





National confiscation models (covered by the EU Regulation no. 1805/2018) and proposals of harmonization: a new directive.

April 13-14, 2023

13th April 2023 - h. 3-8 p.m.

Introductory speech: Anna Maria Maugeri -Professor of Criminal law, University of Catania, Italy - Coordinator of RECOVER Project

National reports by the partners:

Vanya Ilieva — Prosecutor in the Supreme Cassation Prosecutor's Office

Debate

Martin Heger - Professor of Criminal Law and Procedural Law, Humboldt University of Berlin Jūratė Radišauskienė - Prosecutor, Criminal Prosecution Department

Debate

Janne Lise de Boer - International legal advisor Robert vd Ende - International legal advisor

Mr Marcin Warchol - Deputy Minister of Justice

Debate

National reports by the partners:

João Conde Correia - Prosecutor

Alis Scutaru - Asset tracing and management inspector at ANABI

Debate

Francisco Jiménez Villarejo Fernández - Supreme Court Prosecutor, Head of the International Cooperation Unit

Anna Maria Maugeri - Professor of Criminal law

Michele Fini -Judge

Ernesto Savona - Professor of Criminology, Director of Transcrime

Matteo Anastasio - Doctoral candidate in Criminology and junior researcher at Transcrime

Anna Sakellaraki - Doctoral candidate in Criminal Law, Humboldt University of Berlin

Debate

The members of the advisory board, of the monitoring board and other experts will take part into the event remotely.

Link of the meeting: https://shorturl.at/iuvxE
For information: Dr. Amalia Orsina, aorsina@lex.unict.it





Which are the different models of forfeiture/confiscation in Your system of law?

1. Direct confiscation

2. Value confiscation

3. Extended confiscation

Article 7 Assets confiscation

- 1 In case of conviction for an offence referred to in article 1, and for the purpose of assets confiscation to the State, it is considered as benefit from a criminal activity the difference between the value of the defendant's actual property and one that is consistent with his lawful income.
- 2 For the purpose of the application of this Act, as the defendant's property one should consider all the assets:
- a) Owned by the defendant or under his control or to his benefit, as of his being held defendant or subsequently;
- b) Transferred to third parties for free or against a derisory instalment within the 5 previous years to his being held defendant;
- c) Received by the defendant within the 5 previous years to his being held defendant, though their intended use remains indeterminate.
- 3 Interest, profits and other benefits derived from assets under the conditions set out in article 111 of the Penal Code, are always considered as benefits from criminal activity.

Which are the different models of forfeiture/confiscation in Your system of law?



2. Value confiscation

- 3. Extended confiscation
- 4. Non-conviction-based confiscation
- 5. Third-party confiscation
- 6. Confiscation in administrative penal law

Which is the object of the confiscation and its meaning /interpretation?

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2. Value confiscation

3. Extended confiscation

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S C O P

Which are the elements to be realized and/or to be assessed for its application?



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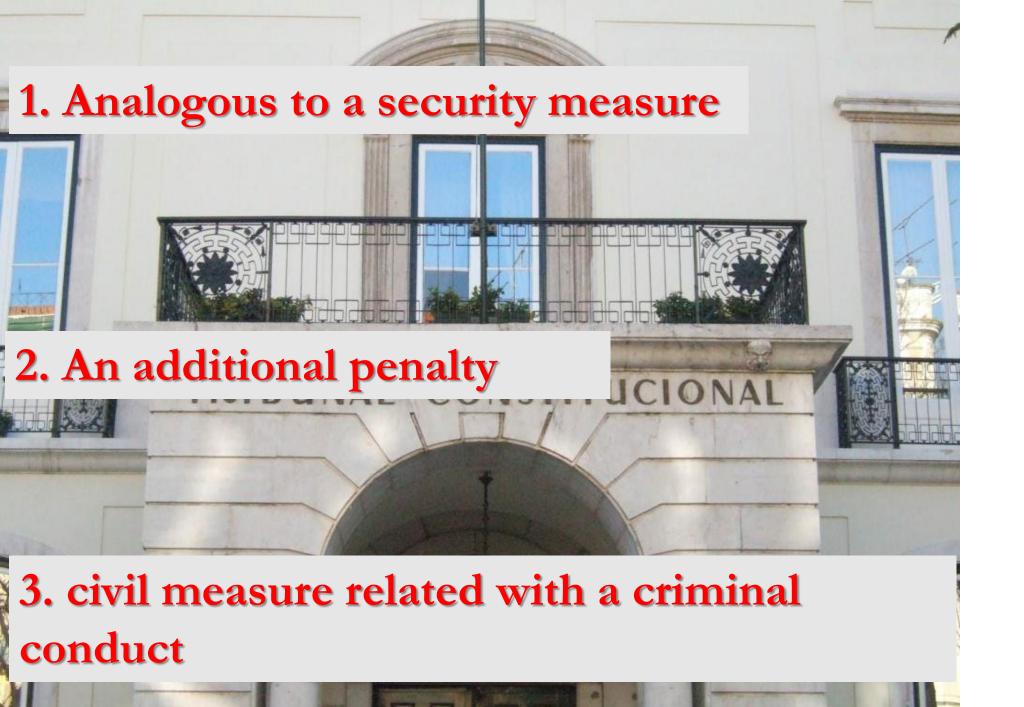
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All the Portuguese confiscation mechanisms, except for the confiscation of unexplained wealth, can be applied when the convicted person is dead or when the crime is statute barred.



Legal Nature 1. Which is the procedure for its application? 2. Which is the standard of the proof/is the reversal of the burden of the proof admitted? 3. Which are the safeguards? 4. Is the trial in absentia possible in your legal system in order to apply the

confiscation?

