



Trieste Harbourmaster's Office Trieste Port Authority

TPA ORDINANCE no. 65/2016

THO ORDINANCE no. 25/2016

The Harbour Master and the Head of the Maritime Department of Trieste and the Port Authority Special Commissioner:

- WHEREAS Law no. 84 of 28 January 1994 and subsequent amendments and integrations on the "*Reform of Port Regulations*" and, more specifically Law Decree no. 169 of 4 August 2016 relating to the reorganization, rationalization and simplification of the rules governing Port Authorities as per Law no. 84/1994 in the foreword, implementing article 8, paragraph 1, letter f), of Law no. 124 of 7 August 2015;
- WHEREAS Presidential Decree no. 134 of 6 June 2005 "*Regulations concerning the rules governing merchant ships as regards the loading, transportation and unloading of hazardous goods*";
- WHEREAS Decree of the Ministry of Environment dated 20 October 1998 "*Safety measures for rail freight terminals falling outside the scope of Ministerial Decree dated 5 November 1997*" concerning the Trieste Campo Marzio freight terminal connected to the New Free Zone of Trieste and the DCT S.p.A. manufacturing plant through the Trieste Servola railway station;
- WHEREAS Presidential Decree no. 328 of 5 June 2001 "*Amendments and integrations of the rules governing the requisites for admission to the State exam and associated tests to pursue certain regulated professions, and the rules of the related Laws*", especially with regard to Chapter VII "*Profession of Chemist*";
- WHEREAS Circular no. DEM3/1160 dated 10 December 1999 of the Ministry of Transport and Maritime Affairs – Vessel Traffic and Maritime Sovereignty Management Unit "*Regulations governing the activity of the Port's Chemical Consultants*";
- WHEREAS Circular no. 2668 P.E. dated 9 September 2009 of the Ministry of Infrastructure and Transport – Headquarters of Harbourmasters' Offices – 2nd Department, Office II "*Regulations governing the activity of the Port's Chemical Consultants*";
- WHEREAS Decree of the Ministry of Infrastructure and Transport no. 278 of 21 March 2006 "Procedures for granting the authorization to load and transport hazardous goods by sea and clearance for unloading and re-loading of such

WHEREAS goods on other ships (trans-shipment”);
Circular: “*Safety of Navigation*” – Series: Hazardous Goods no. 16 dated 18 August 2005 of the Headquarters of Harbourmasters’ Offices, 6th Department – Office II;

WHEREAS Notice by the Trieste Harbourmaster’s Office index no. 11808 dated 18 June 2004 “*Entry of empty containers/tanks into port areas – Suitability for loading*”;

WHEREAS Ordinance no. 09/2016 of the Trieste Harbourmaster’s Office and Ordinance no. 25/2016 of the Trieste Port Authority concerning the loading, unloading, trans-shipment and transit of arms - ammunitions - explosives;

WHEREAS Decree of the Ministry of Infrastructures and Transport, Headquarters of Harbourmasters’ Offices no. 303 of 7 April 2014.

WHEREAS Law Decree no. 35 of 27 January 2010 implementing Directive 2008/68/EC, on the internal transport of hazardous goods;

WHEREAS Ordinances of the Trieste Port Authority on safety and harbour work no. 76/2001 and no. 72/2003, and Decree no. 1493 dated 27 January 2016 of the same Port Authority concerning the “*Regulations for the performance of operations and services at the Port of Trieste*”;

WHEREAS Ordinances of the Trieste Port Authority no. 28/2011 (traffic plan of the New Free Zone) and no. 20/2012 (paid parking in the state-owned areas of the New Free Zones and near the gates) and subsequent amendments and integrations;

CONSIDERING The unavailability of the areas designed to accommodate vehicles carrying hazardous goods in the so-called “Areas of general interest” of the New Free Zone, better identified in the Ordinance of the Trieste Port Authority no. 28/2011 and subsequent amendments and integrations;

GIVEN THAT Any arrangements made in appropriately equipped and supervised areas, to house means (or loading units) carrying hazardous goods to be loaded (or unloaded or trans-shipped or temporarily stored) located within the areas of the Port of Trieste, already under concession, of the following commercial terminals: Europa Multipurpose Terminal S.r.l.; Samer&Seaport Terminal S.p.A.; Trieste Marine Terminal S.p.A.;

