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Uni
ct GIURISPRUDENZA
Aula Magna
Via Crociferi 91, Catania

April 13-14, 2023

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

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:
BULGARIA – GENERAL PROSECUTOR'S OFFICE
Vanya Ilieva – Prosecutor in the Supreme
Cassation Prosecutor's Office
FRANCE – MINISTRY OF JUSTICE

Debate

GERMANY – HUMBOLDT UNIVERSITY
Martin Heger - Professor of Criminal Law and
Procedural Law, Humboldt University of Berlin
LITHUANIA - GENERAL PROSECUTOR'S OFFICE
Jūratė Radišauskienė - Prosecutor, Criminal
Prosecution Department

Debate

**NETHERLANDS - GENERAL PROSECUTOR'S
OFFICE**
Janne Lise de Boer - International legal advisor
Robert vd Ende - International legal advisor
POLAND - MINISTRY OF JUSTICE
Mr Marcin Warchol - Deputy Minister of Justice

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

14th April 2023 – h. 8.30-13.30 a.m.

National reports by the partners:
PORTUGAL – GENERAL PROSECUTOR'S OFFICE
João Conde Correia - Prosecutor
ROMANIA – ASSET RECOVERY OFFICE
Alis Scutaru - Asset tracing and management
inspector at ANABI

Debate

SPAIN - GENERAL PROSECUTOR'S OFFICE
Francisco Jiménez Villarejo Fernández - Supreme
Court Prosecutor, Head of the International
Cooperation Unit

ITALY - UNIVERSITÀ DEGLI STUDI DI CATANIA
Anna Maria Maugeri - Professor of Criminal law
ITALY – MINISTRY OF JUSTICE
Michele Fini - Judge

ITALY - UNIVERSITÀ CATTOLICA DEL SACRO CUORE

Ernesto Savona - Professor of Criminology, Director
of Transcrime
Matteo Anastasio - Doctoral candidate in
Criminology and junior researcher at Transcrime

**PROPOSAL OF A NEW DIRECTIVE and PERSPECTIVE
FOR THE FUTURE**

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

Debate

The Portuguese report



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They didn't want to stop...

Confiscate their vehicle!



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 ?

1. Direct confiscation

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?

1. Direct confiscation

2. Value confiscation

3. Extended confiscation

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1. Risk prevention

2. Additional punishment

3. Crimes doesn't pay

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

1. Direct confiscation

2. Value confiscation

3. Extended confiscation

4. Non-conviction-based confiscation

5. Third-party confiscation

6. Confiscation in administrative penal law

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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.



1. Analogous to a security measure

2. An additional penalty

3. civil measure related with a criminal conduct

**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?

Thank you very much for your attention !



Doubts, questions ?