

The CEO

## CIRCULAR TO ALL CUSTOMERS

As known to you all, yards managed by Terminali Italia are covered by Ministerial Decree of 20.10.1998.

Stopovers by ITUs carrying goods classified as dangerous within the meaning of the RID must be subject to suitable time limits, in order to avoid stopovers longer than those needed for the transport phases from acceptance to return.

On 30.03.2020 the Operational Manager of Terminali Italia issued the latest version of the applicable rules.

Following monitoring in recent months of stopovers by ITUs carrying dangerous goods, and in line with Terminali Italia's ongoing measures for improving procedures, it was decided to take a stricter approach to this type of ITU. We are therefore taking this opportunity to issue new rules to our customers, replacing the previous rules and applicable from 01.12.2020:

### 1) GOODS SUBJECT TO THE RID/ADR

#### **ITUs carrying dangerous goods arriving by road.**

The ITUs will be accepted in the terminal only if the train onto which they will be loaded is scheduled to depart on the day of delivery. Entry into the terminal must be at least 60 minutes prior to the closure of the train (HRL) and ITUs arriving late will not be accepted in the Terminal.

#### **ITUs carrying dangerous goods arriving by rail or via Gateway**

The ITUs must be collected or re-dispatched within 12 hours of becoming available in the terminal or in any case by the closure time of the terminal, except where there are stricter collection requirements for specific types of goods.

If ITUs are not collected or re-dispatched within the above-mentioned time limits, a fine of € 30.00 (thirty) will be payable for each hour of additional halting time.

In addition to the fine, and until such time as the ITUs containing dangerous goods are collected or re-dispatched, acceptance of all ITUs of the relevant customer (MTO) will be suspended.

If ITUs are not collected or re-dispatched within the established time limits, in addition to the foregoing measures, Terminali Italia reserves the right to take legal action against the non-complying MTO to recover any additional costs it incurs or for any additional loss or damage.

Terminali Italia furthermore reserves the right to take any other action that it deems fit to protect its own interests and the public interest (termination of contract on grounds of breach, police report, report to the competent authorities, etc.).



## 2) WASTE

### **a) ITUs carrying waste classified as dangerous under the RID/ADR**

ITUs carrying waste classified as dangerous under the RID/ADR are subject to the same rules as those stated above for ITUs carrying dangerous goods.

### **b) ITUs carrying other types of waste**

Under the most recent regulatory provisions (Legislative Decree No 116/2020), waste other than that classified as dangerous goods under the RID (covered by point a) can halt in the terminal for up to six (6) days, after which time the manager will be obliged to report the matter to the competent authorities, to the producer of the waste and to the MTO in question, in the interim ensuring compliance with environmental protection and health regulations.

To facilitate forwarding of the mandatory communication to the competent authorities, MTOs must provide, for each ITU, the name and registered (where available) or ordinary email address of the waste producer.

Specifically, until such time as the computer system can be updated to make inclusion of such details mandatory when booking, details must be provided as follows:

- for ITUs delivered by truck, at the time of acceptance on entry; where details of the waste producer cannot be provided, the ITUs will not be accepted in the terminal.
- for ITUs arriving by train, these details must be included in the documents submitted to the terminal.

The MTOs must in any case make every effort to speedily remedy any shortcomings in such documents. Failure to do so will be considered serious contractual breach.

The applicable regulations also require any costs incurred by the terminal manager to be charged to the prior holders or the producers of the waste, jointly. Any costs incurred by Terminali Italia for stopovers of over six days will therefore be charged to the MTO in question as its sole contractual counterparty.

Therefore, in order to avoid involvement of competent authorities and any additional costs arising from prolonged stopovers and the regulatory management measures required of the terminal, ITUs containing waste other than waste classified as dangerous goods under the RID must depart by train or road strictly within six days of their entry into the terminal. Otherwise acceptance of all ITUs of the relevant customer (MTO) will be suspended.

In any case, and notwithstanding its right to claim greater compensation, any cost incurred by Terminali Italia to ensure proper management of ITUs containing waste under environmental protection and health rules will be charged directly to the MTO.

Best wishes,

Giuseppe Acquaro