



EUROPEAN COMMISSION

*Brussels, 18.11.2021
C(2021) 8441 final*

Dear President,

The Commission would like to thank the Senato della Repubblica for its resolution on possible legislative measures of the European Commission on the delimitation of the customs territory of the European Union.

This Resolution proposes excluding the free zone of the Port of Trieste from the customs territory of the European Union because of the international origin of the special regime for the Free Port of Trieste.

The Commission would like to point out that the storage procedure in Article 237 of the Union Customs Code¹ allows non-Union goods to be stored in the free zone of the Port of Trieste without being subject to: (a) import duty; (b) other charges as provided for under other relevant provisions in force; and (c) commercial policy measures, insofar as they do not prohibit the entry or exit of goods into or from the customs territory of the Union.

Being excluded from the Union customs territory, as compared to being a free zone, would have consequences for the Port of Trieste.

Article 247 of the Union Customs Code allows placing non-Union goods in free zones under the inward processing under certain conditions, which include obtaining a specific authorisation upon provision of a guarantee. This allows processing the goods in the free zones (and their re-export to other countries) with relief from import duties and other charges including commercial policy measures.

Admittedly, if the Port of Trieste were excluded from the Union customs territory, as opposed to being a free zone, the processing industrial operations carried out therein would not be subject to the Union Customs Code requirements of an authorization,

¹ OJ L 269, 10.10.2013, p. 1

*Maria Elisabetta ALBERTI CASELLATI
President of the Senato della Repubblica
Piazza Madama, 1
IT – 00186 ROMA*

financial guarantees and examination of economic conditions. This would relieve the economic operators in the Port of Trieste from such burdens.

By contrast, when goods would be brought from the free zone of the Port of Trieste, excluded from the Union customs territory, into the Union customs territory, including the rest of Italy, they would have to undergo the Union customs procedures and formalities – including the tax and customs implications – as the port would be considered for customs purposes as a “third country”. The same would apply to goods brought into the free zone of the port of Trieste from the Union customs territory. Besides, if the free zone of the Port of Trieste were excluded from the customs territory, the goods processed therein, where exported, might not benefit from certain free trade agreements signed by the European Union.

The consequences of an exclusion of the Port of Trieste from the Union customs territory must therefore be carefully assessed.

The considerations above are without prejudice to the legal assessment of the reasons put forward by the Senato della Repubblica to justify a possible exclusion of the free zone of the Port of Trieste from the customs territory of the European Union. Such a legal assessment will be conducted if the Italian government were to present to the Commission a request to exclude the free zone of the Port of Trieste from the Union customs territory.

The Commission hopes that the clarifications provided in this reply address the issue raised by the Senato della Repubblica and looks forward to continuing the dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Paolo Gentiloni
Member of the Commission*