depending on technological progress, and shall verify its suitability, at least at the end of each regulatory period.
10. Further accessible to users, and published on the websites of the AE and the ShC, are at least the following documents:
  - (a) PSC including all annexes: the AE provides the PSC in a publishable format, excluding confidential information of strictly industrial interest, considering the provisions of Measure 8;
  - (b) questionnaire models used for customer satisfaction surveys, together with overview of the results;
  - (c) survey on potential mobility demand, as regulated by Measure 1 of the Annex to Decision No 48/2017;

- (d) quality customer charters;
- (e) explanatory reports on the outcome of the public consultations referred to in paragraph 3 of Measure 1;
- (f) number of complaints received by the ShCs and the AE, classified by reason of complaint, as referred to in the “Complaint form” on ART’s website, under “Online submission of complaints (SiTe)”, with the indication of the actions to solve reported inefficiencies or the reasons for dismissal. For the classification of the subjects of the complaint, the ShCs and AE shall also examine, where relevant, the quality factors and indicators set out in these Measures, as well as any additional quality-related factors included in the PSC. The AE requires TOs to provide information on the complaints received for the transport services covered by the relevant PSC and make it available on its website. The data referred hereto shall be published at least on a quarterly basis.

### Measure 3 - Criteria for application of penalties

1. In line with the MQR under these measures, the AE provides in the PSC to be attached to the tender notices, for a penalty system, to be applied throughout the contract period, that is intended to ensure compliance with the minimum levels set for each factor and indicator of service quality provided for in the PSC. The penalty system integrates with the system used to guarantee the performance of the awarded PSC.
2. In the case of binary indicators, that provide for the verification of the adoption of specified requirements, the AE defines a penalty system in proportion to the delay in the implementation of the above requirements.
3. For each non-binary indicator, for each season “y” of year “x”, the penalty is calculated by taking into account the deviation from the minimum level, as well as a penalty relief system that is related to the improvement process implemented by the ShC, based on the following expression:

$$P_{x,y} = \alpha [P_u \cdot (CMQ - L_{x,y}) \cdot K_{x,y}]$$

with:

y = summer/winter season as defined by the AE for the different service scheduling;

α = progressive coefficient, that considers a downward reduction of the penalty in relation to the gradual application of the measures provided for herein. The coefficient assumes the following values:

- i. α = 0.5 for the first year of the regulatory period of application of the Measures provided for herein;
- ii. α = 0.8 for the second year of the regulatory period of application of the Measures provided for herein;
- iii. α = 1 for the years of the regulatory period following the second year of application of the Measures provided for herein;

P<sub>u</sub> = unit penalty amount determined by the AE;

MQR = minimum level of performance required for each indicator;

and for each season y of year x:

P<sub>x,y</sub> = seasonal penalty related to the indicator;

L<sub>x,y</sub> = average value of the indicator achieved in the months of season y;

K<sub>x,y</sub> = coefficient of mitigation of penalty, expressed as follows:

$$K_{x,y} = \begin{cases} 1 - \Delta_{x,y} & \text{if } \Delta_{x,y} > 0 \\ 1 & \text{if } \Delta_{x,y} \leq 0 \end{cases}$$

$\Delta_{x,y}$  = annual variation of seasonal performance expressed as:

$$\Delta_{x,y} = \frac{L_{x,y} - L_{(x-1),y}}{L_{(x-1),y}}$$

where:

$L_{x,y}$  = average value of the indicator achieved in the months of season  $y$  of year  $x$ ;

$L_{(x-1),y}$  = average value of the indicator achieved in the months of season  $y$  of the year preceding the year of calculation,  $(x-1)$ . For the first regulatory year only, the AE defines, for each indicator, the  $L_{(x-1),y}$  level to be used for the comparison of the performance rendered by the ShC. The definition of initial  $L_{(x-1),y}$  levels is provided by considering:

- iv. the maximum value of the average target values defined in the previous PSC and the average values achieved over the last three years;
- v. for the indicators for which no data are available, the comparison will be made from the second year of the contract by taking as reference the levels achieved at the end of the first year.

4. Where the MQR provides for increasing target values to be achieved in the contract period:
  - (a)  $K_{x,y}$  is assumed as 1 for any  $\Delta_{x,y}$ ;
  - (b) the AE may also provide for a reward system associated with the achievement of higher performance by the ShC compared with the MQR.
5. The AE shall adopt a penalty system which, in compliance with the foregoing, sets the unit and overall amount of the penalties laid down for each non-compliance in accordance with the following criteria of effectiveness and proportionality, by considering the following factors:
  - (a) relevant and not relevant demand;
  - (b) type of vessel and investments;
  - (c) state of infrastructure;
  - (d) non-compliance severity level: as defined based on the assessment of relevance of the quality factor and the outcome of the surveys on perceived quality and on demand, on the stakeholders' consultation, and in relation to the expected impact, including in terms of the period covered, in terms of fulfilment of the contractual MQR and their implementation modes;
  - (e) absence of measurable improvements or recurrent non-compliance: where the achieved quality levels are not increasing over time, or single cases of non-compliance reiterate over a short period of time (e.g. two or three months in a row, as a result of monthly controls), or in relation to cases concerning the same journey, line/direction, port, minimum requirement, indicating poor or lacking structural organisation and operation, failure to adopt contingency plans and preventive, implementing and corrective measures that are appropriate to the expected results and performance levels.
6. The AE shall provide for reduced annual penalties imposed on the ShC in relation to:
  - (a) amount of refunds, reissue of tickets, compensation and customer assistance to reduce the inconvenience caused by poor service, even where they do not depend on the ShC, pursuant to the provisions of Regulation (EU) No 1177/2010 (hereinafter: Reg. 1177/2010) or to measures adopted by ART in the exercise of the functions referred to in Article 37 (2) (e) of Decree-Law No 201/2011;
  - (b) proven effectiveness of the measures adopted by the ShC for prompt and lasting restoration of regularity and adequate levels of the services provided;



- (c) objective effectiveness of the measures implemented by the ShC to mitigate and equitably compensate the negative impact of the event on the users involved, whether regular or occasional.

Further, the penalty system is structured so as to determine and set the amount of the penalties through the application of automatic systems of indexation and adjustment, that keep unchanged over time, i.e. in each regulatory period and throughout the entire contract period, the economic relevance as well as the effectiveness and efficacy of the parameters applied, in terms of discouragement and determent.

