

*Courtesy translation – only the Italian text is authentic*

**Activity report under article 26 of Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway (year 2025)**

***1. Functions and responsibilities of the Authority as national enforcement body in charge of the enforcement of the rights of passengers when travelling by sea and inland waterway***

The Transport Regulation Authority (hereinafter: Authority), established under Article 37 of Decree-Law No 201 of 6 December 2011, as converted with amendments into Law No 214 of 22 December 2011, has been designated as the national enforcement body (NEB) in charge of the enforcement of Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway<sup>1</sup> (hereinafter: Regulation) pursuant to Legislative Decree No 129 of 29 July 2015<sup>2</sup>.

In setting out the rules on penalties for infringements of the provisions of the Regulation, the above-mentioned Legislative Decree No 129/2015 entrusted the Authority with the task of (i) carrying out monitoring and inquiries on sea and inland waterway transport services; ii) inquiring into and assessing the complaints lodged by passengers, for the purpose of identifying infringements of the obligations set out in the Regulation, (iii) assessing infringements of the provisions of the Regulation and imposing penalties as provided for in the above-mentioned Legislative Decree. In exercising these responsibilities, the Authority may, in particular, obtain information and documentation from carriers, port and port terminal managing bodies, or any other party concerned, and may conduct controls and inspections on the same carriers and managing bodies.

It should be noted that the Authority, in its capacity as NEB, is tasked with verifying that the rights of passengers have been respected and with imposing sanctions on the company, as the case may be, while only pursuant to article 10 of Law No 118 of 5 August 2022 (*“Annual competition Law 2021”*) it was granted the power to regulate *“on the basis of its own decisions, the methods for the out-of-court dispute resolution between economic operators managing transport networks, infrastructure and services, and users or consumers through simple and non-burdensome procedures, also by means of electronic communication”*.

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<sup>1</sup> Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2020 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004.

<sup>2</sup> Rules on penalties proceedings for infringements of the provisions of Regulation (EU) No 1177/2010, amending Regulation (EC) No 2006/2004 concerning the rights of passengers when travelling by sea and inland waterway.

This provision was implemented by the Authority with the adoption of Decision No. 21/2023 of 8 February 2023 on *“Rules governing the initial implementation of out-of-court settlement of disputes between economic entities operating transport networks, infrastructure and services, and users or consumers, pursuant to Article 10 of Law No 118 of 5 August 2022”* (hereinafter: ADR Rules), concerning ADR (alternative dispute resolution) procedures in the sectors falling under the Authority's remit, including sea transport<sup>3</sup>.

As required by Article 26 of the Regulation (*“Report on enforcement of this Regulation”*), this report illustrates the activity carried out by the Authority in its capacity as national enforcement body in the two years preceding the publication of the report, by specifying, in particular, the actions taken to enforce the provisions of the Regulation, and provides statistical data relating to the complaints received and the penalties imposed in the period from 1 January 2023 to 31 December 2024.

The sea and inland waterway passenger services that are covered by this report are as follows:

- services where the port of embarkation is situated in the territory of a Member State or where only the port of disembarkation is situated in the EU territory, provided that such services are operated by EU carriers;
- cruises where the port of embarkation is situated in the territory of a Member State, with a few exceptions that are precisely identified in the Regulation.

The Regulation shall not apply in respect of passengers travelling on ships certified to carry up to 12 passengers, on ships which have a crew responsible for the operation of the ship composed of not more than three persons or where the distance of the overall passenger service is less than 500 metres, one way, on excursion and sightseeing tours and on ships not propelled by mechanical means.

Finally, pursuant to Article 3 (4) of Legislative Decree No 129/2015, the Authority may, where necessary, submit proposals to the Parliament and the Government to amend the provisions whereby it was designated as national enforcement body, including with reference to the extent of the applicable sanctions<sup>4</sup>.

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<sup>3</sup> Paragraph 3.1 of this report provides evidence of the activities relating to the requests concerning this sector submitted through the ART dispute settlement procedure. It should be noted that the provisions laid down in the a.m. Decision No. 21/2023 include, *inter alia*, Article 12(3), which stipulates that: Article 12 (3) of the above rules stipulates that: *“For the sole purpose of the exercise of the sanctioning powers by the competent national body, the possibility that users lodge complaints pursuant to Articles 16 (2) of Regulation (EC) No 261/2004, 15 (2) of Regulation (EC) No 1107/2006, 30 (2) of Regulation (EC) No 1371/2007, 33 (2) of Regulation (EU) No 782/2021, 25 (3) of Regulation (EU) No 1177/2010, 28 (3) of Regulation (EU) No 181/2011 shall remain unaffected”*.

<sup>4</sup> As illustrated in the previous report, on 5 December 2018 the Authority addressed a recommendation to the Government and the Parliament on *“Enforcement of passenger rights in rail, sea and inland waterway and bus and coach transport: sanctioning system”*. The recommendation included proposals to amend Legislative Decrees No 70/2014, No 129/2015 and No 169/2014, which implement, respectively, the EU regulations on the rights of rail, sea, and bus passengers in the Italian legal system (also available in English at the following link: <https://www.autorita-trasporti.it/atti-di-segnalazione/arts-recommendation-on-the-protection-of-passenger-rights-in-rail-sea-inland-waterway-and-coach-bus-transport-rules-on-penalties/?lang=en>).

## 2. Sea transport services market

To outline some key features of the sea transport in Italy, it is worth noting that Italian ports are overseen by 16 Port System Authorities (hereinafter: PSAs), non-economic public bodies with legal personality. Their institutional mandate includes the management and organization of goods and services within their respective port areas.

The total number of passengers, embarked and disembarked in Italian ports managed by the PSAs, is approx. 71 million in 2023 and over 73 million in 2024 (with an increase of 3.5 percent). The table below shows the passenger volumes for each PSA in the years of reference, further broken down by type of service:

- local transport (services covering distances of less than 20 nautical miles)
- ferries (services covering distances of 20 nautical miles or more)
- cruises.

PSA/Ports	Passenger number							
	2023 (update: 02/02/2024)				2024 (update: 01/04/2025)			
	Local	Ferries	Cruises	Tot. 2023	Local	Ferries	Cruises	Tot. 2024
<b>Mar Ionio</b> Taranto			138,548	<b>138,548</b>			139,511	<b>139,511</b>
<b>Mar Ligure Occidentale</b> Genova, Savona-Vado		2,684,054	2,560,388	<b>5,244,442</b>		2,722,159	2,283,693	<b>5,005,852</b>
<b>Mar Ligure Orientale</b> La Spezia, Marina di Carrara	700,000		735,626	<b>1,435,626</b>	616,000		667,661	<b>1,283,661</b>
<b>Mar Tirreno Centrale</b> Napoli, Salerno, Castellammare di Stabia	7,254,844	1,110,025	1,729,273	<b>10,094,142</b>	7,973,565	1,072,831	1,826,137	<b>10,872,533</b>
<b>Mar Tirreno Centro Settentrionale</b> Civitavecchia, Fiumicino, Gaeta		1,620,533	3,317,989	<b>4,938,522</b>		1,545,904	3,459,238	<b>5,005,142</b>
<b>Mar Tirreno Settentrionale</b> Livorno, Piombino, Portoferraio-Rio Marina-Cavo	6,281,979	3,277,287	677,671	<b>10,236,937</b>	6,352,406	3,490,588	904,762	<b>10,747,756</b>
<b>Mare Adriatico Centrale</b> Ancona-Falconara, Pescara, Vasto, Pesaro, San Benedetto del Tronto, Ortona		870,041	88,649	<b>958,690</b>		833,874	105,644	<b>939,518</b>
<b>Mare Adriatico Centro Settentrionale</b> Ravenna		386	330,952	<b>331,338</b>		379	272,219	<b>272,598</b>
<b>Mare Adriatico Meridionale</b> Bari, Brindisi, Manfredonia, Barletta, Monopoli, Termoli		1,908,209	493,413	<b>2,401,622</b>		1,824,177	582,763	<b>2,406,940</b>
<b>Mare Adriatico Orientale</b> Trieste, Monfalcone		10,408	560,644	<b>571,052</b>		9,174	480,121	<b>489,295</b>
<b>Mare Adriatico Settentrionale</b> Venezia, Chioggia	64,435	89,909	560,605	<b>714,949</b>	42,928	61,718	597,341	<b>701,987</b>

