

FAST FREEZING ORDERS FOR THE EPPO: BRIDGING THE TIME-GAP BETWEEN ASSET PRESERVATION AND FUNDAMENTAL RIGHTS

di Oscar Calavita

*(Ricercatore in Diritto Processuale Penale
Università degli Studi di Torino)*

EPPO activity data for 2024 reveal a persistent recovery gap in PIF cases: €67.27 billion in estimated damage in ongoing investigations, against €1.13 billion in freezing orders granted and €288.93 million effectively frozen. This paper argues that the deficit is primarily temporal and structural. Asset restraints often become practically available only once proceedings have matured enough to satisfy national thresholds, precisely when sophisticated schemes have already dissipated value. Building on the NET₄FEU proposal, the paper frames the Fast Freezing Order (FFO) as a short, strictly temporary “bridge” measure, preventive in immediate aim (stopping asset flight), but repressive in legal gravity (a coercive act within criminal proceedings). It assesses compatibility with EU primary law under Article 52 CFR (and Article 52(3) CFR/ECHR alignment), and examines the principal rights-frictions: presumption of innocence, information, effective remedy, and access to counsel. The paper concludes that, while the tensions are real, the NET₄FEU model offers a defensible balance between safeguarding the Union’s financial interests and ensuring effective protection for the affected individual or undertaking.

European Public Prosecutor’s Office, EPPO, Fast Freezing Orders

Sommario: 1. The Structural Deficit in Asset Recovery and Its Procedural Roots – 2. The FFO as a Liminal Instrument: Between Prevention and Repression – 3. The Charter Framework and the Conditions for Permissible Interference – 4. The Presumption of Innocence – 5. The Right to Be Informed – 6. The Right to an Effective Remedy – 7. The Right of Access to a Lawyer – 8. Conclusions

1. The European Public Prosecutor’s Office was established to confer upon the Union a genuinely transnational capacity to investigate and prosecute crimes against its financial interests. Yet the conventional metric of institutional effectiveness – the volume of files opened, investigations launched, proceedings activated – obscures a more troubling and largely unremedied problem: money tends to move faster than the investigative machine, and it does so through mechanisms deliberately engineered to

exploit temporal gaps, jurisdictional fragmentation, and the formal procedural thresholds that national systems impose before coercive restraint becomes available]

The EPPO's consolidated activity data for 2025 captures this structural mismatch with unusual clarity. In that year, the Office estimated damage of €67.27 billion (24.8 billion in 2024). Against that scale of alleged harm, judges granted freezing orders requested by European Delegated Prosecutors for a value of €1.13 billion (2.42 billion in 2024), while the value of assets actually frozen during the year amounted to €288.93 million (€849 million in 2024). Even accepting the higher benchmark – €1.13 billion in orders granted – the proportion remains stark: less than two per cent of the estimated damage finds any form of provisional counterpart in a judicial restraint order¹.

This disparity reflects a procedural bottleneck rather than a failure of investigative energy, considering that freezing measures tend to become available only when the case has matured to the point of satisfying national evidentiary prerequisites and judicial scrutiny, and that maturity is purchased with time, precisely the resource that sophisticated PIF schemes are designed to consume. The recognition of this structural gap, therefore, prompted the inquiry conducted within the NET₄FEU project into the feasibility of Fast Freezing Orders, and it is this instrument which forms the subject of the analysis below.

2. The NET₄FEU Project studied the feasibility of Fast Freezing Orders, which are decisions conceived as a temporal bridge between the moment of detection and the activation of the ordinary freezing architecture, and their friction with fundamental rights. The FFO, in other words, is intended to preserve the *status quo* long enough for the EPPO to engage the established procedural mechanisms without losing the object of recovery in the meantime; it operates, in brief, at the earliest investigative stage, when credible red flags may exist but the procedural framework remains too unstable to support a conventional judicial restraint order.

The instrument is modelled on the immediate actions provided for by Directive 2024/1260/EU, is characterised by strict temporariness and rapid internal control, adopted by an administrative body, subject to a maximum duration of seventy-two hours, extendable only once and for up to forty-eight hours within the EPPO's own hierarchy. Its operative premise is to permit a minimal immobilisation window at the

¹ Data regarding 2025 are available at this link ([EPPO Annual Report 2025 en.pdf](#)), while data regarding 2024 are available at this link ([EPPO Annual Report 2024 en.pdf](#)). Both have been lastly accessed on 1st March 2026.

only moment when such immobilisation can realistically make a difference, which means before assets are dissipated and before the case has reached the threshold demanded by national systems for longer-lasting restraints.