7. A case of severe non-compliance, which may give rise to termination of the contract, is the calculation of penalties for non-compliance with the minimum levels set for each quality-related factor and indicator, where the total annual amount thereof, net of the reductions provided for in paragraph 6, exceeds, for three - also non-consecutive - accounting years, 10% of the corresponding annual contract amount, if any, or of a reasonable amount that is proportionate to the annual turnover established by the AE.
8. The penalty system adopted by the AE in the PSC is defined in accordance with the following criteria:
  - (a) correlation of the penalties with the level of deviation of the performance delivered by the ShC as compared to the minimum requirements provided for in the PSC and proportionality to the inconvenience caused to users by the identified non-compliance;
  - (b) economic value of the penalties, both for each case of non-compliance and annual total amount for the whole system, that is balanced against the overall economic value of the PSC and adjusted to ensure the effectiveness and efficacy of the system for timely and full achievement of the minimum contractual terms.
9. The AE further adopts a system to determine and set the amount of the penalties based on objective variables, that are proportionally and percentage-wise related to economic parameters and contractual purposes, e.g. the unit compensation per vehicle-nm as defined in the PSC.

#### **Measure 4 - Surveys on expected and perceived service quality**

1. In order to assess the potential demand for mobility and its space- and time-related distribution, in line with the criteria laid down in ART's Decision no. 48/2017, and to ensure an adequate supply of services, the AE or other CA in charge of transport service planning, as referred to in Articles 14 and 16 of Legislative Decree No. 422/97, having consulted with consumer associations, carries out *ad hoc* surveys into the reasons for non-use of the service (stated preference surveys - SPS), in case of alternative modal options (e.g. air link services) or different operators.
2. According to Measure 1 (3) and Measure 3 (5), the AE:
  - (a) takes into consideration the outcome of service and user inquiries to define the penalty system for the quality delivered, in particular with respect to the order of importance of individual cases and the criteria of application of the penalties for each case of non-compliance;
  - (b) regulates in the PSC the obligation for the ShC to participate in the consultations launched by the AE, involving users, consumers, their associations and concerned business associations in the design of survey specifications, analysis of survey results and planning of ensuing actions, by receiving proposals and comments from the stakeholders involved;
  - (c) encourages the use of technological tools, such as smartphone applications and internet platforms to collect and disseminate both static and real-time information and data, that are useful for the different stages of the surveys.

3. In the PSC the AE provides for the obligations of the ShC to survey the quality expected and perceived by service users (customer satisfaction surveys: CSS), without prejudice to the AE itself being directly involved in the implementation of the CSSs. The AE involves consumer associations in the ongoing monitoring of the compliance with the parameters set out in the PSC and with the provisions laid down in the quality customer charters, pursuant to Article 2 (461) of Law No 244 of 24 December 2007, while identifying methods to ensure they are carried out under conditions of neutrality and impartiality.
4. The AE regulates the obligations set out in the above paragraphs, by applying the methodological criteria set out below as well as the principles of publicity and transparency referred to under Measure 8, without prejudice to the provisions of Measure 2 (5):
  - (a) consistency and exhaustiveness of survey methodologies, in terms of factors and indicators applied in the survey and their ranking, as compared with the MQR identified herein concerning the different stages and the whole travel experience, as transposed in the contract and in the quality customer charter;
  - (b) balanced frequency of surveys, that is appropriate to objectives and duration of the contract, to its overall structure and, in particular, to the arrangements within the framework of the incentive system; it should be in any case ensured that the CSS is carried out at least annually, in line with the deadlines and periods of regular review and consistently with the three-year planning activities, in order to provide a useful support to define the relevant updates and associated adjustments;
  - (c) adequacy, efficacy, and effectiveness of rating scales, which in the case of the CSS can represent and associate, with the necessary granularity and objectivity, the users' level of satisfaction and order of importance of users for each minimum requirement. The rating scale to be adopted includes values ranging from 1 to 9, with 7 being the first level of satisfaction and 9 the highest;
  - (d) qualification and impartiality of the body in charge of the surveys, that shall be a third party with respect to the ShC, with proven expertise and experience;
  - (e) consistency and homogeneity of methods and criteria, that ensure the comparability of the results on the temporal (time series) and cross-sectional level, for the purpose of benchmarking at the corporate and sectoral level;
  - (f) consistency and integration of the survey system in the wider corporate information system, while ensuring that the results are easily accessible by stakeholders, in accordance with their respective competences and responsibilities; this should guarantee the possibility of cross-analysis of the CSS and SPS results with the data and results arising from the other study, monitoring and survey activities carried out by the ShC in the different contract areas, so as to better assess the level of consistency between supply and demand and between delivered, expected and perceived quality and to plan the necessary actions aimed at a steady increase over time of the results achieved.

## Title II – MINIMUM QUALITY INDICATORS AND LEVELS IN PUBLIC SERVICE CONTRACTS

### Chapter I – Service regularity and punctuality

#### Measure 5 – Indicators and minimum levels of service regularity and vessel punctuality

##### **Regularity**

1. The minimum requirement of maritime service regularity is met by the provision of the service under conditions that are consistent with or appropriate to the contractual operating schedule and by the preparation of an “*Action plan*” for alternative services in case of non-operation of vessels.
2. The service regularity is measured with the **transport supply** indicator: **% R<sub>n</sub> Vessel regularity**.
3. The **indicator %R<sub>n</sub>** is defined, for each *i* month as the ratio of the number of regular trips to the number of scheduled trips:

$$\%R_{n,i} = \left( \frac{N_{r,i}}{N_{tot,i} - N_{etc,i}} \right) \cdot 100$$

where:

$N_{r,i}$  = number of vessels arriving at the port of final destination, including all vessels that are wholly or partially cancelled due to the ShC or to external causes, if an appropriate alternative service is provided;

$N_{tot,i}$  = total number of scheduled trips;

$N_{etc,i}$  = number of trips that were not performed due to external causes.

