



UNIONE EUROPEA



## *Regione Siciliana*

Assessorato regionale delle Infrastrutture e della Mobilità  
Dipartimento regionale delle Infrastrutture, della Mobilità e dei Trasporti  
Servizio 1 – Autotrasporto persone. Trasporto regionale aereo e marittimo

Servizio 1 – N° di prot. 38053 del 09/10/2026

### **NOTICE OF PUBLIC CONSULTATION FOR THE MARKET TEST**

*pursuant to Measure 2, point 4, of Annex “A” to Resolution No 22/2019 of 13 March 2019 of the Italian Transport Regulation Authority (ART), in the consolidated text in force following the revisions approved, most recently, by Resolution No 59/2026 of 29 April 2026*

### **MARITIME TRANSPORT SERVICES ENSURING TERRITORIAL CONTINUITY FROM, BETWEEN AND TO THE MINOR ISLANDS OF SICILY (AEOLIAN ARCHIPELAGO, AEGADIAN ARCHIPELAGO, PELAGIE ARCHIPELAGO, USTICA AND PANTELLERIA), OPERATED BY MIXED PASSENGER/VEHICLE RO-RO SHIPS AND BY HIGH-SPEED CRAFT CARRYING PASSENGERS ONLY**

*Courtesy translation. This English version is provided for information purposes only, in order to facilitate the widest participation of European Union shipowners in the consultation. In the event of any discrepancy or dispute, the Italian version, which constitutes the sole authentic text, shall prevail. The scenario designations «M1 rimodulato» (adjusted M1) and «M1 incrementale» (incremental M1), the module codes (EO-R1, EO-M1, etc.) and the acronyms of the regulatory documents (RdE, RdL) are kept in their original form throughout this translation, for consistency with the technical annexes.*

## **1. Background and regulatory framework**

The Region of Sicily (Regione Siciliana, hereinafter also: the “Region”), in its capacity as Competent Body (Soggetto Competente, SC) within the meaning of Annex “A” to Resolution No 22/2019 of 13 March 2019 of the Italian Transport Regulation Authority (Autorità di Regolazione dei Trasporti, hereinafter: “ART” or the “Authority”), setting out the regulatory measures for the definition of the calls for tenders for the award of maritime passenger transport services from, between and to the islands, adopted pursuant to Article 37(2)(f) of Decree-Law No 201 of 6 December 2011, converted, with amendments, by Law No 214 of 22 December 2011, as well as pursuant to Article 48(7) of Decree-Law No 50 of 24 April 2017 (hereinafter: the “Regulatory Act”), in the consolidated text in force as of 29 April 2026, as resulting from the revisions approved by ART Resolutions No 90/2024 of 26 June 2024, No 177/2024 of 29 November 2024 and No 59/2026 of 29 April 2026, intends to proceed with the overall reorganisation and subsequent award of the maritime transport services ensuring territorial continuity with the minor islands of Sicily.

The regulatory framework of this procedure consists, first of all, of Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), Article 4 of which allows Member States, by way of derogation from the general principle of freedom to provide services laid down in Article 1, to conclude public service contracts, or to impose public service obligations (PSOs) as a condition for the provision of cabotage services, exclusively in relation to connections from, between and to islands, limited to the requirements exhaustively listed in paragraph 2 of the same Article 4 (ports to be served, regularity, continuity, frequency, capacity to provide the service, rates to be charged and manning of the vessel) and in compliance with the principle of non-discrimination among all European Union shipowners, as further clarified by the interpretative Communication of the European Commission COM(2014) 232 final of 22 April 2014. Also relevant are Legislative Decree No 36 of 31 March 2023 (Italian Public Contracts Code), applicable to the award of the services in question both as a service contract and as a concession, and the European Union State aid rules on public service compensation, including Commission Decision 2012/21/EU of 20 December 2011, as well as, with regard to possible fare support measures in favour of residents of island territories, the rules on aid of a social character laid down in Article 107(2)(a) of the Treaty on the Functioning of the European Union.

The maritime transport services serving the minor islands of Sicily are currently operated under a twofold contractual framework consisting, on the one hand, of the Agreement (Convenzione) concluded between the Italian Ministry of Infrastructure and Transport and Società Navigazione Siciliana S.p.A. (hereinafter: “SNS”) pursuant to Article 1(998) of Law No 296 of 27 December 2006 and Article 19-ter of Decree-Law No 135 of 25 September 2009, converted, with amendments, by Law No 166 of 20 November 2009 and, on the other hand, of the supplementary service contracts concluded by the Region of Sicily. The new framework covered by this procedure is intended to unify, under the responsibility of the Region of Sicily, the planning and the possible award of the entire set of services, including those currently falling within the competence of the State, in accordance with the aforementioned Article 19-ter of Decree-Law No 135/2009. To that end, the legal and economic framework designed to ensure that, following the termination of the current award to SNS, responsibility for the services connecting the minor islands rests solely with the Region of Sicily is currently being defined with the Ministry of Infrastructure and Transport.