PSA/Ports	Passenger number							
	2023 (update: 02/02/2024)				2024 (update: 01/04/2025)			
	Local	Ferries	Cruises	Tot. 2023	Local	Ferries	Cruises	Tot.2024
<b>Mare di Sardegna</b>								
Cagliari-Sarroch, Olbia, Porto Torres, Golfo Aranci, Oristano, Portoscuso-Portovesme, Santa Teresa di Gallura, Arbatax	882,742	5,325,877	434,334	<b>6,642,953</b>	970,115	5,563,050	684,061	<b>7,217,226</b>
<b>Mare di Sicilia Occidentale</b>								
Palermo, Termini Imerese, Porto Empedocle, Trapani, Gela, Licata	1,240,042	1,699,636	952,470	<b>3,892,148</b>	1,215,291	1,673,227	984,913	<b>3,873,431</b>
<b>Mare di Sicilia Orientale</b>								
Catania, Augusta, Pozzallo		4,682	221,560	<b>226,242</b>		443,666	217,583	<b>661,249</b>
<b>Mari Tirreno Meridionale e Ionio</b>								
Gioia Tauro, Crotone, Corigliano Calabro, Taureana di Palmi, Vibo Valentia Marina	16,056		28,563	<b>44,619</b>	18,192		26,368	<b>44,560</b>
<b>Stretto</b>								
Messina-Tremestieri, Milazzo, Villa San Giovanni, Reggio Calabria	22,382,198	69,010	526,034	<b>22,977,242</b>	22,998,884	68,711	618,330	<b>23,685,925</b>
<b>Total amount</b>	<b>38,822,296</b>	<b>18,670,05</b>	<b>13,356,719</b>	<b>70,849,072</b>	<b>40,187,381</b>	<b>19,309,458</b>	<b>13,850,345</b>	<b>73,347,184</b>

Source: ASSOPORTI - Autorità di Sistema Portuale – Port operations (2023 and 2024).

In 2023, local transport served approx. 38,8 million passengers, rising to approximately 40.2 million in 2024, marking a 3.5% increase. Similarly, ferry services saw a comparable 3.4% increase in passenger numbers, rising from approx. 18.6 million in 2023 to 19.3 million in 2024. Cruise traffic, too, saw a 3.4% rise in passenger numbers, increasing from approx. 13.4 million in 2023 to approx. 13.9 million in 2024.

The main companies operating in the sector were identified by extracting companies under selected ATECO codes<sup>5</sup> from AIDA database with available financial statements for 2022 and 2023<sup>6</sup>:

No.	Corporate name
1	Costa Crociere S.p.A.
2	Grandi Navi Veloci S.p.A.
3	Moby S.p.A.
4	Forship S.p.A. <sup>7</sup>
5	Caronte & Tourist Isole Minori S.p.A.

Source: Data extraction from AIDA on 8 April 2025

<sup>5</sup> ATECO 50.1 "MARITIME AND COASTAL PASSENGER TRANSPORT" was taken into consideration.

<sup>6</sup> Top 5 companies with the highest 'Total production value' (in euros) as reported in the income statement.

<sup>7</sup> Operating under the trade name Corsica Ferries – Sardinia Ferries.

### 3. Procedure to lodge a complaint with the Authority

As mentioned under paragraph 1, the Authority has been entrusted, *inter alia*, with the task of inquiring and evaluating the complaints lodged by passengers, in order to ascertain the infringements of the obligations set out in the Regulation.

Pursuant to Article 25 (3), second sentence of the Regulation, national legislation provides that, in case of alleged infringement of EU legislation, before applying to the Authority, passengers must first lodge their complaint with the carrier or terminal operator<sup>8</sup>. The Regulation stipulates that this first-instance complaint shall be lodged within two months of the date on which the service was provided or should have been provided.

Only in case of an unsatisfactory response or in case of non-reaction, within sixty days of submission to the carrier, passengers may appeal to the Authority as a second-instance body – including through representative associations, where specifically delegated to do so – to report breaches of the obligations set out in the Regulation. Regarding regional and local services, complaints may be submitted to the competent regional bodies, as identified by a decree of the Minister of Infrastructure and Transport<sup>9</sup>, which are required to forward them to the Authority on a monthly basis.

In particular, for sea and inland waterway transport services, current regulations provide that second-instance complaints shall be lodged with the Authority through one of the following methods:

- by using the dedicated online platform (SiTe), accessible via the Authority's website at <https://www.autorita-trasporti.it/site/?lang=en>, which does not require further transmission. The system, accessible at [https://secure.autorita-trasporti.it/ART\\_Login/LoginB.aspx](https://secure.autorita-trasporti.it/ART_Login/LoginB.aspx), allows users to submit complaints directly on-line through a guided procedure, subject to prior registration and issuance of the relevant login credentials (ID and password)<sup>10</sup>. If the user completes the procedure by uploading all the required documents, the system automatically forwards the complaint to the Authority and allows the user to verify its registration. The platform is also available in English
- by completing the complaint form available at <https://www.autorita-trasporti.it/modulistica/>, and in English at <https://www.autorita-trasporti.it/forms/?lang=en>. The completed form shall be

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<sup>8</sup> In this regard, carriers and terminal operators are required to establish or maintain an accessible complaint-handling mechanism covering the rights and obligations provided for under the Regulation. Within one month of receiving the complaint, the carrier or terminal operator shall inform the passenger whether its complaint has been upheld, rejected or is still under review. The final response must be provided no later than two months of receipt of the complaint (Article 24 of the Regulation). Also worth mentioning are the "*Measures concerning the minimum rights that may be claimed by users of sea and inland waterway transport services against service providers and terminal operators with regard to the handling of complaints*", approved by the Authority with Decision No 83/2019 of 4 July 2019 ( <https://www.autorita-trasporti.it/delibere/decision-no-83-2019/?lang=en> ).

<sup>9</sup> Decree of the Minister of Infrastructure and Transport of 5 June 2017 on "*Identification of the regional bodies in charge of receiving complaints concerning alleged infringements related to sea and inland waterway transport services falling within regional and local competence*".

<sup>10</sup> As of 23 September 2020, SiTe is accessible through the Public Digital Identity System (SPID) or electronic identity card (e-ID Card) as well.

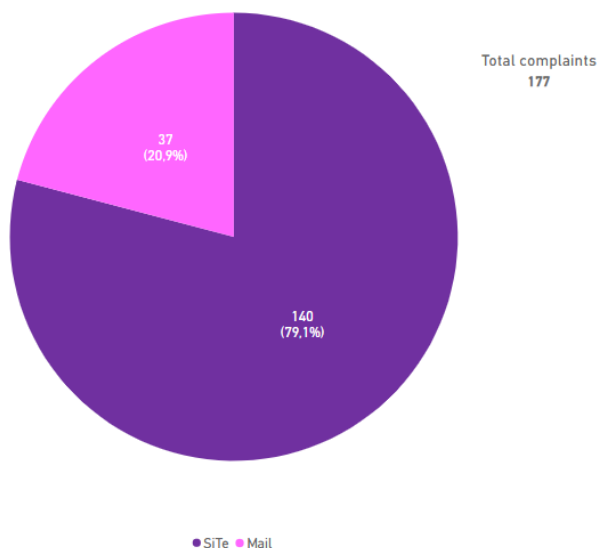
submitted, under penalty of inadmissibility, either by registered mail with acknowledgement of receipt or via certified e-mail (CEM) to the following address: [pec@pec.autorita-trasporti.it](mailto:pec@pec.autorita-trasporti.it)<sup>11</sup>.

It is worth noting that the SiTe tool streamlines the services provided to users; this submission method guides users through the correct completion of complaints, centralises their receipt, and facilitates more effective responses by ensuring access to all relevant information.

During 2024, ongoing system improvements were carried out on the SiTe platform, with the introduction of new features aimed at further enhancing the Authority's transparency and improving the operational management of complaints by the competent offices, as well as ensuring more immediate accessibility of information for users regarding the processing status of their cases<sup>12</sup>.