4. The **annual minimum level**, that is measured on a monthly basis, of the **indicator of service regularity R<sub>t</sub>** is defined on the basis of the maximum value between (a) the annual average in the three years prior to the year of award, and (b) the annual average in the last year prior to the year of award; this minimum level is updated annually on the basis of a parameter that is determined by the AE depending on the operating schedule adopted, on the infrastructure works in progress and/or planned by the CAs, including the PSA, in the contract period, and on the fleet renewal plan covered by the PSC. The reference values for both the three-year period and for the year prior to the year of award are calculated as the annual average of the monthly values for the same service.
5. An “*Action Plan*” is drawn up for the actions to be taken and the services to be provided to users to reach the port of final destination of the journey with an “*appropriate alternative service*”.
6. The Action Plan shall specify the cases of poor service, the procedures and arrangements for organization and access to the alternative service, the way of handling the relevant information and the communications to users and to the AE and the conditions of passenger assistance both on board and ashore.
7. The **minimum level** for an “*appropriate alternative service*” is set out in the Action Plan as specified here below, in relation to at least the following:
  - (a) timely, comprehensive and up-to-date information to be provided to users both in a static form, e.g. prior to disruptions if they are caused by scheduled temporary changes of the service, and in a dynamic form, in due time and in any case no later than 30 minutes after the scheduled time of departure, in the event of each disruption, on board and ashore at the ports of embarkation, until the service regularity is fully restored as defined in Measures 6 and 7;

- (b) delivery time of the alternative service: this time shall take into account the type of service provided and shall be defined so as to determine the minimum possible impact on users, in any case, not exceeding 24 hours; the AE may identify a longer period of time if, including by considering the provisions of paragraph (c), as a result of the consultation procedures under Measure 1 (3), actual technical difficulties are identified for the provision of the alternative service within 24 hours after the onset of disruption;
  - (c) arrangements for providing the alternative service (next journey, other ship, aircraft, train, bus, taxi), which shall be carried out: at no extra charge with a number of means that is proportionate to the number of passengers on the cancelled vessel and with similar characteristics (e.g. to allow car embarkation, access to PRM); in comfort conditions that are as comparable as possible to those provided by the cancelled service; covering all the stops that were scheduled for the cancelled vessel; organizing ground-handling services to ensure passenger accommodation in a reasonable relation to the waiting time, paying particular attention to cancellations of final daily trips where a stay of one or more nights becomes necessary for passengers, and in compliance with Article 17 of Regulation (EC) No 1177/2010. Even in the case of service cancellation, for the re-routing of passengers on next journeys (on the same day or in the following days), the ShC shall consider the seat availability and implement adequate actions to contain port overcrowding;
  - (d) in the event of cancellation due to ship failure, a transport service shall be ensured for the return journey and for the journeys following the cancelled trip, in which the damaged vessel was intended to be used, in accordance with the timetable and arrangements laid down by the AE.
8. The **minimum level in case of strike** involves the provision of the minimum services as identified and reported in the official timetable.

### **Punctuality**

- 9. The minimum requirement of punctuality for each journey is met by the compliance with the scheduled time of port departure and arrival.
- 10. Each journey, that may consist of several legs, is considered to be punctual with respect to the scheduled time when all legs of the journey are punctual. A leg between two ports in a row is considered to be punctual when the vessel does not depart from ports earlier than the scheduled time and arrives at the next port with a delay lower than or equal to a threshold established by the AE, for each route, by considering the type of service (hydrofoil or ferry connection, etc.), with a value ranging from (a) 5 % of travel time to (b) the average frequency of the connection provided in the relevant time slot; the threshold should be in any case less than: (c) 20 minutes, for journeys with travel time of less than 60 minutes and d) 60 minutes, for journeys with travel time longer than an hour. A single journey is punctual even if it is carried out in full or in part, with an appropriate alternative service, i.e. in compliance with the minimum levels of regularity.
- 11. The delay is defined as the time difference between the published time of arrival and the actual time of arrival. To protect passengers on intermediate legs, for each journey, in the case of multiple delays in several ports on the line, the journey is attributed the longer delay. The time difference between the actual time of departure from the port, when it is before the scheduled time, and the estimated time of departure according to the published timetable shall be considered as early departure.
- 12. The service punctuality is measured with the transport supply indicator: **%P Vessel punctuality**;
- 13. The following definitions shall apply:

$$Punctual\ Journeys = T_{threshold} + T_e + T_{SOS}$$

with:

$T_{\text{threshold}}$  = number of journeys with no en-route delays compared to scheduled time and individual thresholds;

$T_e$  = number of journeys with en-route delays exceeding the threshold due to external causes only;

$T_{\text{sos}}$  = total number of vessels that are wholly or partially cancelled, due to reasons that may be attributed to the ShC or to external causes, and for which appropriate alternative services are provided;

$$\text{Journeys Made} = T_{\text{tot}} - T_{\text{tot\_canc}}$$

with:

$T_{\text{tot}}$  = total scheduled journeys;

$T_{\text{tot\_canc}}$  = total journeys wholly or partially cancelled for any reason, without provision of appropriate alternative services.

14. The **%P indicator**, for each  $i$  month, is defined as the ratio of the number of punctual journeys to the number of journeys made:

$$\%P_i = \left( \frac{\text{Punctual Journeys}}{\text{Journeys Made}} \right) \cdot 100$$

15. For regional and local services, the % P punctuality indicator is measured by reference to:
- the service relating to not relevant transport demand*: total ship journeys, net of those with significant demand on the whole day - all days of the week;
  - the service relating to relevant transport demand*: journeys in the so-called peak hours - from Mondays through Fridays - and specified high-traffic journeys in an average weekday;
  - the summer/winter season* defined on the basis of the different service schedule.
16. For services of national interest, the %P punctuality indicator is measured by reference to the summer and winter seasons as identified by the AE, except the cases where, despite their national nature, the service is organized to allow “commuting” mobility to be satisfied.
17. The minimum level of service punctuality is given by the minimum values set out in Table 1:

*Table 1 Scheme of minimum levels of service punctuality*

TYPE OF SERVICE	INDICATOR	ANNUAL MINIMUM LEVEL			
		Summer		Winter	
		Relevant demand	Not relevant demand	Relevant demand	Not relevant demand
Local and Regional	% of ships with early departure from port of departure and intermediate ports	0 %			
	% $P_i$	$L_{\text{min}}$	$L_{\text{min}}$	$L_{\text{min}}$	$L_{\text{min}}$
National	% of ships with early departure from port of departure and intermediate ports	0 %			
	% $P_i$	$L_{\text{min}}$		$L_{\text{min}}$	

For each year and category identified in *Table 1*, the minimum annual level ( $L_{\text{min}}$ ), that is measured on a monthly basis, is defined on the basis of the maximum value between (a) annual average in the three years prior to the year of award and (b) annual average in the last year prior to the year of award; this

minimum level is updated annually on the basis of a parameter that is determined by the AE depending on the operating schedule adopted, on the infrastructure works in progress and/or planned by the CAs, including the PSA, in the contract period and on the fleet renewal plan covered by the PSC.

