

(coat of arms of the Italian Republic)

The Italian Ministry of Infrastructures and Transport
together with
The Italian Ministry of Economy and Finance

In view of Articles 10, 117, and 118 of the Italian Constitution;

In view of Article 351 of the Treaty on the Functioning of the European Union;

In view of the Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013, laying down the Union Customs Code, where applicable;

In view of Italian Royal Decree No 327 of 30 March 1942, and amendments, approving the final text of the Italian Code of Navigation;

In view of Legislative Decree of the Provisional Head of State No 1430 of 28 November 1947, implementing the Treaty of Peace between Italy and the Allied and Associated Powers, signed in Paris on 10 February 1947, and, in particular, annex VIII of the Treaty of Peace, regarding the Free Port of Trieste;

In view of Italian Law No 3054 of 25 November 1952, ratifying Legislative Decree of the Provisional Head of State No 1430 of 28 November 1947, implementing the Treaty of Peace between Italy and the Allied and Associated Powers, signed in Paris on 10 February 1947;

In view of 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 January 1947;

In view of Italian Law No 241 of 7 August 1990, and amendments, providing new regulations on administrative proceedings and accession to administrative documents;

In view of Italian Law No 84 of 28 January 1994, and amendments, concerning the reorganization of the legislation on ports;

And, especially, in view of article 6, paragraph 12, of the Italian Law No 84 of 28 January 1994, and amendments, envisioning that the Italian Ministry of Transport and Navigation, together with the Italian Ministry of Economy and Finance, upon consultation with the Port System Authority of the Eastern Adriatic Sea, establish, with their own decree, the administrative management of free zones;

In view of article 1, paragraphs 618, 619, and 620 of Italian Financial Law No 190 of 23 December 2014 with provisions for the preparation of the annual and long-term budget of the of the State of Italy (stability law / *legge di stabilità* 2015);

In view of article 104 of Italian Legislative Decree No 112 of 31 March 1998, and amendments, regarding the assignation of administrative functions and tasks of the State to Regions and other local bodies, in compliance with Chapter I of Italian Law No 59 of 15 March 1997;

In view of the decree of the President of the Italian Republic No 43 of 23 January 1973, and amendments, approving the consolidated act (*Testo Unico*) on legislation on customs matters;

In view of the decree of the Minister of Finance No 1693 of 20 December 1925, and amendments, concerning the custom legislation for the free zones in Fiume (Rijeka) and Trieste;

In view of the decree of the General Commissioner of the Italian Government for the Territory of Trieste No 29 of 19 January 1955;

In view of the decree of the General Commissioner of the Italian Government for the Territory of Trieste No 53 of 23 December 1959;

In view of the decree of the Minister of infrastructures and transport and navigation of 14 November 1994, identifying the general services of ports that are to be provided to port users under payment, published in the Italian Official Gazette (*Gazzetta Ufficiale*) No 275 of 21 November 1994;

In view of the decree of the Minister of infrastructures and transport of 18 June 2004, concerning the appointment of the competent Authority for maritime security, and of the focal point for maritime security, as for Council Regulation (EC) No 725/2004;

After consultation with the Port System Authority of the Eastern Adriatic Sea;

issue

the following decree

ART. 1

(Purpose and scope)

1. This decree regulates the administrative organization for the management of the free port of Trieste, to meet the objectives set out for the development of maritime traffics and pertinent activities;
2. Subject in all cases to the competences of Region Friuli-Venezia Giulia in compliance with the special Statute and the related implementing measures, as well as the provisions of the maritime authority.

ART. 2

(Definitions)

- 1) For the purposes of this decree, the following terms mean:
 - a) «free port»: the free zones identified within the current territorial asset of the international Free Port of Trieste under the competence of the Port System Authority of the Eastern Adriatic Sea and the other zones identified at article 1, paragraphs 618, 619, and 620 of Italian Financial Law No 190 of 23 December 2014, which are functionally and logistically connected with port activities;

- b) «Port System Authority»: the Port System Authority of the Eastern Adriatic Sea;
- c) «President»: the President of the Port System Authority of the Eastern Adriatic Sea;

ART. 3

(President of the Port System Authority)

