

UAE-OLAF CONFERENCE

Milan, February 4-5-6, 2010

**Seizure, confiscation and asset recovery to protect financial interests
of the European Union.**

EU Legislation and its enforcement in the European countries

Thursday February 4, 2010

2 p.m. – Registration

2.30 p.m. – Opening address

2.50 p.m. – Introduction - Giovanni Bana - *President of the Commission for European Criminal Law – UAE*

First session

The European legislative sources on seizure, confiscation and asset recovery

Chairman: Lorenzo Salazar – Director of the First Department for European and International Policies – Ministry of Justice

3 p.m. – Introduction – Asset recovery procedures and the role of OLAF

Lothar Kuhl – Department Chief of the European anti-fraud Office of the European Commission - OLAF

3.20 p.m. – The European legislative framework and the laws in the member countries

Sebastiano Tinè – DG Justice, Freedom and Security -EU Commission

3.40 p.m. – European Cooperation: the practical aspect of asset recovery

Emmanuel Barbe - Secrétaire général adjoint Secrétariat Affaires Européennes – Paris- France

4.00 –6.15 p.m. The state of the art in some EU Member States

- Netherlands (Max Vermeij – Sjöcrona -Van Stigt Advocaten)
- Belgium (Prof. Henri-D. Bosly - Thierry Bosly – Attorney-at-law in Brussels)

4.30-4.50 p.m. - *Coffee break*

- Austria and Germany (Severin Glaser – Institut für Österreichisches und Europäisches Wirtschaftsstrafrecht - *Wien*)
- France (Jean Pierre Spitzer – President of UAE Scientific Committee)
- Spain (Jorge Espina Ramos - Fiscal of the Section International Cooperation of the Technical Secretariat of Fiscalía General de Estado)
- UK (Monty Raphael – Peters & Peters – London)

- The legislation in other important countries:

- USA
- Switzerland and Lichtenstein (Prof. Paolo Bernasconi –lawyer in Lugano)

7 p.m. – Cocktail party by invitation of the President of Municipal Council – Town hall of Milan

Friday February 5, 2010 - 9.15 a.m.-12.45 a.m.; 2.00 p.m. - 6.30 p.m.

Second Session

The preconditions for seizure and confiscation procedures in Europe

Chairman: Mr. Jean Pierre Spitzer – *President of UAE Scientific Committee*

9.30 a.m. – Confiscation between sanction and security measures

Tomaso Epidendio – Magistrate at the Court of Milan

9.50 a.m. – Confiscation and corporate liability in the Legislative Decree 231/2001

Luigi Domenico Cerqua – President of Section at the Court of Appeal in Milan

10.10 a.m. – Confiscation for compensation purposes

Prof. Alberto Alessandri –Bocconi University – Milan

10.30 a.m. - Compensation for damages and additional administrative sanctions

Prof Désirée Fondaroli – University of Bologna

10.50 a.m. – The rights of defense

Prof. Massimo Ceresa Gastaldo - Bocconi University – Milan

11.10 a.m. - *Coffee break*

11.30 a.m. – Discussion with scheduled presentations:

Joaquin Gonzalez-Herrero Gonzalez (Chief of Unit C 1 - OLAF)

Prof. Lorenzo Picotti (University of Verona)

Francesca Nanni (Deputy Public Prosecutor at the Court of Genoa)

Antonio Bana criminal (lawyer – UAE)

Lucio Camaldo (University of Milan)

12.30 a.m. – 2.00 p.m. – buffet lunch

Third Session

Case history review: the enforcement of seizure and confiscation order to recover confiscated money

Chairman: Giuseppe Cernuto – Magistrate in Milan

2.00 p.m. – The parties concerned (Round table):

- OLAF (Andrea Venegoni - Magistrate – OLAF)
- The role of the Prefect in the light of the recent Emergency Security Decree (Prefect of Milan)
- Magistracy (Giuliana Merola – Court of Appeal in Milan)
- Lombardy Region (Luca Dainotti – Director of institutional affairs – Lombardy Region; Francesco Zucaro – Director of regional attorney department - Lombardy Region)
- State Auditor's Department (Eugenio Francesco Schlitzer – Paolo Evangelista - Regional Prosecutors for Lombardy at the State Auditor's Department)
- The aggrieved party/plaintiff (Fabio Cagnola – Lawyer in Milan)
- The defense of the accused party/subject of the seizure or confiscation (Giampaolo Del Sasso – Criminal Chamber of Milan)

4.00 p.m. – coffee break

4.30 p.m. – Closing remarks: Senator Giacomo Caliendo – Undersecretary of State – Ministry of Justice

4.45 p.m. – Q&A session – with 3 journalists from leading Italian newspapers

5.30 p.m. – Conclusions: *Prof. Francesca Ruggieri – University of Insubria*

oooooooooooooooooooo

Saturday, February 6, 2010 - 9.15 a.m.-1.15 p.m.

Seizures in the Computer Age: from “mouse pad” to “cloud computing”

Session* under the patronage of IISFA - International Information Systems Forensics Association, Italian Chapter

Chairman: Francesco Cajani – Public prosecutor's office at the Court of Milan, computer crimes task force – Member of the del Technical & Scientific Committee IISFA Italian Chapter

* This session (free charge for the IISFA associated) is open not only at the participants of two previous days but also at magistrates, judiciaries police of Italy and other countries, informatics technicians e and corporate legal counsels.

Gerardo Costabile – *President of IISFA – Italian & European Chapter, Responsible Logic Security of Poste Italiane*

9.20 a.m. – Opening address

Lothar Kuhl – Department Chief of the European anti-fraud Office of the European Commission – OLAF

Lou Lombardy – President IISFA International

9.40 a.m. – The current technological panorama: from the mouse pad to cloud computing

- The investigative police and the seizure of computer materials: *cloud computing* and *live forensic*

Davide Gabrini – Computer Forensics Expert and investigator at the Post and Telecommunication Police of Milan

- Computer data analysis: guidelines to set up a *computer forensic lab*

Andrea Ghirardini – Computer Forensics Expert and Member of the Executive Committee IISFA Italian Chapter

10.20 a.m. – The European panorama: from Budapest Convention on Cybercrime to the on site inspection aimed at the seizure of computer data

- New perspectives in the implementation of Budapest Convention on *Cybercrime*

Alexander Seger – Head of the Department of Economic Crime and Information Society – Directorate General of Human Rights and Legal Affairs – Council of Europe

- The European overview on computer seizures

Stephen Mason, Barrister – Editor of Digital Evidence and Electronic Signature Law Review

- Belgian law on computer inspections and the case of Yahoo! Inc.

Frédéric Van Leeuw – Federal Public Prosecutor's department, Organized Crime Unit – Belgium

11.20 a.m. - Coffee break

11.40 a.m. – “Has Italy awoken?” - Law No. 48/2008, the first interventions of the Court of Cassation and the problematic profiles on computer seizures (Round Table).

- Massimiliano Carducci – Public prosecutor's office at the Court of Milan, computer crimes team

- *Cons.. Giorgio Lattanzi – President of the Section at the Supreme Court of Cassation*
- *Giuseppe Nicosia – Court of Grosseto*

1.00 p.m. –Closing Remarks