

PORT AUTHORITY OF TRIESTE

Concession procedure for areas, constructions and water areas located in “Punto Franco Vecchio” pursuant to the Code of Navigation and the relevant Implementing Regulation

HOW TO SUBMIT CONCESSION APPLICATIONS

The Port Authority of Trieste informs that some areas, constructions and water areas are currently available in Punto Franco Vecchio. They are identified by the “UMC” (Unità Minima Concedibile, Minimum Concession Unit) abbreviation in “Table 1” (see enclosure). Concession applications for the said sea State properties may be filed without prejudice to easements (including dock furniture) and handovers to other Authorities as stated under “Table 2” (see enclosure).

Concession applications shall be submitted, on penalty of disqualification, **by and not later than 30 June 2014, 12.00 pm**. As from 1 July 2014, the authorisation procedures for State properties pursuant to art. 36 and followings of the Code of Navigation shall be started. In case of multiple concession applications, art. 37 of the Code of Navigation shall be applied.

Concession fees shall be determined according to legal provisions and regulations in force, as stated under the “Regolamento concessioni e canoni demaniali” (Regulation on State property concessions and fees) approved by the Decree issued by the Chairwoman of the Port Authority of Trieste no. 1409 on 27.11.2012.

During the period of execution of on-site works, i.e. from the handover of State properties to the holder of the concession to the date of commissioning of the works performed on the said State properties, the unit fees under the Interministerial Decree of 19 July 1989 shall apply, provided that, during the said period, no commercial, tertiary or manufacturing activities are carried out.

It is specified that the “OMI value” (i.e. the value established by the Italian Real Estate Market Observatory) that shall be applied by the Port Authority to Punto Franco Vecchio corresponds to the mean value calculated on the basis of the values applicable to the suburban area/strip “Barcola – Strada Costiera – Miramare – Grignano – Santa Croce – Prosecco” and the central area/strip “Centro Storico, Rive – F. Severo – Giulia – Rossetti – D’Annunzio – Carducci” as referred to a “standard” state of preservation.

Formal concession applications to be submitted on stamped paper (€ 16.00) shall include, on penalty of disqualification, the following information:

1. Personal information and signature of the applicant/legal representative, residence/registered office, tax/VAT identification number. Any application may also be submitted by a holder of powers; in this case, the relevant power shall be enclosed with the

application. In case of foreign companies, concession applications shall be drafted in the Italian language or supported by sworn translation;

2. Statement of UMC, length of concession and intended use for which the application is submitted; the intended use of State properties shall comply with the requirements laid down in the “Variante al Piano Regolatore Portuale” (Port Variance Zoning Regulations) for the area of Porto Vecchio, as approved by the Decree issued by the Chairman of the Autonomous Region of Friuli Venezia Giulia on 10.9.2007 and published on BUR (Official Gazette of the Region) no. 41 of 10.10.2007.

Concession applications for portions of UMCs or State properties otherwise not corresponding to UMCs as identified on “Table 1” (see enclosure) shall not be taken into account.

If any applicant applies for two or more UMCs, then separate applications shall be submitted for each of them. The said applications shall clearly state the intended use of each single UMC.

3. Concession applications shall include, on penalty of disqualification, explicit acknowledgement of the following:
 - a) Porto Vecchio is subject to the “duty free area” legal regime. Applicants shall declare that they are fully aware of this regime;
 - b) State properties shall be conceded “as they are” (surface, subsurface and stand). Holders of concessions shall take any and all actions required to use them for their intended uses (including design, survey, analysis and characterisation activities, etc.) at their care and expenses;
 - c) With reference to UMCs that include handovers to other Authorities pursuant to art. 34 of the Code of Navigation and art. 36 of the Regulation on Sea Navigation and whose enforceability is not subject to any time limit, the handover of areas, constructions and water areas subject to the said restrictions shall only occur after the discontinuance of existing uses (condition precedent to the enforcement of part of the concession). However, the holder of the concession will be obliged to provide the infrastructure and rehabilitate the whole UMC, including common parts that also serve the areas handed over to other Authorities;
 - d) With reference to UMC that accommodate technical and nautical services and whose existence in the area of Punto Franco Vecchio is not subject to any time limit, the handover of areas, constructions and water areas subject to the said restrictions shall only occur after the transfer of the said services to other port sites (condition precedent to the enforcement of part of the concession);
 - e) With reference to UMCs that are subject to other easements or restrictions (such as sub-services and related facilities, dock furniture, railway tracks, masegnos, equipment, including buildings of historical interest, other materials temporarily stored in the area, etc.) and whose existence in the area of Punto Franco Vecchio is not subject to any time limit, applicants that are granted the relevant concessions will be obliged to maintain the said easements or restrictions, unless otherwise instructed by

the Port Authority in the event that the said facilities are relocated. Therefore, the handover of areas, constructions and water areas subject to easements or restrictions shall only occur after the transfer of the said facilities to other sites (condition precedent to the enforcement of part of the concession);