As shown in the following chart under Figure 1 relating to sea and inland waterway transport, during the period under review 79.1% of complaints were received through SiTe, while 20.9% were submitted using a form sent through one of the other designated channels (collectively referred to as "mail").

**Figure 1 — Methods of receipt of complaints concerning sea and inland waterway transport in the period from 1 January 2023 to 31 December 2024**



Source: ART

<sup>11</sup> Until 1 December 2022, complaints could also be submitted via an additional e-mail address: [art@autorita-trasporti.it](mailto:art@autorita-trasporti.it). However, for reasons of streamlining, this address was discontinued.

<sup>12</sup> In particular, the digital processes for managing online cases have been optimized, and a tracking and monitoring function has been introduced for the processing status of complaint handling, including detailed explanatory updates.

### **3.1 *Alternative Dispute Resolution of the Authority***

As illustrated under paragraph 1, by Decision No. 21/2023, the Authority adopted the ADR Rules, implementing the provisions of Article 10 of Law No 118 of 5 August 2022.

The scope of the ADR Rules covers not only (i) disputes related to passenger rights—over which the Authority already exercises supervisory functions under European legislation (passenger rights in rail, bus, maritime, and inland waterway transport), but also (ii) disputes concerning the regulation of the minimum content of rights approved by the Authority itself, as well as (iii) disputes concerning the rights granted to air passengers under Regulations (EC) No. 261/2004 and No. 1107/2006<sup>13</sup>.

These rules allow users to resolve disputes related to travel by train, ship, bus, or air through the ConciliaWeb platform, enabling them to assert their claims, including those of a financial nature. The attempt to settle disputes before the Authority's Dispute Settlement Service has been available since 3 April 2023, the date ConciliaWeb became operational.

A prerequisite for the admissibility of the request is that the user must have already submitted a complaint or a request for compensation or reimbursement to the economic operator<sup>14</sup>.

Users may submit a request for dispute settlement and take part in the procedure either independently or through a designated representative or authorised party (such as consumer associations, representative bodies, or lawyers registered with the Bar).

The dispute settlement procedure takes place through the asynchronous exchange of communications between the parties and the conciliator via the platform.

If the parties reach an agreement, the conciliator draws up a report, which is then signed by the parties and constitutes an enforceable instrument pursuant to Article 2(24)(b) of Law No. 481/1995.

The procedure must be concluded within thirty day<sup>15</sup> of the submission of the request—or its regularisation—in accordance with Article 37(3)(h) of Decree-Law 201/2011.

To highlight the activities carried out by the Authority's Dispute Settlement Service specifically in the sea transport sector in the period from 3 April 2023 to 31 December 2024, the following information is provided: the number of requests received, their temporal trends, the outcomes of dispute settlement procedures, and the economic value of the settlements concluded in favour of users (hereinafter: reimbursements).

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<sup>13</sup> Without prejudice to the existing legal framework under which the National Civil Aviation Authority (ENAC) serves as the National Enforcement Body (NEB) for the application of these two regulations, pursuant to Legislative Decrees No. 69/2006 and No. 24/2009.

<sup>14</sup> The ART Dispute Settlement Service places special emphasis on supporting users in submitting their requests, offering assistance via a dedicated email inbox and by continuously updating the FAQs available at <https://www.autorita-trasporti.it/frequently-asked-questions-faq/>.

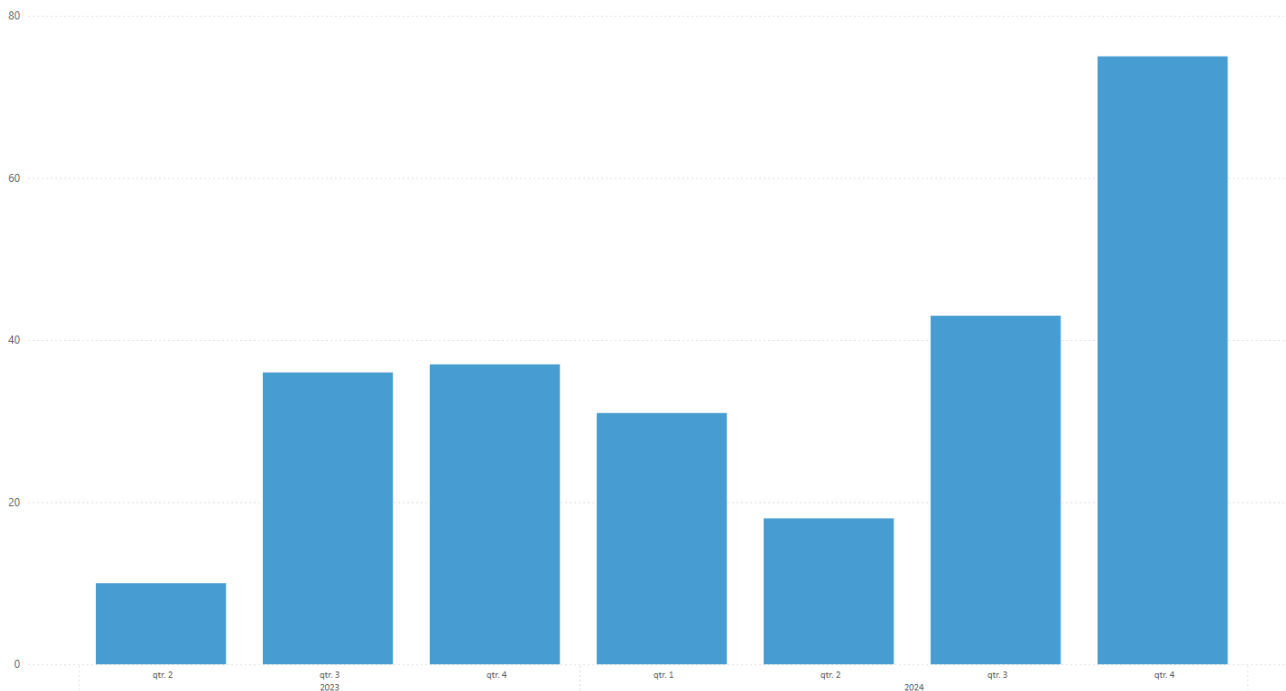
<sup>15</sup> This deadline is not considered mandatory; however, to safeguard the right to judicial protection, it is established that users may turn to the court after 30 days from the submission of the request.

During the period under review, a total of 250 dispute settlement requests relating to sea transport were received, as shown in the timeline presented in Figure 2. Figure 3 displays the outcomes, focusing on procedures concluded and not dismissed<sup>16</sup>.

The main issues raised in the requests received, falling within the scope of passenger rights under the Regulation, are:

- failure to provide a ticket reimbursement in the event of cancellation or delayed departure exceeding 90 minutes (not applicable to cruises)
- failure to provide a final response to the complaint within 2 months
- failure to pay compensation for late arrival at the final destination (not applicable to cruises)
- unreasoned response to the complaint
- failure to provide information on passengers' rights.

