

*Courtesy translation – only the Italian text is authentic*

**Measures concerning the minimum rights that may be claimed by users of rail and bus and coach transport services against service providers and managing bodies of the related infrastructure with regard to the handling of complaints**

**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 rail and bus and coach transport services against service providers and managing bodies of the related infrastructure with regard to the handling of complaints.
2. These measures shall apply in respect of rail passenger services:
  - (a) provided by licensed railway undertakings pursuant to Legislative Decree No 112 of 15 July 2015;
  - (b) provided by railway undertakings operating exclusively on the networks referred to in Article 1 (2) (a) and b) of Legislative Decree No. 112 of 15 July 2015.
3. These measures shall apply in respect of regular bus and coach services:
  - (a) where the boarding point is situated in the Italian territory;
  - (b) where the boarding point is situated outside the territory of the European Union and the alighting point is situated in the Italian territory.
4. These measures shall also apply with regard to the services provided by station managers/terminal managing bodies or digital platform operators in respect of rail and bus and coach transport services referred to under Measures 1.2 and 1.3.
5. Any further safeguards enhancing user protection that service providers and managing bodies of the related infrastructure may include in their service charters shall remain unaffected.

**Measure 2**  
**(Definitions)**

1. For the purpose of these measures, the definitions laid down in Article 3 of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (hereinafter: Rail Regulation) and in Article 3 of Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (hereinafter: Bus and Coach Regulation) shall apply, as well as the following definitions:
  - (a) **service provider:**
    - a.1) the railway undertaking holding a passenger license pursuant to Legislative Decree No 112 of 15 July 2015;
    - a.2) the railway undertaking operating exclusively on the networks referred to in article 1 (2) (a) and b) of Legislative Decree No 112 of 15 July 2015;
    - a.3) the carrier referred to in Article 3 (e) of the Bus and Coach Regulation offering transport by regular services to the general public;

- (b) **station manager/terminal managing body:**
  - b.1) entity that has been made responsible for the management of a railway station and which may be the infrastructure manager;
  - b.2) public or private entity that has been made responsible for the management of a terminal as defined in Article 3 (m) of the Bus and Coach Regulation;
- (c) **digital platform operator:** entity managing on-line information and ticketing services in respect of rail and/or bus and coach services rendered by several carriers;
- (d) **complaint-handling mechanism:** set of procedures set up by the service provider/terminal managing body or digital platform operator for the collection of complaints and for the substantiated reply thereto;
- (e) **complaint:** any written communication whereby a 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, the general conditions of carriage or the general conditions of use of the digital platform, or, where it is provided for its adoption, the service charter;
- (f) **travel pass:** travel pass, either paper or electronic, for the use of a public transport service, including the ticket which gives certain categories of users the right to travel with specific discounts. In particular, the following definitions shall apply:
  - single ticket: travel pass entitling to the use of public transport services provided by a service provider on a particular route or network;
  - through-ticket: one or more travel passes entitling to the use of consecutive rail services or consecutive bus and coach services provided by one or more operators, under a single transport contract;
  - season ticket: travel pass entitling to the use of an unlimited number of journeys on a particular route or network during a specified period;
  - integrated ticket: travel pass entitling to the use of more transport services, that are covered by one or more transport contracts;
- (g) **user:** potential user, i.e. person who intends to use the rail and/or bus and coach passenger service or the service provided by the digital platform operator, or actual user, i.e. person who uses or has already used these services.

### Measure 3

#### (Accessibility of complaint procedures of service providers)

1. Service providers shall ensure that a user-friendly complaint-handling mechanism is available, having particular regard to the needs of users with disabilities, while ensuring:
  - (a) the 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 link in the dedicated section referred to under Measure 3.4 (a), or via e-mail, against proof of receipt; if a