HAVING
ACKNOWLEDGED Operational procedures/practices for operations and services involving hazardous goods adopted by terminal operators and companies that provide port operations and services for third parties in the areas of Ro - Ro and of the container in the Port of Trieste, more detailed in (i) the Security Document drawn up in accordance art. 4 of Law Decree no. 272/99 and in accordance with art. 22 of Law Decree no. 272/99 and/or in (ii) the Risk Assessment Document prepared in accordance with Law Decree no. 81/2008 and subsequent amendments and integrations;

HAVING
OBTAINED The favourable opinion of the Hygiene & Safety Committee dated 8 April 2016;

WHEREAS Decree of the Ministry of Infrastructures and Transport no. 277 of 29

August 2016, concerning the appointment of the Port Authority Special Commissioner

CONSIDERING

The need to issue specific provisions on the handling of hazardous goods within the area of the Port of Trieste, also to protect the health and safety of the people engaged, in various ways, in the related operations and surrounding environment.

ORDINANCE

Article 1 – Scope of application

1.1 This Ordinance regulates the temporary storage of hazardous goods in packages and/or loading units, the filling/emptying of loading units and the packaging of hazardous goods and the control procedures carried out on tank-vehicles and containers holding hazardous goods in transit at the Port of Trieste.

1.2. The operations described in point 1.1 are port operations or services pursuant to art. 16 of Law no. 84/1994 and subsequent amendments and integrations and, as such, must be included in the document prescribed by art. 4 of Law Decree 272/99.

1.3. Rail transportation of hazardous goods within the Port of Trieste takes place under the responsibility of the owner of the railway company in charge of the rail transport service, in accordance with national and international legal regulations governing the transport of hazardous goods.

Article 2 – Temporary storage

2.1. All hazardous goods can be stored within the Port of Trieste except for UN 1 Class goods (explosives), 6.2 (bio-hazardous or infectious substances) and 7 (radioactive materials). As regards Class 2 (gas), storage is allowed for gases contained in packages; as far as gas transported in bulk in tanks or tank containers is concerned, the applicant must establish specific procedures and identify a dedicated area, to be assessed at the time of authorization. UN approved packaging, complying with the IMDG, RID and ADR Codes, should be regularly labelled.

2.2. Storage of hazardous goods is only allowed in the areas authorized by the Port Authority (hereinafter PA), according to the provisions of Article 3 below, **for a period not exceeding ten days**, which can may be extended subject to a motivated request submitted to the PA by the parties concerned.

Article 3 - Areas for the temporary storage of hazardous goods

3.1. The concession holder of port areas wishing to set up and manage an area for the temporary storage of hazardous goods must submit an application in triplicate (of which one copy must be stamped) to the PA, attaching documentation (technical report and maps) providing evidence of compliance with the specifications set forth in section 3.7.

3.2. The PA sends a copy of the documentation referred to in 3.1., by electronic transmission, to the Maritime Authority – Harbourmaster’s Office, the Integrated Healthcare Unit of the University Trieste, the Fire Brigades and the Port’s Chemical Consultants, and evaluates the application with the aforementioned parties, issuing, where appropriate, the authorization to the temporary storage of hazardous goods in the areas mentioned in the application and specifying the classes of hazardous goods that can be stored in those areas and any provisos associated with the validity of the authorization in question. The PA informs the Maritime Authority – Harbourmaster’s Office and the Provincial Fire Brigades of the authorization granted.

3.3. However, as regards those areas, no authorization is granted for the temporary storage of hazardous goods falling in Class 1 (explosives), 6.2 (infectious substances) and 7 (radioactive materials) and reference is made to art. 8 below.

3.4. As regards the temporary storage of waste in general, legal regulations governing the subject shall apply.

3.5. Temporary storage areas, as authorized above for hazardous goods, must be appropriately supervised by qualified and skilled staff. The owner of the temporary warehouse shall keep an updated list of the names of the staff in charge of supervising the areas in question indicating the level of training and the qualifications held. In any case, the presence of at least one supervisor must be guaranteed while the goods are temporarily stored in the area.