**Figure 2 - Quarterly trend of requests in the period from 3 April 2023 to 31 December 2024.**



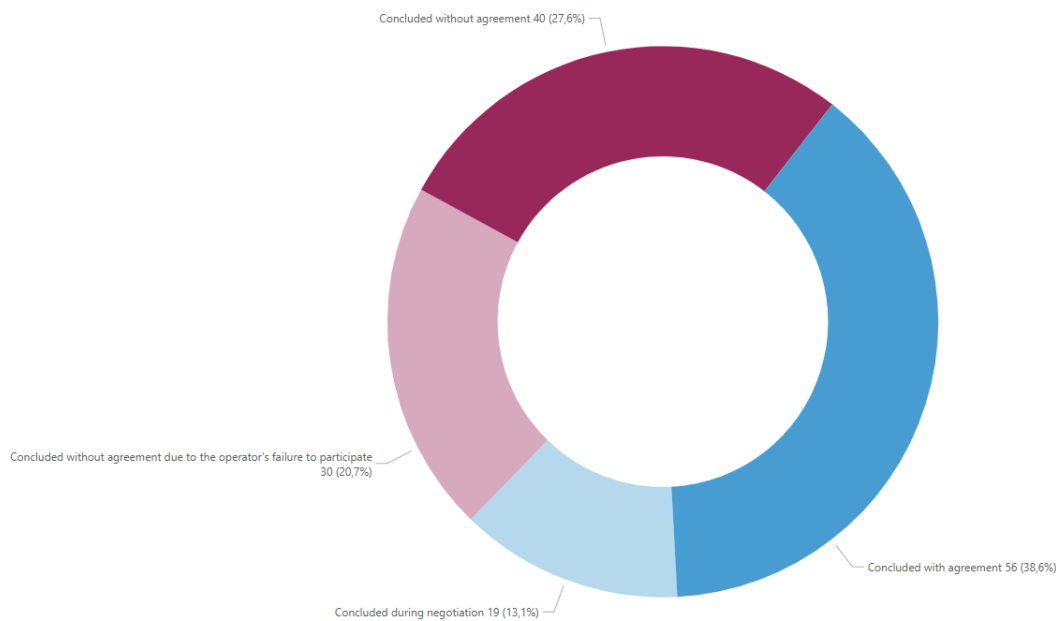
Source: ART

<sup>16</sup> The dismissed requests referred to herein include: (i) cases of inadmissibility, in accordance with Article 7 of the ADR Rules, either identified ex officio or raised by the operator; (ii) cases where the user failed to appear (i.e. no participation followed the initial submission of the request); or (iii) cases of user withdrawal during the procedure (often, although not currently traceable with precision, because a settlement was reached outside the platform).



As with second-level complaints, the number of dispute settlement requests submitted for sea transport in 2024 also peaked in the months immediately following the summer, once again highlighting the strong seasonality of the sector.

**Figure 3 - Outcomes of procedures concluded and non-dismissed<sup>17</sup> in the period from 3 April 2023 to 31 December 2024.**



Source: ART

The data for the period under review concerning the outcome of requests show that 51.7% of them have been resolved through a settlement (either by direct negotiation or by dispute settlement). This notably high percentage is the outcome of sustained communication and engagement efforts with sector operators over the years. These efforts have specifically included targeted interactions with transport providers, including in relation to dispute settlement, with the aim of highlighting the benefits and advantages of their participation in the ART dispute settlement procedure.

In this latter respect, with regard to the entities registered on the platform, it is worth highlighting that nearly all the major companies operating sea passenger transport services in Italy have registered and participated in the proceedings, despite it not being mandatory.

<sup>17</sup> In particular, in the period of reference, 105 dispute settlement requests were dismissed due to inadmissibility, user failure to appear, or user withdrawal, accounting for 42.16% of the total requests received for sea transport.

The total reimbursements granted for sea transport through dispute settlement procedures conducted via the ConciliaWeb platform in the period under review, account for €13,741, with an average reimbursement of €142 per passenger.

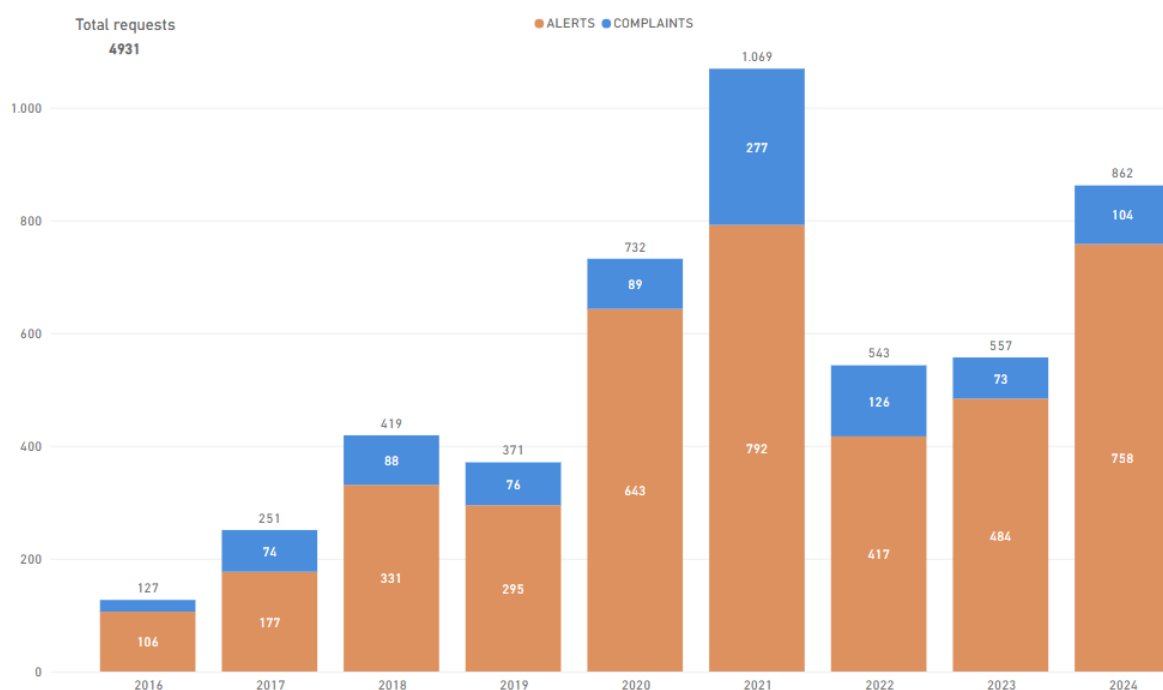
#### 4. Alerts and complaints received

This Report presents data on complaints and alerts (requests) received in the period of reference, from 1 January 2023 to 31 December 2024.

For clarity, an alert is a request submitted by the user that does not comply with the prescribed formalities, for example, one submitted before the expiry of the 60-day period following the lodging of a complaint with the carrier, or one containing only a general description of the issue, or even without any indication of the company involved. Conversely, a complaint is a properly filed request that includes all the essential information necessary for a thorough assessment of the user's case.

As the national body responsible for the enforcement of the Regulation, the Authority received complaints and alerts from sea passengers<sup>18</sup>, in the years between 2016 and 2024, as detailed in the bar chart and table in Figure 4.

**Figure 4 – Complaints and alerts received in sea transport in the period from 1 January 2016 to 31 December 2024**



Source: ART

<sup>18</sup> Two alerts were received concerning inland waterways.

Type of request	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Alerts	106	177	331	295	643	792	417	484	758	4,003
Complaints	21	74	88	76	89	277	126	73	104	928
Total	127	251	419	371	732	1069	543	557	862	4,931

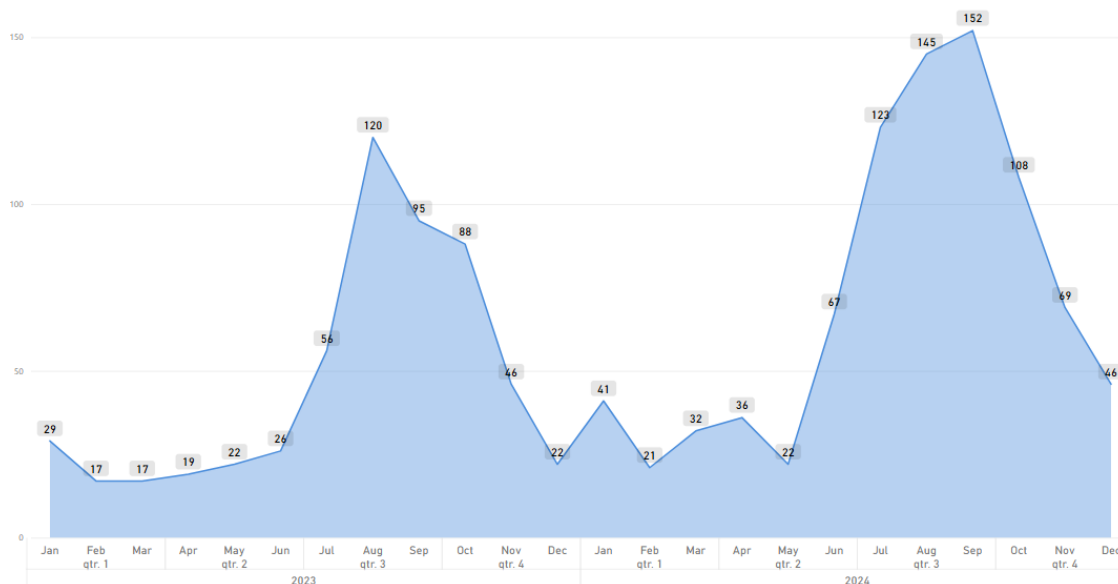
As already described in the previous report, the number of requests increased significantly in 2021 (by nearly 30%) compared both to 2020, a year marked by mobility restrictions due to the COVID-19 pandemic, and to the pre-pandemic years. This sharp increase in 2021 is likely attributable to the resumption of travel, as explained in the earlier report.

