

RAIL TRANSPORT		
Regulation (EC) No 1371/2007	Legislative decree No 70/2014 — Text in force	D.lgs. 70/2014 — Text proposal
Article 18 — Assistance	Article 15 — Penalties for failure to provide assistance to travellers	Article 15 — Penalties for failure to provide assistance to travellers
1. In the case of a delay in arrival or departure, passengers shall be kept informed of the situation and of the estimated departure time and estimated arrival time by the railway undertaking or by the station manager as soon as such information is available.  ()	<ol> <li>Except as provided for in paragraph 2, in the event of non-compliance with each of the obligations referred to in Article 18 of the Regulation, in relation to assistance to travellers in case of delay or interrupted travel, railway undertakings shall be subject to the payment of an administrative fine ranging from EUR 2,000 and EUR 10,000 for each event.</li> <li>In the event of non-compliance with the obligation to provide alternative transport services if the journey cannot be continued, in accordance with Article 18 (3) of the Regulation, railway undertakings shall be subject to an administrative fine ranging from EUR 2,000 to EUR 10,000 for each event.</li> </ol>	1. Except as provided for in paragraph 2, in the event of non-compliance with each of the obligations referred to in Article 18 of the Regulation, in relation to assistance to travellers in case of delay or interrupted travel, railway undertakings or station managers shall be subject to an administrative fine ranging from EUR 2,000 to EUR 10,000 for each event.  2. Unchanged.
Article 32 — Penalties	Article 5 — Proceedings for the establishment and imposition of penalties	Article 5 — Proceedings for the establishment and imposition of penalties
Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ()	1. For the establishment and imposition of administrative fines by the Authority, the provisions of Chapter I, Sections I and II of Law No 689 of 24 November 1981 shall apply, in so far as they are consistent with the provisions of this Article. The Authority, by its own rules of procedure, to be adopted no later than sixty days of the publication of this Decree, in compliance with the relevant legislation in force, shall regulate the	



procedures for the establishment and imposition of penalties, so as to ensure that the persons concerned are fully aware of the inquiries, adversarial hearing in writing and orally, recording in the minutes and separation between the functions of inquiry and decision-making. The rules of procedure govern the cases in which, with the agreement of the undertaking to which the measure initiating the penalty proceeding is addressed, simplified procedural arrangements may be adopted for the imposition of administrative fines.

- 2. The Authority, having assessed the information in its possession and those brought to its attention by any interested party, initiates the sanctioning proceeding by immediately raising objection or notifying the details of the infringement.
- 3. The Authority determines the level of the administrative fines ranging between the minimum and maximum amount of the penalty prescribed by law for any infringement of this Decree, in accordance with the principles of effectiveness and proportionality and on the basis of:
- a) seriousness of the infringement;
- b) repetition of the infringement;
- c) actions taken to eliminate or mitigate the consequences of the infringement;
- d) percentage ratio of passengers affected by the infringement compared to those carried.

2. Unchanged.

3. Unchanged.

3-a. In case of assessment of non-compliance with the obligations of the Regulation, the Authority shall prescribe the infringer to cease the conduct adversely affecting the users' rights, where this is still in place.

(...)



3-b. In case of non-compliance with the prescription referred to in paragraph 3-a, the Authority shall impose
an administrative fine ranging from EUR to EUR  3-c. The second sentence of paragraph 5 of Article 8-a of Law No 689 of 24 November 1981 shall not apply to
the administrative fines provided for in this Legislative Decree."  ()

