

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 2023)

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 (hereinafter: Regulation)¹ pursuant to Legislative Decree No 129 of 29 July 2015².

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”*.

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*

¹ 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 and amending Regulation (EC) No 2006/2004.

² 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.

entities operating transport networks, infrastructure and services, and users or consumers, pursuant to Article 10 of Law No 118 of 5 August 2022³, concerning ADR (alternative dispute resolution) procedures in the sectors falling under the Authority's remit, including sea transport³.

As required by Article 26 of the Regulation ("*Report on enforcement*"), of the 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 by providing statistical data relating to the complaints received and penalties imposed in the period from 1 January 2021 to 31 December 2022⁴.

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 the service is operated by an EU carrier;
- cruises where the port of embarkation is situated in the territory of a Member State, with a few exceptions that are precisely identified by 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, whenever it is deemed necessary, the Authority may 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 sanctions to be imposed⁵.

2. Maritime/Sea transport services market

To outline some of the characteristics of the sea transport in Italy, it is worth noting that the Italian ports are headed by 16 Port System Authorities (hereinafter: PSAs), that are non-economic public bodies with legal

³ 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*".

⁴ Unlike previous two-year reports, it was decided to analyze this period only, taking into account the need to allow for easier comparison of the data provided, in the relevant two-year reports, by the NEBs of the Member States, as resulting from their meeting with the Commission on 24 November 2022.

⁵ As illustrated in the previous report, on 5 December 2018 the Authority addressed to the Government and the Parliament a recommendation on "*Enforcement of passenger rights in rail, sea and inland waterway and bus and coach transport: sanctioning system*", containing amending proposals to the existing Legislative Decrees No 70/2014, No 129/2015 and No 169/2014, that implement in the Italian legal system the EU regulations concerning the rights of rail, sea, and bus passengers, respectively (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>).

personality whose institutional purposes include the management and organization of goods and services in the respective port area⁶.

The total number of passengers, embarked and disembarked in the Italian ports under the PSAs, is approx. 43 million for 2021 and 61 million for 2022 (with an increase of 42 percent). The table below shows the number of passengers for each PSA in the years of reference, further broken down by type of service:

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

Autorità di Sistema Portuale:	Porti	Numero di Passeggeri							
		2021 (aggiornati al 29.03.2023)				2022 (aggiornati al 29.03.2023)			
		Locali	Traghetti	Crociere	Totale 2021	Locali	Traghetti	Crociere	Totale 2022
Mar Ligure Occidentale:	Genova - Savona/Vado	-	1.897.192	591.391	2.488.583	0	2.661.442	1.571.567	4.233.009
Mar Ligure Orientale:	La Spezia - Marina di Carrara	-	-	107.820	107.820	265.430	0	555.746	821.176
Mar Tirreno Settentrionale:	Livorno - Piombino - Portoferraio/RioMarina/Cavo	5.413.659	2.384.132	59.138	7.856.929	6.033.954	2.969.537	467.863	9.471.354
Mar Tirreno Centro Settentrionale:	Civitavecchia - Fiumicino - Gaeta	-	1.228.321	519.260	1.747.581	0	1.472.493	2.174.515	3.647.008
Mar Tirreno Centrale:	Napoli - Salerno - Castellammare di Stabia	4.026.799	689.928	263.435	4.980.162	6.779.001	888.527	1.207.280	8.874.808
Mari Tirreno Meridionale e Ionio:	Gioia Tauro - Crotona - Corigliano - Vibo Valentia	-	-	-	0	4.327	0	21.158	25.485
Stretto di Messina:	Messina - Reggio Calabria - Milazzo - Villa San Giovanni	16.271.779	56.462	156.322	16.484.563	20.013.939	65.972	387.632	20.467.543
Mar Ionio:	Taranto	-	-	80.309	80.309	0	0	108.810	108.810
Mar Adriatico Meridionale:	Bari - Brindisi - Barletta - Manfredonia - Monopoli - Termoli	-	1.108.872	219.874	1.328.746	207.663	1.473.676	496.101	2.177.440
Mare Adriatico Centrale:	Ancona - Pescara - Pesaro - Ortona	-	691.671	37.396	729.067	0	883.973	74.332	958.305
Mare Adriatico Centro	Ravenna	-	387	1.559	1.946	0	377	193.120	193.497
Mare Adriatico Settentrionale:	Venezia - Chioggia	16.503	56.351	29.759	102.613	52.826	76.736	258.294	387.856
Mare Adriatico Orientale:	Trieste - Monfalcone	-	7.673	231.324	238.997	0	11.456	532.935	544.391
Mare di Sicilia Occidentale:	Palermo - Trapani - Termini Imerese - Porto Empedocle	1.015.373	1.233.757	107.084	2.356.214	1.154.842	1.512.117	563.979	3.230.938
Mare di Sicilia Orientale:	Catania - Augusta	-	8.118	12.273	20.391	0	5.553	183.345	188.898
Mare di Sardegna:	Cagliari - Olbia - Porto Torres Golfo Aranci - Oristano - Portofino/Porto Cervo - Santa Teresa di Gallura - Arbatax	684.505	4.083.307	63.111	4.830.923	825.864	4.979.040	220.595	6.025.499
Totale complessivo:	-	27.428.618	13.446.171	2.480.055	43.354.844	35.337.846	17.000.899	9.017.272	61.356.017

Source: Assoporti – Autorità di Sistema Portuale – Movimenti portuali (2021 – update 29 March 2023; 2022 update 29 March 2023).

In 2021, local transport served approx. 27.4 million passengers, growing to approx. 35.3 million passengers in 2022, with an increase of 29 percent. Similarly, ferry-related services increased by 26 percent in passenger numbers, from approx. 13.4 million in 2021 to 17 million in 2022. In addition, regarding cruise traffic, the number of passengers shows a significant increase (+264%) from approx. 2.5 million passengers in 2021 to approx. 9 million passengers in 2022.

⁶ Legislative Decree No. 169 of 4 August 2016, significantly amended Law No. 84 of 28 January 1994 on the regulation of the Italian port sector, with the aim of increasing the effectiveness of port governance. In particular, the legislator introduced 15 new entities, ie. Port System Authorities, which take over the powers and functions of the previous 24 Port authorities. Decree-Law No 119/2018 added the Port System Authority of the Strait of Messina, bringing the number of PSAs to 16. The relevant list is available at: https://bdt.autorita-trasporti.it/rapporto/porti_le-autorita-di-sistema-portuale/.

The main companies operating in the sector were identified by extracting companies under selected ATECO codes⁷ from AIDA database⁸, with available financial statements for 2021 and 2022⁹:

No	Company name
1	GRIMALDI EUROMED S.P.A.
2	COSTA CROCIERE S.P.A.
3	GRANDI NAVI VELOCI S.P.A.
4	COMPAGNIA ITALIANA DI NAVIGAZIONE S.P.A.
5	MOBY S.P.A.

Source: Data extraction from AIDA, 11 May 2023.

3. Procedure to lodge a complaint with the Authority

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

Pursuant to Article 25 (3), second sentence, of the Regulation, the national legislation has established that, in case of alleged infringement of EU legislation, before applying to the Authority, passengers are required to lodge their complaint in the first instance with the carrier or terminal operator¹⁰. The Regulation provides that such first-instance complaint shall be lodged within two months of the date on which the service was provided or should have been provided.

⁷ ATECO 50.1 "MARITIME AND COASTAL PASSENGER TRANSPORT" was taken into consideration. Some additional companies were included, that could not be identified under the selection, but do provide maritime transport services (CIN and Moby under arrangement with creditors (*concordato preventivo*)) or included under the general ATECO 50 code category (Grimaldi). For CIN and Moby, the financial statements considered (and last available) refer to 2019.