- certified e-mailbox is used, it shall be enabled to receive e-mails from non-certified e-mailboxes.
- b.2) submission of the complaint by registered post via a postal address or PO box;
- (c) availability of a complaint form, including in a printable format, based on the template under Annexes 1 and 2 to these measures.
2. The user may lodge the complaint without using the form under Measure 3.1 (c); service providers are required to examine the complaints that include at least:
- (a) user information (first name, surname, address) and representative, if any, by attaching in this case, proxy and user identity document;
- (b) details of journey made or planned (date, time of departure, origin and destination) and transport contract information (reservation code or ticket number) or travel pass copy;
- (c) description of non-compliance of the service with respect to one or more requirements laid down under EU or national legislation, the general conditions of carriage or, where it is provided for its adoption, the service charter.
3. Service providers shall inform users at least on:
- (a) channels and languages to be used for lodging the complaints;
- (b) availability of a complaint form, including how to find it;
- (c) minimum information referred to in Measure 3.2;
- (d) for bus and coach passengers, the time limits within which the complaint shall be submitted to the service provider, in accordance with Article 27 of the Bus and Coach Regulation;
- (e) maximum timeframe for the service provider to provide a reply to the complaint, pursuant to the provisions of Article 27 (2) of the Rail Regulation and Article 27 of the Bus and Coach Regulation or, if earlier, of the general conditions of carriage or service charter, where it is provided for its adoption;
- (f) remedies that may be adopted by the user in the event of non-reaction to the complaint within the time limits set out under (e), in particular concerning:
- f.1) use of out-of-court dispute settlement procedures;
- f.2) submission of a complaint to the Transport Regulation Authority (hereinafter: Authority), specifying the relevant arrangements;
- (g) automatic compensation provided for under Measure 6.1.
4. The information referred to in Measure 3.3 shall be provided at least:
- (a) on the website, in a dedicated section with access from home page, through an *ad hoc* link “Complaints”;
- (b) in the general conditions of carriage, in a dedicated “Complaints” section;
- (c) in the service charter, where it is provided for its adoption, in a dedicated “Complaints” section;
- (d) in stations and terminals, as well as, except for the information referred to in (c) and (g) of measure 3.3, on board trains, buses and coaches.
5. For the purpose of the expiry of the time limits laid down in Measure 3.3 (d) and (e):
- (a) in case of submission by e-mail or via the website, the complaint is considered to have been transmitted and received on the day it has been sent;

- (b) in case of submission by registered post via a postal address or PO box, the complaint is considered to have been transmitted on the day it was sent and to have been received on the day it was delivered to the service provider;
  - (c) where provided by the service provider among the available channels, in the event of:
    - (c.1) submission by ordinary mail, the complaint is considered to have been transmitted on the day it was sent and to have been received on the day of its registration in the systems of the service provider, that shall take place in due time and, in any case, within five days of delivery;
    - (c.2) hand delivery to the offices or customer service desk of the service provider, the complaint is considered to have been transmitted and received on the day of delivery, as indicated on the relevant receipt;
    - (c.3) hand delivery to a ticket office, travel agent, tour operator or ticket vendor, the complaint is considered to have been transmitted on the day of delivery, as indicated on the relevant receipt, and to have been received by the service provider on the day of its registration in its systems, which shall take place in due time and, in any case, within five days of receipt.
6. Travel passes shall clearly indicate the service provider with which a complaint may be lodged, and the website address of the section referred to in Measure 3.4 (a), even where the contract of carriage is concluded through a ticket vendor, travel agent or tour operator.
7. In the case of through-tickets, users may submit the complaint to any of the service providers involved, that shall cooperate for its examination.

#### **Measure 4**

##### **(Accessibility of complaint procedures of station manager/terminal managing body and digital platform operators)**

1. Station managers/terminal managing bodies and digital platform operators shall ensure that a user-friendly complaint-handling mechanism is available, having particular regard to the needs of users with disabilities, while ensuring:
  - (a) the 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 an *ad hoc* link in the dedicated section referred to under Measure 4.4 (a), or via e-mail, against proof of receipt; if a certified e-mailbox is used, it shall be enabled to receive e-mails from non-certified e-mailboxes.
    - (b.2) submission of the complaint by registered post via a postal address or PO box.
2. Station managers/terminal managing bodies and digital platform operators are required to examine the complaints that include at least:
  - (a) user information (first name, surname, address) and representative, if any, by attaching in this case, proxy and user identity document;

- (b) details of journey made or planned (date, time of departure, origin and destination) and, for complaints to station managers/terminal managing bodies, of railway station or bus terminal where the event occurred;
  - (c) description of non-compliance of the service with respect to one or more requirements laid down by EU or national legislation, general conditions of use of the platform or, where it is provided for its adoption, service charter.
3. Station managers/terminal managing bodies shall inform users at least on:
- (a) channels and languages to be used for lodging the complaints;
  - (b) maximum timeframe for the station manager/terminal managing body or digital platform operator to provide a reply to the complaint, pursuant to the provisions laid down in the service charter of the station manager/terminal managing body or in the general conditions of use of the digital platform;
  - (c) remedies that may be adopted by the user in the event of non-reaction to the complaint within the time limits set out under (b), in particular concerning:
    - c.1) use of out-of-court dispute settlement procedures, where applicable;
    - c.2) submission of a complaint to the Authority, specifying the relevant arrangements;
  - (d) automatic compensation provided for under Measure 6.2.
4. The information referred to in Measure 4.3 shall be included at least:
- (a) in any case, on the website, in a dedicated section with access from home page, through an *ad hoc* link “Complaints”;
  - (b) by station managers/terminal managing bodies, at the stations and in a dedicated “Complaints” section in the service charter;
  - (c) by digital platform operators, in a dedicated “Complaints” section in the general conditions of use of the digital platform.

