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The new 'Organismi di Partenariato della Risorsa Mare' for Italian port authorities: functions and composition

Legislative Decree No 169/2016, which reformed certain aspects of the Italian ports law, has introduced a new body for the governance of Italian ports. The Organismo di Partenariato della Risorsa Mare, or the 'Sea Resource Partnership Body', is to be established by all new port system authorities, which are also envisaged by the Legislative Decree (that provided for mergers among certain previously existing port authorities).

Function of the new body

The body (to be established with each port system authority) will have a consultative function and issue opinions on the administrative activities of a port, including on the:

- adoption of the port development plan;
- adoption of the three-year operating plan; and
- draft budget.

Although the opinions issued by the body are not binding, the management committees of new port authorities are bound to take them into account and, if the committee decides not to comply with the body's opinions, it must expressly indicate the underlying reasons. Thus, participation in the body is very important.

Composition of the body

The Legislative Decree provides that the body shall be composed of the chairman of the relevant port authority (who also chairs the body), the port commander and a representative of:

- shipowners;
- industrial operators;
- port operators and concessionaires;
- shippers;
- the logistics companies active in the port;
- the rail operators active in the port;
- agents and consignees;
- the lorry drivers active in the port;
- tourist and commercial operators; and
- three representatives of workers at companies operating in the port.

The prescribed composition aims to allow all active players in a port to participate.

According to the Legislative Decree, the mechanism for the appointment of members of the body shall be determined by a Ministerial Decree, which was issued on 18 November 2016 and published in the Italian

Official Gazette on 7 January 2017. The Ministerial Decree provides that the members of the body shall be appointed by the 'most representative national associations'.

Because different national associations, often in stiff competition among each other, exist to represent all active players in ports across Italy and have followings dependent on location, the Ministerial Decree entrusted the National Conference for Coordination of Port Authorities (also a new body established by the reform) with the task of determining the criteria for singling out the most representative association for each grouping.

At the beginning of 2017, the Ministry for Transport and Infrastructure, through its general director, issued a note clarifying the criteria to be followed while the adoption by the Conference of an act specifying such criteria was still pending.

Finally, on 28 September 2017, the Conference issued guidelines outlining the method and criteria for appointing members of the body. In respect of each of the aforementioned representatives, the guidelines specify in detail the criteria to be followed in order to single out the most representative association in the ports falling within the jurisdiction of each relevant port authority. Based on such criteria, the most representative association at local level will be empowered to appoint one member to the body.