SEA AND INLAND WATERWAY TRANSPORT		
Regulation (EU) No 1177/2010	Legislative Decree No 129/2015 — Text in force	Legislative Decree No 29/2015 — Text proposal
Article 19 - Compensation of the ticket price in the event of delay in arrival	No penalties.	Article 14-a - Article 19 - Compensation of the ticket price in the event of delay in arrival
1. Without losing the right to transport, passengers may request compensation from the carrier if they are facing a delay in arrival at the final destination as set out in the transport contract. The minimum level of compensation shall be 25 % of the ticket price for a delay of at least:		1. Carriers failing to comply with the obligation to pay the compensation linked to the ticket price laid down in Article 19 of the Regulation shall be subject to an administrative fine, for each single event, ranging from EUR to EUR
<ul> <li>(a) 1 hour in the case of a scheduled journey of up to 4 hours;</li> <li>(b) 2 hours in the case of a scheduled journey of more than 4 hours, but not exceeding 8 hours;</li> <li>(c) 3 hours in the case of a scheduled journey of more than 8 hours, but not exceeding 24 hours; or</li> <li>(d) 6 hours in the case of a scheduled journey of more than 24 hours.</li> </ul>		2. For each single delay in the payment of the compensation linked to the ticket price provided for in Article 19 of the Regulation which exceeds by three times the time-limit laid down in Article 19 (5) of the Regulation, carriers shall be subject to an administrative fine ranging from EUR to EUR



If the delay exceeds double the time set out in points (a) to (d), the compensation shall be 50 % of the ticket price.

- 2. Passengers who hold a travel pass or a season ticket and who encounter recurrent delays in arrival during its period of validity may request adequate compensation in accordance with the carrier's compensation arrangements. These arrangements shall state the criteria for determining delay in arrival and for calculation of compensation.
- 3. Compensation shall be calculated in relation to the price which the passenger actually paid for the delayed passenger service.
- 4. Where the transport is for a return journey, compensation for delay in arrival on either the outward or the return leg shall be calculated in relation to half of the price paid for the transport by that passenger service.
- 5. The compensation shall be paid within 1 month after the submission of the request for compensation. The compensation may be paid in vouchers and/or other services, provided that the conditions are flexible, particularly regarding the period of validity and the destination. The compensation shall be paid in money at the request of the passenger.
- 6. The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Carriers may introduce a minimum threshold under which payments for



this Regulation, that person, and any accompanying

compensation will not be paid. This threshold shall not		
exceed EUR 6.		
Article 8 — Exceptions and special conditions	Article 7 — Right to transport	Article 7 — Right to transport
<ol> <li>By way of derogation from Article 7(1), carriers, travel agents and tour operators may refuse to accept a reservation from, to issue or otherwise provide a ticket to or to embark a disabled person or person with reduced mobility:         <ul> <li>(a) in order to meet applicable safety requirements established by international, Union or national law or in order to meet safety requirements established by the competent authorities;</li> <li>(b) where the design of the passenger ship or port infrastructure and equipment, including port terminals, makes it impossible to carry out the embarkation, disembarkation or carriage of the said person in a safe or operationally feasible manner.</li> </ul> </li> <li>In the event of a refusal to accept a reservation or to issue or otherwise provide a ticket on the grounds referred to in paragraph 1, carriers, travel agents and tour operators shall make all reasonable efforts to propose to the person concerned an acceptable alternative transport on a passenger service or a cruise operated by the carrier.</li> <li>Where a disabled person or a person with reduced mobility, who holds a reservation or has a ticket and has complied with the requirements referred to in Article</li> </ol>	1. Subject to the reasons set out in Article 8 (1) of the Regulation, carriers, travel agents or tour operators that refuse to accept a reservation from, to issue or otherwise provide a ticket to or to embark a person on the grounds of disability or reduced mobility shall be subject to an administrative fine ranging from EUR 500 and EUR 5,000. The same penalty applies to carriers, travel agents or tour operators that, while the conditions laid down in Article 8 (4) of the Regulation are not satisfied, require that a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required.  2. Carriers, travel agents or tour operators that infringe Article 8 (2) of the Regulation shall be subject to an administrative fine ranging from EUR 150 to EUR 1,500. The same penalty applies to carriers, travel agents or tour operators that, in breach of Article 8 (5), do not inform the disabled person or person with reduced mobility in writing, no later than five days of the request, of the reasons why they refused to accept a reservation from, to issue or otherwise provide a ticket to or to embark the person.	2. Carriers, travel agents or tour operators that infringed Article 8 (2) and (3) of the Regulation shall be subject to an administrative fine ranging from EUR to EUR The same penalty applies to carriers, travel agents or tou operators that, in breach of Article 10 (5), do not inform the disabled person or person with reduced mobility in writing, no later than five days of the request, of the reasons why they refused to accept a reservation from to issue or otherwise provide a ticket to or to embark the person.



person referred to in paragraph 4 of this Article, shall be offered the choice between the right to reimbursement and re-routing as provided for in Annex I. The right to the option of a return journey or re-routing shall be conditional upon all safety requirements being met.

