



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/2021/02/01-en

24 February 2021

To the President of the Trieste Port Authority (AdSPMAO)

Zeno d'Agostino

To the Mayor of the city of Trieste

Roberto Dipiazza

To the President of the Regional Council of Friuli Venezia Giulia

Massimiliano Fedriga

and, for information:

- To the Commissioner of the Government and Prefect of Trieste
- To the Prosecutor of the Republic in Trieste
- To the *Questore* - Chief of the Police of Trieste

Subject: warning notification, for all legal purposes and consequences, against the drafting, signing, and enforcement of agreements among the Port Authority, the Municipality, and the Region in breach of the provisions of paragraphs 618 and 619 of art. 1 of Law No. 190/2014, as integrated under art. 1, paragraph 66 letter b) of Law No. 205/2017.

The Mayor of Trieste, Roberto Dipiazza, has announced to the press the incoming signature of a Program Agreement with the Port Authority and with the Region regarding the use of the assets of the Northern Free Port, also called “*porto vecchio*” (old port), which, since 31.12.2016 are assigned to the Municipality of Trieste in the Land Registry Book, in compliance with paragraphs 618 and 619 of art. 1 of Italian Law No. 190/2014, later integrated under paragraph 66 letter b) of art. 1 of Law No. 205/2017.

Those provisions of law envision that those assets be transferred from the unavailable properties of the international Free Port of Trieste to the available properties of the Municipality, under binding obligation for it to sell them and transfer all revenues to the Port Authority, which is itself bound to re-invest these revenues in the development of the international Free Port of Trieste.

The integration of paragraph 618 pursuant to Italian Law No. 205/2017 has duly specified that such regime, in force is *«the international Free Port regime, as established at 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»*.

Furthermore, the Italian Government has duly recognized, under the related inter-ministerial Decree of 13.7.2017 (without number) that its administration of the free port of Trieste enforces international obligations, in force, established by the *«Memorandum of Understanding of London of 5 October 1954 between the Governments of Italy, of the United Kingdom, of the United States, and of the Socialist Federal Republic of Yugoslavia regarding the regime of temporary administration of the Free Territory of Trieste, envisioned at Annex VII of the Treaty of Peace between Italy and the Allied and Associated Powers, signed in Paris on 10 February 1947»*.

Even prescindendo from the consequent problem of the enforceability *ab origine* - or lack thereof - of the so integrated paragraphs 618 and 619 of art. 1 of Law No. 190/2014, it remains evident that, when enforcing these provisions, both the officers of the Municipality and those of the Trieste Port Authority have the duty to comply with their legal obligations as for the destination of the assets and the revenues deriving from their sale, and none of them has the authority to derogate from the law.

Instead, since 2017, the Municipal administration of Mayor Roberto Dipiazza organizes and commits, unpunished and despite being warned against it and denounced for it, systematic violations of the legal destination of those assets, falsely claiming that the Municipality enjoys full and free ownership over these, going as far as claiming part of the revenues deriving from their sale.

The aforementioned, systematic breaches of law are mainly committed for the unlawful advantage of third parties, and are made possible mainly by both the active and passive support of the President of the Port Authority, Zeno D'Agostino, who has the legal obligation to prevent them (art. 40 of the Criminal Code), and by abnormal actions in the management of the Land Registry Office, which consist in preventing the duly registration of the legal constraints on those assets and of the legal actions pending on the matter in the Land Registry Book.

Furthermore, the year-long, continuing breaches of law committed by the Dipiazza Municipal Administration on the matter are subtracting, illegally and so far without punishment, relevant and increasing sums to the budgets of the Municipality and of the Port Authority, resulting in a loss of public money that amounts to dozens of million Euro already.

For these reasons, since 2019, there are pending criminal complaints, recently renewed and supplemented, against Mayor Dipiazza and against certain members of his Municipal executive committee, against the former Secretary General of the Municipality, Santi Terranova, and Officer Enrico Conte, and also against the President of the Port Authority, D'Agostino: they are accused of continued falsehood in official acts, committed by public officers for the purposes of fraud against public bodies, and for abuses of office (arts. 479, 640 and 323 of the Criminal Code).

Furthermore, these ongoing crimes, which so far have remained unpunished, have given rise, in Trieste, to a clear, extraordinary state of public illegality, which usually shows the extension of local systems of corruption, and for this reason it was also brought to the attention of the competent, central investigative offices.

Also, the subject is included in the disputes that are notoriously open also against the Municipality, the Port Authority, and the Region with the civil lawsuit for demonstration No. 5209/2019, pending before the Court of Trieste and regarding all aspects of the management of the international Free Port.

Now we must notice that the contents of the Agreement between the Municipality, the Port Authority, and the Region, as anticipated to the Press, would as well constitute an open breach of the destination established under Law No.190/2014 to the assets concerned and to the revenues deriving from their sale.

Such an Agreement would constitute a surreptitious attempt, by involving also the Region, to consolidate and provide a further cover-up to the breaches of law already committed by the Municipal Administration of Mayor Dipiazza, with the support of the President of the Port Authority, D'Agostino, and with the support of the aforementioned abnormal acts committed in the management of the Land Registry Book.

For these reasons, and for all legal purposes and consequences, this Representative, exercising the roles that are delegated to it by citizens, enterprises, organizations, and bodies from Trieste and from other States, and reserving all further legal actions before other authorities, to defend the rights and interests it represents, as well as the laws in force,

notifies

via certified email to the President in office of the Trieste Port Authority (AdSPMAO), Zeno D'Agostino, to the Mayor in office of the Municipality of Trieste, Roberto Dipiazza, and to the President in office of the Regional Council of Friuli Venezia Giulia, Massimiliano Fedriga, the present

WARNING

against drafting, signing, and enforcement of agreements among the Port Authority, the Municipality, and the Region in breach of the provisions of paragraphs 618 and 619 of art. 1 of Law No. 190/2014, as integrated under art. 1, paragraph 66 letter b) of Law No. 205/2017, when it comes to the constraints for the destination of the assets that are included among the available properties of the Municipality and for the destination of the revenues deriving from their sale.

Furthermore, this Representative invites the President of the Regional Council to order prompt and proper verifications as for the aforementioned abnormal actions committed on this subject in the management of the Land Registry Book, since the Land Registry Office falls within the competences of the Region.



I.P.R. F.T.T. Secretary General