- f) Any environmental action (such as reclamation) shall be performed by the holder of the concession at its care and expenses. Holders of concessions shall enter into the relevant proceedings;
 - g) The Port Authority shall bear no expenses, especially those related to routine and supplementary maintenance, adjustment, restoration, diversion of streams in the areas of Punto Franco Vecchio or erection of works of defence in case of threat or total or partial destruction of works built on sea State properties as a consequence of storm surges, including exceptional ones, or erosion;
 - h) Holders of concessions will be obliged to comply with the provisions laid down in the Code of Navigation and the relevant Implementing Regulation on sea State properties, as well as with any and all legal provisions and regulations in force in this field.
4. Applicants shall enclose with their applications, on penalty of disqualification, the following documentation:
- a) Copy of a valid identity card of the applicant/legal representative;
 - b) [Statement in lieu of certificate of registration with the Chamber of Commerce](#), to be delivered pursuant to arts. 46 and 47 of Presidential Decree of 28 December 2000, no. 445. Foreign companies shall submit an equivalent statement;
 - c) [Statement in lieu of certificate of non-impediment](#), delivered pursuant to arts. 46 and 47 of Presidential Decree of 28 December 2000, no. 445, whereby the applicant states that it is not disqualified or incapable, that has not gone bankrupt, that is not subject to proceedings for insolvency or cessation of business and that there are no grounds for prohibition, revocation of suspension under art. 67 of Legislative Decree of 6 September 2011, no. 159.
Foreign companies shall submit an equivalent statement;
 - d) Statement that the object of the company is consistent with the purposes of the concession applied for;
 - e) Documents certifying that the applicant has the economic and financial capacity required, consisting in suitable bank statements, copies of financial statements (including, for corporate enterprises, filing receipts and the relevant annexes) and copies of tax and VAT returns for the last two years. Foreign companies shall submit an equivalent documentation;
 - f) 2 paper copies and 1 electronic copy of the project, signed by a certified engineer, complying with the following minimum requirements:
 - CTR development plan of the UMC (1:2.000 scale);

- drawings (1:100 scale) with plans, elevations and sections of the works to be executed or existing in the UMC applied for;
- descriptive report;
- technical report and schedule of investments;
- estimated bill of quantities;
- economic and financial plan certified by a primary company operating in this field;
- statement of compliance of works with the Port Variance Zoning Regulations for the area of Porto Vecchio.

Applicants will be entitled to enclose any other technical specification required to improve work description (such as construction details, plants, renderings, etc.).

If any application provides for facilities intended for yachting/pleasure boating as defined under art. 2 of Presidential Decree of 2 December 1997 no. 509, the relevant draft project shall be prepared according to the provisions laid down in the Interministerial Decree of 14 April 1998, as published on the Official Journal – general series no. 98 of 29 April 1998.

The Port Authority can make available some similar projects for consultation purposes (they shall not be copied or reproduced). The said projects deal with:

- infrastructure works in the area of Porto Vecchio;
- foundation works, buildings and warehouses of historical interest (warehouses nos. 24, 25, 31);
- rehabilitation works (embankment in Barcola).

Applicants are kindly requested to examine the Port Variance Zoning Regulations applicable to the areas of Porto Vecchio and available on the website: www.porto.trieste.it under the section “Il Porto/Il Porto Vecchio di Trieste” and visit the UMC they are interested in (for visits, please contact “Servizio Sicurezza” (Safety Department) phone number +39 040 673 2285/2225, email sicurezzaAPT@porto.trieste.it).

For any further information and query, please contact the “Settore Demanio” (State Property Department) (phone number +39 040 673 2281/2283/2409) or send a mail to protocollo@porto.trieste.it.

It is understood that the Port Authority will not be obliged to reimburse any expense incurred into by applicants to take part in this concession procedure.

Pursuant to art. 13 of Legislative Decree of 30 June 2003 no. 196 (Code on personal data protection), we inform you that the personal data transmitted in order to take part in this procedure or otherwise obtained by the Port Authority of Trieste shall only be processed for the purposes of the completion of the relevant preliminary activities. Personal data shall be processed by the officers in charge of this procedure at the Port Authority of Trieste, via Karl Ludwig Von Bruck 3, 34143 Trieste, by using various means, including computerised ones,

according to manners and within the limits required to pursue the said goals, also in case of communication to third parties. The provision of the said data is required to assess that applicants comply with the criteria to take part in this procedure and failure to provide them can prevent this assessment from being completed. Applicants shall have the rights under art. 7 of the said Code (Legislative Decree no. 196/2003); the relevant applications can be sent to the Port Authority of Trieste, via Karl Ludwig Von Bruck 3, 34143 Trieste.