



To the Harbour Master's Office of Trieste  
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and for information:

**1) To Tripmare S.p.A.**

[info@tripmare.it](mailto:info@tripmare.it)

**2) To Svitzer**

[info@svitzer.com](mailto:info@svitzer.com)

**3) Port Authority of Trieste**

represented by the Commissar *pro tempore*  
[protocollo@porto.trieste.it](mailto:protocollo@porto.trieste.it)

**4) Commissar *pro tempore* of the Italian Government**

in Region Friuli Venezia Giulia  
as delegate of the powers of special trusteeship  
over the Free Territory of Trieste and over its international Free Port  
on behalf of the Security Council of the United Nations

**5) President of the European Parliament**

in regard to the dispute procedure  
opened with the petition dated 3 June 2015  
No. 0562/2015 of the Registry

**Subject: call for tender for the supply of tug services in the Port and territorial waters of the Free Territory of Trieste - legal reasons of absolute nullity *ad originem*.**

**PUBLIC WARNING**

formulated for all legal purposes by the Free Trieste Movement - Movimento Trieste Libera – Gibanje svobodni Trst – Bewegung Freies Triest as international subject that represents the rights and legitimate interests of the citizens of the current Free Territory of Trieste, by virtue of its members and of more than 20,000 signatures collected for this purpose, in particular, to request to the United Nations Security Council the restoration of the correct temporary administration of the Free Territory and of its international Free Port.

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We learnt that this "Capitaneria di Porto di Trieste" (*Harbour Master's Office in Trieste*) organized a tender to award the concession of the tug services within the Port and territorial waters of the Free Territory of Trieste - *Territorio Libero di Trieste*, which is participated by local enterprise TRIPMARE and Danish enterprise SVITZER.

For reasons of public interest, we make aware this Office and the two enterprises involved that, unless evidence of the contrary exist, as for the legitimacy of this call for tender, and of the other activities of the Office the following legal problems might constitute reasons of nullity and voidness for both the tendering procedure and its outcomes, yet, are not listed in the public note:

1. Under the laws in force within the international legal system and under Italian law, the Port of Trieste and its territorial waters are not subject to the sovereignty of the State of Italy, rather, they are under the sovereignty of State of the Free Territory of Trieste, established and recognized since 15 September 1947 at the coming into force of the Treaty of Peace between the Allied and Associated Powers and Italy, in execution of the same Treaty and of Resolution 16/1947 of the United Nations Security Council.
2. Since 15 September 1947, as a result of the ceasing of Italian sovereignty over the port of Trieste, ceased also the existence of the Italian Harbour Master's Office.
3. Because of this, the Republic of Italy, with Decree of the President of the Republic No. 411/1949, «*Costituzione della Capitaneria di Monfalcone e dell'Ufficio circondariale marittimo di Grado*» (Establishment of the Harbour Master's Office of Monfalcone and the Maritime District Office of Grado) transformed the Maritime District Office of Monfalcone in Harbour Master's Office, it aggregated it to the Maritime Directorate of Venice, transformed the local maritime office of Grado in Maritime District Office and set their jurisdiction from the both of rivers Tagliamento and Torre «*al confine col Territorio libero di Trieste*» (to the border with the free Territory of Trieste).
4. Since 1954 the temporary civil administration of the current Free Territory, which includes the Port of Trieste - consisting in the customary port and the international Free Port and regulated under the provisions of Annex VIII of the Treaty of Peace – is entrusted to the Italian Government (not to the State of Italy) on behalf of the Security Council of the United Nations.
5. The Italian Government exercised and exercises the temporary civil administration over the current Free Territory of Trieste and its port through a Commissar of Government (General Commissar until 1964, then Commissar in the Region);
6. Therefore, the laws of the State of Italy, including laws on ports and navigation, can be enforced within the current Free Territory of Trieste only upon

prior extension to its legal order under a decree of the provisional Government or of the Commissar it delegates.

7. After the establishment of the temporary civil administration entrusted to the Italian Government, the Republic of Italy confirmed this situation with Decree of the President of the Republic D.P.R. No. 250/1956, «*Approvazione della nuova tabella delle circoscrizioni territoriali della marina mercantile*» (Approval of the new table of territorial districts of the merchant fleet) of Italy, setting the jurisdiction of the Harbour's Master Office of Monfalcone from the mouths of rivers Tagliamento and Isonzo «*al confine con il Territorio Libero di Trieste.*» (To the border with the Free Territory of Trieste).

8. Unless evidence of the contrary exist, there are no acts of the provisional civil Italian Government that did validly recognize the Harbour Master's Office of Trieste and authorized it to act as a body of the Free Territory of Trieste.

9. Unless evidence of the contrary exist, there are neither acts of the Republic of Italy that re-established the Harbour Master's Office of Trieste as a body of the State of Italy, which is a third State.

10. Therefore, unless evidence of the contrary exist, this "*Capitaneria di Porto di Trieste*" (Harbour Master's Office of Trieste) has no valid title of existence in law neither in the legal system of the Free Territory of Trieste, or in that of the State of Italy.

11. All the activities of this "*Capitaneria di porto di Trieste*" (Harbour Master's Office of Trieste), including calls for tender, can therefore be impugned for absolute nullity *ad originem*.

12. Also, the temporary civil Italian Government has never correctly incorporated the entrusted Free Territory in the European Union, this circumstance constitutes the ground of an international dispute, opened on 3 June 2015 before the European Parliament (see annexe in Italian and English: Petition - *omissis*).

13. Therefore, also the enforcement of the European legislation on tendering procedures for port services within the port and territorial waters of the Free Territory of Trieste can be impugned for absolute nullity *ad originem*.

Trieste, 29 August 2015.

(two annexes *ut supra*)

Roberto Giurastante  
President of the Free Trieste Movement