As it can be seen, the FFO occupies an uncomfortable intermediate position between prevention and repression. It performs a preventive function in the immediate sense, as it is intended to arrest asset flight and loss, but it does so not in the administrative sense of generalised risk management; on the contrary, it is anchored to a concrete suspicion falling within the EPPO's material competence and is functionally oriented towards the repressive trajectory of criminal proceedings, including investigation, prosecution, and eventual confiscation and recovery. The FFO is therefore a liminal instrument which is preventive in immediate aim, repressive in legal gravity, and “constitutionally defensible” only if its hybrid nature is matched by a hybrid procedural architecture capable of accommodating urgency without permitting this latter to function as a solvent for safeguards.

The intrusive character of the measure is not in doubt, as it can affect both substantive rights (property, commercial activity, and frequently the interests of third parties) and procedural ones, including the presumption of innocence, the right to legal assistance, the right to an effective remedy and the right to information. Speed can be rendered compatible with legality only within a system of checks and balances that must operate, by structural necessity, *ex post*. Without these compensating mechanisms, the FFO risks becoming a shortcut around the very guarantees that render coercion constitutionally acceptable.

3. The compatibility of a Fast Freezing Order with fundamental rights must be examined through the lens of Article 52 CFR, which does not prohibit interference with fundamental rights but permits such interference only where it is provided for by law, respects the essence of the right concerned, and satisfies the twin demands of necessity and proportionality in pursuit of a legitimate objective of general interest, this latter being, in the case of the FFO, the protection of the Union's financial interests and the fight against crime².

² On a general level, see CJEU, Grand Chamber, 4.10.2024, *Bezirkshauptmannschaft Landeck*, C-548/21, §85, according to which limitation to fundamental rights «must be considered in relation to their function in society and be weighed against other fundamental rights. Any limitation on the exercise of those fundamental rights must, in accordance with Article 52(1) of the Charter, be provided for by law, respect the essence of those fundamental rights and observe the principle of proportionality. Under the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised

The legality requirement demands a normative framework that is sufficiently clear, precise, and foreseeable to preclude arbitrary or excessively discretionary interference. In this topic, the Court's approach in *Digital Rights Ireland* is instructive, as it annulled Data Retention Directive in part precisely because it failed to lay down clear and precise rules governing access to retained data, thereby breaching the legality requirement³. Applied to the FFO, this means that there must be both formal legislative basis and a framework that specifies the conditions, limits, modalities, and temporal constraints with sufficient precision to guide both the authorities that apply the measure and the individuals who must bear its consequences.

The requirement of respect for the essence of the right operates as a categorical limit, given that certain core elements of a right cannot be impaired at all, while some rights (such as the prohibition of inhuman treatment) admit of no restriction whatsoever. The Judges of the Luxembourg used this notion pointedly in *Schrems I*, holding that legislation which provided no possibility of pursuing legal remedies to gain access to personal data compromises the essence of the fundamental right to effective judicial protection⁴.

Finally, the requirements of legitimate aim and proportionality constitute the core of the Court's limitation analysis and the terrain on which the dialectic between public power and individual rights is most plainly visible. The Court of Justice, indeed, has consistently affirmed (for example in *Florescu*⁵) that restrictions may be imposed only if they are necessary and genuinely meet objectives of general interest recognised by the Union, and only if proportionality is observed.

This Charter-based framework, however, cannot be read in isolation, as Article 52(3) CFR requires alignment with the Strasbourg *acquis* insofar as Charter rights correspond to rights guaranteed by the European Convention on Human Rights, mandating that their meaning and scope be the same as those laid down by the ECHR⁶. On this topic, the Strasbourg notion of lawfulness is particularly demanding in its insistence on accessibility and foreseeability. In *Sunday Times v. United Kingdom* (No.

by the European Union or the need to protect the rights and freedoms of others. They must apply only in so far as is strictly necessary and the legislation which entails the limitations in question must lay down clear and precise rules governing the scope and application of those limitations».

