



Observatoire ARGA

INTERNATIONAL ANALYTICAL REPORT

D-17. Asset Freezing

Without Criminal Charges

Legal Grounds, Limits and Practical Remedies

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Executive summary

An asset freeze imposed before criminal charges are brought can have a lawful basis. The absence of charges does not, however, relieve the state of the need to explain which property is restrained, for what purpose, for how long and subject to what review. The decisive question for an owner is not simply whether criminal proceedings have been brought against them. It is which legal mechanism has removed their ability to deal with the assets. The same brief message from a bank may refer to a criminal seizure, a preservation measure supporting civil forfeiture, a sanctions freeze or the bank's own decision to restrict services.

This report examines France, England and Wales, federal civil forfeiture in the United States and European cooperation. It compares the grounds for intervention, access to relevant material, judicial scrutiny and protection of essential expenditure. “Freezing” is used as a general description of the practical effect. Each procedure retains its own legal classification when examined in detail. The absence of a conviction, the absence of formal charges and the absence of any evidence of unlawful conduct are different circumstances and must be kept separate.

Effective protection combines four tasks: testing the legal basis, reconstructing the origin and ownership of the property, assessing the proportionality of the restraint, and obtaining an order that can actually be implemented. A justified suspicion about one transfer does not automatically explain why every family account or the entire working capital of a company must remain unavailable. Conversely, evidence that a particular asset was acquired lawfully may not answer the case if the applicable law permits restraint to secure confiscation of equivalent value. The theory supporting the measure must therefore be identified before the response is assembled.

Early recording of procedural deadlines, independent participation by third parties, a documented budget for essential expenses and a workable less restrictive alternative are particularly valuable. A successful challenge must end with confirmation of actual access to the property. An order that the bank cannot confidently match to an account, an amount and a current restriction leaves a substantial part of the problem unresolved. The practical objective is a legally sound result that changes the owner's position in the real world.

1. What the absence of charges means

The statement “I have not been charged with anything” describes the position of an individual, but does not determine the legal position of their property. An investigation may concern someone else. An account may be treated as a place where suspected proceeds are held. An asset may secure a future recovery order. A civil proceeding may be directed against the property itself. The status of the owner, the status of the suspected wrongdoer and the alleged legal connection between them must be established separately. They cannot be inferred from a shared surname, a family relationship or membership of the same corporate group.

Legal systems also identify the commencement of criminal proceedings differently. A French *mise en examen*, a US indictment and the formal charging event in another national system are not interchangeable stages. Translating a foreign procedural document simply as a “charge” can produce an argument based on an event that the applicable procedure does not require. Where the

distinction matters, the original term should be retained and its function explained. This is especially important when an order issued in one country is presented to a court in another.

Temporary preservation must also be distinguished from the final transfer of ownership. Restraint ordinarily limits disposal or use; confiscation or forfeiture determines permanent deprivation. Yet a temporary measure can cause effects resembling a permanent loss: a business closes, a building deteriorates or a professional loses access to essential equipment. Those effects support closer scrutiny of the measure. They do not, by themselves, transform every preservation proceeding into criminal punishment or import every guarantee associated with a criminal trial.

An initial case map should identify the suspected conduct, the person allegedly connected with it, the property, its owner, the authority that acted and the future outcome the measure is intended to secure. Unknown elements should remain clearly marked as unknown. They should not be filled with assumptions. A bank's statement that it acted "at the request of the competent authorities", for example, establishes neither the existence of a judicial order nor the geographical reach of any such order.

The absence of charges becomes particularly relevant as a restraint continues. Questions arise about the progress of the investigation, changes in the evidential basis and the continuing possibility of achieving the stated objective. The appropriate argument is for scrutiny of the present necessity of the restriction, rather than a universal claim that pre-charge restraint is prohibited. This approach also permits the original decision and its later continuation to be challenged on distinct grounds. A measure may have been justified initially yet become excessive or insufficiently supported as circumstances change.

2. Four different sources of restraint

The first task is to identify the source of the restriction. The body capable of removing it will usually depend on that source. A bank implements a judicial direction; a court reviews a statutory preservation measure; a sanctions authority grants an available licence or authorisation; and the bank's own decision may require a separate review of its risk assessment. Sending a request to the wrong recipient consumes time and may leave an appeal deadline running. An informal response from a customer service team does not necessarily identify the authority that can provide an effective remedy.