⁸ Database of Italian Companies.

⁹ Top 5 companies with the highest EUR value of the balance sheet item, income statement, "*Total value of production*." It should be noted, for the sake of completeness, that, on the other hand, all 5 top companies supplying inland and river navigation services (code 50.3 "PASSENGER TRANSPORT BY INLAND WATERWAYS") are operating in the Venice Lagoon.

¹⁰ In this regard, carriers and terminal operators shall set up or have in place an accessible complaint-handling mechanism for the rights and obligations provided for under the Regulation. Within one month of receiving the complaint, the carrier or terminal operator shall give notice to the passenger that its complaint has been substantiated, rejected or is still being considered. The time taken to provide the final reply shall not be longer than 2 months of the receipt of a complaint (Article 24 of the Regulation). To be mentioned are also 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 by Decision No 83/2019 of 4 July 2019 (<https://www.autorita-trasporti.it/delibere/decision-no-83-2019/?lang=en>).

Only in case of an unsatisfactory response or in case of non-reaction, sixty days after the complaint has been submitted to the carrier, the passenger may appeal to the Authority in the second instance – including through representative associations, where delegated to do so – to report breaches of the obligations set out in the Regulation. With regard to regional and local services, complaints may be submitted to appropriate regional structures, as identified by a decree of the Minister of Infrastructure and Transport¹¹, that shall provide them to the Authority on a monthly basis.

In particular, for sea and inland waterway transport, according to current regulations, the second-instance complaint shall be lodged with the Authority in one of the following ways:

- by using the appropriate online electronic tool for the submission of complaints (SiTe, with access from the Authority's webpage: <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, allows, through a wizard, to lodge complaints directly on-line after registration and release of login ID and password¹². If the user completes the procedure by uploading all the required documents, the system allows the automatic dispatch to the Authority and the user can verify the registration of its complaint. The electronic tool is available in English as well;
- by filling out the form available at <https://www.autorita-trasporti.it/modulistica/>, including in English at <https://www.autorita-trasporti.it/forms/?lang=en>, which shall be also sent, under penalty of inadmissibility, by registered letter with acknowledgement of receipt or by e-mail to the following address: pec@pec.autorita-trasporti.it¹³.

It is worth noting that the SiTe tool simplifies the services rendered to users; this mode of transmission allows users to be guided through the correct completion of complaints, and to centralise their receipt, and enables to provide more effective responses, thanks to the availability of all the useful pieces of information.

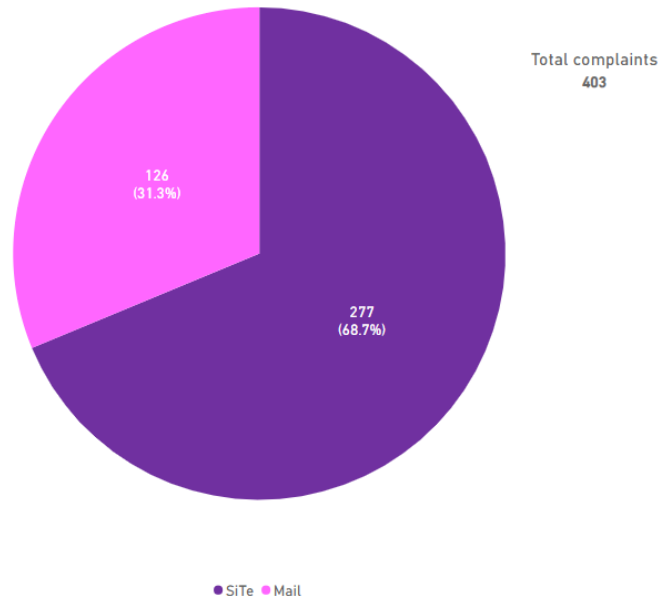
As shown in the following graph, concerning sea and inland waterway transport, 68.7% of complaints were received though SiTe in the period under review, while 31.3% were submitted with a form sent by one of the other designated channels (overall indicated as "mail").

¹¹ Decree of the Minister of Infrastructure and Transport of 5 June 2017 *"Identification of regional structures in charge of receiving complaints following the assessment of alleged infringements concerning sea and inland waterway transport services of regional and local competence"*.

¹² As of 23 September 2020, SiTe is accessible through the Public Digital Identity System (SPID) as well.

¹³ Until 1 December 2022, complaints could also be submitted through an additional e-mail address: art@autorita-trasporti.it; for the sake of streamlining, it was decided to no longer make this address available, because the Authority's certified e-mail is also enabled to receive communications from non-certified e-mail addresses.

Figure 1 — Methods of receipt of complaints concerning sea and inland waterway transport in the period from 1 January 2021 to 31 December 2022



Source: ART

4. Alerts and complaints received

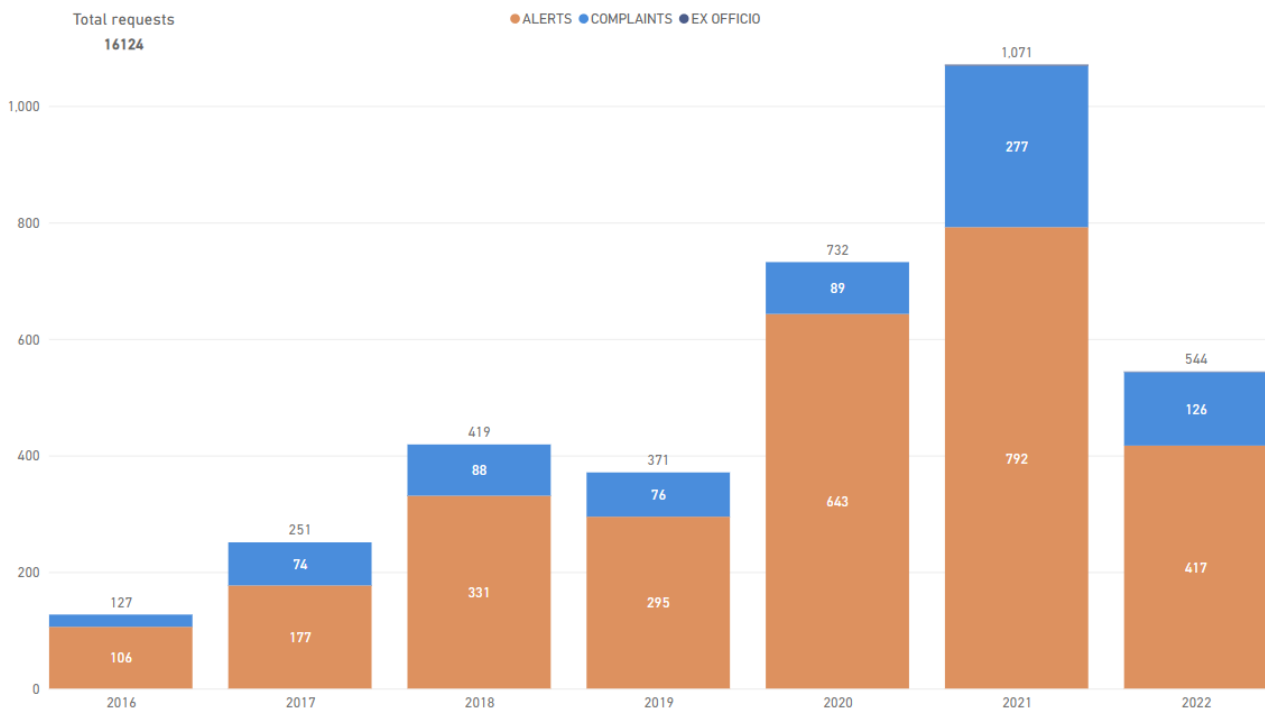
This Report provides data concerning complaints and alerts (requests) received in the period of reference, i.e. from 1 January 2021 to 31 December 2022.