3.6. The areas for the temporary storage of hazardous goods must comply with the requisites set out in point 3.7 below. Upon request by the concerned subjects, the PA can authorize alternative solutions considered to be just as effective.

3.7. Basic technical characteristics of the area by reference to the goods stored:

- walk-over flooring must be inert and guarantee water resistance.
- the area must have such characteristics as to contain any possible spill of hazardous substances;
- the walk-over flooring must display and guarantee appropriate horizontal signage to identify the areas where hazardous goods can be temporarily stored;
- the segregation of the various classes of hazardous goods must comply with the provisions of the IMO Guidelines currently in force. Full inspection of the entire area concerned by the transport and/or loading units must be guaranteed for the verifications prescribed by Article. 4.4 - fourth subparagraph;

- loading units such as containers of hazardous goods are preferably stored in groups of four (two at the base and two in the second row) to minimize the risk of a possible fall caused by adverse weather conditions;
- the storage of tanks, whether full or empty, is allowed up to the second row. Empty transport units placed in the second row must be secured by means of twist-locks on at least two opposite corner blocks or by other suitable securing system. This rule must also be adopted for full tanks in the event that the building structure does not envisage a complete support base, but only corner blocks;
- appropriate and visible vertical traffic signs must be placed on the outer perimeter of the area, both in English, Italian, and other languages deemed appropriate, indicating the area dedicated to the temporary storage of hazardous goods, smoking bans, denial of access to unauthorized people and means;
- the storage area and the related external 3-metre long perimeter must be adequately lit by an average illumination level of no less than 50 LUX;
- the electric lighting system and electrical installations in the area and within its perimeter must be appropriately secure for use in explosive atmosphere;
- no pipes, for gas, flammable or combustible substances, must be present within the area, along the perimeter and the corresponding underground area;
- suitable mobile fire-fighting equipment (portable and/or cart-based fire extinguishers) in respect of which the applicant regularly provides a guarantee of their proper operation.
- the area and the related external perimeter must be kept clean, tidy and clear;
- an alarm represented by an acoustic signal and a light signal must be capable of being activated from adequate safety distance from the area. The sound signal must operate within the range of 250 and 700 Hz - 90 dB. The light signal must be red, blinking and visible from all sides (360 degree view). A plate must be placed near the button of the alarm signal stating “Azionare in caso di emergenza/Push in case of emergency” in Italian and English;
- a technical report must be drawn up for the area in question to assesses the risk of electrical shock hazard due to the presence of metal masses and electrical equipment in the storage area, indicating any protection measures adopted.

3.8. The following must be available at the terminal hosting the area used for the temporary storage of hazardous goods: (i) the updated version of EmS (Emergency Schedule) and MFAG (Medical First Aid Guide) publications contained in the supplement to the IMDG Code; (ii) a copy of the daily notice on the latest situation of hazardous goods as well as adequate emergency equipment to contain any spill of substances to be evaluated upon submitting the application.

Article 4 – Duties of the owner of the area for the temporary storage of hazardous goods

4.1. The owner of the area for the storage of hazardous goods identifies and appoints the Head of Hazardous Goods (henceforth HHG), whether an employee of the company that owns the area for the storage of hazardous goods or an external subject, possessing the qualifications referred to in art. 11 of Law Decree no. 35 of 27 January 2010. This subject indicates and recommends the operating modalities and procedures that ensure compliance with the provisions governing the safety of port loading, unloading and temporary storage operations - including the handling or reconditioning, transshipment of hazardous goods in packages and loading units.

4.2. In case of emergency, the owner of the area for the temporary storage of hazardous goods must guarantee the presence of the subjects referred to in point 3.5 in the area in question.

4.3. The owner of the area for the temporary storage of hazardous goods defines the contents of the emergency organization within its own terminal, ensuring, in case of emergency, the communications prescribed by applicable laws and local rules to the competent authority. Should an emergency arise, the owner of the area for the temporary storage of hazardous goods must also ensure that people are accompanied, guided and escorted to public emergency services.