#### **Measure 5 (Requirements to state reasons)**

1. The response to the complaint shall provide the reasons thereof and be drafted in easily comprehensible language for the average user, in respect of all grounds for complaint raised by the user, 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 or reimbursement in any form, and, if so, the relevant timeframe and procedures to obtain it, as well as, where such entitlement is recognized, the right to receive its payment in money, unless the user has already supplied the relevant information in the complaint form;
  - (c) measures implemented to solve the reported disruption and, where it has not been solved yet, the relevant timeframe;
  - (d) remedies to be adopted by the user in case the response received is considered not to be satisfactory, in particular concerning:

- d.1) use of out-of-court dispute resolution procedures;
  - d.2) submission of a complaint to the Authority, specifying the relevant arrangements;
  - (e) a return address for any request for clarification of the reply received.
2. If the complaint is rejected based on the respective remits:
- (a) by the service provider, this shall transmit the complaint, promptly and in any case within one month of receipt, informing the user accordingly:
    - (a.1) to the competent station manager/terminal managing body or to the digital platform operator, that shall provide a substantiated reply to the user within the timeframe set out in Measure 4.3 (b);
    - (a.2) in case of an integrated travel pass, to the competent service provider, that shall provide a substantiated reply to the user within the timeframe set out in Measure 3.3 (e);
  - (b) by the station manager/terminal managing body or by the digital platform operator, this shall transmit the complaint, promptly and in any case within the time limit referred to in Measure 4.3 (b), and at the same time inform the user, to the competent person that, within the timeframe laid down under these measures for the reply to the complaint, shall provide the relevant response.

### **Measure 6 (Compensation)**

1. For complaints lodged with the service provider, the user shall be entitled to receive automatic compensation of the travel pass price related to the transport service to the extent of at least:
- (a) 10 % in case the reply is given between the 91<sup>st</sup> and 120<sup>th</sup> day as of receipt of the complaint;
  - (b) 20 % in case of non-reaction within the 120<sup>th</sup> day as of receipt of the complaint.
- In the case of season tickets, the amount of such compensation, that is payable to the user where the reply is provided after the deadline referred to in Measure 3 (e), is defined by each service provider in its service charter or, where it is not provided for its adoption, in the general conditions of carriage.
2. In the case of complaints lodged with the station manager/terminal managing body or with the digital platform operator, the user shall be entitled, in case of response after the deadline referred to in Measure 4.3 (b), to receive automatic compensation as defined by each station manager/terminal managing body in their service charters and by each digital platform operator in its general conditions of use.
3. The compensation referred to in Measure 6.1 and 6.2 is not payable where:
- (a) its amount is below EUR 4;
  - (b) the complaint has not been lodged by the user according to the procedures, minimum information and timeframes laid down under Measures 3 and 4;
  - (c) the user has already received the compensation under Measures 6.1 and 6.2 in respect of a complaint concerning the same journey.

### **Measure 7**

#### **(Complaint registration of service provider, data retention and publication)**

1. Service providers shall ensure, as part of the complaint-handling mechanism, the registration of the complaints received, indicating for each complaint:
  - (a) user information and journey details;
  - (b) type of service;
  - (c) date of receipt of the complaint, as established in accordance with Measure 3.5;
  - (d) grounds of complaint as indicated in the specimen under Annexes 1 and 2 to these measures;
  - (e) substantiated reply to the complaint, together with its date of transmission.
2. In accordance with the rules on the protection of natural persons with regard to the processing of personal data, service providers shall, within their respective areas of responsibility, retain the data relating to the complaint, including the registrations referred to under Measure 7.1, for a reasonable period of time, which shall not be less than 24 months from the date on which the service was provided or should have been provided, including in relation to any requests for information made by the Authority in the performance of its institutional tasks with regard to the protection of users' rights.
3. Rail service providers shall publish on their websites number and categories of the complaints that are received and processed, response time and measures taken to improve procedures, as the case may be; the complaints shall be catalogued by ground of complaint on the basis of the items indicated in the specimen under Annex 1 to these measures. For the service providers falling under the Rail Regulation, publication shall take place in the context of the annual report referred to in Article 28 of the a.m. Regulation.

### **Measure 7**

#### **(Final provisions)**

1. Service providers are required to comply with the measures laid down in this Decision by adjusting, by 1 January 2022, their general conditions of carriage and, where it is provided for their adoption, their service charters.
2. Station managers/terminal managing bodies are required to comply with the measures laid down in this Decision by adjusting, by 1 January 2022, their service charters.
3. Digital platform operators are required to comply with the measures laid down in this Decision by adjusting, by 1 January 2022, the conditions of use of the digital platform.
4. By 1 January 2022 service providers, station managers/terminal managing bodies and digital platform operators shall notify to the Authority, for the purpose of the website publication, the address of the dedicated website section referred to in Measure 3.4 (a) and Measure 4.4 (a), promptly reporting any subsequent changes thereof.