18. The AE shall provide in the tender documents and in the PSC for the obligation of the ShC to provide for a corporate monitoring system, by considering the monitoring systems and technologies already in use in the ports concerned by the service, for the acquisition of the service-related information, including times of ship departure and arrival at landings, passengers carried in each journey, any accompanying private vehicles, type of vessel, etc. The system shall further collect the reasons for delays that are attributable to both the ShC and to other entities, together with the external causes as defined by the AE in the PSC. Delays and related reasons shall be duly documented to enable their verification by the AE. To define times of departure and arrival, reasons for delay and cancellation of the journeys, and allocation of responsibilities, the AE considers the results of the consultation referred to in Measure 1 (3) above, by identifying:
  - (a) the procedures for measuring the times of departure and arrival in terms of references (e.g. by identifying, as time of departure, the time when the ship moves from the berth, and as time of arrival, the time where the berthing operations are concluded);
  - (b) the reasons that are considered not to be attributable to the ShC, such as, but not limited to, force majeure, exceptional circumstances, adverse weather conditions;
  - (c) the procedures to identify and certify any cancellations and delays due to external causes as referred to in sub-paragraph (b) above, including by notification procedures to the parties concerned;
  - (d) the possible use of data arising from new technologies and, in general, from multiple sources (e.g. AIS automatic identification system).
19. To provide adequate information to users, the punctuality and regularity indicators are measured by also considering non-punctual or non-regular ships for any reasons. The quality customer charters shall include the annual average of these indicators and the %delay divided by external causes, reasons due to ShC, reasons due to other parties.

## Chapter II - Information to users and transparency

### Measure 6 – Indicators and minimum levels of information to users (pre-journey)

1. The minimum information requirements to be provided to users and citizens in the pre-journey phase are met through the publication and dissemination of the information, that is differentiated by communication channel and type (static and dynamic), as listed in Table 2. They are measured with the binary indicator **INFO\_AN** that assumes 1 if 100 % of the information listed in the table is available and 0 if not. The information shall be deemed to be available where it is also compliant. The information shall be considered as not compliant if one of the following cases occurs: illegibility, incompleteness, late provision, failure to update, incorrect placing or other cases defined by the AE.
2. The value of the **minimum level** of INFO\_AN indicator is 1 to be found in 100 % of the controls.
3. The information referred to in this Measure shall be disseminated and published or communicated in a plain language for users (comprising PRM) including occasional users, and for the public, without using technical terms.
4. Non-spoken information at the port shall be supplied and placed so as to ensure maximum readability for font size and use of colour. Spoken information at the port shall be comprehensible in terms of pronunciation and appropriate in terms of sound level.

5. The communications referred to in Table 2 shall be provided at least in Italian and English.
6. The ShC adopts different tools (e.g. personnel, notice boards, leaflets) to ensure that the information listed in Table 2 is available in onshore facilities (e.g. ticket offices and reception facilities) under its management. In its agreements with port infrastructure managers, the ShC shall provide for the request and arrangement of adequate space to comply with the information level; the ShC shall inform the AE of this activity and of the content of the agreements. Where the above onshore facilities are operated by other entities, the ShC shall endeavour to provide all the information to the third-party operator and provide the relevant feedback to the AE. When assessing the indicator concerning the compliance of the information in port onshore facilities, the AE will consider the different responsibilities depending on the management organisation.
7. For the communication channels provided for in Table 2 that are not directly managed by the ShC, the company shall endeavour to include in the arrangements governing the relations with channel operators, any appropriate measures to ensure the minimum levels laid down in these regulatory measures.

Table 2 Minimum information broken down by communication channel (I)

	Type of information	Ticket office in port	Ticket vending machine	Contact centre	Website	Mobile App	Travel agency	Approved sales outlets
<b>STATIC</b>	1 General conditions of carriage	x		x	x		x	x
	2 Arrangements for consultation of the general conditions of carriage		x			x		
	3 Arrangements for ticket purchase, including on board	x		x	x	x	x	
	4 Indication of contact channels and arrangements for lodging complaints	x	x	x	x	x	x	x
	5 Indication of contact channels for user information requests	x			x	x	x	
	6 Existing fare system: levels, structure, quantity discounts (travel passes), integration with other tickets (legislative or regulatory references, criteria and calculation formulas, examples for distance km); cost of any additional services	x		x	x			
	7 Arrangements for consultation of quality customer charter	x		x	x	x		
	8 Embarkation procedures, arrangements for ticket validation and applicable penalties to travellers with no valid tickets	x	x	x	x	x	x	x
	9 Timetable and map of onshore local public transport services departing from ports of embarkation/disembarkation, and phone numbers of the information service of the operating company	x			x			
	10 Timetable of ship departures and arrivals	x	x	x	x	x	x	x
	11 Availability of on-board services	x	x	x	x	x	x	x
	12 Availability of seats in different classes: armchair, cabin, car, etc.	x	x	x	x	x	x	x
	13 Procedures for recovery of lost luggage and lost items	x		x	x	x		
	14 Accessibility and access conditions for vehicles, bicycles, and pets	x	x	x	x	x	x	x
	15 Availability of dedicated seats for PRM on board	x	x	x	x	x		
	16 Access conditions for PRM transport; arrangements for requesting assistance on board and ashore and timeframe required for reservation of PRM dedicated services; map indicating meeting point where PRM can report their arrival and ask for assistance	x		x	x	x	x	
	17 Procedures to claim compensation for any mobility equipment or other specific equipment as provided for by Regulation (EU) No 1177/2010	x		x	x	x	x	
	18 Information on port accessibility that is kept updated by the ShC as indicated by the port infrastructure manager			x	x	x		
	19 Timetable and conditions for fast journey	x	x	x	x	x	x	x



Table 2 Minimum information broken down by communication channel (II)

