



To the Commissar of Government in Region Friuli Venezia Giulia

To the President of Autonomous Friuli Venezia Giulia

To the members of the Regional Council of Region Friuli Venezia Giulia

To the City Councilors of the Municipality of Trieste

To the President of the Port Authority of Trieste

Subject: international Free Port of Trieste. Northern Free Zone.

Having said that the addressed bodies, especially the City Council and the Region, have no legitimate power as for the international Free Port of the Free Territory of Trieste, we make it clear that:

1) The Constitution of the Republic of Italy establishes, as Article 10, that the Italian legal system conforms to the generally recognized rules of international law and, at Article 117, that legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU-legislation and international obligations.

2) Under Legislative Decree of the temporary head of State No, 3054/52. Italy has enforced and ratified the Treaty of Peace, a normative (thus non contractual) international agreement, which has become a current and binding part of the Italian legal system, as it is to international legislation, being binding so all Signatory States as well.

3) The provisions of the Treaty of Peace did, at Annex VIII, establish the international Free Port of Trieste as a state corporation of the Free Territory of Trieste, transferring to it the property of all the necessary state and para-statal properties as well as assigning that to the use of all Nations, under the supervision of certain States, which are all mentioned in the Treaty itself.

4) Since 1954, the Free Territory of Trieste is entrusted under a mandate of temporary civil administration to the Italian Government – thus not to the State of Italy – bounded to fulfill the obligations coming from both this mandate and the Treaty of Peace.

5) The obligations consequent to the mandate to bind the temporary administrator, the Italian Government, to maintain the international Free Port in general accordance with Articles from 1 to 20 of Annex VIII of the Treaty of Peace.

6) Annex VIII, Article 3, sub-paragraph 1, rules that << **The area of the Free Port shall include the territory and installations of the free zones of the port of Trieste within the limits of the 1939**>> and it states that it cannot be removed or moved from said port areas, but only extended to other areas.

7) Due to this, the current Italian law on ports, No. 84/94 – for much that is being illegitimately applied to the international Free Port Trieste – does establish, at Article 6, sub-paragraph 2, <<*Without prejudice to the legislation in force ad for the Free Zones within the Free Port of Trieste. The Il Ministry of Transport, after consulting the Port Authority of Trieste, does, by own decree, prescribes the administrative organization for the management of said Free Zones.*>>

8) When revising the above mentioned Law No. 84/94 Mr. Boniciolli, the President of the Port Authority at the time, with a note dated March 31<sup>st</sup>, 2010 addressed the Ministry of Infrastructures and Transport since, in case the Law is cancelled <<the Port Authority and the port operators of Trieste would be forced to lodge an appeal before competent Italian and European courts, since the Treaty of Peace of 1947 – the source of the quoted – is previous to that establishing the EEC as well as being part of both the Italian and EU legal system.>>.

9) The European legal system has recognized the special status of the Free Port of Trieste.

10) The sub-paragraphs No. 618, 619 and 620 of Financial 190/14 (so called “Russo amendment”) are anti-constitutional and cannot be enforced anyway, as they are openly violating both the above mentioned Constitutional and international laws, which cannot be and are not cancelled by a Financial law.

11) Therefore, any administrative act signed by the Commissar-General of Government in the Region to move the status of Free Zone away from the Northern Free Port (also known as the “old” port) would be **legally null and void**, without prejudice for domestic and international appeals, as well as for the class actions of the citizens and companies willing to defend the status of Free Port of that area.

12) Given such known, legal conditions, no investor would put at risk money that was legally earned in the area of the Northern Free Zone – a status that has illegally been suppressed, the possible purchasers of the areas that are illegally removed from State Properties and sold would under expropriation themselves,

as they could not be considered purchasers in good faith, and this applies also to the City and all other organizations.

13) *Ad abundantiam*, as for the above-mentioned sub-paragraphs 618, 619 and 620, it is especially important noticing that:

a) sub-paragraph 618 envisions to move the Free Zone in other areas that are <<*functionally and logistically related to port*>>. In reality, said areas that should host - at least - equivalent activities of a Free Port do not exist in the territory of Trieste;

b) also, the Italian Minister of Foreign Affairs has already underlined, with a note dated January 7<sup>th</sup>, 2010 register number 063/4090 and sent to Commissar-General of Government in Region Friuli Venezia Giulia, that even in the eventuality that the Free Zone is moved, it is important “*ensuring compliance with the obligations assumed by Italy under Annex VIII of the Treaty of Peace of 1947. Therefore, the eventual redefinition shall not be a limitation to maritime traffics and **shall grant, no matter what, the function of port within the new area in equal – or better – terms than it was in the old area of the Free Port**”;*

c) follows that, since the Northern Free Port covers a surface of about 660.000 square meters, storehouses with a volume of about 1.000.000 cube meters and an the depth of its seabed ranges -14 to - 16 linear meters, equal or better infrastructures would have to be realized, completely, in another area and that would cost about EUR 4 billions, charged on either the State of Italy or the City of Trieste, potential beneficiary of its ownership;

d) sub-paragraph 619 would destinate to the removal from State Property the areas of maritime State Property of the Northern Free Port, <<*excluding the docks of the Adriaterminal and the strip of coast of the old Port of Trieste*>>, but a norm that would precisely identify said areas does not even exist;

e) significant portions of the Northern Free Port, currently not used for port activities and destined to be transferred to the City of Trieste are demonstrably polluted with dumping sites of toxic waste that were realized by the City itself, in a way that the cost of their remediation have already been calculated as EUR 90 millions, as well as having already notified to the European Commission, which charged Italian authorities with sanctions for that

f) other than economic responsibilities for polluting the area – deriving from both European and Italian laws – the City of Trieste, by gaining ownership over the areas, has to recover EUR 90 millions for its accounts, and the money cannot be deduct from the money to be given to the Port Authority, as sub- 619 sets as to be fully given.

14) In conclusion, the three norms, that Senator Russo added by deception in the Financial law of the Republic of Italy for year 2015 are illegitimate, as these violate both international law and the Italian – even Constitutional – legal order, as well as lacking the very possibility for their correct enforcement.

15) Therefore, at the end, it is clear that this is nothing but a mere political-speculative operation, committed to paralyze the new, recent concessions released by the Port Authority, preventing it from releasing new ones as well as to alienate all port investors who are attracted by the state of the Free Port, in order to undersell it to allow the kind of investments that, given the current economic crisis – on both a local and global level – could primarily attract investments deriving from money laundering. Said aspects of this operation are already and since long being denounced and are undergoing the pertinent institutional investigation.

**Therefore, the Free Trieste Movement will oppose to this illegal operation with all legitimate mean, in every instance and with certain efficacy.**

The President of the Free Trieste Movement  
Roberto Giurastante