As for 2023, figures were broadly in line with those recorded in 2022, with no significant differences except for a lower number of complaints and a higher number of alerts. In 2024, the number of requests rose substantially, reaching levels higher than in any other year, with the sole exception of 2021, which may be regarded as an outlier.

It is also worth noting that, given the strong seasonality of maritime transport in Italy - due to connections to and from the main islands (Sardinia, Sicily, and Corsica<sup>19</sup>), which are also major tourist destinations - and taking into account the requirement to first submit a complaint to the operator, most requests are typically received by the Authority between October and December, and into the early months of the following year, as will be further detailed below.

The monthly and quarterly trends in the complaints and alerts received by the Authority in the period under review is shown in the graph in Figure 5.

**Figure 5 — Trend in complaints and alerts concerning sea transport from 1 January 2023 to 31 December 2024**



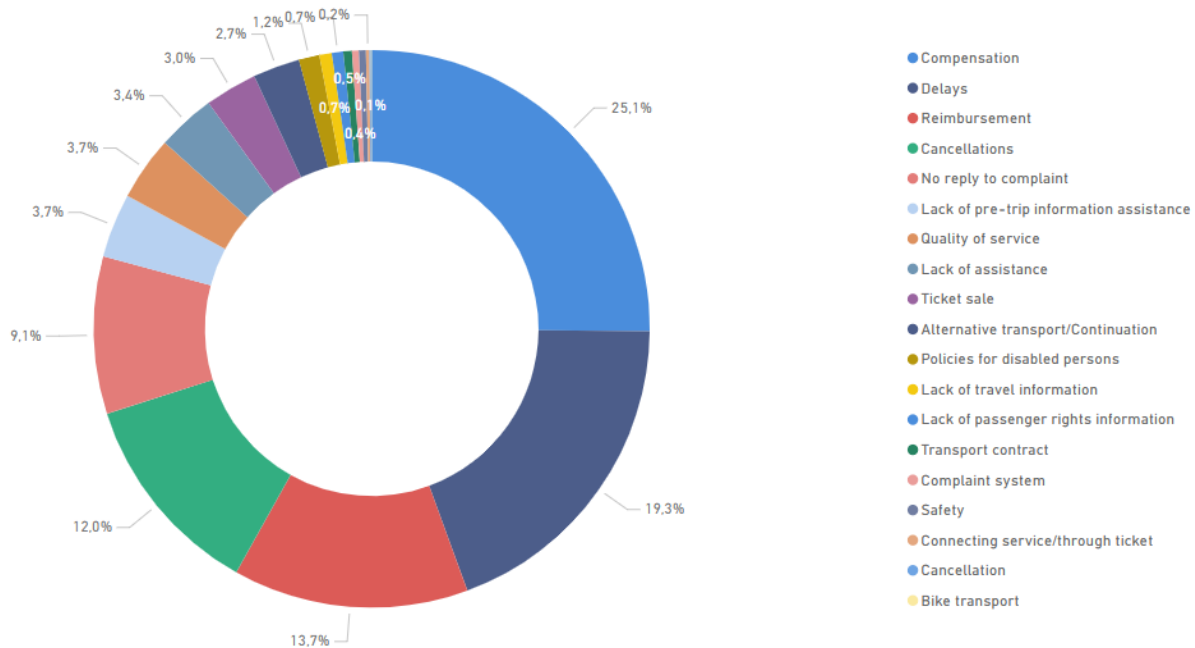
Source: ART

<sup>19</sup> It should be recalled that the Authority retains jurisdiction over journeys departing from Italian ports.

The graph shows an upward trend beginning as early as July in both years under review. In 2023, the peak was reached in August, while in 2024 it shifted to September, followed by a decline in the subsequent months. This pattern is broadly in line with the seasonal trends observed in previous years, though average volumes were higher. Notably, most of the requests during the summer months were notifications which, unlike complaints submitted in the same period, did not require the initiation of a preliminary inquiry. In both years, figures declined after the summer, indicating, as previously noted, a return to pre-pandemic levels.

In particular, between 1 January 2023 and 31 December 2024, the Authority received 1,242 alerts and 177 complaints related to sea transport, which highlighted several issues, as shown in the chart in Figure 6.

**Figure 6 - Grounds for complaints and alerts in sea transport in the period from 1 January 2023 to 31 December 2024**



Source: ART

It should be noted that all requests received are classified according to the complaints expressed by passengers, who are not always fully aware of the available rights. Therefore, the issues raised often fall outside the scope of the protections specifically provided by the Regulation<sup>20</sup>.

Moreover, a significant number of the requests received are related to cruises; for this type of travel, pursuant to Article 2(2)(c) of the Regulation, certain rights related to delays and cancellations do not apply,

<sup>20</sup> Examples include complaints or alerts concerning ticket sales methods, service quality, or accidents involving transported vehicles.

in particular, the right to choose between re-routing and reimbursement, and the right to financial compensation.

In consideration of the above, noting that each complaint or alert may include multiple grounds for complaint, the chart in Figure 6 shows how the main categories of issues raised by passengers are associated with delays, cancellations, and related matters, as detailed below:

- compensation of the ticket price (cf. “compensation” in the chart) or reimbursement as a result of delays or cancellations, and related payment procedures
- choice offered between re-routing or reimbursement in the event of cancelled or delayed departures;
- provision of information in case of cancelled or delayed departures
- accessibility of the complaint submission system, timeliness and justification of the related responses, and effective solution provided to disruptions experienced by users
- assistance in the event of cancelled or delayed departures
- provision of information during the journey and/or on passenger rights.

With specific regard to the outcomes of the requests, the table below shows the main grounds for dismissal and the corresponding percentages.

Reasons for dismissal	Requests received in 2023 and dismissed	%	Requests received in 2024 and dismissed	%
Requests dismissed for formal reasons (e.g. no submission of first-instance complaint; lack of documentation required to assess the complaint; failure to use the appropriate channels)	434	78.2%	696	83.0%
Requests dismissed due to being unrelated to the rights enshrined in the Regulation	54	9.7%	53	6.3%
Requests dismissed due to lack of grounds to contest infringements of the Regulation (including cases falling under art. 19 of the Regulation)	46	8.3%	45	5.4%
Requests dismissed for lack of jurisdiction and	21	3.8%	44	5.3%

Reasons for dismissal	Requests received in 2023 and dismissed	%	Requests received in 2024 and dismissed	%
forwarded to another NEB				

Where relevant, the content of the requests—also in cases where they were dismissed—has been taken into account by the Authority in exercising the regulatory functions assigned to it under its founding act<sup>21</sup>. In addition, such requests have been forwarded to other competent administrations for matters falling within their remit (e.g. to the Competition Authority, in relation to potentially unfair commercial practices, or, in the case of services subject to public service obligations, to the awarding entities responsible for verifying the proper performance of the public service contract).

It should also be noted that, in analysing the requests—even those that were dismissed—the Authority has, in several instances, undertaken proactive measures and, more generally, engaged in direct dialogue with the companies concerned, within the framework of these entities' duty to cooperate with the Authority. The use of collaborative tools has proven particularly effective, among other things, in fostering the organisational and managerial conditions necessary to address—or at least reduce the recurrence of—certain inefficiencies.