	Type of information	Ticket office in port	Ticket vending machine	Contact centre	Website	Mobile App	Travel agency	Authorised outlets
	<b>20</b> Timetables and conditions for lower fares	x	x	x	x	x	x	x
<b>STATIC</b>	<b>21</b> List of minimum guaranteed services in case of strike	x		x	x	x		
	<b>22</b> Passenger information to reach any alternative means	x		x	x	x		
	<b>23</b> Percentage of the total cost for the provision of the service borne by public finance				x			
	<b>24</b> Annual total remuneration (EUR)				x			
	<b>25</b> Annual financial compensation (EUR)				x			
	<b>26</b> Compensation for subsidised or exempted users (EUR)				x			
	<b>27</b> Objectives, policies, and tools for the area of reference associated with environmental sustainability				x			
	<b>28</b> Reporting documents showing the environmental results achieved in activities and corporate organization, based on <i>Corporate Social Responsibility</i> criteria and models, e.g. <i>Global Reporting Initiative</i> (GRI)					x		
<b>DYNAMIC</b>	<b>29</b> Overview of the provisions of Regulation (EU) No 1177/2010 as provided for in Article 23 thereof	x			x	x	x	
	<b>30</b> Procedures and references for lodging complaints with the Transport Regulation Authority	x			x	x	x	x
	<b>31</b> Timetable of arrivals and departures at landing/port, as updated at any change			x	x	x		
	<b>32</b> Pier of ship arrival and departure			x	x	x		
	<b>33</b> Indication of delays and cancellations compared to time schedule, as updated at any change			x	x	x		
	<b>34</b> Scheduled or non-scheduled activities that could interrupt or delay the transport service			x	x			

## Measure 7 – Indicators and minimum levels of information to users (during the journey)

1. The minimum requirements of the information to be provided to users and citizens during the journey are ensured through the publication and dissemination of the information, that is differentiated by type (static and dynamic), as listed in Table 3 and Table 4 below, and are measured with **INFO\_DU indicator**.
2. In the information shown in Table 3 and Table 4, the AE identifies that which is considered as essential. The minimum information level is measured with the binary **INFO\_DU** indicator, which is 1 when all key information is compliant and at least 70 % of the total information is compliant, and 0 when at least one of the key information is found to be non-compliant or when the total number of compliant information is less than 70 %. The information shall be considered as non-compliant if one of the following is in place: lack of information, illegibility, incompleteness, late provision, failure to update, incorrect placing (for static information only) or other cases defined by the AE.
3. The **minimum level** of INFO\_DU indicator is 1 to be found in 100 % of the controls.
4. The information referred to in this Measure shall be disseminated and published or communicated in a plain language for users (including PRM) and occasional users, and for the general public, without using technical terms.
5. Non-spoken information on board shall be supplied and placed so as to ensure maximum readability as to font size and use of colour. Spoken information on board shall be comprehensible in terms of pronunciation and appropriate in terms of sound level. The announcement system shall be appropriate to reach the ship areas (deck, cabins, hold, etc.).
6. The information referred to in Table 3 and Table 4 shall be provided at least in Italian and English.

*Table 3 Static information on board*

Order no.	Type of information
35	Overview of the provisions of Regulation (EU) No 1177/2010 as provided for in Article 23 thereof
36	Arrival and departure timetables in force
37	General conditions of carriage for passenger and freight services
38	Ticket purchase arrangements, including those on board
39	Indication of contact channels and arrangements for lodging complaints with the ShC
40	Procedures to lodge complaints with the Transport Regulation Authority
41	Arrangements for ticket validation and applicable penalties to travellers with no valid tickets
42	Availability of on-board services
43	Availability of first- and second-class seats (if applicable), cabin and sleeping accommodation, deck seat, parking
44	Procedures for recovery of lost luggage and items
45	Accessibility and access conditions for bicycles
46	Availability of PRM dedicated seats on board
47	Procedures for requesting assistance on board and ashore, timeframe required for reservation of PRM dedicated services and map indicating meeting point where PRM can report their arrival and ask for assistance
48	Procedures for claiming compensation for any mobility equipment or other specific equipment as provided for by Regulation (EU) No 1177/2010
49	Information on passenger safety and conduct in case of danger or emergency

Table 4 Dynamic information. To be provided by the ShC to passengers on board under normal travel conditions by means of suitable public address system and/or visual displays (where available).

Order No	Type of information	Notes
51	Weather and sea conditions	
52	Services available on board	
53	Next port/call	
54	Main connections, including those operated by other public transport services	Provision of information subject to data availability on other transport services
55	Information on technical and passenger safety	
56	All information required by law for safety on board	
In case of on-board malfunctions, delays, and abnormal navigation, in addition to the above dynamic information, the ShCs shall provide the following information, including through manual voice announcements by means of appropriate sound systems concerning:		
Order No	Type of information	Notes
57	On-board temporarily unavailable services, e.g. toilets out of order, door malfunction, Wi-Fi connection problems and any other available service which is not accessible by passengers	
58	Delays during the journey and on arrival at destination with any information on connecting services	This information shall be: - supplied timely and updated at least every 15 minutes, by indicating the time needed to restore normal travel conditions, if possible.
59	Abnormal navigation	- accompanied by the causes of delay or cancellation - accompanied by the indication of the procedures to request any reimbursement and/or compensation, both online and offline
60	Prolonged stop	- where public address systems and/or visual displays are not available or not working on board, information on delays and abnormal operation shall be provided during the journey by the crew that will make the announcements through the sound system or verbally by passing through the ship.
61	Cancellation of journey, indication of alternative transport	
62	Assistance with provision of comfort items	
63	Information on passenger rights that are enforceable against poor service pursuant to Regulation (EU) No 1177/2010	

## Measure 8 - Indicators and minimum levels of transparency

1. To ensure minimum requirements of transparency in the service provision and promote the development of services and public control, AEs and ShCs shall publish on their web portals the following information and documents, in addition to what is provided for under Measures 6 and 7:
  - (a) existing PSCs, accompanied by an overview of the main contractual terms, in particular with reference to:
    - i. annual total remuneration (EUR);
    - ii. financing provided for vessel purchase (abs. and absolute cost coverage %);
    - iii. annual compensation for subsidised or exempted users (EUR);
  - (b) documents attesting the choices made to determine the initial MQR and any improvement targets defined in the PSC;
  - (c) existing quality customer charters and any documents required under Article 13 of Regulation (EU) No 1177/2010;
  - (d) outcome of Customer Satisfaction Surveys;

- (e) contractual penalties paid to the AE, broken down by quality indicator;
  - (f) all final levels of the indicators defined under these measures;
  - (g) data on complaints broken down by type of disruption as provided for in paragraph 10 of Measure 2;
  - (h) main operating indicators, with reference to:
    - i. number of passengers carried and pax · ships-nm;
    - ii. average price (revenue from ticketing/pax no.);
    - iii. fleet distribution by age and environmental class (where possible);
    - iv. coverage ratio: percentage of operating costs covered by traffic revenue.
2. The information and documents referred to in paragraph 1 shall be submitted annually or, in any case, upon each update, to the Authority, that shall provide for their publication on its web portal; in particular, the information referred to under (b) and (c) shall be published and transmitted each year by the 31<sup>st</sup> of March, while the information referred to under (a) shall be transmitted if the PSC is modified, within 1 month of its adoption.
  3. The information and documents referred to in paragraph 1 shall be published in open and editable format and be re-usable.
  4. The transparency of the information is measured with the binary indicator **P\_INF, Publication of the information**, that is 1 in the case of publication of all the information and documents referred to in paragraph 1 on the website of the ShC and AE, and 0 when at least one piece of information is not published. The **P\_INF** indicator is monitored by the Authority that carries out the relevant controls and takes the measures within its remit in accordance with the provisions of Article 37 (3) (l) of Decree-Law No 201/2011.