In this respect, it should be firstly clarified that alert means the request sent by the user which is not presented in the prescribed manner (e.g. submitted before the expiry of 60 days from the date the complaint was lodged to the carrier, or including only a general description of the issue); on the other hand, the complaint is a request which is properly filed and includes the essential pieces of information for a thorough assessment of the case reported by the user.

As the national body responsible for the enforcement of the Regulation, the Authority has received, in the years 2016-2022, a number of complaints and alerts from passengers travelling by sea¹⁴ that are detailed in the bar chart and in the table under Figure 2.

¹⁴ No complaints or alerts related to inland waterways were received.

Figure 2 — Complaints and alerts received for sea transport from 1 January 2021 to 31 December 2022



Source: ART

Type of request	2016	2017	2018	2019	2020	2021	2022	Total
Alerts	106	177	330	295	643	792	417	2,760
Complaints	21	74	88	76	89	277	126	751
Ex officio¹⁵						2	1	3
Total	127	251	418	371	732	1071	544	3.514

Source: ART

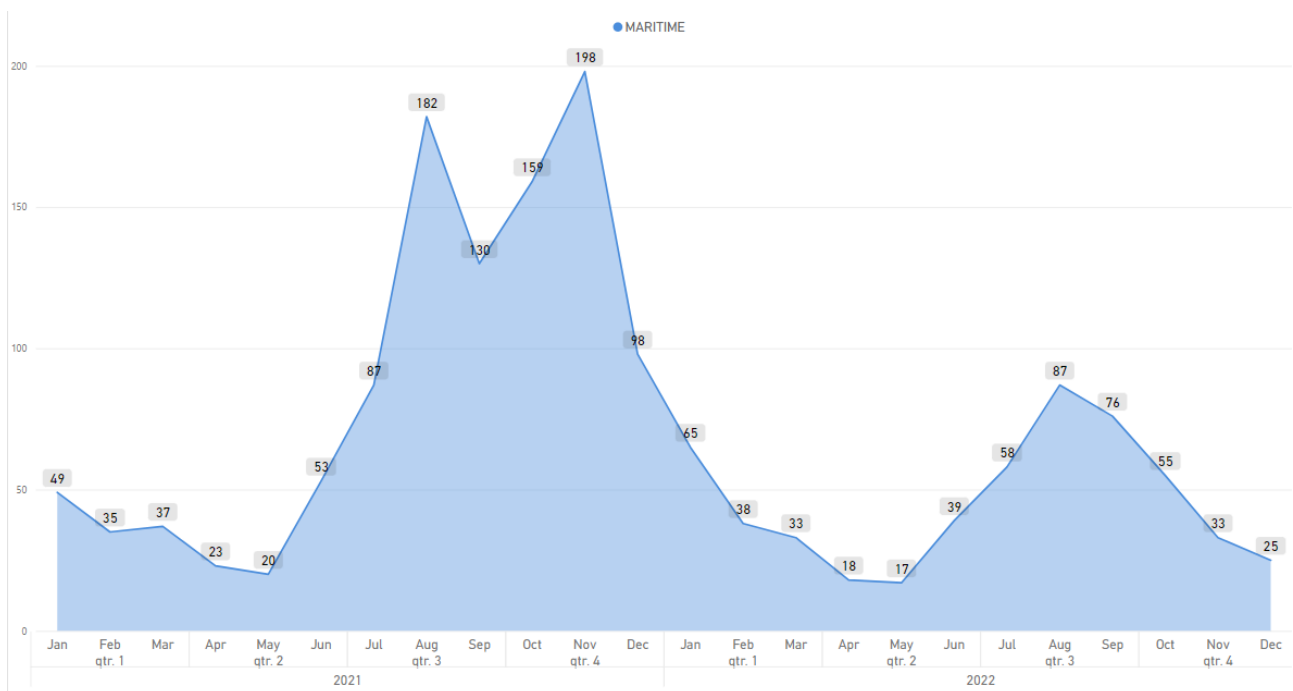
The number of requests increased significantly in 2021 (by almost 30 percent) both compared to 2020, which was affected by the mobility restrictions related to the COVID-19 epidemiological crisis, and to pre-pandemic years. In 2022, however, there is evidence of a decrease in the number of the requests and a throwback to average values more in line with those pre-2020. The significant growth in 2021 is likely attributable to both the resumption of travelling and a set of additional circumstances that are better described below. It should

¹⁵The Authority may initiate ex officio preliminary inquiries regarding events which it becomes aware of, e.g., through press reports.

also be noted that, considering the strong seasonality of sea transport in Italy, due to the connections to and from the major islands (Sardinia, Sicily, but also Corsica¹⁶), which are also important tourist destinations, given the necessary preliminary submission of the first-instance claim, the largest number of requests are usually received by the Authority between October and December, until the early months of the following year.

The graph in Figure 3 describes the monthly and quarterly trends in complaints and alerts received by the Authority in the period under review.

Figure 3 — Trend in complaints and alerts concerning sea transport from 1 January 2021 to 31 December 2022



Source: ART

In particular, the graph shows the anomalous pattern in 2021, with an upward trend as early as June through November. In the summer of 2021, in fact, not only did the number of passengers in the maritime sector increase, but some companies also experienced technical issues that led to the cancellation of several journeys, or longer port stops, with ensuing impact on the entire scheduling of the following departures. In addition, two cases of business crises were reported which, although resolved, resulted in fewer staff being available to handle first-instance complaints for some time; in the absence of a reply from the carrier and as

¹⁶ In fact, the Authority is competent for journeys departing from Italian ports.

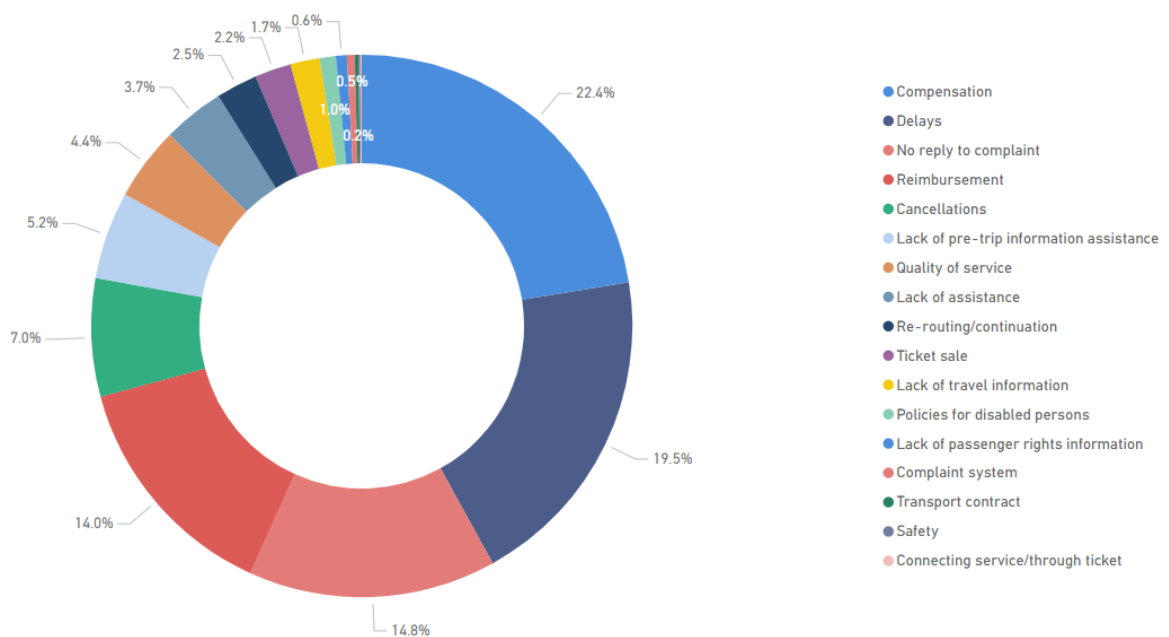
no reimbursement or compensation had been received, passengers turned to the Authority in the second instance.