Type of restriction	What must be established	Main focus of the response
Restraint in criminal proceedings	The possible confiscation basis, competent authority, property and amount	Connection with the statutory purpose, scope, duration and procedural safeguards
Civil forfeiture and preservation	Applicable legislation, procedural stage and method of asserting rights	Ownership, origin, burden of proof and the owner's independent defences
Sanctions freeze	The relevant regime, designation, ownership or control	Whether the prohibition applies, available permissions and review of designation

Type of restriction	What must be established	Main focus of the response
Bank-imposed restriction	Whether the bank acts independently or implements an external prohibition	Correction of error, relevant evidence, contractual and specific statutory remedies

Several grounds may operate at the same time. The discharge of a criminal restraint does not remove a sanctions prohibition. A sanctions licence does not discharge an order made by a criminal court. Each basis should have its own entry in the case record: reference number, date, authority, affected property and condition for termination. This record makes it possible to see which obstacle has been removed and which still prevents the proposed transaction. A general request to “unfreeze everything” rarely performs that function.

The wording of the bank's communication should be read precisely. A delayed transaction does not necessarily mean that the entire account is frozen. An account restriction does not explain the treatment of incoming credits, outgoing payments, interest or instructions already accepted. Questions should cover access to statements, receipt of new funds, standing orders and any separately earmarked amount. These details are needed both to assess the consequences and to formulate relief that can be implemented without further uncertainty.

Sanctions designation and delisting are addressed elsewhere in this series. Here their significance is to define the boundaries of the analysis. Sanctions concepts of control should not automatically be imported into criminal confiscation, and a bank's suspicion should not be treated as a sufficient legal basis for a state measure. Similarly, financial intelligence may supply information, but its existence does not replace the legal power under which a particular property right has been restricted. Identifying the information source and identifying the restraint power are separate tasks.

3. Legal basis, evidence and limits

Review of a restraint involves several independent questions. First comes statutory authority: which body may act and under what procedure? Next comes the factual threshold for intervention. The scope of the property affected, the continuing need for restraint and the availability of a less burdensome solution must then be examined. A satisfactory answer at one stage does not answer the others. A competent authority can still miscalculate the amount, and reliable suspicion does not by itself justify indefinite continuation of every restriction originally imposed.

The threshold for initial intervention may be lower than the threshold for final forfeiture. The British account freezing regime, for example, uses reasonable grounds for suspecting the specified connection between the money and unlawful conduct. Federal civil forfeiture under CAFRA places the burden on the government to establish forfeiture by a preponderance of the evidence. These rules can be compared only if the relevant procedural stage is identified. An immediate demand for proof of criminal guilt beyond reasonable doubt may attack a standard that the proceeding does not apply. [1-3]

It is useful to separate an established fact, the authority's inference and the owner's alternative explanation. The fact may be that EUR 180,000 entered an account. The inference may be that it represented payment for fictitious services. The alternative explanation may be that it paid for a

completed project. A contract alone does not resolve that dispute. Evidence of the work, customer, timetable, deliverables and money flow is also needed. Equally, an unusual payment route is not proof of criminal origin without examination of the particular transaction and its context.

The legal theory determines the evidence required. If the money is alleged to be proceeds, its source and movement are central. If property is said to have facilitated an offence, its actual use and the owner's knowledge become important. If equivalent-value preservation is available, the calculation of the alleged benefit and the conditions for reaching other assets must be tested. Refuting only a proceeds theory does not dispose of the other theories where the applicable law permits them and they genuinely form part of the decision under challenge.

Voluntary production should not become an unstructured attempt to prove the legality of an entire lifetime. The evidence package should respond to identified transactions, periods and allegations. If broader material is requested, its relevance, access restrictions and treatment of confidential data should be clarified. A concise, verifiable response is often more useful than a large collection of papers with no explanation of what each document proves. The distinction is practical: decision-makers must be able to follow the connection between an assertion, the supporting evidence and the relief requested.

4. The first forty-eight hours

The initial response should preserve evidence and procedural options. Record the time of the first failed transaction, the notification channel, the available balance, the amount apparently restrained and the exact message received. Retain statements and original electronic records with their dates, rather than relying only on screenshots. Where a company is affected, identify the next payroll, tax and contractual payment dates. Urgency is more persuasive when demonstrated through specific obligations and consequences than through a general statement that the freeze is damaging.

At the same time, request the legal basis and any order that can be provided. The request should recognise that the bank may be restricted from disclosing particular information. It can therefore focus on what is needed to exercise rights: the responsible authority, reference details, scope of the restriction, available route for an application and the person authorised to receive material from a representative. Failure to obtain a complete explanation should not automatically be treated as proof that no lawful basis exists. It should be recorded as an information gap requiring the appropriate procedural response.

The deadline calendar should distinguish the seizure, the making of the order, service, filing and receipt of a document by the relevant body. Every deadline needs a triggering event and evidence of that event. An assumed notification date must not be merged with a proven service date. Cross-border matters add time zones, document language, filing methods and local rules on non-working days. Negotiations with an authority do not, without an applicable legal basis or valid arrangement, extend a procedural deadline. An acknowledged email may not constitute a valid filing.