³ CJEU, Grand Chamber, 8.4.2014, *Digital Rights Ireland*, C-293/12.

⁴ CJEU, Grand Chamber, 6.10.2015, *Schrems I*, C-362/14.

⁵ CJEU, Grand Chamber, 13.6.2017, *Florescu*, C-258/14.

⁶ See, *inter alia*, CJEU, Grand Chamber, 3.4.2025, *Alchaster II*, C- 743/24; CJEU, Grand Chamber, 29.7.2024, *Alchaster*, C- 202/24; CJEU, Grand Chamber, 1.8.2025, *BAJI Trans*, C- 544/23.

1), the Court famously held that a measure is "provided by law" only if the norm is adequately accessible and formulated with sufficient precision to enable the citizen to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail⁷. As regard the respect for the essence of the right, the Grand Chamber held that «the limitations applied do not restrict or reduce the access left to the individual in such a way or to such an extent that the very essence of the right is impaired»⁸. The criterion of necessity in a democratic society, finally, is not satisfied by rhetorical invocations of urgency, but demands that the interference respond to a pressing social need and remain proportionate to the legitimate aim pursued.

Applying these principles to a hypothetical Fast Freezing Order under the EPPO framework, the implications are at the same time clear in principle and demanding in design. The FFO must be anchored in a legal framework that meaningfully constrains discretion; urgency must be channelled into normatively controlled conditions rather than functioning as a blank cheque for unilateral executive action. Strict temporariness is not an optional refinement but a mandatory element of the structure; the affected person must be informed without undue delay and must have prompt access to legal remedies; and the protection of the Union's financial interests – which carries specific “constitutional” weight given the redistributive and developmental functions of the EU budget – constitutes a sufficiently pressing social need to satisfy the legitimate aim requirement. Proportionality, finally, must function as a structural constraint throughout in which the more invasive the measure, the more stringent must be the compensating safeguards.

4. The presumption of innocence is a cornerstone of contemporary criminal procedure, protected by Article 48 CFR and Article 6(2) ECHR, both of which require that a person charged must be treated as innocent until guilt is established according to law. At EU level, Directive (EU) 2016/343 has further specified what the presumption demands in the conduct of criminal proceedings, and in particular how public authorities must communicate about suspects and accused persons. The presumption operates simultaneously as a rule of treatment, prohibiting public authorities from

⁷ ECtHR, Grand Chamber, 26.4.1979, *Sunday Times v. The United Kingdom* (n. 1), app. n. 6538/74.

⁸ ECtHR, Grand Chamber, 3.12.2009, *Kart v. Turkey*, app. n. 8917/05.

presenting suspects as guilty before⁹ and after a final determination¹⁰, and as a rule of judgment, placing the burden of proof on the prosecution and requiring that doubt benefit the defence¹¹.

It would be tempting to treat the presumption of innocence as an absolute right, but the Court of Justice has established that criminal justice systems may employ presumptions of fact or law, provided that these are confined within reasonable limits, taking into account the importance of what is at stake and maintaining the rights of the defence¹². The same logic applies, more broadly, to the relationship between the presumption of innocence and coercive measures adopted before trial (either personal¹³ or concerning asset seizure or biometric data¹⁴), given that criminal proceedings could be hampered if the presumption were interpreted as prohibiting any pre-trial restraint.

Fast Freezing Orders stand in evident tension with the presumption of innocence, even where their scope is not punitive but only preventive. In the social and economic reality of financial crime, the freezing of assets carries a powerful communicative charge and is frequently read as an anticipated guilty verdict. This means that the reputational consequences may be immediate and practically irreversible even if the freeze is subsequently lifted. The risk, in other words, is that the FFO functions, externally and sometimes internally, as a proxy for guilt, especially where it is reasoned in accusatory terms or disclosed in ways that invite public condemnation. In financial and commercial environments, this reputational damage can itself become a form of irreversible harm, affecting access to credit, contractual relations, market perception, and corporate governance.

⁹ ECtHR, Chamber, 10.2.1995, *Allenet de Ribemont v. France*, app. 15175/1989, §35, held that the presumption of innocence is “violated if a judicial decision [or other public authority statements] concerning a person charged with a criminal offence reflects an opinion that he is guilty before he has been proved guilty according to law.