Against these circumstances, the competent offices of the Authority convened the carriers concerned to illustrate the critical issues, recall the compliance with the passenger rights in case of cancellations or delayed departures, and the need to strengthen the handling of first-instance complaints, providing for the reimbursement and compensation, where due.

On the other hand, for 2022, the graph clearly shows the usual growth in the summer months, with a peak between August and September, while a decrease is observed in the following months with numbers showing a return to the values of pre-pandemic years.

In particular, in the period from 1 January 2021 to 31 December 2022, the Authority received 1,209 alerts and 403 complaints related to sea transport, which highlighted different criticalities, as shown in the graph in Figure 4.

Figure 4 — Grounds of complaints and alerts concerning sea transport in the period from 1 January 2021 to 31 December 2022



Source: ART

It is worth pointing out that all the requests received are classified on the basis of the complaints from passengers, who are not always fully aware of the available rights and, therefore, the issues highlighted often do not fall under those for which the Regulation provides specific protection¹⁷.

Further, a significant number of the requests received were related to cruises; according to Article 2 (2) (c) of the Regulation, some of the rights related to delays and cancellations (in particular, right to the option of re-routing or reimbursement, compensation) do not apply to this type of travel.

In consideration of the above, highlighting that each complaint/alert may contain several grounds of complaint, the graph in Figure 4 shows that the main categories of passenger requests are associated with delays, cancellations and related issues as specified below:

- compensation of the ticket price (cf. “compensation” in the graph) or reimbursement following delays or cancellations and their modalities of payment;
- accessibility of the complaint submission system, timeliness and grounds of responses given, and effective solution provided to disruptions experienced by users;
- choice offered between re-routing by alternative transport services or reimbursement in case of cancelled or delayed departures;
- assistance in case of cancelled or delayed departures;
- information during the journey and/or on passenger rights.

With regard to the outcomes of the requests, the following table shows the main grounds for dismissal and their percentages:

Reasons for dismissal	Requests received in 2021 and dismissed	%	Requests received in 2022 and dismissed	%
Requests dismissed for formal reasons (e.g., no submission of first-instance complaint; lack of documentation needed to assess the complaint or failure to use the correct channels)	620	61.6%	315	59.2%
Requests dismissed for unrelatedness to the	201	20.0%	123	23.1%

¹⁷ Examples include complaints or alerts concerning modes of ticket sale, quality of service or accidents to vehicles carried.

rights enshrined in the Regulation				
Requests dismissed for lack of grounds to contest infringement of the Regulation (including the cases under article 19 of the Regulation) ¹⁸	158	15.7%	69	13.0%
Requests dismissed for lack of jurisdiction and forwarded to another NEB	27	2.7%	25	4.7%

Where relevant, the content of the requests, including in case of dismissal, has been taken into consideration by the Authority for the exercise of the regulatory functions provided under its founding act¹⁹, in addition to forwarding them to other administrations for issues falling under their remit (e.g., Competition Authority, with regard to unfair commercial practices²⁰ or, in the case of services subject to public service obligations, entities awarding the relevant service for their checks on the correct execution of the public service contract).

Further, it should be noted that, with respect to the analysis of the requests, albeit dismissed, the Authority has been able to take, in several cases, proactive actions and, more generally, a direct dialogue with the companies concerned, in the framework of the so-called duty of collaboration of these entities towards the Authority. The use of collaborative tools has proven particularly useful, *inter alia*, in creating the organizational and managerial conditions aimed at addressing or, at least, reducing the frequency of certain inefficiencies.

¹⁸ In this regard, cf. ART's recommendation to the Parliament and the Government under footnote 5.

¹⁹ In particular, article 37 (2) of Legislative Decree 201/2011 provides 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, defining the minimum rights and entitlements, including compensation, that may be claimed by users from infrastructure managers and service providers, and settling the relevant disputes, without prejudice to the additional collaterals increasing users' protection which infrastructure managers and service providers may include in their service charters".

²⁰ With regard to the responsibilities exercised by the Competition Authority concerning general EU rules on consumer rights, the Authority, in the reporting period, delivered its opinion on four proceedings concerning the assessment of unfair business practices in transport, as provided for in Article 27 (1-bis) of Legislative Decree No. 206 of 6 September 2005 (Consumer Code), i.e. Opinions Nos. 8/2021, 17/2021, 20/2021 and 22/2021, that are available at: <https://www.autorita-trasporti.it/indice-pareri/>.

For an examination of the effects of the pandemic emergency, still in place in the reporting period, on passenger requests, reference is made to the following section.

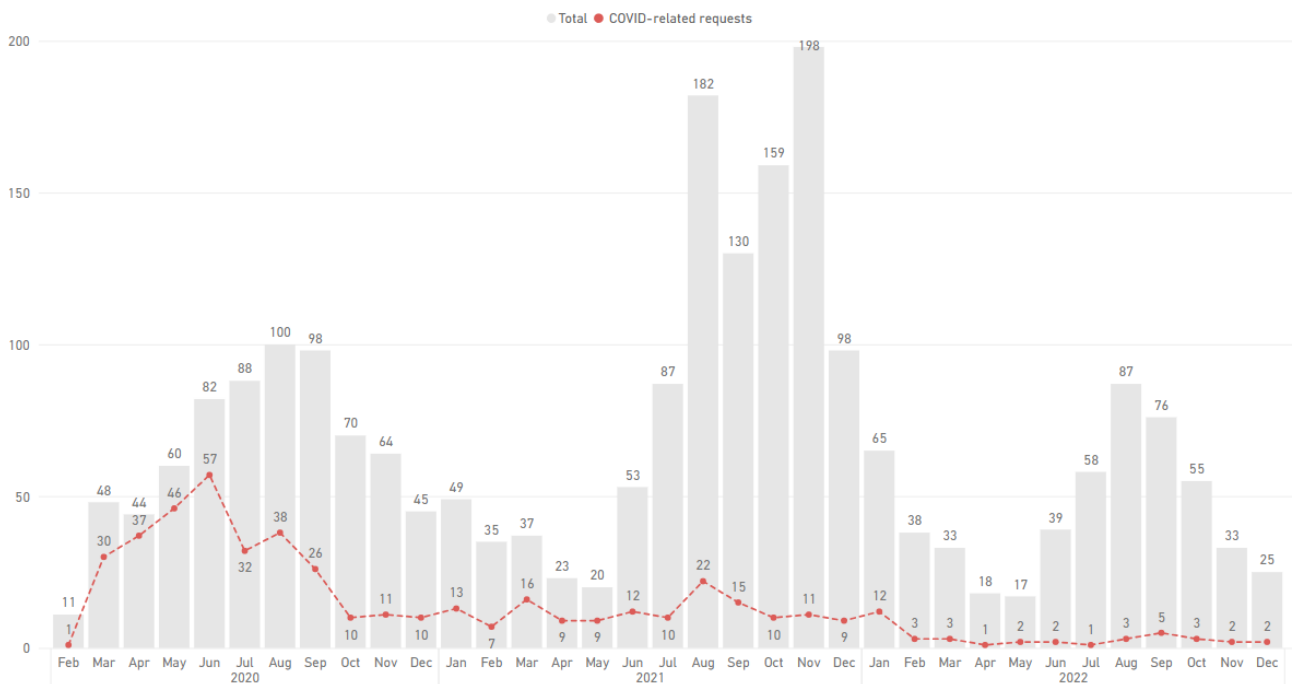
4.1 Emergency due to the COVID-19 pandemic

Following up on the previous report, the effects arising from the COVID-19 emergency on the complaints and alerts received are worthy of specific attention.

