



I.P.R. F.T.T. Member State *de jure*
of the United Nations

International Provisional Representative of the FREE TERRITORY OF TRIESTE

Rappresentanza Internazionale Provvisoria del Territorio Libero di Trieste
Začasno Mednarodno Predstavništvo Svobodnega Tržaškega Ozemlja
Provisorische Internationale Vertretung des Freien Territoriums Triest

SG/2023/02/03-en

20 February 2023

- 1) to the Mayor, the Assessors, to the Councilors, to the Secretary General,
as well as to the Department of Territory, Economy, and Mobility Department
of the Municipality of Trieste;
- 2) to the President and to the Secretary General
of the “Port Authority System of the Eastern Adriatic Sea”
- 3) to the President of the Council, the Assessors,
and Councilors, as well to the Secretary General
of Autonomous Region Friuli Venezia Giulia,
for their roles at art. 70 of Italian Constitutional Law No. 1/1963;
- 4) to the Commissioner of the Government
Autonomous Region Friuli Venezia Giulia
for his roles at art. 70 of Italian Constitutional Law No. 1/1963;
- 5) to the Prefect of Trieste
for his roles at art. 70 of Italian Constitutional Law No. 1/1963;
- 6) to the Prosecutor General of the Republic
at the Trieste Court of Appeal;

document sent via certified email

Subject: breaches of law regarding the management of port assets assigned to the Municipality of Trieste’s available assets under art. 1, paragraph 619 of Italian Law No. 190/2014 as amended by art. 1, paragraph 66, letter b) of Italian Law No. 205/2017 - criminal, civil, and administrative (including for lost revenue) liabilities of the public servants and officers involved - request to re-establish law and order.

This Agency for representation has the duty to bring to Your attention, for all consequences and responsibilities under the law, the abnormal situation of absolute, manifest unlawfulness consolidated in Trieste in the management of the port assets of the Northern Free Port, s.c. “*porto vecchio*” (old port), which art. 1, paragraph 619 of Italian Law No. 190/2014 envisions to be assigned to the Municipality’s available assets with an obligation to sell them with proper public tenders and transfer all revenues to the Port Authority.

This means that the law limits the Municipality's authority to make decisions over the public assets assigned to it exclusively to the operations required to sell them and to transfer all revenues to the Port Authority.

The original provision of Italian Law No. 190/2014, as amended at art. 1, paragraph 66 letter b) of Italian Law No. 205/2017, which added to it a direct recalling of the specific obligations of the Italian Republic's international and domestic legal obligations establishes that:

«The Municipality of Trieste disposes, respecting the provisions of domestic and of Community law, the areas and immovable assets removed from State property and the deriving incomes shall be transferred to the Port Authority of Trieste to provide for the infrastructures of the new Port and of the new areas that are to receive the international free port regime pursuant to annex VIII of the Treaty of Peace between Italy and the Allied and Associated Powers signed at Paris on 10 February 1947, enforced with Legislative Decree of the Provisional Head of State No. 1430 of 28 November 1947, ratified with Italian Law No. 3054 of 25 November 1952.»

Indeed, the Northern Free Port is one of the permanent free zones of the international Free Port of Trieste, which is established under the multilateral 1947 Italian Peace Treaty, and subject to the rights of all States.

The Italian legal order ranks the consequent pre-Constitutional obligations of customary and treaty law above any other law in force (art. 2 of Legislative Decree of the Provisional Head of State No. 1430/1947) as well as Constitutional primacy within the hierarchy of the sources of Italian law (arts. 10 first paragraph, 117 second and fifth paragraph, 120 second paragraph of the Italian Constitution).

For those reasons, it is criminally, civilly, administratively (including for lost revenue), and also Constitutionally relevant that the Trieste Municipal Administration, after receiving those port assets in 2016 under the legal obligation to sell them for the advantage of the Port Authority is openly abusing them, using them for its advantage and for the advantage of third parties with decisions and expenses amounting to some dozen million Euro.

Therefore, it is illegitimate acts of direct appropriation, concessions, rents and the collection of the related canons, as well as projects, calls for tender, and buildings which seeks to finance with money from the Italian Government and also the European Union, and sales agreements outside public tender.

