

## Italian Transport Authority risks creating legal uncertainty with recently adopted passenger complaint measures which conflict with EU law

Airlines for Europe, which represents 17 airline airlines groups accounting for over 80% of European traffic, expresses serious concern about the recently adopted measures by the Italian Transport Authority (Autorità di Regolazione dei Trasporti, ART) on new standards that air carriers must adhere to in respect of customers' complaints. These measures will significantly extend the responsibility of carriers while also contradicting provisions from Regulation (EC) No 261/2004.

The new standards adopted by ART open the right to compensation to any person who "intends to use" air transport services, impose obligations on specific channels to enable passengers to submit claims and the content they must provide, settle deadlines for airlines to reply to complaints within 30 days or 60 days depending on the case and impose automatic compensation of 10% to 20% of the flight ticket in case of delay or due to a lack of reply from the carrier or due to a reply that is not "sufficiently motivated."

EU law holds primacy for passenger rights measures, a principle which must be respected. In addition, these new Italian standards conflict with the EU Commission proposal on passenger rights in respect of

- (i) improvement of the information provided to passengers at the time of booking and following disruptions regarding their rights;
- (ii) quality of service;
- (iii) adoption of a common form for requests for reimbursement and compensation.

National authorities should refrain from adopting such inconsistent measures which are incompatible with EU law as the proliferation of national initiatives risks upturning the EU's level-playing field. Following the adoption of new standards by ART, airlines operating in Italy will be subject to stricter measures than in any other EU member state.

The potential damage to legal clarity is made worse by the fact that these measures are being adopted by the ART, which is not the official competent recognised National Enforcement Body in Italy for passenger rights. This overlaps with the powers and responsibilities of ENAC (Ente Nazionale per l'Aviazione Civile- the Italian Civil Aviation Authority) and ultimately creates legal instability.

To ensure legal certainty and coherence and the efficient application of EU law, A4E calls on the Italian authorities to reverse decision to preserve the single market.