The emergency inevitably impacted on the citizens' mobility in 2021, too: on the one hand, there was a rebound of the pandemic in the last months of 2020 and first months of 2021 and, therefore, many passengers, due to the renewed perception of the risk of contagion and the new travel restrictions, renounced travelling; on the other hand, transport companies re-modulated their offer and cancelled certain services.

The graph in the Figure below shows the impact of the health emergency on the requests of passengers in sea transport.

Figure 5 — Trend in complaints and alerts in sea transport in the context of the COVID-19 pandemic (1 February 2020 – 31 December 2022)



Source: ART

The bar chart shows a peak in the complaints and alerts connected with the renewed epidemiological emergency that were received by the Authority in connection with the new traffic restriction measures

adopted by the Government; a new, more limited increase is observed in August 2021, while another deflection of the curve starts from February 2022 until the end of the event.

To ensure full enforcement of passenger rights, as they were particularly exposed during the health emergency, the Authority has taken steps with specific requests to transport companies, including in the case of alerts or requests for reimbursement for renouncing travelling, with a view to the actual resolution of the issues, even where EU legislation does not provide for specific passenger protection. Indeed, as the Commission reiterated in the *“Interpretative guidelines on EU passenger rights regulations in the context of the developing situation with Covid-19”*²¹, the EU regulations on passenger rights provide for safeguards only in the event of cancellations of the journey by the carrier and not even in the case of passengers renouncing travelling.

The remaining issues, related to vehicle overcrowding and health security, were brought to the attention of the relevant competent bodies.

5. Sanctioning activity

With respect to the sanctioning system provided for by Legislative Decree No 129/2015, penalties for infringement of the Regulation are determined based on the assessed infringement and are proportionate not only to the seriousness and repetition of the infringement and to the actions taken to relieve or remove its effects, but also to the percentage ratio of the passengers that have been affected by the infringement to the number of passengers carried. Further, in accordance with the rules on sanctioning proceedings, where the assessed infringement is still in place, the statement of objections also includes the formal notice to terminate the infringement. Compliance with the notice to terminate the infringement or non-compliance therewith are in any case assessed in accordance with applicable law, including for the purpose of the imposition of penalties.

It should be noted that, pursuant to article 4 (5) of Legislative Decree No 129/2015, the amounts arising from the imposition of penalties under the passenger rights regulations are paid into a special fund, that is established in the budget estimates of the Ministry of Infrastructure and Transport to finance projects for the benefit of consumers in the transport sectors. In this regard, the Decree of the Minister of Infrastructure and Transport of 19 February 2019, which was adopted upon proposal of the Authority and in agreement with the State-Regions Conference, stipulates that these amounts shall be allocated to projects for the benefit of consumers, aiming at awareness and information campaigns on passenger rights, including through the cooperation of the service providers and infrastructure managers concerned²².

In particular, the payments resulting from the penalties applied to transport of national interest are allocated to the Ministry of Infrastructure and Transport, while those arising from the penalties applied to public

²¹ C (2020) 1830 final.

²² Ministerial decree of 19 February 2019 *“Modalities of allocation of the amounts 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.

services of regional and local interest are allocated to each Region in proportion to the paid penalties which are related to the respective territories²³.

As for the quantification of the penalties, the Authority applies the "*Guidelines on the quantification of administrative fines*", as adopted by Decision No 49/2017, to ensure consistency, transparency, and impartiality in the exercise of its sanctioning power. These guidelines set out the criteria for their determination which have been notionally provided for by the legislator, taking into account the differences between the parameters provided for by Law No 689 of 24 November 1981 ("*Changes to the penalty system*"), which are applicable to the cases falling within the Authority's general sanctioning powers, and the criteria for the quantification of penalties for infringement of passenger rights laid down in the legislative decrees implementing EU regulations concerning rail, bus and coach and sea and inland waterway transport.

Further, pursuant to the same Legislative Decree No 129/2015, by Decision No. 86/2015, the Authority adopted rules on sanctioning proceedings for infringements of the provisions of the Regulation²⁴ (hereinafter: Rules on sanctioning proceedings in sea transport).

In 2022, the general sanctioning system of the Authority has undergone some changes under Decision No. 235/2022 of 1 December 2022²⁵, which also impacted on the provisions of the Rules on sanctioning proceedings in sea transport. In particular, the adopted measures were aimed at streamlining the channels for submission of the complaints as well as regulating an *ad hoc* procedure for the adoption of provisional remedies, applicable to all sanctioning proceedings initiated by the Authority. Finally, acknowledging the indications of the Council of State²⁶, the participation rights of the companies subjected to sanctioning proceedings have been expanded, providing that, at the end of the preliminary inquiries, they be notified of the preliminary findings, and simultaneously be entitled to submit reply briefs and request to be heard before the Authority's Board.

The Table below shows the sanctioning proceedings for infringements of the passenger rights enshrined in the Regulation, that were initiated and concluded in the period from 1 January 2021 to 31 December 2022 (all decisions referred to therein are available on the Authority's website), while the following graph in Figure 6 shows the disputes broken down by type of rights concerned by the proceeding.

²³ To implement the provisions of Article 3 (2) of the Ministerial Decree, the Authority has transmitted, within the deadline provided for therein (first quarter of each year), the tables summarising the penalties imposed in the previous year, indicating which Region the penalties imposed on regional and local public transport companies shall be referred to.

²⁴ Rules on penalty proceedings for infringements of the provisions of Regulation (EU) No 1177/2010 concerning the rights of passengers in sea and inland waterway transport and amending Regulation (EC) No 2006/2004, as adopted in the meeting of 15 October 2015.

²⁵ Decision No 235/2022 of 1 December 2022 on "*Rules of procedure for the conduct of sanctioning proceedings under the Authority's remit. Amendment*" (<https://www.autorita-trasporti.it/delibere/delibera-n-235-2022/>). The amended text of the rules on sanctioning proceedings in sea transport is available at: https://www.autorita-trasporti.it/wp-content/uploads/2018/07/Rules-of-procedure-sanctioning-proceedings-SEA-AND-INLAND-WATERWAY_def.pdf.

²⁶ Council of State, Section VI, No 10359/2022 of 24 November 2022.

Initiation sanctioning proceeding	Infringed rules of the Regulation	Measure closing the sanctioning proceeding	Amount of reduced payment	Amount of imposed penalty/ dismissal
Decision No 147/2021	Article 18 <i>"Re-routing and reimbursement in the event of cancelled or delayed departures"</i> , paragraph 2	Decision No 31/2022		EUR 10,000.00
	article 24 <i>"Complaints"</i> , paragraph 2			EUR 1,250.00
Decision No 170/2021	Article 18 <i>"Re-routing and reimbursement in the event of cancelled or delayed departures"</i> , paragraph 1	Decision No 36/2022		EUR 10,000.00
	Article 22 <i>"Right to travel information"</i>			EUR 500.00
	Article 23 <i>"Information on passenger rights"</i>			dispute dismissal
Decision No 2/2022	Article 16 <i>"Information in the event of cancelled or delayed departures"</i> , paragraph 1	Decision No 61/2022		EUR 4,000.00
Decision No 25/2022	article 16 <i>"Information in the event of cancelled or delayed departures"</i> , paragraph 1	Decision No 74/2022		EUR 4,000.00
	Article 24 <i>"Complaints"</i> , paragraph 2			EUR 1,530.00
Decision No 33/2022	article 16 <i>"Information in the event of cancelled or delayed departures"</i> , paragraph 1	Decision No 75/2022	EUR 1,000.00	
	Article 22 <i>"Right to travel information"</i>		EUR 600.00	

	article 24 "Complaints", paragraph 2		EUR 500.00	
Decision No 34/2022	Article 18 "Re-routing and reimbursement in the event of cancelled or delayed departures", paragraph 1	Decision No 76/2022	EUR 3,000.00	
	Article 24 "Complaints", paragraph 2		EUR 500.00	
Decision No 40/2022	Article 18 "Re-routing and reimbursement in the event of cancelled or delayed departures", paragraph 1	Decision No 104/2022		EUR 13,500.00
	Article 24 "Complaints", paragraph 2			EUR 1,000.00
Decision No 57/2022	Article 16 "Information in the event of cancelled or delayed departures", paragraph 1	Decision No 99/2022	EUR 2,000.00	
	Article 18 "Re-routing and reimbursement in the event of cancelled or delayed departures", paragraph 3		EUR 3,000.00	
	Article 24 "Complaints", paragraph 2		EUR 1,000.00	
Decision No 65/2022	Article 18 "Re-routing and reimbursement in the event of cancelled or delayed departures", paragraph 1	Decision No 134/2022		Dispute dismissal
	Article 24 "Complaints", paragraph 2			EUR 865.00

