

courtesy translation – only the Italian text is authentic

Measures concerning the minimum rights that may be claimed by users of air transport services from 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, this regulatory act establishes the minimum rights, including compensation, that may be claimed by users of air transport services from air transport service providers and managing bodies of the related airport infrastructure with regard to the handling of complaints.
2. This regulatory act applies to carriers providing passenger air transport services using motorised fixed wing aircraft with a capacity of more than 19 seats, where the boarding or disembarkation point is located at airports open to commercial traffic in the Italian territory.
3. This regulatory act also applies to connecting passenger air transport services, including code-sharing, with departure from, or final destination at, an airport open to commercial traffic located within the Italian territory.
4. This regulatory act further extends to operators of airports open to commercial traffic within the Italian territory, as well as, with regard to services related to flights under Measures 1.2 and 1.3, to digital platforms operators.
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 following definitions shall apply:
 - (a) **Authority:** the Transport Regulation Authority established under Article 37 of Decree-Law No. 201 of 6 December 2011, converted, with amendments, into Law No. 214 of 22 December 2011, within the framework of the regulation of public utility services pursuant to Law No. 481 of 14 November 1995;
 - (b) **Code-sharing:** code share arrangement between two or more carriers, whereby the user may purchase a ticket issued by one carrier (contracting carrier), while the flight is operated by another carrier(s) (operating carrier).
 - (c) **Managing body of the airport:** body which has as its objective under national laws, regulations or contracts, either exclusively or alongside other responsibilities, the administration and management of airport or airport network infrastructure, as well as the coordination and control of the activities of the various operators in the airports or airport network concerned.
 - (d) **digital platform operator:** body managing on-line information and ticketing services related to passenger air services rendered by several carriers;
 - (e) **out-of-court dispute resolution procedures regulated by the Authority:** out-of-court dispute resolution procedures pursuant to Article 37 (3) (h) of Decree-Law No 201/2011;

- (f) **complaint-handling system:** set of procedures established by the air transport service provider, airport infrastructure manager or digital platform operator for collecting complaints and providing substantiated responses thereto;
- (g) **reservation:** (digital or paper) document showing that the ticket reservation has been accepted and registered by the air carrier or platform operator;
- (h) **complaint:** any written communication whereby a user, or a representative or authorized person, or user association acting on his/her behalf, expresses complaints and requests about the non-compliance of the service with one or more requirements under EU or national legislation, the general conditions of carriage or use of the digital platform, or, if applicable, the service charter;
- (i) **connecting air services:** passenger air services consisting of multiple flight segments between departure point and final destination, which are booked under a single reservation with the same carrier or constitute a single commercial transaction with the same carrier;
- (j) **travel document:** either paper or electronic, enabling the use of a passenger air transport service authorized by the carrier or other authorized body;
- (k) **user:** potential user, i.e. the person who intends to use the air passenger service or the service provided by the digital platform operator, or actual user, i.e. the person who uses or has already used these services;
- (l) **person with disabilities or person with reduced mobility:** any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his or her full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced due to age;
- (m) **carrier:** operator of passenger air transport services (scheduled and charter flights) holding the appropriate operating license.

Measure 3

(Accessibility and transparency of complaint procedures of carriers)

1. Carriers shall ensure that a user-friendly complaint-handling system is available, having regard to the needs of PRM, 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) via the website, with access without prior registration, through a link in the dedicated section referred to under Measure 4.2 (a), or via e-mail, against proof of receipt confirming the transmission and receipt of the complaint, and the description of the service disruption provided by the user; if a certified e-mailbox is used, it shall be enabled to receive e-mails from non-certified e-mailboxes;
 - b.2) by registered post, sending the complaint to a physical address or P.O. box;

- (c) availability of a complaint form, which can be either printed or downloaded from the website;
 - (d) a reasoned response no later than 60 days of the date of receipt of the complaint, or within a shorter period as specified in the general conditions of carriage or, if applicable, in the service charter.
2. The user may lodge the complaint without using the form under Measure 3.1 (c); in this case, carriers are required to examine the complaints that include at least:
- (a) information on user (first name, surname, address) and representative or authorized person, if any; in this case, a proxy and a copy of the user's identity document must be attached to the complaint;
 - (b) details of made or scheduled journey (date, time of departure, origin and destination) and of transport contract (reservation code or ticket number) or copy of travel document;
 - (c) description of the identified 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, if applicable, the service charter.
 - (d) for complaints submitted by a representative or authorized person on behalf of the user, it must be explicitly indicated that it is a complaint.
3. In the case of a complaint lacking any of the elements specified in Measure 3.2, carriers shall inform the user no later than 30 days of its receipt that the complaint is inadmissible and that it may be re-submitted with all the necessary information.
4. For the purpose of the deadlines specified in Measure 3.1 (d) and Measure 3.3:
- (a) if the complaint is sent via e-mail or a website, it is considered transmitted and received on the day it is sent;
 - (b) if the complaint is sent by registered mail to a physical address or P.O. box, it is considered transmitted on the day it is sent and received on the day it is delivered to the carrier;
 - (c) where provided for by the carrier among the available channels:
 - (c.1) if the complaint is submitted at the carrier's offices or customer service desk, the complaint is considered transmitted and received on the day of submission, which must be documented on a receipt;
 - (c.3) if the complaint is delivered to a travel agent, tour operator, ticket vendor, or at the check-in desk or boarding gate, the complaint is considered transmitted on the day of delivery, which must be documented on a receipt, and received by the carrier on the day it is registered in the carrier's systems; this registration must be completed promptly and, in any case, no later than five days of receipt.