¹⁰ ECtHR, Grand Chamber, 12.7.2013, *Allen v. The United Kingdom*, app. 2524/09, §94. More recently, ECtHR, Grand Chamber, 11.6.2024, *Nealon and Hallam v. The United Kingdom*, app. 32483/19, §103.

¹¹ ECtHR, Plenary, 6.12.1988, *Barberà, Messegué and Jabardo v. Spain*, app. n. 10590/83, §77.

¹² CJEU, Fourth Chamber, 10.11.2022, *Delta Stroy 2003*, C-203/21, §60, which stated that «while it is true that Article 48 of the Charter does not preclude a Member State from establishing presumptions of fact or of law, it is for that Member State to confine presumptions provided for in the criminal law within reasonable limits, taking into account the importance of what is at stake and maintaining the rights of the defence, otherwise the principle of the presumption of innocence enshrined in paragraph 1 of that article would be disproportionately impaired». Accordingly, CJEU, Fourth Chamber, 9.9.2021, *F.N.*, C-546/18. Also the ECtHR, Second Section, 30.3.2004, *Radio France v. France*, app. 53984/00, § 24, is of the same opinion.

¹³ ECtHR, Grand Chamber, 22.5.2012, *Idalov v. Russia*, app. 5826/03, §139.

¹⁴ CJEU, Fifth Chamber, 26.1.2023, *V.S.*, C-205/21.

In the light of what just said, reconciliation with Article 48 CFR and Article 6(2) ECHR requires that the FFO be firmly grounded in clear, objective, and foreseeable criteria; that it be reasoned in neutral, non-accusatory terms making explicit that the measure is adopted without prejudice to the presumption of innocence; and that it be accompanied by effective safeguards, such as timely notification, access to counsel, and a genuine opportunity to challenge the measure with adequate disclosure at the earliest stage compatible with investigative needs.

If properly designed and properly framed, therefore, the FFO do not compromise the essential core of the presumption of innocence, as long as the measure remains strictly temporary, is justified in terms of preservation rather than attribution of guilt, and is coupled with rapid oversight and effective remedies that restore adversarial guarantees as soon as practicable.

5. The right to be informed is the threshold condition for the effective exercise of all other procedural rights. A person who is not told, promptly and clearly, what has been done to their assets, on what legal basis, and for what reasons, is placed in a procedural blindfold often commercially devastating. The duty to inform is, therefore, the gateway into adversarial proceedings and without whom the remedies that formally exist are wholly ineffective.

The normative backbone at EU level is Directive (EU) 2012/13 on the right to information in criminal proceedings, whose Article 6(1) requires that suspects or accused persons be provided with information about the criminal act of which they are suspected, promptly and in such detail as is necessary to safeguard the fairness of the proceedings and the effective exercise of the rights of the defence¹⁵.

This principle acquires particular sharpness in the asset-recovery context. Article 23 of Directive (EU) 2024/1260 imposes an obligation to inform persons affected by immediate actions, freezing orders, and confiscation orders without undue delay, even if that formula is left undefined. If the right to an effective remedy is to be practical rather than theoretical, notification must follow execution as soon as the measure has achieved its immediate operational objective, subject only to narrowly tailored postponements where disclosure would genuinely jeopardise pressing investigative interests. Otherwise, the challenge arrives too late and judicial scrutiny becomes

¹⁵ CJEU, 21.10.2021, Z.X. (*Spetsializirana prokuratura*), C-282/20 and ECtHR, 25.3.1999, *Pélissier and Sassi v. France*, 25.3.1999, app. n. 25444/94.

useless and with a destructive outcome in an environment where delay in financial matters can itself be irreversible.

The Court of Justice has addressed this logic in the context of deprivation of liberty, holding that suspects must be promptly provided with the reasons for a coercive measure and that they or their lawyer must be given access to the essential documents needed to mount a challenge¹⁶. The European Court of Human Rights, in *Borisova v. Bulgaria*, moves along the same axis, reiterating that adequate and detailed information is a prerequisite both for the fairness of proceedings and for the practical ability to prepare a defence¹⁷.