## Chapter III - Commercial Accessibility

### Measure 9 – Indicators and minimum levels of commercial accessibility

1. The MQR for commercial accessibility is ensured, with reference to the pre-journey phase, by the obligation to provide for:
  - (a) adequate availability of sales channels, ashore and online, across the entire network (% ACV);
  - (b) availability/operation of online ticketing systems (% BTEL);
  - (c) operation of ticket vending machines (% BAUT).
2. The MQR under paragraph 1 (a) is met when all the ports within the area of reference are found to be equipped with appropriate sales channels. It is measured by the **%ACV** indicator, expressed as a percentage, that is calculated as follows: throughout the network that is covered by the PSC, in each *i* month, for each type of (regional or national) *s* service, the number of ports with adequate sales channels in relation to the total number of ports:

$$\%ACV_{s,i} = \left( \frac{\text{no. of ports with adequate sales channels}_{s,i}}{\text{total no. of ports}_{s,i}} \right) \cdot 100$$

3. For each port of the regional service, the sales channels (numerator) are deemed to be adequate when, in addition to the sales channel referred to under paragraph 4 (b), at least two additional

channels are available, i.e. an online channel, as referred to under paragraph 4 (a) below, and one of the channels indicated under paragraph 4 (c) and (d). Where the port considered is used by national services, the adequate supply is ensured, in addition to the sales channels identified for regional services, with the provision of a call centre, as referred to in paragraph 4 (e), that sells travel tickets exclusively for the national service. The sales channels are relevant to calculate the  $\%ACV_{s,i}$  indicator only if they allow the ticket purchase for  $s$  service in  $i$  month.

4. The sales channels considered for the purpose of calculating the indicator are specified below:
  - (a) online sales channels (website, mobile website, APP);
  - (b) port ticket offices, open every day of the week, at least in the 60 minutes prior to the time of each departure;
  - (c) fully operating ticket vending machines; this sales channel shall be in any case compatible with the company booking and embarkation procedures.
  - (d) travel agencies or authorised outlets that are open on average no less than 6 days a week;
  - (e) call centre operating at least from 8:00 am to 10:00 pm, 7 days a week.
5. The travel tickets covered by the PSC are intended to be purchased via the sales channels referred to under paragraphs 4 (a), (b), (c), (d) and (e).
6. The ShC provides precise information on any authorized sales outlets, with indication of their opening days and hours, as provided for in Table 2, Measure 6.
7. With reference to paragraph 4 (e), any costs of the service shall be indicated in advance in a clear and transparent manner.
8. Regarding the online sales channels referred to in paragraph 4 (a), within the meaning of Article 1 (167) of Law No 124 of 4 August 2017, the AEs are required to provide in the PSCs that the ShC sets up and provides users with an online ticketing service through the website, without prejudice to the provision of the service by third parties. The ShC ensures that PRM may access the services provided by online ticketing systems pursuant to Law No 4 of 9 January 2004, as updated by Ministerial Decree of 20 March 2013, as amended, which applies, *inter alia*, to “private companies holding public service concessions, municipally-owned regional companies, mainly publicly owned companies”.
9. The ticket vending machines referred to in paragraph 4 (c) are considered to be fully operating only if all payment methods may be used, i.e. if banknotes, coins, and credit/debit card payments are accepted.
10. In the case of (even temporary) ticket office closure for maintenance as referred to in paragraph 4 (b), where the port is equipped with temporarily non-operating ticket vending machines, or no travel agencies or authorised outlets referred to in point 4 (d) are provided, the ShC shall ensure that single tickets may be purchased on board at no extra charge: in this case the port is relevant for the purpose of calculating the numerator of the indicator.
11. The purchase of tickets on board at no extra charge is limited only to single tickets for all origin-destination pairs that are served by the ShC pursuant to the PSC and fall within the AE’s territorial area of responsibility, without prejudice to the possibility for the AE and the ShC to extend the type of travel tickets that can be purchased on board (e.g. daily travel ticket). The possibility and type of travel ticket sold on board (passenger only or other) is in any case subject to the assessment of compliance of embarkation and transport procedures with safety requirements. PRM shall be allowed to purchase tickets on board at no extra charge where no channel among those referred to in paragraphs 4 (b) and (c) is appropriately equipped for PMR access at the port of departure.

12. **The minimum level of %ACV indicator** to be reached each month of service, is defined by the AE based on the maximum value between (a) the annual average in the three years prior to the year of award and (b) the annual average in the last year prior to the year of award; this minimum level is updated annually on the basis of a parameter that is determined by the AE depending on the schedule of infrastructure works that are in progress and/or planned by the ShC or CA, including the PSA, in the contract period.
13. The MQR under paragraph 1 (b) is met when, for all the days of  $i$  month, the average daily availability of the provided online ticketing systems (hereafter: OTS) is at least 99%. This is measured with the **%BTEL indicator**, expressed as a percentage, as follows: number of days in  $i$  month, with a daily average availability of online ticketing systems (e.g. website, mobile website, APP, etc.) of at least 99%, compared to the total number of days in  $i$  month:

$$\%BTEL_i = \left( \frac{\text{no. of days with daily average availability of OTS of at least } 99\%_i}{\text{total no. of days}_i} \right) \cdot 100$$

14. In respect of the daily average availability of OTS (numerator), the MQR is met when at least 99% is reached. With respect to the day considered, it is calculated as the average of the percentage availability over 24 hours, in minutes, of the OTS provided by the ShC, except the time needed to carry out maintenance work.
15. **The minimum level of %BTEL indicator**, to be achieved each month of service, is defined by the EA as the maximum value between (a) the annual average in the three years prior to the year of award, and (b) the annual average in the last year prior to the year of award; this minimum level is updated annually on the basis of a parameter that is determined by the AE depending on the schedule of infrastructure works that are in progress and/or planned by the ShC or the CA, including the PSA, in the contract period.
16. The MQR under paragraph 1 (c) is met when all ticket vending machines failures are remedied in less than 120 hours. The MQR is measured with the **%BAUT indicator**, expressed as a percentage, that is calculated as follows: for each  $i$  month, number of ticket vending machines failures on the regional territory that have been remedied in less than 120 hours, as compared to the total number of failures in the month:

$$\%BAUT_i = \frac{\text{no. of failures of ticket vending machines remedied in less than 120 hours}_i}{\text{total no. of ticket vending machines}_i \text{ failures}} \cdot 100$$

17. The numerator includes the failures occurred in  $i$  month, including those remedied in  $i$  month and those solved within the first 5 days of the following month, provided that the remedial measure is carried out in less than 120 hours from failure detection. The failures occurred in  $i$  month that have been remedied in the first 5 days of the following month are included in the calculation of the  $i$ -month indicator and are excluded from that of the indicator of the following month.

