

# Mutual recognition of freezing and confiscation orders between efficiency and the rule of law

Project 101091375 – RECOVER – JUST-2022-JCOO (EU) – Co-funded by the Justice Programme of the European Union 2021-2027

## November 7, 2024

### 09.00-09.10 a.m. (Rome-time): Initial greetings

Prof. F. Priolo (Rector, University of Catania)

Prof. S. Zappalà (Dean, Law Department, University of Catania)

### Morning session: *The implementation of the Regulation 1805/2018*

**Director:** L. Salazar (Deputy Prosecutor General, Court of Appeal of Naples)

**09.30-09.50 a.m.:** Prof. A.M. Maugeri (University of Catania; Coordinator of RECOVER): *The scope of the Regulation 1805/2018*

**09.50-10.10 a.m.:** M. Anastasio (UCSC/Transcrime): *RECOVER's Schema: the EU Reg. 2018/1805 in 10 Member States*

**10.10-10.30 a.m.:** J.L. De Boer (General prosecutor's Office, the Netherlands): *Grounds for refusal in the Regulation 1805/2018*

**10.30-10.50 a.m.:** S. Fonte (Team Leader, Casework Unit, Eurojust): *Practical problems in the implementation of the Regulation from the point of view of Eurojust*

**10.50-11.15 a.m.:** Break

**11.15 a.m.- 1.00 p.m.:** *Round table on practical problems and best practices in the implementation of the Regulation*

**Director:** V. Ilieva (General prosecutor's Office, Bulgaria)

**Participants:** J.M. Compañy Catalá (General prosecutor's Office, Spain); H. Rigor Rodrigues (General prosecutor's Office, Portugal); A. Ingangi (National Member for Italy, Eurojust); E. Maccarinelli (Directorate for criminal affairs and pardons, Ministry of Justice, France); **Representative of Criminal Chambers Union of Lawyers (Italy)**

**Insights from other MS:** Prof. L. Sokanovic (University of Split, Croatia); Prof. G. Almkvist (Uppsala University, Sweden).

**1.00 - 1.30 p.m.:** Debate

**1.30 p.m.- 3.00 p.m.:** Break

**3.00 p.m.:** **Afternoon session:** *Harmonisation and mutual recognition: the safeguards and the (EU) Directive 2024/1260*

**Director:** Prof. A.M. Maugeri

**3.00-3.20 p.m.:** Prof. P. Pinto de Albuquerque (Catholic University of Lisbon; former judge of the ECHR): *The essential safeguards of criminal matter and the statute of the non-conviction based confiscation in the ECourtHR's case law*

**3.20-3.40 p.m.:** A. Sakellaraki (Humboldt University of Berlin): *The scope of application of the new Directive*

**3.40-4.00 p.m.:** Prof. E. Hryniewicz-Lach (Adam-Mickiewicz University in Poznań, Poland): *Extended confiscation under art. 14*

**4.00-4.20 p.m.:** Prof. T. Aguado Correa (University of Seville): *Non-conviction-based confiscation under art. 15*

**4.20-4.40 p.m.:** Prof. J. Boucht (Norwegian Business School): *Confiscation of unexplained wealth linked to criminal conduct under art. 16*

**4.40-5.00 p.m.:** A. Balsamo (President of the Tribunal of Palermo): *The safeguards in the EU Reg. 2018/1805 and in the new Directive 1260/2024*

**5.00-5.30 p.m.:** Break

**5.30-7.30 p.m.:** *Round table on the implementation of the new Directive in the MS and safeguards.*

**Director:** Prof. R. Parizot (Université Paris Panthéon-Sorbonne)

**Participants:** J. Radišauskienė (General prosecutor's Office, Lithuania), P. Szymański (Ministry of Justice, Poland); F. Spiezia (Head of the Prosecutor's office in Florence); J. Conde Correia (General prosecutor's Office, Portugal); J.L. De Boer (General prosecutor's Office, the Netherlands); Prof. C. Grandi (University of Ferrara).

**Insights from other 3 MS:** Prof. R. Lahti (University of Helsinki); M. Fernandez-Bertier (legal expert in Belgium); A. Ondrejova (Prosecutor in Slovakia).

**November 8, 2024**

**09.00 a.m.:** the 1<sup>st</sup> session: *Confiscation against corporations and alternative measures*

**Director:** Prof. **Ciro Grandi** (University of Ferrara)

**09.00-09.20 a.m.:** **A. Orsina** (University of Catania): *Preliminary remarks about the application of the EU Reg. 2018/1805 towards corporations*

**09.20-09.40 a.m.:** **A. Lucifora** (University of Catania): *Alternatives to confiscation in the Italian legal system: judicial administration*

**09.40-10.00 a.m.:** Prof. **T. Bene** (University Federico II Naples): *The judicial control of enterprise in relationship with the disqualification in the Italian legal system*

**10.00-10.30 a.m.:** **M. Hopmeier** (Judge, Southwark Crown Court, London): *Importance of Confiscation/Asset recovery and the Deferred Prosecution Agreements (from a judicial perspective)*

**10.30-11.00 a.m.:** **Break**

**11.00 a.m.:** the 2<sup>nd</sup> session: **Asset recovery offices and asset management offices**

**Director:** **J.M. Company Catalá** (General prosecutor's Office, Spain)

**11.00-11.20 a.m.:** **M. Anastasio** (UCSC/Transcrime): *Best practices and reform proposals resulting from the project RECOVER*

**11.20-11.40 a.m.:** **E. Levai** (ANABI, Romania): *The role of the asset recovery office in the (EU) Directive 2024/1260*

**11.40-12.00 a.m.:** **A. Scutaru Șandru** (ANABI, Romania): *Asset management and protection of third parties*

**12.00-12.20 a.m.:** **A. Ingangi** (National Member for Italy, Eurojust): *Protection of the victims between seizure and confiscation*

**12.20-12.40 p.m.:** **M. Alibert** (Head of the Comparative Law Office, Ministry of Justice, France): *A comparative law study about offices for the recovery and management of seized and confiscated assets*

**12.40-12.55 a.m.:** **A. De Laguiche** (Public prosecutor, AGRASC): *Practical experience*

**12.55 a.m. - 1.10 p.m.:** **J. Caruana** (ARO of Malta): *Practical experience*

**1.10-2.30 p.m.:** **Break**

**2.30-4.00 p.m.:** *Round table: Confiscation against corporations, AROs and AMOs: implementation of the mutual recognition of freezing and confiscation orders*

**Director:** **J. Conde Correia** (General prosecutor's Office, Portugal)

**Participants:** **J.L. De Boer** (General prosecutor's Office, the Netherlands); **V. Ilieva** (General prosecutor's Office, Bulgaria); **P. Szymański** (Ministry of Justice, Poland); **J.M. Company Catalá** (General prosecutor's Office, Spain); **S. Petralia** (Judge, Caltanissetta Tribunal); **A. Sakellaraki** (Humboldt University); **M. Borg** (ARO of Malta).

**A. Esposito** (University Vanvitelli, Italy): *Sharing experiences with the EU project RINSE*

**O. Calavita** (University of Turin, Italy): *Sharing experiences with the EU project FORCE*