At this stage it has therefore been deemed necessary and appropriate to carry out a survey of demand and, by means of this consultation, of the supply side of the market, with reference to the entire scope of the connections with the minor islands, also in view of the fact that the identification of the connections to be operated under a public service contract and/or with compensation can only follow the market test, as required by the applicable regulation.

In implementation of Measure 2 of the Regulatory Act, the Region has preliminarily defined the public service needs of the relevant mobility catchment area, through the analysis of current and potential demand, in its commuting, occasional and tourist components, as well as through the consultation of service users and their associations, of the local authorities concerned (in particular, the municipalities of the minor islands) and of the trade and business associations of the sector, pursuant to Measure 2, points 1, 2 and 3, of the Regulatory Act. The outcomes of this preliminary phase are summarised in the documentation annexed to the consultation document referred to in section 4 below.

This consultation was notified in advance to the Authority, by note ref. No 35209 of 21 September 2026, in compliance with the notice period of at least fourteen days prior to the planned starting date laid down in Measure 2, point 4, of the Regulatory Act, together with the documentation to be made public in relation to the public service needs identified.

## **2. Subject matter and purpose of the consultation**

This consultation constitutes the market test provided for in Measure 2, point 4, of the Regulatory Act and is aimed at ascertaining whether shipping companies have an economic interest, in whole or in part, in providing, on a free-market basis and without any compensation, the services capable of meeting the public service needs identified by the Region on the origin-destination (O-D) routes connecting the minor islands of Sicily, as resulting from the documentation annexed to the consultation document, with reference both to services operated by mixed passenger/vehicle ro-ro ships and to services operated by high-speed craft carrying passengers only.

The market test is carried out with reference to both differential service scenarios identified by the Region following the mobility demand analyses conducted pursuant to Measure 2, points 1 and 2, of the Regulatory Act, designated «M1 rimodulato» (adjusted M1) and «M1 incrementale» (incremental M1), as defined — by comparison with the reference scenario M0, corresponding to the current operating programme reconstructed by O-D route, day and season — in Annex A to the consultation document. The «M1 rimodulato» scenario consists of a reallocation of the volumes of the services currently operated, designed to respond to the changed mobility needs identified, and represents the minimum level of satisfaction of the public service needs; the «M1 incrementale» scenario is instead designed to satisfy all the requests recorded in the course of the procedure for the definition of the services and the assessment of demand. Shipping companies are therefore invited to provide feedback separately for each of the two scenarios and, where relevant, for the individual reallocation and incremental modules identified in the same Annex A, in order to enable the Region to identify the scenario which proves preferable from the transport-planning, user-needs, economic-financial and public-finance standpoints.

Following the market test, the Region will identify the intervention tool protecting the identified public service needs which is the least restrictive of the freedom of trade in the maritime sector, in accordance with the graduated approach set out in Measure 2, points 5, 6, 7, 10 and 11, of the Regulatory Act, which contemplates, in ascending order of intensity of public intervention: the maintenance of the free-market regime, without any intervention; the imposition of public service obligations on all interested shipowners (so-called “horizontal” PSOs), with or without compensation; the use of demand-side subsidies, in the form of direct compensation of the difference between the full price of the services offered on the market and a predetermined price deemed socially fair; the conclusion of one or more public service contracts (Contratti di Servizio, CdS) with compensation, to be awarded exclusively by means of an open or restricted tender procedure, in accordance with Article 4 of Regulation (EEC) No 3577/92 and with Legislative Decree No 36/2023.

It should be noted that, pursuant to Measure 2, point 7, of the Regulatory Act, any procedure for the request of expressions of interest in operating the service under a horizontal PSO regime will be carried out, should the Region decide to resort to that tool, after this market test and not

simultaneously with it, by means of a separate notice published on the institutional website of the Regional Department for Infrastructure, Mobility and Transport. Likewise, the possible definition of the tender lots, in accordance with the criteria of economic efficiency and contestability referred to in Measure 2, point 11, will take place only if, following the market test and the possible expression-of-interest procedure for horizontal PSOs, the Region identifies the public service contract as the appropriate tool to meet the mobility needs, and will be dealt with in the Report on Lots (Relazione dei Lotti, RdL) referred to in Measure 2, point 14, of the Regulatory Act.