The Municipal Administration forms the related public acts falsely claiming to enjoy full and unconditioned ownership of the assets that are assigned to it under art. 1, paragraph 619 of Italian Law No. 190/2014.

With this false claim, the Municipal Administration deliberately hides to its public and private counterparts both that the law does limit *ab origine* the Municipality's authority to make decisions over those assets to the obligation to sell the off for the Port

Authority's advantage and that, since 2019, a legal dispute is pending on the ownership title itself.

Indeed, the enforceability of paragraphs 618, 619 and 620 of art. 1 of Italian Law No. 190/2014 within the Italian legal order is being challenged before Court (for breaches of International obligations protected by the Constitution) in the civil legal action for demonstration registered *sub* RG 5209/19, pending in first instance before the Court of Trieste, and initiated by this Agency with the support of 238 citizens and enterprises from Trieste and from other States.

Besides falsely claiming in its act to enjoy the full and unconditioned ownership of those assets, the Municipal Administration has even vested itself with the authority to amend law itself (city council resolution No. 445 of 25 September 2017) to directly take for itself some of the most relevant buildings, which is now using itself or renting to third parties.

Those ongoing abuses, committed by part of the Municipal Administration are unprecedented, and they clearly aim at putting the *fait accompli* above the rule of law, by usurping in the quickest possible time the majority of those assets with works and contracts that involve other bodies and authorities, banks, insurance companies, professionals, Ministries, and bodies of the European Union.

It is equally evident that the other, local public authorities involved should have since long addressed the Italian Government about this bunch of public, deliberated breaches of the law and of international obligations, seeking that the Municipality be placed under compulsory administration, and that its unlawful acts be annulled, even under the Government's substitutive powers established at arts. 117, fifth paragraph, and 120, first paragraph of the Italian Constitution.

Instead, it is well documented that the Municipal Administration's continuing abuses on those port assets are possible because of the active or passive support of all local authorities, dispute their legal obligation to prevent them, like the Port Authority itself, the Region, and the competent judicial authorities.

In particular, the Municipal Administration is able to simulate in public acts to enjoy free and unlimited ownership of those port assets because the local Court registered them on the Land Registry Book (which in Trieste certifies ownership rights and is managed by the Region) in the Municipality's name without registering also the original limitation, consisting in the obligation to sell those assets for the Port Authority's advantage, and rejected all consequent Land Registry Requests seeking the correction of that omission and the registration of the lawsuit pending on the ownership itself.

The Port Authority and the Region did go as far as drafting with the Municipality agreements based on the breach of the provisions of law regarding the sale of those assets and the destination of the revenues.

Those facts show that in Trieste, behind a façade of seemingly functioning institutions, the truth is a situation of serious risk for law and order, and its

consequences extend to the city's and its port's strategic roles for international trade and for the Euro-Atlantic balances.

The whole story of the speculative aggression to the Northern Free Port, which dates back to 1999-2000, does indeed regard the rights of all States, and it is connected both to operations of particular Italian and European political circles for the advantage of the People's Republic of China and to the current regimes of Iran and of Venezuela, and to interests of criminal organizations that are being reported since 2014.

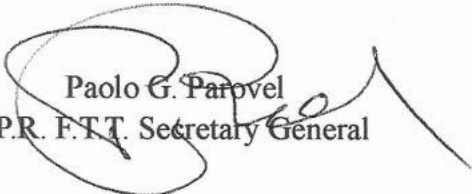
This Agency has also notified to the Trieste Municipal Administration and to other public and private involved parties several appeal to the law, inviting them to stop the abuses in the management of the assets of the Northern Free Port, also called "old port" and assigned, under art. 1, paragraph 619 of Italian Law No. 190/2014 to the Municipality, taking it with selling them off for the Port Authority's advantage.

Instead, those abuses continued and increased, and the subject falls also under the EU's anti-fraud authorities since the Trieste Municipal Administration has published European calls for tender in which it falsely claims to enjoy those assets in full, and seeks the fund the works with European Union funds.