The time needed to restore the operation of ticket vending machines starts from the alert recording in the central system in the case of self-diagnosis systems, or from the reporting by the ShC's personnel or AE's inspection staff, in the case of non-interconnected systems. In addition, failures due to vandalism are excluded from the cases of failure that are relevant for the calculation of the indicator and, for the purpose of calculating the time for troubleshooting, public holidays are not taken into consideration.

18. **The minimum level of %BAUT** indicator, to be achieved each month of service, is defined by the AE as the maximum value between (a) the annual average in the three years prior to the year of award, and (b) the annual average in the last year prior to the year of award; this minimum level is updated annually on the basis of a parameter that is determined by the AE depending on the schedule of infrastructure works that are in progress and/or planned by the ShC or the CA, including the PSA, in the contract period.

## Chapter IV – Vessel cleaning and comfort

### Measure 10 – Indicators and minimum levels of vessel cleaning and comfort

1. The minimum requirements of vessel cleaning are met upon:
  - (a) performance of scheduled cleaning operations, as measured with the following indicator **PULN\_EX, Performance of scheduled cleaning cycles on vessels;**
  - (b) verification of the compliance of performed operations, as measured with the following indicator: **PULN\_VR, Compliant performance of cleaning operations.**
2. The **PULN\_EX indicator** is defined with respect to the performance, in each quarter, of a set of operations aimed at achieving a minimum level of cleanliness and decor in accordance with the indications in Table 5.

$$PULN\_EX_{quarter} = \frac{\text{no. of performed operations}}{\text{no. of scheduled operations}} \cdot 100$$

Table 5 Vessel cleaning: Classes of operation

Class of operation	Minimum frequency	Target	Minimum activities	Subject
<i>A - On board operation</i>	Variable, depending on necessity and stopovers	Ensure restoring of <b>acceptable cleaning conditions</b> of toilets, floors, and most used components, during the service	Waste removal and emptying of waste bins Toilet cleaning Water and sanitary fitting supply Removal of floor water stagnation	All services covered by both regional and national contracts
<i>B - End-of-service operation</i>	Daily	Ensure <b>dirt removal</b> from toilets, floors, and most used components, at the end of the service	Waste removal and emptying of waste bins Cleaning and accurate washing of toilets, floors, and other most used components, and removal of water stagnation Water and sanitary fitting supply Sewage disposal Tidying up of rooms Cabin cleaning and linen change	All services covered by both regional and national contracts
<i>C – Maintenance operation at port of call</i>	At each port of call for planned maintenance	Ensure restoring of <b>best hygiene and decor of all ship components</b> during prolonged stops or stops near maintenance facilities.	Complete washing of all internal and external ship components (deck and external corridors, etc.) Washing of curtains, if any Restoring and possible replacement of damaged components and furniture Vessel sanitization (disinfection, disinfestation, and rodent control), where necessary Graffiti removal, where necessary	All services covered by both regional and national contracts



3. The **minimum level of PULN\_EX indicator** is 100 %.
4. The PULN\_VR indicator is defined in relation to the total number of inspected operations:

$$PULN_{VR} = \left( \frac{\text{no. of compliant operations}}{\text{no. of inspected operations}} \right) \cdot 100$$

5. The **minimum level of PULN\_VR indicator** is defined by the AE as the maximum value between (a) the annual average in the three years prior to the year of award and (b) the annual average in the last year prior to the year of award; this minimum level is updated annually on the basis of a parameter that is determined by the AE.
6. The minimum comfort requirements are met when the vessel equipment and features referred to by the following indicators are available:  
%CLI\_N, operating air conditioning (cooling and heating) systems;  
%WC\_AFN, toilet accessibility and operation.
7. **%CLI\_FN indicator** is defined in relation to the percentage of vessels that are equipped with an operating air conditioning (cooling and heating) system that allows a comfortable season-related temperature. The ShC provides the AE with the relevant list of the vessels that are equipped with the above system. The indicator is calculated as the ratio of inspected vessels that are found to be equipped with operating facilities to the total number of inspected vessels:

$$\%CLI_{FN} = \left( \frac{\text{no. of vessels with operating facilities}}{\text{total no. of inspected vessels}} \right) \cdot 100$$

8. The **minimum level of %CLI\_FN indicator** is defined by the AE as the maximum value between (a) the annual average in the three years prior to the year of award, and (b) the annual average in the last year prior to the year of award; this minimum level is updated annually on the basis of a parameter that is determined by the AE depending on the schedule of works that are in progress and/or planned by the ShC and/or the CA in the contract period.
9. **%WC\_AFN indicator** is defined in relation to the percentage of vessels with accessible and operating toilets, that is calculated as the ratio of the inspected vessels that are found to be equipped with accessible and operating toilets to the total number of inspected vessels:

$$\%WC_{AFN} = \left( \frac{\text{no. of vessels with accessible and operating toilets}}{\text{total no. of inspected vessels}} \right) \cdot 100$$

10. The **minimum level of %WC\_AFN indicator** is defined by the AE as the maximum value between (a) the annual average in the three years prior to the year of award and (b) the annual average in the last year prior to the award; this minimum level is updated annually on the basis of a parameter that is determined by the AE depending on the schedule of works that are in progress and/or planned by the ShC or the CA in the contract period.