### **3. Parties invited to participate**

The consultation is addressed to shipping companies and, in general, to European Union shipowners meeting the requirements of Article 2, point 2, of Regulation (EEC) No 3577/92, including the incumbent operators, the undertakings currently operating in the mobility catchment area on a commercial basis and any other economic operator, including operators not currently active on the routes concerned, potentially interested in operating, in whole or in part, the services covered by this consultation. Operators holding only a partial interest — relating to individual O-D routes, individual types of vessel (ro-ro ships or high-speed craft), specific periods of the year or specific time slots — are also urged to respond, since the completeness of the information gathered is an essential condition for designing a service configuration capable of reconciling openness to the market, the efficient use of public resources and the responsiveness to the needs of the island communities.

Participation in the consultation does not require possession of the general and special requirements laid down in Articles 94 et seq. of Legislative Decree No 36/2023, nor will any verification be carried out in that respect; nor does participation constitute a condition of admission, a participation requirement or a preferential qualification for the purposes of any subsequent award procedures, nor does it give rise to any legitimate expectation or claim on the part of the participants.

### **4. Documentation made available for the consultation**

The documentation made available for the consultation, published on the institutional website of the Regional Department for Infrastructure, Mobility and Transport at <https://www.regione.sicilia.it/istituzioni/regione/strutture-regionali/assessorato-infrastrutture-mobilita/dipartimento-infrastrutture-mobilita-trasporti>, consists of the following documents:

- a) this notice;
- b) the consultation document, containing the questionnaire designed to ascertain the interest of shipping companies;
- c) “Annex A – General report on the maritime services of the minor islands of Sicily. Public service needs and network plan preparatory to the market test”, setting out, pursuant to Measure 2, points 1, 2 and 4, of the Regulatory Act: the analysis of current and potential mobility demand; the outcomes of the consultation of users, local authorities and trade and business associations; the reconstruction of the current service scenario M0, with the origin-destination matrices by day and season set out in Appendix C thereto; the definition of the «M1 rimodulato» and «M1 incrementale» scenarios and of the related reallocation

and incremental modules for each island system, with the time slots of interest to users and the service frequencies in the different periods of the year, week and day; as well as the information on the willingness to pay of the different categories of users concerned;

- d) the survey of information on berths and port facilities, carried out pursuant to Measure 3 of the Regulatory Act, providing the technical summary data currently available [Annex B – List of Ports and Main Summary Data];

## **5. Procedures and time limits for participation**

Interested operators are invited to submit their contribution, preferably by completing the questionnaire contained in the consultation document, together with any supporting documentation deemed useful, exclusively by certified e-mail (PEC) to *dipartimento.infrastrutture@certmail.regione.sicilia.it*, or alternatively by ordinary e-mail to *dipartimento.infrastrutture@regione.sicilia.it*, indicating in the subject line “Market test – Maritime transport services serving the minor islands of Sicily – [name of the operator]”, by no later than h. 12:00 (Italian local time) on 9 November 2026, this time limit being set in compliance with the minimum duration of thirty days laid down in Measure 2, point 4, of the Regulatory Act. Contributions may be submitted in Italian or in English. Any personal data contained in the contributions submitted are processed as set out in paragraph 7, by the data controller and the data processor, under the supervision of the Data Protection Officer.

Any request for clarification concerning this consultation and the documentation forming an integral part thereof may be sent to the same certified e-mail address, or alternatively to the ordinary e-mail address, by 26 October 2026; answers to questions of general interest will be published, in anonymised form, on the website of the Regional Department for Infrastructure and Mobility and Transport. The Region reserves the right to convene the participating undertakings, including after the expiry of the above time limit, in order to request clarifications, supplements or further details on the contributions submitted, as allowed by Measure 2, point 4, last sentence, of the Regulatory Act; minutes of any such meetings will be drawn up and published in a form suitable to protect commercially sensitive information.

Contributions are provided free of charge, without any entitlement to fees or reimbursement of expenses, and their submission does not bind the Administration in any way; the Administration reserves all assessments as to the outcomes of the consultation and the ensuing determinations.