See the recent contract notice for a cableway: <https://ted.europa.eu/udl?uri=TED:NOTICE:727242-2022:TEXT:EN:HTML>

All of this does also carry implications for the personal criminal, civil and administrative (including lost revenue) liabilities of the public servants and officers who either took part in those crimes or disregarded their legal obligation to prevent them.

For those reasons, this Agency invites You to take care, within your respective responsibilities, to re-establish law and order on the matter, and to annul in self-defense all acts drafted in breach of the provisions at art. 1, paragraph 619 of Italian Law No. 190/2014, as amended at art. 1, paragraph 66 letter b) of Italian Law No. 205/2017.


Paolo G. Parovel
I.P.R. F.T.T. Secretary General

(follows a nominal list of the addressees)

Nominal list of the addressees:

1) Municipality of Trieste

Mayor: Roberto Dipiazza.

Assessors: Stefano Avian, Everest Bertoli, Maurizio De Blasio, Carlo Grilli, Elisa Lodi, Michele Lobianco, Nicole Matteoni, Serena Tonel, Giorgio Rossi, Sandra Savino.

Councilors: Paolo Altin, Michele Babuder, Giovanni Barbo, Stefano Bernobich, Cristina Maria Birolla, Angela Brandi, Monica Canciani, Roberto Cason, Gabriele Cinquepalmi, Massimo Codarin, Štefan Čok, Caterina de Gavardo, Manuela Declich, Giampiero Dell'Agata, Laura Famulari, Giuseppe Ghersinich, Lorenzo Giorgi, Riccardo Laterza, Mirko Martini, Giulia Massolino, Marcelo Medau, Kevin Nicolini, Francesco Di Paola Panteca, Alberto Pasino, Alberto Polacco, Salvatore Porro, Rosanna Pucci, Valentina Repini, Vincenzo Rescigno, Alessandra Richetti, Ugo Rossi, Francesco Russo, Luca Salvati, Giorgio Sclip, Massimo Tognolli, Corrado Tremul, Stefano Ukmar, Stefano Vatta.

Officers: Fabio Lorenzut, Giulio Bernetti.

2) Port Authority System of the Eastern Adriatic Sea

President: Zeno d'Agostino.

Secretary General: Vittorio Torbianelli.

3) Region Friuli Venezia Giulia

President: Massimiliano Fedriga.

Assessors: Sergio Emidio Bini, Sebastiano Callari, Tiziana Gibelli, Riccardo Riccardi, Pierpaolo Roberti, Alessia Rosolen, Fabio Scoccimarro, Stefano Zannier, Barbara Zilli.

Councilors: Leonardo Barberio, Alessandro Basso, Diego Bernardis, Giampaolo Bidoli, Sergio Bolzonello, Mauro Bordin, Luca Boschetti, Alberto Budai, Antonio Calligaris, Mauro Capozzella, Tiziano Centris, Nicola Conficoni, Roberto Cosolini, Chiara Da Giau, Iliana Dal Zovo, Mauro Di Bert, Giuseppe Ghersinich, Claudio Giacomelli, Furio Honsell, Franco Iacop, Simona Liguori, Antonio Lippolis, Enzo Marsilio, Franco Mattiussi, Stefano Mazzolini, Elia Miani, Edy Morandini, Ivo Moras, Diego Moretti, Massimo Moretuzzo, Giuseppe Nicoli, Mara Piccin, Marko Pisani, Simone Polesello, Francesco Russo, Mariagrazia Santoro, Cristian Sergo, Cristiano Shaurli, Giuseppe Sibau, Alfonso Singh, Danilo Slokar, Maddalena Spagnolo, Lorenzo Tosolini, Stefano Turchet, Andrea Ussai, Walter Zalukar, Piero Mauro Zanin, Emanuele Zanon.

Officers: Luciano Panella.

4) Office of the Commissioner of the Government in the Region

Mr. Pietro Signoriello.

5) Trieste Prefect Office

Mr. Pietro Signoriello.

6) General Prosecution Office at the Trieste Court of Appeal

Mr. Carlo Maria Zampi.