- 4. Where strictly necessary and under the same conditions set out in paragraph 1, carriers, travel agents and tour operators may require that a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required by the disabled person or person with reduced mobility. As regards passenger services, such an accompanying person shall be carried free of charge.
- 5. When carriers, travel agents and tour operators have recourse to paragraphs 1 or 4, they shall immediately inform the disabled person or person with reduced mobility of the specific reasons therefor. On request, those reasons shall be notified to the disabled person or person with reduced mobility in writing, no later than five working days after the request. In the event of refusal according to paragraph 1(a), reference shall be made to the applicable safety requirements.

#### Article 13 — Quality standards for assistance

1. Terminal operators and carriers operating port terminals or passenger services with a total of more than 100 000 commercial passenger movements during the previous calendar year shall, within their respective areas of competence, set quality standards for the assistance specified in Annexes II and III and shall, where

No penalties.

#### Article 10-a — Quality standards for assistance

1. Carriers and terminal operators that, within their respective competences, fail to set quality standards for assistance within the meaning of Article 13 (1) of the Regulation shall be subject to an administrative fine ranging from between EUR..... to EUR....



Article 28 — Penalties

appropriate through their organisations, determine resource requirements for meeting those standards, in cooperation with organisations representative of disabled persons or persons with reduced mobility.

- 2. In setting quality standards, full account shall be taken of internationally recognised policies and codes of conduct concerning facilitation of the transport of disabled persons or persons with reduced mobility, notably the IMO's Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs.
- 3. The quality standards provided for in paragraph 1 shall be made publicly available by terminal operators and carriers physically or on the Internet in accessible formats and in the same languages as those in which information is generally made available to all passengers.

The Member States shall lay down rules on penalties applicable to infringements of the provisions of this

Regulation and shall take all the measures necessary to

ensure that they are implemented. The penalties

### Article 4 — Proceedings for the establishment and imposition of penalties

# 1. For the establishment and imposition of administrative fines by the Authority, the provisions of Chapter I, Sections I and II of Law No 689 of 24 November 1981 shall apply, in so far as they are consistent with the provisions of this Article. The Authority, by its own rules of procedure, to be adopted no later than sixty days of the publication of this Decree, in compliance with the relevant legislation in force, shall regulate the procedures for the establishment and imposition of penalties, so as to ensure that the persons concerned are fully aware of the inquiries, adversarial hearing in

## 2. Carriers and terminal operators that, within their respective competences, fail to comply with the obligation laid down in Article 13 (3) of the Regulation shall be subject to an administrative fine ranging from EUR.... to EUR...

Article 4 — Proceedings for the establishment and imposition of penalties

1. Unchanged.

## provided for shall be effective, proportionate and dissuasive. Member States shall notify those rules and measures to the Commission by 18 December 2012 and shall notify it without delay of any subsequent amendment affecting them. (...)



writing and orally, recording in the minutes and separation between the functions of inquiry and decision-making. The rules of procedure govern the cases in which, with the agreement of the undertaking to which the measure initiating the penalty proceeding is addressed, simplified procedural arrangements may be adopted for the imposition of administrative fines. 2. Unchanged 2. Without prejudice to the provisions of article 3 (5), the Authority, having assessed the information in its possession and those brought to its attention by any interested party, initiates the sanctioning procedure by immediately raising objection or notifying the details of the infringement. 3. Unchanged 3. The Authority determines the level of the administrative fines ranging between the minimum and maximum amount of the penalty prescribed by law for any infringement of this Decree, in accordance with the principles of effectiveness and proportionality and on the basis of: a) seriousness of the infringement; b) repetition of the infringement; c) actions taken to eliminate or mitigate the consequences of the infringement; d) percentage ratio of passengers affected by the infringement compared to those carried. 3-a. In case of assessment of non-compliance with the (...) obligations under the Regulation, the Authority shall prescribe the infringer to cease the conduct adversely

affecting the users' rights, where this is still in place.