4.4. The owner of the area for the temporary storage of hazardous goods, together with the HHG, must:

- carry out regular drilling also upon specific request of the competent Authorities;
- allow entry of hazardous goods into the terminal only if accompanied by the related information documents and authorizations, where required;
- verify that the loading and/or transport units containing hazardous goods are properly marked and labelled in accordance with legal regulations;
- verify that, as regards the hazardous goods within the terminal, the packages, loading units, containers or tank vehicles, etc. do not display leaks, spills or releases;
- suspend the loading, unloading and handling of hazardous goods if the weather/sea conditions are such that as to make these operations too risky;
- in case of emergency, give initial instructions while waiting for the Entities in charge of managing emergency situations;
- send **daily** communications to the Port Authority (via email to the 24h Operations Headquarters of the Port of Trieste: operativo@sorveglianzatrieste.com ; sicurezzaAPT@porto.trieste.it), to the Port Chemical Service (via email to the Port Chemical Consultant: chimici@chimidelporto.it), and the Fire Brigades (via e-mail to the VV.FF.: so.trieste@vigilfuoco.it ; nautici.trieste@vigilfuoco.it) by 09.00 a.m., the situation of the hazardous goods stored within the authorized area up to 8:00 a.m. of the same day (UN number, hazard class, storage location).

Art. 5 – Flexibility clause

5.1. In the event that transport units containing hazardous goods are identified within the public areas of the Port of Trieste, without prejudice to the responsibility of the owner of the cargo, in case of refusal to promptly remove such goods upon request, the Port Authority will agree with concession holders of the authorized storage areas to accept such goods, provided that space is available and they comply with safety rules. This possibility must be envisaged in the regulations of the warehouse of each authorised owner together with the setting of a tariff to be applied to the goods, subject to prior authorization by the PA.

Art. 6 – Filling and emptying of loading units and packing

6.1. The filling and emptying of the loading unit and the packaging/reconditioning of packages of hazardous goods is allowed in indoor and outdoor areas, under the conditions defined in this article and taking account of the provisions set out in point 3.1 above.

6.2. The filling, emptying and packaging/reconditioning of packages may be carried out subject to the opinion of the Port Chemical Consultant and the authorization by the PA, at the applicant's expense.

6.3. Operations involving goods falling in classes 1, 6.2 and 7 are not allowed. For class 2 the prohibition refers to bulk product contained tanks or tank vehicles.

6.4. The areas to be allocated to the operations dealt with in this article should follow the provisions of Article 3.

Article 7 – Verifications on hazardous goods

7.1. The verifications on the quality of the atmosphere inside empty tank-vehicles or empty tank-containers intended for loading must be carried out in the so-called ramp for Customs inspection near gate no.1 of Riva Traiana – New Free Zone or at the Timber Dock Free Zone.

7.2. If, for Customs or safety reasons, it should become necessary to open the containers referred to in Annex 1 within the Port of Trieste, the settlor of the goods must request the Port Chemical Consultant for the chemical analysis of the atmosphere inside the containers, at the expense of the holder of the goods (e.g. the policyholder), to verify the possible presence of hazardous chemical agents. The above request must be submitted at the same time as the request for the availability and/or opening of the container filed with to the port company/terminal as shown in the procedure attached to Annex 2.

7.3. Following the chemical analysis, the Port Chemical Consultant shall issue a certification to the settlor showing the safety level for the health and safety of people, and any comments and/or guidelines for the safe performance of the operations envisaged for the handling of the verified unit. The certification shall be submitted to the port company/terminal by the settlor of the goods, before the operations related to the opening of the container are carried out.

Article 8 – Operations involving explosives (UN class 1), infectious substances (UN class 6.2) radioactive materials (UN class 7)

8.1. The operations involving hazardous goods falling into UN class 1, 6.2 and 7 are carried out in compliance with current legislation, in particular in accordance with art. 23 of Law Decree no. 272/99, and any special rules laid down by the competent authorities.

Article 9 – Handling of hazardous goods within the port

9.1. The transport of hazardous goods within the port, as regulated above, is equated to the ADR regime and ends in this respect with the arrival of the goods in the area of the recipient, i.e. the concession holder of port areas. The start of the procedure for leaving the port should be equated to the ADR regime starting from the time the goods leave the area of the concession holder.