Applied to Fast Freezing Orders, these principles require that the affected person should be informed of the existence and content of the measure immediately after its execution, with communication containing at minimum the legal basis of the FFO, the reasons justifying its adoption, and a clear indication of the available remedies, including the competent authority and applicable time limits. If these elements are withheld without compelling justification, the measure transforms in nature and moves from a provisional restraint into a punitive deprivation imposed in a procedural vacuum. There is no room for doubt, therefore, that the FFO framework should not rest upon the elastic formula of "without undue delay" but should translate that standard into a binding operational deadline.

6. The right to an effective remedy occupies a central position in the European fundamental rights architecture precisely because it performs the function of keeping coercive public power within the legal order. When rights are restricted, and particularly in the case of unilateral and urgent measures, an effective remedy ensures that the individual can submit the legality, necessity, and proportionality of the decision to the scrutiny of an independent and impartial court/judge.

¹⁶ CJEU, Fourth Chamber, 25.5.2023, *X.N. (Politseyski organ pri o2 RU SDVR)*, C-605/21, §49, according to which «where suspects or accused persons are arrested or detained, the objective of ensuring the fairness of the proceedings and the effective exercise of the rights of the defence requires, moreover, as is clear from recital 22 of Directive 2012/13, that those persons are able effectively to challenge the lawfulness of their arrest or detention, to obtain a review of the detention or to apply for provisional release where, and in so far as, the right to such release exists in the Member State concerned. To that end, the reasons for their arrest or detention must be made available to them promptly. That is why Article 6(2) of Directive 2012/13 provides for the communication of those grounds, and why Article 7(1) of that directive requires that documents which are essential for the purpose of such an effective challenge to the lawfulness of the arrest or detention be made available to the arrested or detained person or his or her lawyer».

¹⁷ ECtHR, *Fifth Section*, 21.12.2006, *Borisova c. Russia*, app. 56891/00, §41. See also ECtHR, 25 March 1999, *Pélissier and Sassi v. France*, app 25444/94, §54.

At EU level, the normative foundation is Article 47 CFR, which guarantees everyone whose rights guaranteed by Union law are violated the right to an effective remedy before a tribunal. The parallel Convention provision, Article 13 ECHR, establishes the right to an effective remedy before a national authority for violations of Convention rights. In the asset-recovery field, the right has been articulated with unusual specificity in Article 24 of Directive (EU) 2024/1260, which requires Member States to ensure that affected persons have the right to an effective remedy before a court against immediate actions, freezing orders, and confiscation orders; a remedy that must be available in a timely manner and must include access to documents. This provision differs meaningfully from the more generic formulation in Article 33 of Regulation (EU) 2018/1805 on mutual recognition of freezing and confiscation orders, but confirms the systemic centrality of effective judicial protection in the asset-recovery framework.

The substantive content of the right to an effective judicial remedy has been elaborated with precision by the Grand Chamber in *Bezirkshauptmannschaft Landeck (Tentative d'accès aux données personnelles stockées sur un téléphone portable)*, according to which «the right to an effective judicial remedy, guaranteed in Article 47 of the Charter, requires, in principle, that the person concerned must be able to ascertain the reasons on which the decision taken in relation to him or her is based, so as to make it possible for him or her to defend his or her rights in the best possible conditions and to decide, with full knowledge of the relevant facts, whether there is any point in his or her applying to the court with jurisdiction, and in order to put the latter fully in a position in which it may carry out the review of the lawfulness of that decision»¹⁸.

The Court of Justice, in *I.R.O.*, stressed that Article 47 does not necessarily require a direct, tailor-made remedy for each individual measure, but it is sufficient that, within the overall procedural framework, one or more remedies exist before competent national courts enabling judicial review of the contested measure without forcing the right-holder to incur the risk of a penalty merely to obtain that review¹⁹.

¹⁸ CJEU, Grand Chamber, 4.10.2024, *Bezirkshauptmannschaft Landeck (Tentative d'accès aux données personnelles stockées sur un téléphone portable)*, C-584/21. At the Council of Europe level see ECtHR, 26.10.2000, *Kudla v. Poland*, app. n. 30210/96.

