

APPEAL FOR THE FREE CIRCULATION OF GOODS AND SHIPS TO AND FROM THE INTERNATIONAL FREE PORT OF TRIESTE, INSTRUMENT OF PACIFIC COEXISTENCE.

Since 17 April 2022, the ban on passage and docking in Italian ports for Russian ships has been in force due to the sanction imposed on Russia for the conflict in Ukraine.

A circular from the General Command of the Italian Port Authorities, which transposes the European Union regulation of 8th April on restrictive measures against Russia, establishes that *"Article 3 sexies bis has been added that prohibits access to national ports for Russian-flagged ships, after April 16, 2022; this measure also applies to ships that have changed their flag, from Russian to any other nationality, after February 24, 2022"*.

However, the international Free Port of Trieste cannot be considered as Italian national port as it has the unique status of "Free Port" in the European geographical area as established by the 1947 Paris Peace Treaty. The treaty, in fact, is prior to the constitution of the European Union and therefore fully implemented and recognized by UE legislation. It has Russia among its signatories, in the privileged position of one of the Allied Powers that won the Second World War.

The status of "Free Port" for the port of Trieste is provided for by the Peace Treaty and is regulated by its Annex VIII, in force and implemented in the Memorandum of London of 1954. It provides for the right of access and use to all States without any privilege or exclusion. Article 1 of Annex VIII states: *"In order to ensure that Trieste's port and transit facilities will be available for use on an equal basis by all international trade and [former] Yugoslavia, Italy and the states of Central Europe, in the manner as is usual in the other free ports of the world. The goods that will pass through the Free Port of Trieste will enjoy the freedom of transit "*. While Article 5 states that *"Merchant and freight ships from all countries will be allowed unrestricted access to the Free Port"*.

Regardless of any assessment of the ongoing conflict in Ukraine, it is noted that the ban issued by the Italian State against Russian ships applied to the Port of Trieste violates the international obligations assumed. It limits the free circulation of ships and goods of all countries and constitutes a precedent that currently, affects Russia. But, in the future, it could concern anyone at the discretion of the Italian State, a State that must be remembered, has the mere administration of a port which is an international area located outside its political borders.

Currently 90% of the activities of the Port of Trieste is aimed at the international market and only 10% at the Italian market. Countries that do NOT apply sanctions against Russia, such as Israel and Turkey (as indeed the great majority of UN countries) have intense relations with the Free Port, while European countries such as Hungary and Germany have terminals and the right to apply policies other than the Italian ones in terms of sanctions. The terminal of the Tal-Siot oil pipeline operates in Trieste under the international Free Port regime, which up to now has supplied Germany, Austria and the Czech Republic with oil for most of the national needs and originating mainly from the Black Sea.

The circular of the General Command of the Port Authorities provides that "the competent authorities may authorize a ship to access a port, under the conditions they deem appropriate", if this is necessary for "the purchase, import or the transport to the European Union of natural gas and petroleum, including products deriving from the refining of petroleum, titanium, aluminum, copper, nickel, palladium, iron ores, as well as certain chemicals and ferrous products listed". However, it cannot be considered acceptable that an international port functions at the discretion of a local authority such as the Port Authority of Trieste and with directives issued on its own initiative, including who to admit and who not and under what conditions, even to the detriment of its own commercial traffic and the international community.

This fact constitutes a dangerous precedent against the freedom of international trade, the freedom of navigation, the rule of law, the interest of the international community and peaceful coexistence.

All the peoples of the world aspire to peace, to the protection of human rights and freedom. Among these freedoms there is also the right to trade to improve their economic and social conditions.

The Free Port of Trieste was conceived in 1947 by the international community after the Second World War as an instrument for the economic development of all the States of the world. Its prerogatives and its special status must be respected. The provisions of international treaties may not be violated for any reason and for the harm of many and for the benefit of no one.

Annex: 1947 Paris Peace Treaty between Italy and the Allied Powers; its Annex VIII "Instrument for the Free Port of Trieste".