Measure 4

(Information on the carrier's complaint procedures)

1. Carriers shall inform users at least on:
- (a) channels and languages available for submitting complaints;

- (b) availability of the complaint form and how to obtain it;
 - (c) minimum information referred to in Measure 3.2;
 - (d) the 60-day period within which the carrier must provide a response to the complaint, or the shorter period specified in the general conditions of carriage or, if applicable, in the service charter;
 - (e) remedies available to the user in the event of no response to the complaint within the timeframe specified in (d), including the option to pursue out-of-court dispute resolution procedures regulated by the Authority;
 - (f) automatic compensation provided for under Measure 7.1.
2. The information referred to in Measure 4.1 shall be provided at least:
- (a) on the website, in a dedicated section accessible from the home page via a dedicated link “*Complaints*”;
 - (b) in the general conditions of carriage, in a dedicated section “*Complaints*”;
 - (c) upon request, at the check-in desk or boarding gate of an airport open to commercial traffic located in Italy, including through suitable means of dissemination to ensure accessibility for PRM;
 - (d) only for the information specified in Measure 4.1 (a) and b), on board the aircraft departing from or arriving at an airport open to commercial traffic located in Italy, through suitable means of dissemination to ensure accessibility for PRM.
3. The travel document and the reservation shall clearly indicate the carrier or carriers with whom a complaint may be lodged, as well as the relevant web addresses of the section specified in Measure 4.2 (a), even where the transport contract is concluded through a ticket vendor, a travel agent or a tour operator.

Measure 5

(Accessibility of complaint procedures of airport managing bodies and digital platform operators)

1. Airport managing bodies and digital platform operators shall ensure the availability of an easily accessible and user-friendly complaint-handling system, having regard to the needs of PRM, and ensuring:
- (a) the option to submit complaints in both Italian and English, with responses provided in the same language as the complaint;
 - (b) multiple channels to submit complaints, including at least:
 - (b.1) via the website, accessible through a dedicated link, without prior registration, in the section specified in Measure 5.4 (a), or via e-mail, with acknowledgement of receipt confirmation of the complaint’s submission. If a certified email address is used, it must be enabled to receive emails from non-certified e-mail addresses;
 - (b.2) for airport managing bodies, by registered mail through submission of the complaint to a physical address or P.O. box;

- (c) a reasoned response no later than 60 days of the date of receipt of the complaint, or within a shorter period as specified in the general conditions of carriage or, if applicable, in the service charter;
 - (d) for airport managing bodies, the availability of a complaint form, which can be either printed or downloaded from the website.
2. Users may submit a complaint without using the form referred to in Measure 5.1 (d); in this case, airport managing bodies and digital platform operators are required to review complaints that include at least:
- (a) information on user (first name, surname, address) and representative or authorized person, if any; in this case, a proxy and a copy of the user's identity document must be attached to the complaint;
 - (b) details of made or scheduled journey (date, time of departure, origin and destination) and, for complaints to airport managing bodies, of the airport where the event occurred;
 - (c) description of the identified non-compliance of the service with respect to one or more requirements laid down under EU or national legislation, the general conditions of use of the platform or, in the case of an airport managing body, the service charter;
 - (d) for complaints submitted by a representative or authorized person on behalf of the user, it must be explicitly indicated that it is a complaint.
3. Airport managing bodies and digital platform operators shall inform users at least on:
- (a) channels and languages available for submitting complaints;
 - (b) maximum timeframe for the airport managing body or digital platform operator to provide a response to the complaint or the shorter period, pursuant to the provisions laid down in the service charter of the airport managing body or in the general conditions of use of the digital platform, respectively;
 - (c) remedies available to the user in the event of no response to the complaint within the timeframe specified under (b), including the option to pursue out-of-court dispute resolution procedures regulated by the Authority;
 - (d) automatic compensation provided for under Measure 7.3.
4. The information referred to in Measure 5.3 shall be provided at least:
- (a) in any case, on the website, in a dedicated section accessible from the homepage via a dedicated link "*Complaints*";
 - (b) by airport managing bodies, inside the airport, through displays in areas for passenger waiting, at the check-in counters, and, where available, at the information desk (Infopoint);
 - (c) by digital platform operators, in a dedicated section "*Complaints*" in the general conditions of use of the digital platform.