Decision No 72/2022	Article 16 " <i>Information in the event of cancelled or delayed departures</i> ", paragraph 1	Decision No 108/2022	EUR 1,000.00	
	Article 17 " <i>Assistance in the event of cancelled or delayed departures</i> ", paragraphs 1 and 3		EUR 400.00	
Decision No 78/2022	Article 16 " <i>Information in the event of cancelled or delayed departures</i> ", paragraph 1	Decision No 173/2022 ²⁷	EUR 1,000.00	
	Article 18 " <i>Re-routing and reimbursement in the event of cancelled or delayed departures</i> ", paragraph 1			EUR 10,140.00 ²⁸
	Article 24 " <i>Complaints</i> ", paragraph 2		EUR 1,000.00	
Decision No 85/2022	Article 18 " <i>Re-routing and reimbursement in the event of cancelled or delayed departures</i> ", paragraph 3	Decision No 145/2022	EUR 3,000.00	
	Article 24 " <i>Complaints</i> ", paragraph 2		EUR 500.00	
Decision No 92/2022	Article 16 " <i>Information in the event of cancelled or delayed departures</i> ", paragraph 1	Decision No 146/2022	EUR 1,000.00	
	Article 18 " <i>Re-routing and reimbursement in the event of cancelled or delayed departures</i> ", paragraph 3		EUR 3,000.00	

²⁷ The decision has been appealed by the carrier for infringement of Article 18 (1) of the Regulation. The case is pending before the Regional Administrative Court of Piedmont with a hearing set on 31 May 2023.

²⁸ The penalty for infringement of this article was redetermined by Decision No. 73/2023 of 20 April 2023, and therefore this figure is not counted in the penalties imposed in the relevant two-year period.

	Article 24 "Complaints", paragraph 2		EUR 500.00	
Decision No 96/2022	Article 18 "Re-routing and reimbursement in the event of cancelled or delayed departures", paragraph 3	Decision No 160/2022	EUR 3,000.00	
Decision No 109/2022	Article 18 "Re-routing and reimbursement in the event of cancelled or delayed departures", paragraphs 1 and 3	Decision No 162/2022	EUR 3,000.00	
	Article 24 "Complaints", paragraph 2		EUR 500.00	
Decision No 110/2022	Article 18 "Re-routing and reimbursement in the event of cancelled or delayed departures", paragraph 3	Decision No 175/2022	EUR 3,000.00	
Decision No 116/2022	Article 24 "Complaints", paragraph 2	Decision No 176/2022	EUR 500.00	
Decision No 136/2022	Article 17 "Assistance in the event of cancelled or delayed departures", paragraph 2	Decision No 196/2022	EUR 600.00	
	Article 24 "Complaints", paragraph 2		EUR 500.00	
Decision No 180/2022	Article 17 "Assistance in the event of cancelled or delayed departures", paragraph 2	Decision No 250/2022	EUR 2,600.00	
	Article 24 "Complaints", paragraph 2		EUR 1,000.00	
Decision No 181/2022	Article 16 "Information in the event of cancelled or delayed departures", paragraph 1	Decision No 221/2022	EUR 1,000.00	

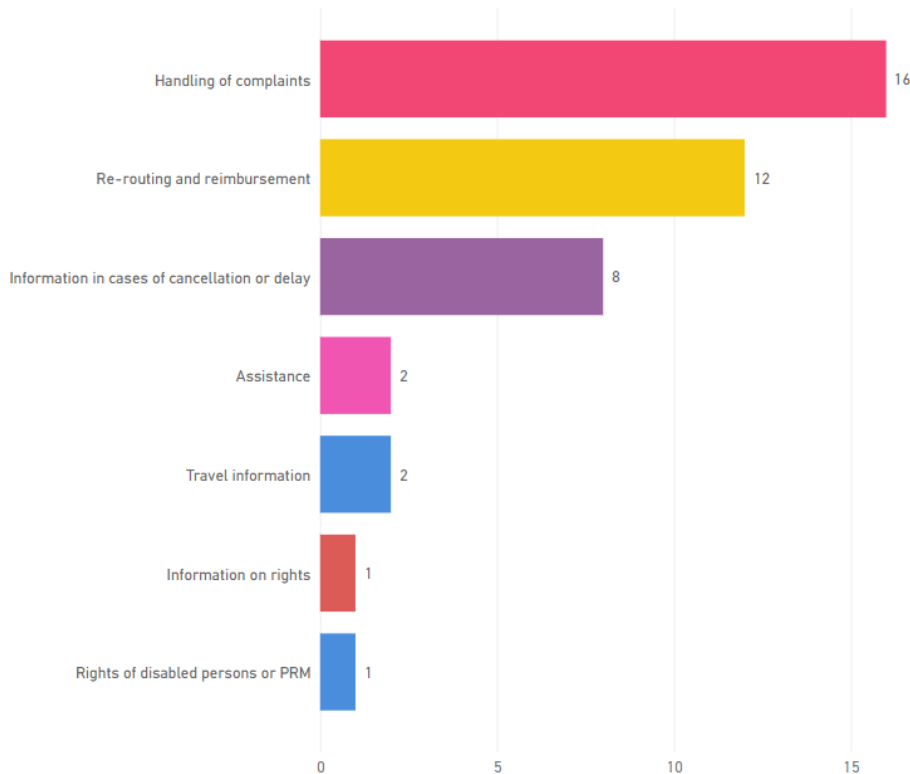
	Article 24 “Complaints”, paragraph 2		EUR 1,500.00	
Decision No 182/2022	Article 18 “Re-routing and reimbursement in the event of cancelled or delayed departures”, paragraph 1	Decision No 252/2022	EUR 3,000.00	
	Article 24 “Complaints”, paragraph 2		EUR 500.00	
Total 21 initiated proceedings	Total 42 contested infringements		EUR 43,700.00	EUR 46,645.00

With respect to some proceedings initiated in 2022²⁹, they had been at first concluded with the imposition of the relevant penalties. The sanctioning measure was later cancelled by the administrative court because, during the proceeding, the procedural guarantees in favour of the company concerned had been violated³⁰. Accordingly, beside making amendments to the rules on sanctioning proceedings as illustrated above, the Authority has further deemed it appropriate to cancel the sanctioning measures, based on the power available to the administration to withdraw, suspend or modify its own measures, and to reopen the relevant inquiries, with the ensuing transmission of their findings to the companies concerned by the sanctioning proceedings. The latter were entitled to submit reply briefs and request to be heard before the Board of the Authority. As these proceedings were concluded in 2023, for the sake of consistency, they will be accounted for in the report covering the two-year period 2023-2024.