3-b. In case of non-compliance with the prescription referred to in paragraph 3-a, the Authority shall apply an administrative fine ranging from EUR to EUR  3-c. The second sentence of paragraph 5 of Article 8-a of Law No 689 of 24 November 1981 shall not apply to the administrative fines provided for in this Legislative Decree.
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BUS AND COACH TRANSPORT		
Regulation (EU) No 181/2011	D. lgs. No 169/2014 — Text in force	D. lgs. 169/2014 — Text proposal
Article 19 — Continuation, re-routing and reimbursement	Article 13 — Continuation, re-routing and reimbursement	Article 13 — Continuation, re-routing and reimbursement
<ol> <li>Where a carrier reasonably expects a regular service to be cancelled or delayed in departure from a terminal for more than 120 minutes or in the case of overbooking, the passenger shall immediately be offered the choice between:</li> <li>(a) continuation or re-routing to the final destination, at no additional cost and under comparable conditions, as set out in the transport contract, at the earliest</li> </ol>	<ol> <li>Carriers that infringe one of the obligations under Article 19 (1) and (2) of the Regulation, shall be subject to an administrative fine ranging from EUR 150 to EUR 1,500 for each passenger.</li> <li>Carriers that infringe one of the obligations under Article 19 (3) and (4) of the Regulation, shall be subject, for each single event, to an administrative fine ranging from 1,500 to EUR 15,000.</li> </ol>	Unchanged.  2. Unchanged.
opportunity;  (b) reimbursement of the ticket price, and, where relevant, a return service by bus or coach free of charge to the first point of departure, as set out in the transport contract, at the earliest opportunity.		2-a. For each single delay in the payment of reimbursements provided for in Article 19 of the Regulation which exceeds by three times the time-limit laid down in Article 19 (5), carriers shall be subject to an administrative fine ranging from EUR to EUR



- 2. If the carrier fails to offer the passenger the choice referred to in paragraph 1, the passenger shall have the right to compensation amounting to 50 % of the ticket price, in addition to the reimbursement referred to in point (b) of paragraph 1. This sum shall be paid by the carrier within 1 month after the submission of the request for compensation.
- 3. Where the bus or coach becomes inoperable during the journey, the carrier shall provide either the continuation of the service with another vehicle from the location of the inoperable vehicle, or transport from the location of the inoperable vehicle to a suitable waiting point or terminal from where continuation of the journey becomes possible.
- 4. Where a regular service is cancelled or delayed in departure from a bus stop for more than 120 minutes, passengers shall have the right to the continuation or rerouting or reimbursement of the ticket price from the carrier, as referred to in paragraph 1.
- 5. The payment of reimbursement provided for in point (b) of paragraph 1 and paragraph 4 shall be made within 14 days after the offer has been made or request has been received. The payment shall cover the full cost of the ticket at the price at which it was purchased, for the part or parts of the journey not made, and for the part or parts already made if the journey no longer serves any purpose in relation to the passenger's original travel plan. In case of travel passes or season tickets the payment shall be equal to its proportional part of the full cost of the pass or ticket. The reimbursement shall be



paid in money, unless the passenger accepts another form of reimbursement.

#### Article 20 — Information

- 1. In the event of cancellation or delay in departure of a regular service, passengers departing from terminals shall be informed by the carrier or, where appropriate, the terminal managing body, of the situation as soon as possible and in any event no later than 30 minutes after the scheduled departure time, and of the estimated departure time as soon as this information is available.
- 2. If passengers miss, according to the timetable, a connecting service due to a cancellation or delay, the carrier or, where appropriate, the terminal managing body, shall make reasonable efforts to inform the passengers concerned of alternative connections.
- 3. The carrier or, where appropriate, the terminal managing body, shall ensure that disabled persons and persons with reduced mobility receive the information required under paragraphs 1 and 2 in accessible formats.
- 4. Where feasible, the information required under paragraphs 1 and 2 shall be provided by electronic means to all passengers, including those departing from bus stops, within the time-limit stipulated in paragraph 1, if the passenger has requested this and has provided the necessary contact details to the carrier.