The Administration reserves the right, at its sole and unquestionable discretion, to suspend, interrupt and/or revoke, at any time, the procedure to which this consultation relates, without the participants being entitled to raise, as a result of their participation in the consultation or of the contributions provided, any claim, expectation, right or demand whatsoever, including by way of damages or indemnity, against the Administration. The procedure may be revoked where documented and objective public-interest needs, expressly set out, make it clear that continuing the consultation would be inappropriate or serve no useful purpose, or as a result of a renewed and different assessment of the same underlying public-interest considerations, even in the absence of supervening reasons. Notice of any such decision to suspend, interrupt or revoke the procedure will be given in the same forms of publication used for this procedure.

## 6. Transparency, confidentiality and outcomes of the consultation

Parties taking part in the consultation are invited to state expressly whether the contributions provided contain information, data or documents protected by proprietary rights or otherwise revealing business, commercial or industrial secrets, or any other information capable of disclosing the competitive position of the party on the market, submitting, where appropriate, a reasoned request for confidentiality and, in that case, also a version of the contribution redacted of the confidential parts, suitable for publication. In the absence of specific indications, contributions will be deemed freely publishable in anonymised form. It remains understood that any personal data contained in the contributions are processed by the data controller and the data processor, under the supervision of the Data Protection Officer, identified in paragraph 7, and are not published.

Pursuant to Measure 2, point 12, of the Regulatory Act, at the end of the market test the Region will transmit to the Authority the Report on the outcomes of the market test (*Relazione sugli esiti della verifica del mercato, RdE*), drawn up in accordance with the standard template set out in Annex 3 to the Regulatory Act, accompanied, *inter alia*, by the document submitted to consultation and by the contributions received from the participating undertakings; the *RdE* will be published on the institutional website of the Region in order to ensure adequate transparency of the procedure followed vis-à-vis all stakeholders. The Authority will express its assessment of the conformity of the procedure followed within sixty days of receipt of the *RdE*, pursuant to Measure 2, point 13, of the Regulatory Act.

In accordance with Measure 2, point 4, of the Regulatory Act, the Region adopts appropriate measures to prevent the consultation procedure from distorting competition and from conferring undue advantages on the participating undertakings in the event of a subsequent tender procedure; to that end, the set of information made available in the context of this consultation is identical for all operators, and any information provided in response to requests for clarification, where of general interest, is made known to all potential participants by publication.

## 7. Processing of personal data

Pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (GDPR) and to Legislative Decree No 196 of 30 June 2003, as amended by Legislative Decree No 101 of 10 August 2018, the personal data collected in the context of this procedure will be processed exclusively for the purposes connected with the consultation and with any subsequent award procedures, in a manner ensuring their security and confidentiality. The provision of such data is an indispensable precondition for participation in this procedure.

The parties involved in the processing of personal data are the following:

- 1) Data controller: Regional Councillor for Infrastructure and Mobility Alessandro Aricò,  
PEC *assessore@infrastrutture@certmail.regione.sicilia.it*,  
e-mail *gabinetto@infrastrutture@regione.sicilia.it*;
- 2) Data processor: Director General of the Regional Department for Infrastructure and Mobility and Transport, PEC *dipartimento@infrastrutture@certmail.regione.sicilia.it*, e-mail *dipartimento@infrastrutture@regione.sicilia.it*, designated by the Region of Sicily pursuant to

Article 28 of the GDPR, which processes personal data exclusively on behalf of the controller and within the limits of the instructions given by the latter;

3) Data Protection Officer (DPO) of the Region of Sicily: PEC [dpo@certmail.regione.sicilia.it](mailto:dpo@certmail.regione.sicilia.it), e-mail: [dpo@regione.sicilia.it](mailto:dpo@regione.sicilia.it).

Data subjects may exercise the rights referred to in Articles 15 to 22 of the GDPR by contacting the Data Controller through the Data Processor, using the data subject rights request form available at the following link: <https://www.regione.sicilia.it/privacy/responsabile-protezione-dati/principali-documenti-e-link>.

## 8. Officer in charge of the procedure and contact details

The officer in charge of the procedure (Responsabile del Progetto - RUP) is the officer Lucio Cipolla, who can be contacted at the e-mail address [lucio.cipolla@regione.sicilia.it](mailto:lucio.cipolla@regione.sicilia.it). This notice is published on the institutional website of the Regional Department for Infrastructure, Mobility and Transport. For matters relating to the processing of personal data, data subjects may contact the data controller, the data processor or the Data Protection Officer at the contact details indicated in paragraph 7.

Palermo, 9 October 2026

Il RUP  
geom. Lucio Cipolla



Il Dirigente Generale  
arch. Salvatore Lizzio