²⁹ Proceedings initiated by the following decisions: No 15/2022 of 27 January 2022, No 24/2022 of 9 February 2022, No 66/2022 of 21 April 2022, No 71/2022 of 5 May 2022, No 78/2022 and No 79/2022 of 11 May 2022, No 86/2022 of 19 May 2022, No 95/2022 of 31 May 2022, No 100/2022 of 16 June 2022, No 102/2022 of 16 June 2022, No 119/2022 of 14 July 2022 and No 121/2022 of 26 July 2022.

³⁰ By Judgement No 10359/2022 of 24 November 2022, the Council of State annulled Decision No. 101/2019 of 31 July 2019, by which a maritime carrier had been sanctioned for infringement of the provisions of the Regulation. In its decision, the court held that the provision of Article 4 of Legislative Decree No. 129 of 2015, in providing for the separation between inquiry and decision-making functions, imposes the need to guarantee the oral and paper-based cross-examination also before the Board in a direct manner, during the decision-making phase, so as to ensure the party to fully exercise its rights of defence. Insofar as it is already provided for in the above-mentioned legislation, this guarantee cannot be recovered in the ensuing full jurisdiction phase before the administrative court, unlike in other sanctioning proceedings conducted by independent administrative authorities.

Figure 6 — Rights covered by sanctioning proceedings initiated and concluded in sea transport in the period from 1 January 2021 to 31 December 2022



Source: ART

As already mentioned, the significant number of initiated proceedings depends on the large number of requests received with respect to journeys that took place in the summer of 2021, which was characterized by particular circumstances resulting in several delays and cancellations, as well as deficiencies in the handling of first-instance complaints by the carriers.

As shown in the table and in the graph in Figure 6, most of the disputes against carriers³¹ were related to passenger rights in the event of cancelled or delayed departures. It should also be noted that, in the two-year period under review, the category of rights that was not complied with and therefore gave rise to the initiation of the largest number of sanctioning proceedings, was the handling of complaints. In particular:

- a) as regards Article 16, the infringements concerned the timeliness of the information provided to passengers, in relation to the time when the companies became aware of the delay in departure and the adequacy of the procedures to disseminate such information, which were not considered suitable to reach all passengers;
- b) with respect to Article 17, the sanctioned companies have not been able to prove they had offered material assistance free of charge (snacks, meals, refreshments), or to justify the failure to offer such assistance on the basis of the availability and reasonable possibility of providing passengers with comfort items, despite a delay of more than 90 minutes was reasonably foreseeable (paragraph 1).

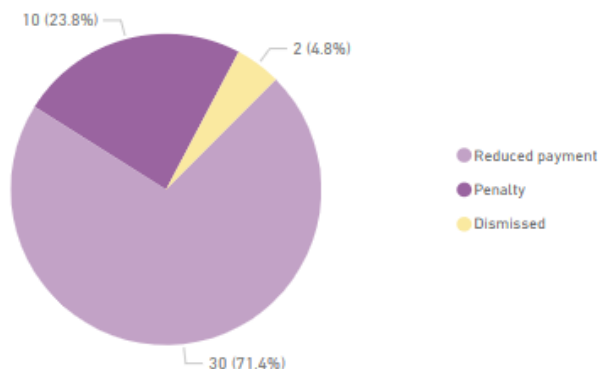
³¹ No disputes involved terminal operators.

In some cases, the carrier failed to offer passengers overnight accommodation following cancellation of the journey and departure the next day (paragraph 2). In one case, in providing assistance, the carrier failed to pay special attention to the needs of disabled persons and persons with reduced mobility and their accompanying persons (paragraph 3);

- c) the disputes concerning Article 18 involved companies that, although they could reasonably foresee a cancellation or delay in departure of more than 90 minutes, did not prove they had offered passengers the choice between re-routing and reimbursement or offered such choice in an incomplete manner or in a manner that did not comply with the requirements of the provision³²;
- d) non-compliance with article 24 of the Regulation was related in all cases to the non-reaction or delayed reaction to first-instance passenger complaints (paragraph 2).

Figure 7 shows the outcomes of the sanctioning activity related to the protection of passenger rights in sea transport carried out by the Authority in the period under review.

Figure 7 – Outcome of initiated and concluded proceedings in sea transport from 1 January 2021 to 31 December 2022



Source: ART

Regarding the outcome of the proceedings, while pointing out that each initiation of sanctioning proceedings may include complaints related to more than one infringement, the complaints for which the proceeding was concluded with a reduced payment (71.4%)³³ prevail over the cases of imposition of a penalty (23.8%). For two complaints, i.e., 4.8 percent of the total number, the proceedings were concluded with dismissal.

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

³³ The reduced payment, referred to in Article 16 of Law No 689/1981, allows the company that is subject to a sanctioning proceeding to terminate such proceeding, through the payment, no later than sixty days of the contested infringement, of an amount equal to one third of the maximum penalty provided for the infringement, or, if more favourable and where the minimum statutory penalty is fixed, equal to twice the amount thereof.

Finally, with regard to the concluded proceedings, the table below shows the number of infringements identified in relation to each of the aforementioned articles of the Regulation and the number of carriers which the above-mentioned proceedings were addressed to.

Article of Regulation	Number of initiated proceedings that were concluded* (at 31 December 2022)	Number of companies involved
Article 16 (1)	8	3
Article 17 (2)	2	1
Article 17 (1) and (3)	1	1
Article 18 (1)	5	3
Article 18 (2)	1	1
Article 18 (3)	6	3
Article 22	2	1
Article 23 (1)	1	1
Article 24 (2)	16	4

*Please note that a decision to initiate a sanctioning procedure may include several infringements.

The number of carriers that were addressed by the proceedings remains almost unchanged; this could be largely due to the distribution of market shares and to the characteristics of the journeys offered by these carriers.

Regarding the total amount of the penalties, the most considerable pertain to infringements of Article 17 of the Regulation; this is related to the specific sanctioning provision under Article 14 of Legislative Decree No 129/2015, which provides for an administrative fine ranging between EUR 100 to EUR 600 "for each passenger"³⁴.

6. Other initiatives

Information on passenger rights

For the purpose of better informing passengers about their rights, a dedicated section is available on the Authority's website including EU and national legislation for users' protection in rail, bus and coach, and sea and inland waterway transport³⁵. The section, which has been constantly updated in the two-year period under review, is available in English as well.

The passengers' rights section can be reached from the homepage and includes a dedicated page for the protection of passengers when travelling by sea, which provide access, via a link to Your Europe portal, to

³⁴ On this issue, the previous report had already considered Judgement No. 788/2020 of 30 November 2020 by the Regional Administrative Court of Piedmont; the decision was appealed by the carrier before the Council of State (RG 2292/2021).

³⁵ <https://www.autorita-trasporti.it/art-for-the-protection-of-passenger-and-user-rights/?lang=en>

the European Commission's information pages on passengers' rights, in accordance with the provisions of Regulation (EU) No 2018/1724 of 2 October 2018, establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012.

This page further includes:

- video-tutorials on passenger rights prepared as part of the 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;
- legislation of reference and reports on the application of the Regulation in the previous two-year periods;
- cross-reference to frequently asked questions (FAQs), on passengers' rights and on the tools available to the Authority to protect these rights;
- a reference to the "smARTbot" digital assistant, also accessible from the website homepage, i.e. a chatbot that allows the Authority to provide real-time digital assistance via the web, through an "intelligent conversation" through the exchange of text messages in a chat room, with the aim of providing automatic information on specific issues, guiding the navigation by topics.

The institutional website contains a new section (<https://bdt.autorita-trasporti.it/>) which is dedicated to the Authority's data and statistics, where, *inter alia*, the data on the requests received by the Authority for the sectors under its remit may be consulted, including in relation to the protection of the rights of passengers when travelling by sea and inland waterway.