#### Article 14 — Information on cancellations and delays

1. Carriers or terminal managing bodies that infringe one of the information and communication obligations laid down in Article 20 (1) of the Regulation, shall be subject to an administrative fine ranging from EUR 500 to EUR 5,000 for any cancellation or delay. Carriers or terminal managing bodies shall be subject to the same administrative fine where they do not ensure that disabled persons or persons with reduced mobility receive the necessary information referred to in Article 20 (1) of the Regulation.

#### Article 14 — Information on cancellations and delays

1. Carriers or terminal managing bodies that infringe one of the information and communication obligations laid down in Article 20 of the Regulation, shall be subject to an administrative fine ranging from EUR 500 to EUR 5,000 for any cancellation or delay. Carriers or terminal managing bodies shall be subject to the same administrative fine where they do not ensure that disabled persons or persons with reduced mobility receive the necessary information referred to in Article 20 of the Regulation.



#### Article 10 — Exceptions and special conditions

- 1. Notwithstanding Article 9(1), carriers, travel agents and tour operators may refuse to accept a reservation from, to issue or otherwise provide a ticket to, or to take on board, a person on the grounds of disability or of reduced mobility:
- (a) in order to meet applicable safety requirements established by international, Union or national law, or in order to meet health and safety requirements established by the competent authorities;
- (b) where the design of the vehicle or the infrastructure, including bus stops and terminals, makes it physically impossible to take on board, alight or carry the disabled person or person with reduced mobility in a safe and operationally feasible manner.
- 2. In the event of a refusal to accept a reservation or to issue or otherwise provide a ticket on the grounds referred to in paragraph 1, carriers, travel agents and tour operators shall inform the person concerned about any acceptable alternative service operated by the carrier.
- 3. If a disabled person or a person with reduced mobility, who holds a reservation or has a ticket and has complied with the requirements of point (a) of Article 14(1), is nonetheless refused permission to board on the grounds of his disability or reduced mobility, that person and any accompanying person pursuant to paragraph 4 of this Article shall be offered the choice between:

#### Article 8 — Right to transport

1. Subject to the reasons set out in Article 10 (1) of the Regulation, carriers, travel agents or tour operators that refuse to accept a reservation from, to issue or otherwise provide a ticket to or to take on board a person on the grounds of disability or reduced mobility shall be subject to an administrative fine ranging from EUR 500 and EUR 5,000. The same penalty applies to carriers, travel agents or tour operators that, pursuant to article 10 (4) (1) of the Regulation, the reasons referred to in paragraph 1 of that Article cease to apply and where, pursuant to article 10 (4) (2), the accompanying person is not transported free of charge.

#### Article 8 — Right to transport

1. Unchanged.

1-a. Carriers, travel agents or tour operators that infringe Article 10 (2) and (3) of the Regulation shall be subject to an administrative fine ranging from EUR... to EUR.... The same penalty applies to carriers, travel agents or tour operators that, in breach of Article 10 (5), do not inform the disabled person or person with reduced mobility in writing, no later than five days of the request, of the reasons why they refused to accept a reservation or to issue or otherwise provide a ticket to or to take that person on board.



- (a) the right to reimbursement, and where relevant a return service free of charge to the first point of departure, as set out in the transport contract, at the earliest opportunity; and
- (b) except where not feasible, continuation of the journey or re-routing by reasonable alternative transport services to the place of destination set out in the transport contract.

The right to reimbursement of the money paid for the ticket shall not be affected by the failure to notify in accordance with point (a) of Article 14(1).

4. If a carrier, travel agent or tour operator refuses to accept a reservation from, to issue or otherwise provide a ticket to, or to take on board, a person on the grounds of disability or of reduced mobility for the reasons set out in paragraph 1, that person may request to be accompanied by another person of his own choosing who is capable of providing the assistance required by the disabled person or person with reduced mobility in order that the reasons set out in paragraph 1 no longer apply.

Such an accompanying person shall be transported free of charge and, where feasible, seated next to the disabled person or person with reduced mobility.