Measure 6
(Obligations to state reasons in the response to the complaint)

1. The response to the complaint must be justified in a clear and understandable language for the average user, addressing all the reasons for the complaint raised by the user. It must explicitly state, 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 any form of compensation or reimbursement, and, if so, the timeframe and procedures for obtaining it;
 - (c) if applicable, the measures taken to address the reported disruption and, if it has not yet been solved, the estimated timeframe for resolution;
 - (d) the remedies available to the user in case he/she is not satisfied with the response received, including the option to pursue out-of-court dispute resolution procedures regulated by the Authority;
 - (e) a contact point for any requests for clarification regarding the response received.
2. If the complaint is rejected due to issues of jurisdiction:
 - (a) by the carrier, this shall forward the complaint, promptly and in any case no later than 30 days of receipt, informing the user accordingly:
 - (a.1) to the competent airport managing body or digital platform operator, that shall provide a reasoned response to the user within the timeframe specified out in Measure 5.3 (b), starting from the date of transmission;
 - (a.2) in the case of code-sharing, to the competent carrier, explaining the reasons for its lack of jurisdiction; the competent carrier will then provide a reasoned response to the user within the timeframe specified in Measure 3.1 (d), starting from the date of transmission;
 - (b) by the airport managing body, this shall forward the complaint, promptly and in any case within the timeframe specified in Measure 5.3 (b), to the competent carrier, digital platform operator, or other airport managing body, informing the user accordingly;
 - (c) by the digital platform operator, this shall forward the complaint, promptly and in any case within the timeframe specified in Measure 5.3 (b), to the competent carrier or airport managing body, informing the user accordingly.
3. The transmission of the complaint referred to in Measure 6.2 must be carried out in compliance with the legislation on the protection of natural persons with regard to the processing of personal data.

Measure 7
(Compensation)

1. For complaints submitted to the carrier, if there is no response to the complaint, or if no response is provided within 60 days of the date of receipt of the complaint, or if the response lacks adequate justification, the user is entitled to receive automatic compensation based on the price of the ticket related to the complaint, to the extent of at least:
 - (a) 10% of the price of the ticket related to the complaint, if the response is provided between the sixty-first and seventieth day of the date of receipt of the complaint;
 - (b) 20% of the price of the ticket related to the complaint, if the response is provided after the seventieth day or in case of no response.
2. In any case, the compensation referred to in Measure 7.1 cannot be less than EUR 10.00 or more than EUR 100.00. Each carrier shall establish, by updating its general contract conditions and, where applicable, its service charter, the payment methods of the compensation due. For this purpose, it may require that payments be made only directly to the user.
3. For complaints submitted to the airport managing body or digital platform operator, if the response is provided after the 60-day period, the user is entitled to receive automatic compensation. This compensation is determined by each airport managing body, that shall specify the amount, calculation method, and payment procedures in the section of its website referred to in Measure 5.4 (a), and, where applicable, in its service charter. Similarly, each digital platform operator shall specify these details in its general conditions of use.
4. The compensation referred to under this Measure is not due in the following cases:
 - (a) the complaint is not submitted by the user in accordance with the procedures and minimum requirements laid down in these measures;
 - (b) the user has already received compensation under this Measure for a similar complaint concerning the same journey;
 - (c) the user has already received the amount requested in the complaint.
5. The total annual amounts paid to users as compensation under this Measure shall be reported to the Authority upon request.

Measure 8
(Registration of carrier complaints, data retention, and publication)

1. Carriers shall ensure, withing their complaint-handling system, the registration of the complaints received, specifying for each complaint:
 - (a) user information and journey details;
 - (b) date of receipt of the complaint, established in accordance with Measure 3.4;
 - (c) grounds for the complaint;

- (d) reasoned response to the complaint, including its date of transmission.
2. In compliance with the legislation on the protection of natural persons with regard to the processing of personal data, carriers shall retain the data related to the complaint, including the registrations specified in Measure 8.1, for a reasonable period, which shall not be less than 24 months from the date the service was provided or should have been provided, including in relation to any information requests made by the Authority in the exercise of its responsibilities concerning the protection of user rights.

Measure 9
(Final provisions)

1. These Measures shall apply from March 30, 2025.
2. By April 15, 2025, carriers, airport managing bodies and digital platform operators shall provide the Authority with the address of the section of their website specified in Measure 4.2 (a) and Measure 5.4 (a), for the purpose of publication on the Authority's website, and shall promptly report to the Authority any subsequent changes.
3. The Authority will collect data related to these measures for publication on its Data Portal.