¹⁹ CJEU, Grand Chamber, 8.4.2025, *I.R.O.*, C-292/23, §79: «means only that every person is recognised as having the right to challenge before the courts an act adversely affecting him or her which is such as to violate those rights and freedoms, and not necessarily that the holder of that right to an effective remedy has a direct legal remedy the primary object of which is to call into question a given measure, provided that one or more legal

The Strasbourg Court, on its side, has adopted a comparably functional approach in *Mugemangango v Belgium*²⁰, confirming that the scope of Article 13 varies with the nature of the complaint; that effectiveness must be practical and not merely formal; and that the aggregate of remedies available under domestic law may collectively satisfy the Convention's requirements even if no single remedy does so individually²¹.

This interpretative latitude, however, becomes difficult to sustain when transposed to the operational mechanics of a Fast Freezing Order, which are – as said many times – urgent, unilateral, and adopted before adversarial guarantees can realistically be activated. This means that the right to an effective *ex post* remedy plays a structural and irreplaceable role.

The remedial architecture, therefore, must lead to a judge within a very short timeframe. Whether the European Delegated Prosecutor subsequently requests judicial validation or lifts the measure, the individual must retain the ability to challenge the interference already suffered before a court, given that the temporary nature of the FFO does not erase the interference it has already inflicted. Timing is the decisive variable, because a remedy delivered days or weeks after the event risks arriving when the essence of the right has already been irreversibly compromised, particularly where the frozen property consists of liquid assets essential to an individual's subsistence or a business's operation.

The remedy against an FFO cannot, by design, be preventive or suspensive, since a remedy of that character would neutralise the very *rationale* of the instrument. This is not a downgrade of protection, provided that the subsequent remedy should be rapid, substantive, and capable of producing real effects, *inter alia* unfreezing, adjustment, and reparation. The remedy must moreover be capable of addressing both the legality and the merits of the measure, allowing the affected person to contest, among other things, competence, form, time limits, notification, the existence of a credible risk of dissipation, and the factual nexus between the assets and the suspected offence.

In this framework, access to the relevant documents is the cornerstone of any effective remedy, as the individual must be placed in a position to understand the factual and legal basis of the measure with sufficient clarity to mount an informed

remedies also exist, before the various competent national courts, enabling that rightholder to obtain, as an incidental question, judicial review of that measure ensuring respect for the rights and freedoms guaranteed to that rightholder by EU law, without having to be subject, to that end, to the risk of receiving a penalty in the event of non-compliance with the measure in question».

²⁰ ECtHR, Grand Chamber, 10.7.2020, *Mugemangango v. Belgium*, app. 310/15, §131.

²¹ See also ECtHR, Grand Chamber, 15.12.2016, *Khlaifia and others v. Italy*, app. 16483/12, §268.

challenge.

Finally, the future EPPO Regulation introducing the FFO must prescribe the remedial framework in terms sufficiently binding and precise to be self-executing and uniformly applicable across Member States, specifying who decides, within what timeframe, with access to what materials, and with what scope of review. Without this regulatory clarity, the FFO will simply reproduce, under a new label, the very jurisdictional fragmentation it is designed to overcome.

7. Remedies without legal assistance are, in practice, no remedies at all. Without counsel, many affected persons will not understand the content of a decision that – even if temporary – may entail immediate and commercially devastating consequences. The normative basis is Article 48(2) CFR, guaranteeing respect for the rights of the defence, and Article 6(3)(c) ECHR, recognising the right to defend oneself through legal assistance of one's own choosing.

Directive (EU) 2013/48 gives this guarantee its operational content, requiring that suspects and accused persons have access to a lawyer without undue delay from the earliest stages of proceedings. The waiver is admitted, but this waiver – permitted only in those Member States where it is not mandatory – must be unequivocal, informed, and voluntary, and must be provided for by the law²². The asset-recovery acquis has now made the connection explicit in Article 24(8) of Directive (EU) 2024/1260, which provides that affected persons shall have the right to legal assistance in relation to any remedy available under that provision.

The Court of Justice has framed access to a lawyer as a condition for the practical and effective exercise of defence rights, whilst accepting that a waiver meeting the conditions of Article 9 of Directive 2013/48 is permissible²³. The Strasbourg Court, in the key case *Salduz v Turkey*, held that the right of a person charged with a criminal offence to be effectively defended by a lawyer is one of the fundamental features of a fair trial, and that the guarantees of Article 6 must be practical and effective, not theoretical or illusory, whilst similarly accepting waiver, subject to strict conditions of

²² CJEU, First Chamber, 14.5.2024, *C.H. (Sofiyska rayonna prokuratura)*, C-15/24.