9.2. As regards the handling of goods within the port area, all requirements concerning Customs inspection, security, handling of goods between port areas of different concession holders are safeguarded. In these cases, transport must be carried out by properly trained staff, specifically informed on the nature of the cargo by the Head of Hazardous Goods referred to in article 4, who shall also identify possible safety measures for the handling of such goods. In any case, the driver must carry the safety card related to the product(s) transported. The loading/transport unit must be marked by appropriate safety signs.

Article 10 – Departures and exceptions

10.1. As regards situations not covered by this Ordinance, the competent Authorities may, after hearing the members of the Health and Safety Committee, proceed with the requested authorizations taking account, however, of the matters regulated by this Ordinance.

Article 11 – Terms to adapt existing areas for the temporary storage of hazardous goods

11.1. Any subject that, upon issuing this Ordinance, is the holder of storage areas for hazardous goods shall adapt the technical specifications of such areas to the requirements laid down in articles 3 and 6 within six months of this provision becoming effective, subject to any extension required for justified reasons and granted by the PA, after hearing the Health and Safety Committee.

11.2. The PA transmits the documentation received by the Entities concerned from the settlor as provided in point 3.2.

Article 12 – Penalties and final regulations

12.1. Everyone must comply and require others to comply with the provisions of this Ordinance.

12.2. Offenders shall be punished in accordance with Article 1174, paragraph 1 of the current Navigation Code or other special laws, if the fact does not constitute an offence.

12.3. Offenders are nonetheless responsible for any damages arising from non-compliance with these provisions and any additional regulations prescribed.

12.4. This Ordinance shall be advertised by notice posted on the registers of the Trieste Port Authority and the Trieste Harbourmaster's Office, and included in the Ordinances section of the www.porto.trieste.it and www.guardiacostiera.it/trieste websites.

12.5. Any local regulation at odds with this Ordinance is repealed.

12.6. This ordinance shall have immediate effect.

Trieste, _____

Trieste Port Authority
The Special Commissioner
Dr. Zeno D'Agostino

Harbourmaster's Office – Maritime Authority
The Harbour Master
CV (CP) Luca Sancilio

Annex 1

1. Containers fumigated and ventilated at place of origin (excluding damp leather goods)Fumigated and non-ventilated containers (UN 3359)Containers where the cargo is represented by goods classified as hazardous for transport or bearing non-codified hazard labelsMetals/metalloids and alloys that can release toxic and/or flammable gases – such as those included in the B group of the IMSBC code. By way of an example but not limited thereto: by-products of aluminium smelting, various types of ferrous metals, zinc ash, vanadium minerals.

Annex 2

Container control procedure:

The settlor of the goods shall comply with the following procedure:

- 1) 1) within 5:00 p.m. of each working day he must send the port company/terminal the request (see application form attached) to make the container available for the requested verification;the company/terminal:after receiving the request from the settlor of the goods shall inform the Port Chemical Consultant about the need to carry out the verification by sending a sample of the attached form;within 8:00 a.m. of the following morning, he shall place the container in an area deemed suitable for the verification;within 2:00 p.m. of the day when the container is available for the verification, the Port Chemical Consultant shall carry out the verification and shall issue the related certificate.However, every day the port company/terminal shall send the list of the containers ready for the opening operations within 8:00 a.m..

The verifications performed following requests received after the stated time shall be carried out by 2:00 p.m. of the day following the receipt of the request.

In case of dispute the Italian version shall prevail.

APPLICATION FORM TO REQUEST THE CONTAINER OPENING SERVICE

Date

To: XYZ Terminal....

The undersigned

As the representative of [name of the Company].....

Requests that the container(s) specified below be made available for the VERIFICATION/EMPTYING/ASSESSMENT/STUFFING-UNSTUFFING (strike out non relevant items)

Based on the examination of the documentation attached to the goods, the container(s) MUST/MUST NOT (strike out non relevant item) be previously verified by the Port Chemical Consultant

CONTAINER	TYPE	GOODS (UN number and proper shipping name, if hazardous)	ORIGIN/PLACE OF ORIGIN	REQUESTING AUTHORITY	REQUESTING CLIENT	CHEMICAL EXAMINATION	TYPE OF RISK (*)

- (*) F: fumigated container
- IMO: cargo represented by one of the IMO classes or bearing non-codified hazard signs
- L: metals and alloys
- DC: containers with labels hinting at the presence of hazardous chemical substances