## 5. Sanctioning activity

With regard to the specific sanctioning framework set out in Legislative Decree No. 129/2015, penalties for infringements of the Regulation are determined based on the assessed violation and are proportionate not only to the seriousness and recurrence of the infringement and to any measures taken to mitigate or eliminate its effects, but also to the percentage ratio between the passengers affected by the infringement and the total number of passengers carried. Further, under the Rules on sanctioning proceedings, where the assessed infringement is still in place, the statement of objections also includes a formal notice to cease the violation. Compliance or non-compliance with this notice is assessed in accordance with applicable law, including for the purposes of determining any applicable penalties.

It should be noted that, pursuant to Article 4 (5) of Legislative Decree No. 129/2015, the proceeds from penalties imposed under the regulations on passenger rights are paid into a dedicated fund established within the budget of the Ministry of Infrastructure and Transport. This fund is intended to support projects that benefit consumers in the transport sectors. In this regard, the Decree of the Minister of Infrastructure

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<sup>21</sup> In particular, article 37 (2) of Legislative Decree 201/2011 stipulates under (d) that the Authority lays down “the minimum quality standards of national and local transport services that are subject to public service obligations, as identified in accordance with the local characteristics of supply and demand;” and under (e) that the Authority defines “in relation to the different services and infrastructure, the minimum rights and entitlements, including compensation, that may be claimed by users from infrastructure managers and service providers, and [settles] the relevant disputes, without prejudice to the additional collaterals increasing users' protection which infrastructure managers and service providers may include in their service charters”.

and Transport dated 19 February 2019—adopted on the Authority’s proposal and in agreement with the State-Regions Conference—provides that these resources are to be allocated to consumer-oriented initiatives, including awareness and information campaigns on passenger rights, which may also be carried out in cooperation with the relevant service providers and infrastructure managers<sup>22</sup>.

In particular, the proceeds from penalties imposed on transport services of national interest are allocated to the Ministry of Infrastructure and Transport, while those deriving from penalties imposed on public transport services of regional and local interest are allocated to the respective Region in proportion to the penalties paid and attributable to their territories<sup>23</sup>.

With regard to the quantification of penalties, the Authority applies the “*Guidelines on the quantification of administrative fines*”, adopted by Decision No. 49/2017, with a view to ensuring consistency, transparency, and objectivity in the exercise of its sanctioning powers. These guidelines set out the criteria for determining penalties, as broadly provided by the legislator, and distinguish between the parameters established by Law No. 689 of 24 November 1981 (“*Amendments to the penal system*”), which apply to cases falling within the Authority’s general sanctioning remit, and the specific criteria for calculating penalties for infringements of passenger rights, as laid down in the legislative decrees implementing EU regulations in the areas of rail, bus and coach, maritime, and inland waterway transport.

Concerning the sanctioning procedure, the rules adopted by the Authority under Decision No. 86/2015 of 15 October 2015 were updated by Decision No. 146/2023 of 1 October 2023, which approved the rules of procedure for the conduct of sanctioning proceedings under the Authority’s remit related to passenger rights (hereinafter: Rules on sanctioning proceedings)<sup>24</sup>.

This measure was introduced with the specific aim of enhancing transparency for stakeholders—taking into account recent rulings by administrative court<sup>25</sup>, while also simplifying and expediting procedures<sup>26</sup> and providing greater clarity through the formalisation of interpretative solutions developed over time.

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<sup>22</sup> Ministerial decree of 19 February 2019 on “*Methods of allocation of proceeds deriving from the payment of penalties for infringement of the provisions on passenger rights in rail, bus and coach and inland waterway transport*”, published in the Official Journal, General Series, No. 83 of 8 April 2019.

<sup>23</sup> To implement the provisions of Article 3(2) of the Ministerial Decree, the Authority has, within the prescribed deadline (the first quarter of each year), submitted summary tables detailing all penalties imposed in the previous year, specifying the Region associated with the sanctions imposed on regional and local public transport operators.

<sup>24</sup> In particular, these Rules replace and consolidate under a single framework the rules on sanctioning proceedings in rail transport (Decision No. 52/2014 of 4 July 2014), in bus transport (Decision No. 4/2015 of 20 January 2015), and in sea transport (Decision No. 86/2015 of 15 October 2015).

<sup>25</sup> Cf. *inter alia* Council of State’s Judgement No. 584/2021.

<sup>26</sup> For example, by providing that “*where the person against whom the proceeding is brought has exercised the right to make the reduced payment, in accordance with Article 16 of Law 689 of 24 November 1981, with respect to all the complaints mentioned in the decision to initiate the proceeding, the head of the office shall declare the termination of the proceeding by his/her own decision*”, instead of requiring a decision by the Board (Art. 14 of the Rules on sanctioning proceedings), the procedure allows such proceedings to be concluded by a resolution of the head of the office (available at the following link <https://www.autorita-trasporti.it/trasparenza/provvedimenti-dirigenti/>).

Furthermore, in accordance with the guidance provided by the Council of State<sup>27</sup>, the participation rights of undertakings subject to sanctioning proceedings have been expanded to ensure that, upon conclusion of the preliminary inquiries, they are notified of the preliminary findings, and simultaneously granted the opportunity to submit counterarguments and request a hearing before the Authority's Board.

It should also be noted that, in light of the same body of case law, following the annulment by the administrative court of a sanctioning measure<sup>28</sup>, the Authority considered it appropriate to revoke, ex officio, the sanctioning decisions issued in relation to certain proceedings initiated in 2022 concerning the protection of passengers' rights in sea transport. These proceedings had previously concluded with the imposition of sanctions. The annulment led to the reopening of the respective inquiries and the subsequent transmission of the findings to the companies involved, thereby allowing them to submit written replies and request a hearing before the Authority's Board. These proceedings were concluded in 2023, in most cases with the reimposition of a sanction<sup>29</sup>, and were subsequently challenged before the administrative court, which has since ruled on the matter<sup>30</sup>.

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<sup>27</sup> Council of State, Section VI, No 10359/2022 of 24 November 2022.

<sup>28</sup> In particular, with Decision No. 10359 of 24 November 2022, the Council of State annulled the Authority's Decision No. 101/2019 of 31 July 2019, whereby a maritime carrier had been sanctioned for infringing the provisions of the Regulation. In that ruling, the administrative judge held that Article 4 of Legislative Decree No. 129/2015, which requires the separation of inquiry and decision-making functions, entails the need to guarantee both written and oral adversarial procedure also directly before the Authority's Board during the decision-making phase. This is to ensure the full exercise of the party's rights of defence. The Court further clarified that this guarantee, as established by the relevant legislation, cannot be remedied during the subsequent full jurisdiction phase before the administrative court, unlike in other sanctioning proceedings conducted by independent administrative authorities.

<sup>29</sup> Decision Nos. 30/2023 of 23/02/2023, 52/2023 of 23/03/2023, 53/2023 of 23/03/2023, 54/2023 of 23/03/2023, 55/2023 of 23/03/2023, 56/2023 of 23/03/2023, 70/2023 of 20/04/2023, 71/2023 of 20/04/2023, 72/2023 of 20/04/2023, 73/2023 of 20/04/2023, 75/2023 of 20/04/2023, 76/2023 of 20/04/2023, 91/2023 of 18/05/2023, 92/2023 of 18/05/2023, 93/2023 of 18/05/2023, 94/2023 of 18/05/2023.

