



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 Predstavninstvo Svobodnega Tržaškega Ozemlja
Provisorische Internationale Vertretung des Freien Territoriums Triest

SG/2024/10/01-en

8 October 2024

For the attention of:

- Paolo Cervini, President of *Gruppo Costim*;
- Davide Albertini Petroni, CEO of *Gruppo Costim*;
- Massimo Tivegna, President of the Administrative Board of *Gruppo Costim*.
- Sergio Gazzola, COO of Elmet GMS s.r.l.
- Jacopo Palermo, CEO of Percassi s.p.a.

Subject: agreements with the Municipality of Trieste - Notice of Compliance with the Law.

On 12 September, 2024, the Trieste municipal Administration announced that it has reached agreements with *Gruppo COSTIM*, Elmet GMS s.r.l. and Percassi s.p.a. and for project financing operations (public - private partnership) within the publicly-owned real estate area of the so-called “old port” and has officially initiated the procedure for its approval, in order to consequently launch a call for tenders under COSTIM’s own conditions. The project is also set to involve the Port Authority.

This is why, in the public interest and to protect the interests represented by our Agency, including before Court, we are bringing the following facts to your attention for all relevant legal purposes:

1. the Municipality of Trieste has no legitimate legal title to dispose, either for its own benefit or for the benefit of third parties, including through a public-private partnership, of the assets within the publicly-owned real estate area of the so-called “old port.”
2. In fact, the assignment of these publicly-owned assets in the so-called “old port” to the available assets of the Municipality of Trieste is established by the provisions at art. 619 of Art. 1 of Law 190/2014, which imposes an imperative restriction on the Municipality’s powers of disposal over these assets, which are limited to establishing those assets’ urban planning destination, selling them through a European public tender, and ultimately transferring the proceeds to the Port Authority of Trieste, which is then required to use these funds for the infrastructural development of other areas within the international Free Port of Trieste.
3. That measure of law therefore authorizes the Municipality of Trieste to perform, on those assets, only the administrative acts of disposal and expenditures necessary to fulfill those mandatory legal obligations.
4. Any other act of disposal or expenditure by the municipal Administration of Trieste on those assets is therefore undertaken in manifest violation of the law, causing a loss to

the public purse, and constituting fraud against the involved third parties acting in good faith.

5. Any contract concluded by the legal representatives of the Municipality of Trieste that simulates, either explicitly or implicitly, that the Municipality of Trieste has full and unconditional ownership of those assets, or enjoys rights and obligations different from those specifically established by the imperative rule in paragraph 619 of Art. 1 of Law 190/2014 does therefore constitute an illegal agreement, which, as such, is null and void, and cannot be rectified (therefore making it unfit for registration in the Land Registry System in force in Trieste).

6. This means that the agreements the municipal Administration of Trieste has announced to have concluded with COSTIM, Elmet GMS s.r.l. and Percassi s.p.a. would fall within the aforementioned acts of expenditure and disposal that constitute an illegal agreement.

7. The risk is real, as it is known that the municipal Administration of Trieste, led by Mayor Roberto Dipiazza, is systematically assaulting those publicly-owned assets with its own illegitimate acts of disposal and expenditure, in an evident attempt to impose a fait accompli on the law, with the additional illegal trick of attempting to involve an increasing number of third parties acting in good faith: professionals, businesses, sponsors, banks, other public bodies, and even Ministries.

8. Indeed, for this purpose, the municipal Administration is recklessly simulating, through false, ambiguous, or omissive records in public deeds, that the Municipality enjoys full and unconditional ownership of those assets.

9. For this simulation, the municipal Administration especially exploits an omissive, and therefore deceptive, record of those assets in the Land Registry Book of Trieste, obtained under GN 12394/16, which is still surreptitiously maintained despite repeated legal actions initiated by this Agency to obtain its duly correction.

10. In truth, the so-called “old port” is one of the two large, permanent, and irremovable free zones of the international Free Port of Trieste, which is established and provided for with specific, upper-ranking provisions of the 1947 Treaty of Peace with Italy, in force. The international Free Port of Trieste and its free zones are also subject to the rights of all States and their enterprises.

11. Indeed, with paragraph 66, letter b) of Art. 1 of Law 205/2017 the Italian Parliament has amended the original provisions at paragraph 619 of Art. 1 of Law 190/2014, making it imperative enforcing them only in compliance with the provisions *«of 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»*.

12. The provisions of Annex VIII of the Treaty of Peace that the Italian lawmaker has therefore confirmed to be in force and binding as international obligations of the Italian

Republic do also include art. 3, with which the permanent free zones of the international Free Port of Trieste are precisely identified and bounded; those free zones can be increased, but cannot be eliminated, deactivated, reduced, or transferred away, even partially.

13. For those reasons, the enforceability of paragraphs 618, 619 and 620 of Law 190/2014, as amended with paragraph 66, letter b) of Law 205/2017 is currently disputed in civil proceedings and before the Land Registry Office by our Agency, with the support of a significant number of citizens and enterprises from Trieste and from other States. The criminal liabilities arising from the aforementioned facts have also been brought to the attention of the competent Authorities.

For all consequent responsibilities, we therefore invite you to refrain from further agreements with the Municipality of Trieste regarding assets within the real estate area of the so-called “old port” until a preliminary, thorough, and complete legal review of the ostative conditions addressed in this communication has been concluded. We remain available to provide you with any further clarification in law and fact.

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