5. When carriers, travel agents or tour operators have recourse to paragraph 1, they shall immediately inform the disabled person or person with reduced mobility of the reasons therefor, and, upon request, inform the



person in question in writing within 5 working days of		
the request.		
Article 17 - Compensation in respect of wheelchairs and	Article 11 — Assistance at designated terminals and	Article 11 — Assistance at designated terminals and
other mobility equipment	onboard buses and coaches	onboard buses and coaches
1. Carriers and terminal managing bodies shall be liable where they have caused loss of or damage to wheelchairs, other mobility equipment or assistive devices. The loss or damage shall be compensated by	1. Carriers or terminal managing bodies that infringe the obligation to provide assistance free of charge under Article 13 of the Regulation, shall be subject to an administrative fine ranging from EUR 300 to EUR 1,200.	1. Unchanged.
<ul><li>the carrier or terminal managing body liable for that loss or damage.</li><li>The compensation referred to in paragraph 1 shall</li></ul>	2. Carriers, terminal managing bodies, travel agents or tour operators that infringe the obligations on the conditions for providing assistance to disabled persons	2. Unchanged.
be equal to the cost of replacement or repair of the	or persons with reduced mobility laid down in Article 14	
equipment or devices lost or damaged.	(3), (4) and (5) of the Regulation, shall be subject to an	
3. Where necessary, every effort shall be undertaken	administrative fine ranging from EUR 150 to EUR 900.	
to rapidly provide temporary replacement equipment or		
devices. The wheelchairs, other mobility equipment or		2-a. Carriers and terminal managing bodies that
assistive devices shall, where possible, have technical		infringe their obligations under Article 17 (3) of the
and functional features similar to those lost or damaged.		Regulation shall be subject to an administrative fine
		ranging from EUR to EUR
Article 31 — Penalties	Article 4 — Proceedings for the establishment and	Article 4 — Proceedings for the establishment and
Member States shall lay down rules on penalties	imposition of penalties	imposition of penalties
applicable to infringements of the provisions of this	1. For the establishment and imposition of	1. Unchanged.
Regulation and shall take all the measures necessary to	administrative fines by the Authority, the provisions of	
ensure that they are implemented. The penalties	Chapter I, Sections I and II of Law No 689 of 24 November	
provided for shall be effective, proportionate and	1981 shall apply, in so far as they are consistent with the	
dissuasive. ()	provisions of this Article. The Authority, by its own rules	
	of procedure, to be adopted no later than sixty days of	
	the publication of this Decree, in compliance with the	
	relevant legislation in force, shall regulate the	



procedures for the establishment and imposition of penalties, so as to ensure that the persons concerned are fully aware of the inquiries, adversarial hearing in writing and orally, recording in the minutes and separation between the functions of inquiry and decision-making. The rules of procedure govern the cases in which, with the agreement of the undertaking to which the measure initiating the penalty proceeding is addressed, simplified procedural arrangements may be adopted for the imposition of administrative fines.

- 2. Without prejudice to the provisions of article 3 (5), the Authority, having assessed the information in its possession and those brought to its attention by any interested party, initiates the sanctioning proceeding by immediately raising objection or notifying the details of the infringement.
- 3. The Authority determines the level of the administrative fines ranging between the minimum and maximum amount of the penalty prescribed by law for any infringement of this Decree, in accordance with the principles of effectiveness and proportionality and on the basis of:
- a) seriousness of the infringement;
- b) repetition of the infringement;
- c) actions taken to eliminate or mitigate the consequences of the infringement;
- d) percentage ratio of passengers affected by the infringement compared to those carried.

2. Unchanged.

3. Unchanged.



3-a. In case of assessment of non-compliance with the obligations under the Regulation, the Authority shall prescribe the infringer to cease the conduct adversely affecting the users' rights, where this is still in place.
3-b. In case of non-compliance with the prescription referred to in paragraph 3-a, the Authority shall apply an administrative fine ranging from EUR to EUR
3-c. The second sentence of paragraph 5 of Article 8-a of Law No 689 of 24 November 1981 shall not apply to the administrative fines provided for in this Legislative Decree.
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