<sup>30</sup> With the exception of Decision No. 56/2023, which was not challenged, the following decisions were subject to rulings by the administrative court, as detailed below: Decision No. 30/2023: TAR Piemonte Decree No. 89/2024 of 09/04/2024 declared the case devoid of purpose (revoked ex officio by Decision No. 206/2023); Decision No. 52/2023: TAR Piemonte Judgment No. 354/2024 of 09/04/2024 declared the case devoid of purpose (revoked ex officio by Decision No. 205/2023); Decision No. 53/2023: TAR Piemonte Decree No. 90/2024 of 09/04/2024 declared the case devoid of purpose (revoked ex officio by Decision No. 205/2023); Decision No. 54/2023: TAR Piemonte Judgment No. 919/2023 of 20/11/2023 upheld the appeal and consequently annulled the contested acts as specified in the reasoning; Decision No. 55/2023: TAR Piemonte Judgment No. 918/2023 of 20/11/2023 upheld the appeal and consequently annulled the contested acts as specified in the reasoning; Decision No. 70/2023: TAR Piemonte Judgment No. 924/2023 of 21/11/2023 upheld the appeal on additional grounds and consequently annulled the contested acts; Decision No. 71/2023: TAR Piemonte Judgment No. 925/2023 of 21/11/2023 upheld the appeal on additional grounds and consequently annulled the contested acts as specified in the reasoning; Decision No. 72/2023: TAR Piemonte Judgment No. 927/2023 of 21/11/2023 upheld the appeal and consequently annulled the contested acts; Decision No. 73/2023: TAR Piemonte Judgment No. 929/2023 of 21/11/2023 upheld the appeal and consequently annulled the contested acts; Decision No. 75/2023: TAR Piemonte Judgment No. 928/2023 of 21/11/2023 upheld the appeal on additional grounds and consequently annulled the contested acts as specified in the reasoning; Decision No. 76/2023: TAR Piemonte Judgment No. 920/2023 of 20/11/2023 upheld the appeal and consequently annulled the contested acts; Decision No. 91/2023: TAR Piemonte Judgment No. 351/2024 of 09/04/2024 declared the case devoid of purpose (revoked ex officio by Decision No. 206/2023); Decision No.



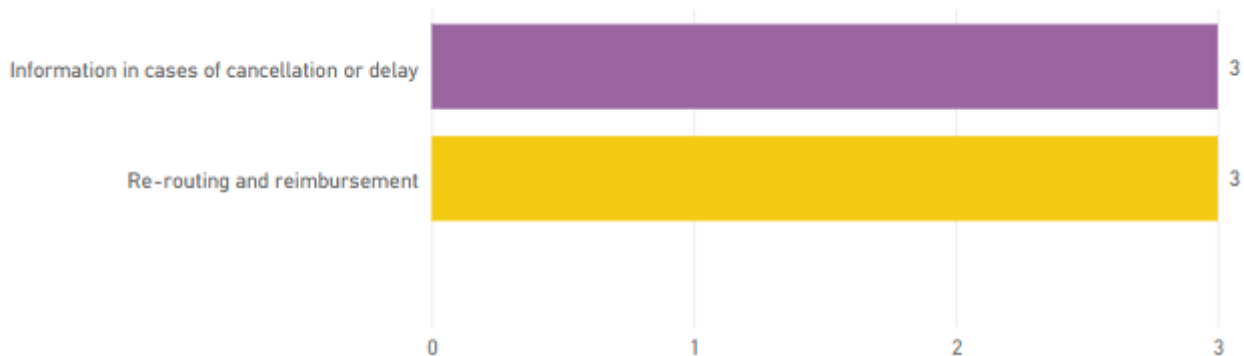
The table below provides a breakdown of the cases concluded in the 2023–2024 two-year period, some of which were initiated in 2022.

Initiation sanctioning proceeding	Infringed rules of the Regulation	Measure closing the sanctioning proceeding	Amount of reduced payment	Amount of imposed penalty
Decision No. 166/2022	Article 16 <i>“Information in the event of cancelled or delayed departures”</i> , paragraph 1	Decision No. 56/2023		EUR 1,660.00
	Article 18 <i>“Re-routing and reimbursement in the event of cancelled or delayed departures”</i> , paragraph 1			EUR 6,640.00
Decision No. 100/2023	Article 16 <i>“Information in the event of cancelled or delayed departures”</i> , paragraph 1	Decision No. 201/2023		Euro 900.00
	Article 18 <i>“Re-routing and reimbursement in the event of cancelled or delayed departures”</i> , paragraph 1			Euro 2,975.00
Decision No. 69/2024	Article 16 <i>“Information in the event of cancelled or delayed departures”</i> , paragraph 1	Resolution No. 171/2024	EUR 1,000.00	
	Article 18 <i>“Re-routing and reimbursement in the event of cancelled or delayed departures”</i> , paragraph 1		EUR 3,000.00	
<b>Total initiated proceedings: 3</b>	<b>Total contested infringements: 6</b>		<b>EUR 4,000.00</b>	<b>EUR 12,175.00</b>

92/2023: TAR Piemonte Judgment No. 349/2024 of 09/04/2024 declared the case devoid of purpose (revoked ex officio by Decision No. 206/2023); Decision No. 93/2023: TAR Piemonte Judgment No. 352/2024 of 09/04/2024 declared the case devoid of purpose (revoked ex officio by Decision No. 206/2023); Decision No. 94/2023: TAR Piemonte Judgment No. 350/2024 of 09/04/2024 declared the case devoid of purpose (revoked ex officio by Decision No. 206/2023).

The following chart in Figure 7 shows the complaints by type of rights involved in the proceedings concluded during the period of reference.

**Figure 7 - Rights subject to concluded sanctioning proceedings in sea transport in the period from 1 January 2023 to 31 December 2024**



Source: ART

As shown in the table and in the chart in Figure 7, the proceedings initiated against carriers<sup>31</sup> concerned the rights arising in favour of passengers in the event of delayed departures. It should also be noted that, unlike in previous years, no disputes were raised in relation to the handling of complaints—an outcome that would appear to reflect the numerous sanctions imposed on the carriers in this respect in past years.

In detail:

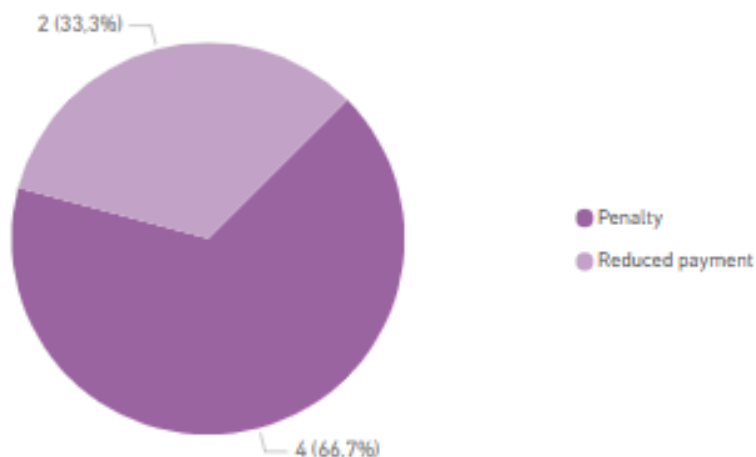
- a) with regard to Article 16, the infringements concerned the timeliness of information provided to passengers – in particular, the moment the company became aware of the delayed departure and the adequacy of the communication methods used, which were found insufficient to reach all passengers
- b) the disputes related to Article 18 involved a company that, despite reasonably foreseeing a delayed departure exceeding 90 minutes, failed to prove that passengers were offered the choice between re-routing and reimbursement<sup>32</sup>.

Figure 8 shows the outcomes of the sanctioning activity undertaken by the Authority concerning the protection of passengers' rights in sea transport in the period of reference.

<sup>31</sup> No complaints were filed against terminal operators.

<sup>32</sup> Re-routing shall be offered “*under comparable conditions (...) at the earliest opportunity and at no additional cost*”.

**Figure 8 – Outcome of proceedings concluded in sea transport in the period from 1 January 2023 to 31 December 2024**



Source: ART

Finally, the table below shows, for the proceedings concluded, the number of infringements identified under each of the aforementioned articles of the Regulation, along with the number of carriers involved.

Article of Regulation	Number of proceedings initiated and concluded * (as at 31 December 2024)	Number of carriers involved
Article 16, paragraph 1	3	2
Article 18, paragraph 1	3	2

\* Please note that a decision to initiate sanctioning proceedings may cover multiple infringements.

With regard to the number of carriers subject to the proceedings, it is worth noting that this figure has halved compared to the group involved in the previous two-year period - with 2 companies involved in the reporting period, compared to 4 companies in 2021–2022.

## 6. Other initiatives

### Information on passenger rights

The Authority's official website features a section dedicated to passengers and their rights, which includes EU and national regulations for users' protection in rail, bus and coach, and sea and inland waterway

transport<sup>33</sup>. This section, which has been continuously updated throughout the two-year period under review, is also available in English.