²³ CJEU, Eighth Chamber, 15.9.2022, *D.D. (Spetsializirana prokuratura)*, C-347/21, §40. The Court of Justice also made clear that «the fact that suspects and accused persons must be offered a practical and effective opportunity under national law to consult a lawyer does not however preclude them, if they waive that opportunity, from having, in principle, to bear the possible consequences of that waiver where it has been given in accordance with the conditions laid down in Article 9 of Directive 2013/48» (CJEU, Grand Chamber, 22.6.2023, *Procureur de la République*, C-660/21, §46).

voluntariness, informed consent, and minimum procedural safeguards²⁴.

When these principles are applied to Fast Freezing Orders, their demands become more acute. The FFO is adopted at a stage in which the procedural position of the affected person is inherently fragile and the factual picture may be incomplete. It is precisely for this reason that access to a lawyer must be ensured immediately upon execution and notification of the measure. Without counsel, the affected person may fail to grasp the legal consequences of the restraint, the time-sensitive nature of the available remedies, or the relevance of the factual elements relied upon to justify the risk of dissipation, which is a problem that is structurally compounded in financial matters, where the decisive questions are frequently technical, involving asset tracing, ownership structures, corporate accounts, and contractual constraints.

Legal assistance is also indispensable for access to the documents on which the measure is based, from the moment that the lawyer is the only realistic interface between the individual and a procedure that would otherwise be unintelligible. Access to a lawyer is not, therefore, simply one safeguard among many: it is the structural hinge on which the entire defence architecture of a Fast Freezing Order turns.

8. The preceding analysis reveals a set of structural tensions that are not easily dissolved by legislative formulation, however carefully drafted. The Fast Freezing Order is conceived as a response to genuine red flags but the instrument's internal logic generates frictions with fundamental rights that are irreducible and demand explicit normative resolution.

The analysis conducted showed that reputational harm inflicted by a public asset freeze, the commercial disruption that may follow from the immobilisation of bank accounts or operational assets, and the psychological burden imposed on individuals who have not been charged are not comprehensively erasable by a subsequent judicial declaration of unlawfulness or by the unfreezing of assets. This irreversibility is the most serious “constitutional” objection to the instrument in its current conceptual form, and it is one that proportionality review alone is unlikely to fully address.

There is, then, the question of compensation, because if the initial interference is unavoidably unilateral, the subsequent architecture must compensate through strict temporal limits, robust notification obligations, rapid access to counsel, and

²⁴ ECtHR, Grand Chamber, 27.11.2008, *Salduz v. Turkey*, app 36391/02. See also ECtHR, Grand Chamber, 9.11.2018, *Beuze v. Belgium*, app n. 71409/10.

meaningful judicial review. This approach rests on the assumption that compensation is structurally adequate as long as the initial measure is sufficiently brief and the subsequent remedies sufficiently swift.

This assumption holds with reasonable confidence where the assets concerned are easily fungible and the commercial or personal consequences of the freeze are limited in duration. It becomes substantially more fragile where the affected party is a business entity operating in a market environment sensitive to regulatory signals, where the mere existence of an EPPO freeze triggers contractual defaults, credit withdrawal, or counterparty exits that the subsequent lifting of the measure cannot reverse. In these cases, the remedial architecture performs the formal function of restoring legality without performing the substantive function of restoring the affected party to the position they occupied before the interference. The CFR framework, read in conjunction with the ECHR's Article 1 of Protocol No. 1, may not be satisfied by a compensatory design that is formally adequate but practically insufficient in a significant class of cases.

In sum, the Fast Freezing Order undoubtedly raises serious tension with fundamental rights, but NET₄FEU has taken these tensions as the starting point, and has tried to internalise them in the very design of its proposed amendment to the EPPO Regulation introducing FFOs. The proposal does not deny the rights-cost of speed; it attempts to discipline it through strict temporariness, prompt information, access to counsel, and rapid judicial control. On that basis, the NET₄FEU model reaches an overall balance that is, in principle, defensible: it protects the Union's financial interests through an instrument capable of acting in real time, while preserving, through calibrated safeguards, the fundamental rights of the individual or the affected undertaking.