Finally, the latest monitoring carried out by the competent offices of the Authority on the websites of the main maritime carriers³⁶, showed that the information on passenger rights contained therein is usually available, although, in a few cases, it is sometimes included in the General Conditions of Transport.

Awareness-raising activities for carriers

In the framework of the activity carried out by the Authority for the enforcement of the Regulation, it is worth noting that, even where no conditions were found to contest infringements of the Regulation, the Authority's offices, based on the complaints and alerts received, have implemented the usual awareness-raising and reporting activities addressed to carriers so as to encourage/support the improvement of caring policies.

In the summer of 2021, a note was sent to the main carriers operating in the maritime sector, aimed at highlighting, on account of the growing number of requests received by the Authority, the need to improve the procedures for the application of certain passenger rights (information, assistance, offering the choice between re-routing and reimbursement, compensation), as well as to provide timely and comprehensive replies to first-instance complaints.

³⁶ Identified based on the number of relevant requests (more than 5) received by the Authority in 2021 and 2022.

In 2021 and early 2022, targeted meetings were held with specified carriers aimed at addressing issues arising from the handling of complaints addressed to such carriers, as already reported under paragraph 3.

In May 2022, in order to prevent such events as those in the summer of 2021, the competent offices of the Authority convened the main shipping companies to a meeting aimed at bringing to their attention once again the main issues in the application of passenger rights, as resulting from the analysis of the requests received, and related to: (i) procedures and timing for handling first-instance complaints; (ii) procedures and contents of the information provided in case of delay or cancellation of the journey; (iii) offer of the choice between re-routing and reimbursement, focusing on the procedures and contents of such offer; and (iv) assistance to passengers in case of delay in departure or cancellation.

It should further be noted that the Authority cooperates, in the field of the protection of the rights of passengers in sea transport, with the General command/Headquarters of 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 provides to the Authority, at its request, information and data acquired in the exercise of its functions of monitoring vessel traffic and related cargoes, based on the needs that are relevant to the exercise of its competences, including with regard to passenger rights;
- the Authority transmits to the General Command information and data acquired in the exercise of its functions, which are relevant to the exercise of the powers of the General Command, in particular in relation to facts or conduct concerning the safety of passengers in maritime transport, monitoring and control in ports and related infrastructure.

Reporting activities to the Parliament

In the hearings of 8 and 17 February 2022 before the Parliamentary Inquiry Commission on Protection of Consumers and Users of the Chamber of Deputies and before the Tenth Commission on Industry, Commerce, Tourism of the Senate of the Republic, the Authority recalled its recommendation of December 2018 to the Parliament and the Government on "*Protection of passenger rights in rail, sea & inland waterway and coach & bus transport: rules on penalties*", and the critical issues that limit the effectiveness and deterrent effect of the existing sanctions.

In view of a development of the sanctioning system, the Authority has highlighted, *inter alia*, the need to be able to exercise not only the power to impose sanctions in case of infringements of passenger rights, but also to provide for their direct compensation, accompanied by the power, once the infringement is assessed, to order undertakings to bring their conduct into line with the existing legislation, by applying the prescriptive power provided for under ART's founding act (cf. Article 37 (3) (f)), with respect to conduct in conflict with the regulatory acts adopted by the Authority and to the commitments undertaken by the regulated entities.

Cooperation between NEBs and with the Commission

Finally, it is worth mentioning that the activities carried out by the Authority in this sector include the cooperation with the NEB, i.e. the National Enforcement Bodies of other Member States. Indeed, where the subject-matter of the complaints received was related to regular services departing from points situated in other Member States within the meaning of Article 25 (1) of the Regulation, in the period of reference the claim has been forwarded to the competent NEB (in particular, 42 requests were forwarded to NEBs of other Member States, and 22 requests³⁷ were received from other NEBs). On the other hand, in compliance with Article 27 ("*Cooperation between enforcement bodies*") of the Regulation, the competent offices of the Authority participated in the meetings, held on 6 December 2021 and 24 November 2022, convened by the Directorate-General for Mobility and Transport (DG-Move) of the European Commission.

In this framework, as requested by DG-Move, information was provided concerning, *inter alia*, (i) rules and functions carried out in the field of ADR, (ii) references to the Authority's website, with regard to the European Single Digital Gateway³⁸. Further, information was provided to the Commission on the most significant measures adopted and the relevant documentation was included in the NEB exchange platform made available by the Commission.

In 2022, the Authority also participated in the initiative of the European Commission on "*Better Protection of Passengers and their Rights*", whose work is expected to be completed in the second quarter of 2023. At this stage, in its responses to the public consultation, the Authority has highlighted the need (i) for an intervention at EU level aimed at ensuring passenger protection also in multi-modal journeys, given that, at present, the different regulations do not provide, in the case of multi-modal journeys, for specific tools ensuring full and effective protection; (ii) that the issue of the rights of passengers with disabilities and reduced mobility be dealt with in a cross-cutting manner with respect to the different regulations in the various modes of transport. With a view to inclusiveness, these passengers must be able to use transport without discrimination and, as far as possible, independently; (iii) that special attention be paid to the rights of passengers holding through tickets, which are increasingly spreading also in response to the new mobility needs which have been further highlighted in the context of the pandemic; (iv) for an EU-wide regulation, applicable to all situations such as the COVID-19 pandemic, so as to give both greater certainty to all the persons involved and more effectiveness to the action of the authorities responsible for enforcement.

7. Conclusions and developments since the last report

Some brief concluding remarks are provided based on the data comparison with previous two-year periods and on the most recent developments in the sector.

First of all, both the two-year period covered by this report and the previous one contain data and information relating to years (2020 and 2021) that were affected by the pandemic and by its effects on

³⁷ For three of these requests, sanctioning proceedings were initiated against two companies.

³⁸ The European Single Digital Gateway initiative was launched by Regulation (EU) 2018/1724, published in the Official Journal of the European Union, L 295 of 21 November 2018.

travelling and propensity to travel of passengers; on the other hand, sea transport does not appear to have suffered a comparable decrease, in terms of requests, as bus transport, for example. Apparently, this is due to the strong seasonality of the development of the requests in the maritime sector, which largely relates to journeys in the summer season, when an upturn in travel was recorded for both years under review. It should be noted that the number of complaints and, consequently, the total amount of penalties imposed, is clearly increasing in comparison with what was reported for 2019-2020, in relation to the already described events characterizing the period.

In particular:

- the number of requests received by the Authority in 2021 depends on the described circumstances affecting some of the main carriers operating on the busiest sea routes in the summer months. Therefore, this year can be hardly compared with both pre-pandemic and post-pandemic years; on the other hand, with respect to 2022, the values appear more in line with the growing trend of the requests in previous periods;
- the above trend in the requests consequently affects the number of initiated proceedings, which, by including the requests received after the summer of 2021, is increasing especially in the first months of 2022;
- apparently, the described sanctioning activity has resulted, at least for some of the main companies addressed by sanctioning proceedings, in a reduced number of second-instance complaints received by the Authority in 2022, presumably due to the adoption of remedial measures by the carriers. In the two-year period under review, in the light of the experience gained, the Authority actually increased the use of collaborative tools, so as to induce carriers, even preventively, to adopt procedures that are increasingly oriented towards compliance with passenger rights, and provide for correct and timely handling of complaints.

Among the elements, considered in this report, that may influence the two-year period 2023-2024 are, above all, the establishment of an ADR system in the areas under the Authority's remit, which may result in better opportunities for passengers travelling by sea to obtain individual compensation by not having to lodge second-instance complaints to the Authority. The enforcement of passenger rights may consequently evolve from the examination of individual cases, also aimed at verifying the payment of individual compensation, towards the reinforced use of preventive and general tools, such as monitoring and/or inspections.