The passenger rights section can be reached from the homepage and includes a dedicated page focused on the protection of sea passengers. From this page, users can access, via a link to Your Europe portal, the European Commission's information pages on passenger rights under [Regulation \(EU\) No 2018/1724](#) of 2 October 2018 that provides for a single digital gateway enabling access to information, procedures, assistance services, and dispute resolution, and amending Regulation (EU) No 1024/2012.

The page also includes:

- video tutorials on passenger rights prepared as part of the institutional communication campaign in collaboration with the Presidency of the Council of Ministers, with a focus on the enforcement of passenger rights, which was implemented in 2021
- relevant legislation and reports on the application of the Regulation for previous two-year periods
- a link to frequently asked questions (FAQ) on passenger rights and on the tools available to the Authority to protect these rights, including in relation to the Authority's ADR procedure
- a link to the digital assistant "smARTbot," also accessible from the website homepage — a chatbot tool that enables the Authority to provide real-time digital assistance via the web through an "intelligent conversation" conducted by exchanging text messages in a chat room, with the aim of delivering information on specific topics in an automated way and guiding users through topic-based navigation.

The official website includes a section dedicated to the Authority's data and statistics (<https://bdt.autorita-trasporti.it/>) where users can consult, among other things, data relating to the applications received by the Authority for the sectors under its remit, including in relation to the protection of the rights of passengers when travelling by sea and inland waterway.

The charts presented in the "Complaints and Alerts" section show:

- the trend of the passenger requests received by the Authority over time
- the percentage distribution by type of request (complaints and alerts) and by transport sector (rail, bus, and maritime)
- the main reasons for requests by year and by sector
- the percentage distribution of the type of service involved (open access services and public service obligation (PSO) services) for each transport mode and by year.

Finally, the latest monitoring conducted by the Authority's competent offices in May 2023 on the websites of the main maritime carriers<sup>34</sup> showed that information on passenger rights is generally available, although in a few cases it is included within the General Conditions of Transport.

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<sup>33</sup> <https://www.autorita-trasporti.it/art-for-the-protection-of-passenger-and-user-rights/?lang=en>

<sup>34</sup> Identified based on the number of relevant requests (more than 5) received by the Authority in 2021 and 2022.

### Awareness-raising activities for carriers

Based on the complaints and alerts received—also in cases where the conditions for identifying infringements of the Regulation were not met—the competent offices have carried out the usual awareness-raising and reporting activities addressed to carriers, with the aim of encouraging and supporting the improvement of passenger care policies.

It should also be noted that the Authority cooperates in the protection of passenger rights in sea transport with the General Command of the Corps of the Port Authorities – Coast Guard, on the basis of a memorandum of understanding concluded in 2019 and renewed in December 2022 for a three-year period. Under the memorandum, in addition to the scheduling of joint inspections:

- the General Command, upon request, provides the Authority with information and data obtained through its monitoring of vessel traffic and related cargoes, to the extent that such information is relevant to the Authority's responsibilities, including those related to passenger rights
- the Authority, in turn, shares with the General Command any information and data gathered in the exercise of its duties, insofar as these are relevant to the General Command's remit, particularly with respect to incidents or behaviours affecting passenger safety in maritime transport, as well as port monitoring, control activities and related infrastructure.

In implementation of this memorandum, a meeting was held in Rome on 2 May 2023, organised in collaboration with the General Command of the Corps of the Port Authorities and involving the main sector operators. During the meeting, updates were provided on the progress and management of requests received, as well as on the challenges encountered. Additionally, the Authority shared observations and practical recommendations aimed at improving the handling of requests by operators, alongside important information regarding the launch of the new platform for managing dispute settlement procedures.

### Cooperation between NEBs and with the Commission

Among the activities carried out by the Authority in the sector under review, it is also worth mentioning its cooperation with the NEBs of other Member States. During the period of reference, when complaints received concerned regular services departing from locations situated in other Member States, the Authority, in accordance with Article 25(1) of the Regulation, forwarded them to the competent NEB (in particular, 18 requests were forwarded to the NEBs of other Member States, and 3 requests were received from other NEBs). Further, in compliance with Article 27 ("*Cooperation between enforcement bodies*") of the Regulation, the Authority's competent offices took part in meetings convened by the Directorate-General for Mobility and Transport of the European Commission (DG MOVE), held on 17 October 2023 and 24 October 2024.

In this context, as requested by DG MOVE, information was provided concerning, *inter alia*, (i) rules and functions carried out in the field of ADR, and (ii) references to the Authority's website regarding the European Single Digital Gateway<sup>35</sup>. Furthermore, the Commission was informed of the most significant

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<sup>35</sup> The European Single Digital Gateway initiative was launched with Regulation (EU) 2018/1724, published in the Official Journal of the European Union, L 295, on 21 November 2018.

measures adopted, with the relevant documentation uploaded to the exchange platform for NEBs provided by the Commission.

The Authority also took part in the consultation launched by the European Commission at the end of November 2023 concerning a proposed regulation on passenger rights in the context of multimodal travel, as well as a proposal to amend the existing regulations on passenger rights<sup>36</sup>.

In this regard, the Authority submitted its contribution to the consultation<sup>37</sup>, highlighting the need to implement effective measures to penalise operators that fail to meet their self-imposed service quality standards. For example, these measures could extend beyond merely requiring the publication of quality reports and instead mandate comparative publication on a unified portal, potentially the existing one used for the railway sector (ERADIS)<sup>38</sup>.

Concerning the new risk-based approach, while acknowledging that enforcement and the imposition of sanctions by supervisory bodies play a role in promoting compliance<sup>39</sup>, the Authority has highlighted the need that the numerous obligations introduced by the new provisions be accompanied by a strengthening of the powers conferred on NEBs. This is essential to enable them to more effectively fulfil their enforcement responsibilities, both in imposing sanctions and issuing binding measures.

Some of the Authority's observations were reflected in the general approach on the compromise text approved by the European Parliament during the "Transport, Telecommunications and Energy" session of the European Council on 5 December 2024.

## ***7. Conclusions and developments since the last report***

The following brief concluding remarks stem from a comparison of data over previous two-year periods and the most recent sector developments.

Firstly, it should be noted that, although the two-year period covered by the report shows an increase in the number of requests received (including complaints and alerts), the number of disputes and, consequently, the number of sanctioning proceedings initiated and sanctions imposed, has significantly decreased compared to the 2021–2022 period.

In particular:

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<sup>36</sup> Proposal for a Regulation of the European Parliament and of the Council on passenger rights in the context of multimodal travel of 29 November 2023 [COM(2023) 752 final 2023/0436 (COD)] and Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011, and (EU) 2021/782 as regards the application of passenger rights in the Union of 29 November 2023 [COM(2023) 753 final 2023/0437 (COD)].

<sup>37</sup> The Authority also provided its contribution during hearings held before the competent parliamentary committees of the Chamber of Deputies and the Senate.

<sup>38</sup> ERADIS - European Railway Agency Database of Interoperability and Safety: <https://eradis.era.europa.eu/>

<sup>39</sup> Indeed, companies have often revised their procedures to comply with the indications provided by the Authority, thereby fostering the development of best practices, including through the submission of commitment proposals during sanctioning proceedings.

- the number of requests received by the Authority in 2023 aligns with the volumes recorded prior to 2021, while 2024 shows higher figures than those observed in 2023
- the trend in requests continues to follow a cyclical pattern throughout the year, with a marked increase during and after the summer period
- however, unlike the previous two-year period, this trend in requests is not mirrored by the number of initiated proceedings, which has seen a sharp decline
- the reduction in sanctioning proceedings appears to result from the deterrent effect of sanctions imposed in previous years, as well as the moral suasion exercised by the Authority's offices
- building on this experience, the Authority further strengthened its use of cooperative tools during the reporting period, aiming at encouraging carriers—also as a preventive measure—to adopt procedures increasingly focused on ensuring compliance with passenger rights and the proper, timely handling of complaints.

Among the factors discussed that may influence the 2025–2026 period, particular attention is drawn to the ADR mechanism in the sectors under the Authority's remit, which could provide maritime transport passengers with enhanced opportunities to obtain individual compensation.