



DEVELOPMENT OF RELIABLE AND FUNCTIONING POLICING SYSTEMS  
AND ENHANCING OF COMBATING MAIN CRIMINAL ACTIVITIES  
AND POLICE CO-OPERATION

**OUTPUT 1.2:**  
**CAPACITIES FOR FINANCIAL INVESTIGATIONS AIMED AT THE CONFISCATION OF**  
**PROCEEDS FROM CRIME STRENGTHENED**  
**(SUB-ACTIVITY 1.2.2.7)**

Regional Workshop on the civil law tools in seizure and confiscation  
of proceeds from crime

## **AGENDA**

**15-16 MAY 2007**  
**PRZNO - MONTENEGRO**

TUESDAY, 15 MAY 2006

**Morning Session  
(09h30 – 12h30)**

▪ **OPENING OF THE REGIONAL WORKSHOP AND INTRODUCTORY REMARKS**

*Mr Jean-Charles de CORDES, Project manager, Council of Europe*

- Brief outline of CARPO activities in the area of financial investigations for year 2007;
- Methodology, objectives and expected results of the workshop;
- Presentation of participants.

▪ **INTERNATIONAL STANDARDS**

*Mr Robert GOLOBINEK, Council of Europe expert, Slovenia*

▪ **LEGAL PROVISIONS AND BEST PRACTICES IN EXTENDED CONFISCATION/  
REVERSAL OF BURDEN OF PROOF**

*Mr Henrik Helmer STEEN, Chief Prosecutor, Denmark*

- Best practices / legal provisions and shortcomings / practical experiences;
- Discussion.

*KOK Jörg Tinnes, Landeskriminalamt Nordrhein-Westfalen, Germany*

- Best practices / legal provisions and shortcomings / practical experiences;
- Discussion.

**Coffee break 11h00 - 11h15**

*Mr Evert van der STEEG, Judge/ Legal adviser - Public Prosecution Service - The Netherlands*

- Best practices / legal provisions and shortcomings / practical experiences;
- Discussion.

**Lunch break 12h30 - 14h00**

**Afternoon Session  
(14h00 – 17h00)  
(continuation from the morning session)**

*Mr Dennis EVANS, Expert on assets tracing, freezing and confiscation, United Kingdom*

- Best practices / legal provisions and shortcomings / practical experiences;
- Discussion.

*Representative from Albania: "the experience with extended confiscation based on the Law on OC"*

- Best practices / legal provisions and shortcomings / practical experiences;
- Discussion.

**Coffee break 15h30 - 15h45**

*Representative from Bosnia and Herzegovina: "the reversal burden of proof in the CC"*

- Best practices / legal provisions and shortcomings / practical experiences;
- Discussion.

*Representative from Croatia: "the reasons and the scope of the recent changes to art 82/2 PC"*

- Best practices / legal provisions and shortcomings / practical experiences;
- Discussion.

▪ **CONCLUSIONS OF DAY I 16h45 - 17h00**

WEDNESDAY, 16 MAY 2007

**Morning Session  
(9h00 – 12h30)**

▪ **PRESENTATION OF DAY II OBJECTIVES AND WORKING METHODS**

*Mr Jean-Charles de CORDES, Project manager, Council of Europe*

▪ **DRAFTING OF THE OUTLINE OF LEGAL PROVISIONS ON EXTENDED CONFISCATION / REVERSAL OF BURDEN OF PROOF**

- Division into working groups
- Drafting solutions by each project area with assistance of the experts

**Coffee break 11h00 - 11h15**

- (intermediate) presentation by each project area of its outline of draft law;
- Comments of experts and discussion.

**Lunch break 12h30 - 14h00**

**Afternoon Session  
(14h30 – 17h00)**

[continuation from the morning session]

**Coffee break 15h30 - 15h45**

Presentation by each project area of its final outline of draft law

- **CONCLUSIONS AND STEPS FORWARD 16H45 - 17H00**
- **CLOSING OF THE REGIONAL WORKSHOP**

## GUIDELINES TO THE EXPERTS

The workshop will focus on legal solutions of EU countries in the field of extended confiscation / reversal of burden of proof regarding the source of property presumed to derive from crime. The results will allow for participants from Western Balkan (Ministry of Justice, practitioners from law enforcement and judiciary) to use the experience and to draw outlines of their legal proposals.

The presentations should specifically focus on analysis of relevant national legal provisions on seizure and confiscation of proceeds of crime, particularly to the provisions which allow extended confiscation / or civil law tools (use of presumptions, reversal of burden of proof in procedure for confiscation (financial investigation and court procedure):

- the seizure/confiscation regimes for proceeds of crime,
- presentation and analysis of relevant legal provisions for extended confiscation/reversal of burden of proof and shortcomings (please provide also the legal text and jurisprudence),
- presentation of practice/problems using these provisions during financial investigation and court procedure (the role of law enforcement institutions, tasks, powers, obstacles etc.).

**Note:** Participants are mainly familiar with general presentation of financial investigation and confiscation of proceeds of crime.

## GUIDELINES TO THE PARTICIPANTS

The workshop will require active participation of all participants and the fulfilment of its objectives depends of the advance preparation on the substance by the regional participants.

It is expected that participants from relevant institutions responsible for drafting criminal legislation (e.g. Ministry of justice, legal experts) and practitioners from law enforcement and/or judges will be able to draft the legal provisions, which would be acceptable in their respective national legal system.

In view of the drafting on day II of the outline of legal provisions on extended confiscation /reversal burden of proof, each participant should come with any relevant provisions, laws, draft laws, or document to do so and to be able to participate actively in the discussions.

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