## Chapter V – Public accessibility of vessels and infrastructure

### Measure 11 – Indicators and minimum levels of accessibility

1. The minimum requirements of public accessibility of vessels and infrastructure are ensured through the obligation to:
  - (a) provide an Accessibility Operational Plan;
  - (b) plan an accessible service to users, including PRM;
  - (c) ensure port assistance and access to the transport service for PMR.
2. The MQR under paragraph 1 (a) is measured with the binary indicator “**Existing Accessibility Operational Plan (P\_ACC)**”, with 1, if the plan is adopted and 0, if it is not; this requirement is met by ensuring the following:
  - (a) the ShC adopts the Plan no later than the first year of the conclusion of the contract;
  - (b) the ShC prepares the Plan by involving at least AE, PSA, MA, TO, if any, consumer associations and passenger and PRM organisations representing their interests;
  - (c) the Plan provides for joint actions to improve the accessibility of the service, facilitate and coordinate the activities for the removal of architectural and sensory barriers, to be defined and agreed based on the respective responsibilities of the operators involved, and to be coordinated on the basis of concurrent action priorities, e.g. in accordance with the rules adopted by terminal operators pursuant to Article 13 of Regulation (EC) No 1177/2010, and in line with the programmes for removal of port architectural barriers, if any. The Plan includes, but is not limited to, the following:
    - i. indication, if made available by the parties involved, of any plans to reduce architectural and sensory barriers of the ports involved in the scope of the service covered by the PSC;
    - ii. reception and assistance of PRMs, both on board and ashore in the ports involved in the scope of the service covered by the PSC, the persons responsible for such activities, with particular attention to: accessibility of ticket offices, reception rooms and toilets; embarking and disembarking procedures (including assistance to reach other means of transport in case of inter-modality), which shall take into account, for example, the identification of a meeting point inside or outside the port area where PRM may announce their arrival and ask for assistance, the possibility for PRM to embark with accompanying vehicles, in the case of ships providing this service, and to check in without leaving the vehicle, the need to move from hold to higher decks, and the possibility for blind people to bring their guide dogs into the cabin.
    - iii. information, if made available by the parties involved, on availability of bicycle accommodation in the port, presence of bike-sharing stations nearby, presence in the port of dedicated infrastructure, or mode, for charging electric bicycles, mobility scooters or electric wheelchairs;
    - iv. practical guidance for the provision of printed and oral information ashore and on board, as required by Measures 6 and 7;
    - v. information on management of any damaged or lost mobility equipment and replacement thereof;
    - vi. provision of training process to raise awareness and train the staff in charge of PMR assistance, including through the involvement of representatives of PRM users or their associations;
  - (d) the Plan contains *ad hoc* clear, quantifiable and comparable objectives for its monitoring and verification, to ensure appropriate and uniform dissemination of high levels of accessibility to all the relations covered by the contract.
3. The **minimum level** of P\_ACC indicator is 1 in case of adoption of the Plan no later than the first year from the conclusion of the contract. The monitoring of P\_ACC indicator is carried out by the AE by verifying the adoption of the Plan within the first year from the conclusion of the contract and by

evaluating the compliance of the Plan with the content provided for by the AE. After the adoption of the Plan, the AE carries out inspections to assess the achievement of the objectives identified therein; the frequency of inspections also depends on the activities and timeframe to implement the measures provided for in the plan.

4. The MQR under paragraph 1 (b) is ensured by the planning of an adequate number of journeys operated by vessels that are declared accessible to PRM. The MQR is measured with the quantitative indicator “**Availability of PRM services**”, %SPMR, and is defined as follows: for each “L” line, and each *i* month, monthly percentage of accessible journeys (including in relation to the use by wheelchair passengers), calculated as the ratio of the number of PRM-available monthly journeys to the total monthly journeys that are scheduled as accessible to PRM:

$$\%SPMR_{L,i} = \left( \frac{\text{no. of accessible and available monthly journeys}_{L,i}}{\text{no. of accessible scheduled monthly journeys}_{L,i}} \right) \cdot 100$$

where for each “L” line:

- (a) the number of accessible and available monthly journeys is given by the number of monthly journeys, provided with approved PRM-accessible vessel, that also ensures the use of the ship by wheelchair passengers. Depending on the vessel, for the purpose of the indicator, the ship is considered accessible if wheelchair passengers can move preferably independently (or with assistance) and access all on-board public areas that are provided by the ShC as accessible to PRM, in accordance with the relevant technical and regulatory requirements: decks, corridors, indoor lounges, cabins and services. If access to PRM reserved places (seats, cabins, and services) is ensured by a lift or other device, these must be fully operating and usable;
- (b) the number of accessible scheduled monthly journeys is the total number of the journeys indicated as accessible in the operating schedule.
5. The **minimum level** of %SPMR indicator, to be guaranteed for each line and month of service, is 100 %.
6. The indicator “**Ports with PRM assistance**”, %APMR is defined annually as the percentage of ports with PRM assistance to the total number of ports covered by the PSC. This indicator is not associated with any MQR and is aimed at providing an indicative value for transport service accessibility and monitoring its evolution over time. The indicator may also be used in the operating plan for monitoring port accessibility with respect to the supplied assistance services. It is calculated, for each “L” line, as the ratio of PRM-accessible ports to total ports:

$$\%APMR_L = \left( \frac{\text{no. of ports with PMR services}_L}{\text{total no. of ports}_L} \right) \cdot 100$$

Where for each “L” line:

- (a) the percentage calculation considers all ports on L line;
- (b) port with PMR services means a port where PRM assistance can be requested, for any journey, in particular for embarking and disembarking or transfer within the port, with appropriate equipment and personnel.

## Chapter VI - Environmental issues

### Measure 12 – Indicators and minimum levels of environmental quality

1. The minimum requirements of environmental quality are ensured by the ShC, through the certification of compliance with procedures that are aimed at:
  - (a) reducing marine pollution: treatment of oily water, sewage and solid waste, and all requirements to prevent the discharge of pollutants into the sea;
  - (b) reducing air pollution through low-impact propulsion systems, maintenance and navigation emission-reducing procedures (e.g. to achieve low levels of sulphur content, etc.);
  - (c) noise reduction both in terms of outward and inward emissions, also aiming at increasing travel comfort.
2. The descriptive CERT\_AMB indicator aims at providing an indicative value of the fleet environmental certification, and therefore it is not associated with any MQR. The indicator allows the monitoring of the variation in the number of certifications over time and the comparison of fleets associated with different PSCs. The CERT\_AMB indicator is defined, for each year, as the ratio of the number of certifications of the ships belonging to the fleet to the total number of the ships composing the fleet:

$$CERT\_AMB = \left( \frac{\text{no. of total certifications}}{\text{total fleet ships}} \right) \cdot 100$$

The ShC provides evidence, for each ship, of the certifications considered to calculate the indicator, that are broken down into mandatory and non-mandatory, as shown in a dedicated list.