



Port Network Authority
of the Eastern Adriatic Sea
Ports of Trieste and Monfalcone

PRESS RELEASE

ANAC RULING: THE REGIONAL ADMINISTRATIVE COURT (TAR) OF LAZIO GRANTED THE APPEAL FILED BY THE PORT AUTHORITY

ZENO D'AGOSTINO IS AGAIN SERVING IN HIS CAPACITY AS THE PRESIDENT OF THE PORT OF TRIESTE

Trieste, 30 June 2020 - The Authority is very pleased to report that today the Administrative Court of Rome issued a judgement upholding both the challenge filed by the Port Authority and the one autonomously filed by Zeno D'Agostino. As a consequence, the Court annulled ANAC decision and confirmed that D'Agostino was fully eligible for the office of President of the Port of Trieste, for which he was appointed in 2016.

More specifically, the Court's ruling upheld the first ground for appeal on the non-applicability of the prohibition to appoint natural persons as high administration officers when the appointing body (in this case, Italian Ministry of Infrastructures and Transports) is different from the one (*i.e.* the Port Authority) that had appointed Zeno D'Agostino as a chairperson without powers of a company in which the Authority holds an interest (TTP). The TAR ruled against ANAC and pointed out that the prohibition on conferring assignments cannot be applied in such an extensive manner, as advocated by the Authority's lawyers.

Moreover, the TAR confirmed that President D'Agostino did not carry out any management powers within TTP and this was also relevant in order to rule out any further "extensive" interpretation of the above-mentioned prohibition used by ANAC to challenge the legality of Mr, D'Agostino appointment.

Thus, in few weeks, the judgement resolved in the merits a very delicate situation that had arisen as a consequence of the ANAC decision. Consequently, it fully restores Zeno D'Agostino as the president of the Port of Trieste, stating that «*the decree appointing Dr. D'Agostino as President of the AdSP was undoubtedly legitimate*» and rejecting any possible different interpretation of the rule at stake.

Prospectively, this judgement eliminates any uncertainty in the applicable law and ensures that the Port Authority's actions will continue as usual without any deviation from its programs and strategies. Indeed, the Authority will immediately restore the organizational structure in place prior to the ANAC decision, with Zeno D'Agostino back in his office as President and Mario Sommariva as Secretary General. Sommariva, who had been appointed by Secretary Ms De Micheli as Commissioner of the Authority a few hours after the annulled ANAC decision, shall return to his previous office.