1. The Free Port of Trieste is administered by the Port System Authority;
2. The President, upon consultation with the Management Committee, administers:
 - a) the areas and the assets within maritime State Property and falling within the territorial frame under their competences, on the bases of the legislation on the matter, exercising the powers established at articles 36 to 55 and 68 go the Italian Code of Navigation and its implementing legislation;
 - b) the other zones identified at article 1, paragraphs 618, 619, and 620 of Italian Financial Law No 190 of 23 December 2014 functionally and logistically connected with port activities.
3. Within the Free Port, the President:
 - a) authorizes and limits the processing of goods, without prejudice for the competences of the Customs and Monopolies Agency on the enforcement of custom legislation;
 - b) authorizes and limits, in agreement with the competent Customs and Monopolies Agency, the production of goods and services, including those on the industrial level;
 - c) decides:
 - 1) the fees on concessions of areas owned by the State and of the poets within the port, set forth at article 18, and of the areas owned by the State within its territory, as well as the incomes of authorizations to port operators set forth at article 16, excluding the concessions at article 1, paragraphs 618, 619, and 620 of Italian Financial Law No 190 of 23 December 2014;
 - 2) the fees on concessions of maritime State Property for tourist and recreational activities, and the fees for the use of the zones at article 1, paragraphs 618, 619, and 620 of Italian Financial Law No 190 of 23 December 2014;
 - 3) the rents on areas included within the available assets of the Port System Authority;
 - d) Rules, jointly with the Customs and Monopolies Agency and with the maritime authority and exclusively on the free zones included within the port area, accession to the free port and timetables. Without prejudice to the competences of the maritime authority on road traffic exclusively in the free zones included within the port area.
 - e) establishes, upon consultation with the maritime authority, in compliance with the security plan, a control service at the entrance of the customs post of the free zones included within the port area;
 - f) upon consultation with the authorities concerned, identifies specific areas for the exercise of production activities in order to rationalize the use of the port and simplify the working time of users;
 - g) takes care, for the purposes set forth at article 1, to coordinate the activities of public administrations;
 - h) takes care of the ordinary and extraordinary maintenance of common spaces;
 - i) takes care to perform the works requested by the Customs and Monopolies Agency and by the maritime authority, as well as by other competent public authorities;

- l) defines, with their own regulation, the common spaces and their method of use;
 - m) upon consultation with the authorities concerned, grants industrial and commercial promotion;
 - n) upon consultation with Region Friuli-Venezia Giulia, promotes the professional training and access to employment of younger persons in enterprises that work with international markets, in order to increase the presence of Italian enterprises on the international market;
4. In order to promote the rail freight services in the free port, keeping in mind the principle of freedom of transit, the President grants free entrance to all railway companies. For this purpose, they can also use instrumental companies, including with the acquisition of shares in companies in accordance with the legislation in force, in order to promote logistic and intermodal railway connections that are functional to develop the free port.
5. In case of significant needs of international commerce or of compliance with the international obligations of the Italian State, the President can adopt, with their own decree, after obtaining the opinion of Region Friuli-Venezia Giulia and the Municipalities concerned, the measures necessary to modify the Free Port as described at article 2, paragraph 2, letter a) of this decree.

ART. 4

(Strategic planning of the Free Port)

1. The Port System Authority develops, adopts, and enforces the planning of the management of the Free Port, in order to promote the maritime economic growth, maritime transportation, flows of trade, as well as the economic, social, and environmental system of the territory.
2. The planning set forth at paragraph 1 takes place with the development of plans, which identify the spatial and temporal distribution of economic and social activities as well as the pertinent uses of the Free Port.
3. The plans at paragraph 2 regard:
 - a) accession to the Free Port;
 - b) services in the general interest;
 - c) the construction or restyling of structures necessary to provide services to the users, including the boundaries of the port;
 - d) the dredging of the seabed;
 - e) local public services in the general economic interest;
4. The Committee for the management of the Port System Authority approves the three-year operational plan envisioned at article 9, paragraph 5, letter b) of Italian Law No 84 of 28 January 1994, and amendments, concerning the strategies for the logistic and ports development of the Free Ports;
5. For the purposes of the management of the Free Port, the Port System Authority:
 - a) provides, in accordance with mutual competences, information concerning the subjects entitled with the areas within the boundaries at article 2 of this decree, their placement, as well as the destination of use of those areas to the Customs and Monopolies Agency, the Finance Guard (*Guardia di Finanza*), and to the maritime authority.
 - b) ensures compliance with the provisions regarding accession to the free port and the use of port assets;

- c) in case of necessity, and solely within the area of the Free Port, provides, without payment, proper infrastructures to the Customs and Monopolies Agency, the *Guardia di Finanza* (Italian Finance Guard), and to the maritime authority in order to allow compliance with their official duties within the Free Port;
 - d) provides technical assistance to those who are willing to invest in the Free Port;
 - e) arranges agreements with the Customs and Monopolies Agency in order to digitalize the procedures and controls necessary to handle freight between the free ones and departing or arriving at the free zones of the Port of Trieste;
6. The Port System Authority publishes on its official website the ordinances and regulations in force within the Free Port, as well as the fees, duties, tariffs maritime taxes, and all other financial revenues.

ART. 5

(Transit of heavy goods vehicles)

1. For the purposes set out at article 1, the Port System Authority issues the authorizations for the accession of foreign vehicles in of from the free port.

ART. 6

(financial measures)

1. From the enforcement of this decree, there shall be no new or higher burdens on public finances.
2. The authorities concerned take care to perform the duties deriving from this decree with the human, instrumental, and financial resources available under the legislation in force.

ART. 7

(Coming into force)

1. This decree comes into force the day after its publication in the Official Gazette (*Gazzetta Ufficiale*) of the Italian Republic.

Rome, July 13th, 2017

The Minister of Economy and Finance

[signature of Minister Pier Paolo Padoan]

The Minister of Infrastructures and Transport

[signature of Minister Graziano Delrio]