

Gitti and Partners with Coop. Barcaioli Portovenere in the tug-of-war with the Municipality to protect local public transport



Cooperativa Barcaioli di Portovenere obtained from the Second Section of the TAR Liguria the annulment of the ordinances of March 15 and 17, 2023, of the urban planning and construction sector of the Municipality of Porto Venere. These ordinances have contained the Discipline of the harbour stretch of water of Porto Venere, where it was forbidden to moor and stop with boats over 10 meters on the eastern side of the Doria pier.

The Genoese Administrative Judge deemed the provisions contained in the aforementioned ordinances as illegitimate, in particular where they prohibited mooring and parking with boats longer than 10 meters in the eastern side of the Andrea Doria pier which is not reserved for public transport service. The sentence states that *"the contested prohibition clearly affects the interests of the appellant Cooperative which, for many years, has been the concessionaire of the section of the pier where the new size limit was in force and owns two boats more than 10 meters long; one of them (the one called "Macaia"), however, slightly exceeds this limit, being 10.91 meters long. In this context, the proceeding Administration should have justified its choice with a reasoning apparatus which, without going so far as to find the conflicting interest of the private party, should have been sufficient to demonstrate its compliance with the canons of reasonableness and proportionality"*.

Gitti and Partners assisted the Cooperativa Barcaioli Portovenere with the partner **Laura Sommaruga** and the senior associate **Federico Ianeselli**.