Before the position is understood, available assets should not be moved, ownership changed or payments split for the purpose of circumventing a restriction. Such steps may create separate legal problems and strengthen an allegation of dissipation risk. If action is needed to preserve perishable goods, maintain insurance or avoid the loss of essential infrastructure, a documented request for a

permitted step should be prepared. External notices and a specific date on which damage will occur are useful evidence of urgency.

By the end of the initial stage, the team should have a one-page factual outline, a list of unresolved questions, a deadline calendar and a budget of immediate essential commitments. A full forensic accounting exercise need not be completed within two days. The priority is to identify the procedural act that cannot wait, the person entitled to take it and evidence that may become unavailable. This order of work reduces the risk that a strong substantive case is lost because the necessary formal step was missed.

5. France: criminal seizure of account funds

French *saisie pénale* must be distinguished from civil preservation measures and sanctions-related *gel des avoirs*. For funds in an account, Article 706-154 of the Code de procédure pénale is particularly relevant in the version applicable at the report's cut-off date. It permits an officer of the judicial police to act with the authorisation of the public prosecutor or investigating judge. The judge of liberties and detention, acting on the prosecutor's application, or the investigating judge must give a reasoned decision maintaining or lifting the seizure within ten days after it is carried out. [4]

A second ten-day period has a different starting point. The article provides for an appeal to the *chambre de l'instruction* within ten days of notification of the order. The appeal does not suspend the measure. The specified recipients and potential appellants include the account holder or cryptoasset owner and known third parties with rights over the relevant property. The period for judicial confirmation and the period for bringing an appeal must not be combined into a single generic deadline. Each should appear separately in the case calendar. [4]

Access to material also has a defined scope. In this procedure, the appellant is entitled to the documents relating to the seizure being challenged, rather than automatically to the entire criminal file. A request should therefore identify the basis for the seizure, the assets covered, the amount calculation and the documents supporting the connection with possible confiscation. Refusal of access to an entire investigation and refusal of documents needed to challenge the seizure are different procedural situations and should be described accurately.

Practical review starts with the operative provisions. Is a specified amount stated? Which account does it concern? What basis for possible confiscation is relied upon? Is the account holder the person alleged to control the property? Article 706-154 addresses the money or cryptoassets held at the time of seizure, subject where applicable to the amount specified in the decision. It should not, without a further legal basis, be treated as an unlimited restriction on every future receipt. The bank's implementation must be compared with the actual terms of the act. [4]

The French database also records a repeal taking effect on 1 January 2029. That future change does not make the article inapplicable in September 2026. The version relevant to the date of the procedural act must be used. Automatically updated legal materials can otherwise lead to the future codification being substituted for the procedure currently governing the case.

The requested relief should distinguish complete release, reduction of the amount and any other available variation. Each alternative needs its own supporting explanation. A challenge to the

legality of the whole order does not prevent the owner from also producing an assessment showing that the security taken is excessive. This structure gives the court concrete options while preserving the applicant's primary position and avoiding an all-or-nothing presentation of issues that may be legally separable.

6. England and Wales: account freezing orders

An account freezing order under Part 5 of the Proceeds of Crime Act 2002 forms part of the civil asset recovery framework and does not require a prior criminal conviction. Its statutory threshold concerns reasonable grounds for suspecting that the money is recoverable property or is intended for use in unlawful conduct. The freeze supports investigation and possible forfeiture. It is not itself a determination that the account holder is criminally guilty. The application must be assessed against the particular power used, rather than against the standards for a criminal verdict. [1-2]

The initial order, any variation and subsequent forfeiture proceedings must be kept separate. The ordinary statutory structure allows a freezing period of up to two years from the original order, but provisions continuing restraint during subsequent procedural steps or appeals require separate attention. It is unsafe to say that the bank must automatically restore access after two years in every circumstance. The calendar must include later orders and procedural events, not simply the date appearing on the first document received by the customer.

Section 303Z4 provides for variation or discharge on an application by an enforcement officer or a person affected. Section 303Z5 regulates exclusions, including provision for reasonable living expenses, the continuation of a business and legal expenses subject to the applicable conditions. The availability of an exclusion does not create a general freedom to spend the frozen money. Appropriate authority, a defined amount and an intelligible method of implementation are still needed. An informal understanding with the bank cannot replace the required decision. [1-2]

A variation application should explain what has changed. Missing contracts may have been obtained, the source of a transfer established, the suspected recoverable amount reduced or a third party's independent interest demonstrated. It may also have become possible to secure the disputed amount without suspending all business activity. Repeating an earlier objection without new evidence may fail to address the issue actually before the court at the later stage. The application should connect the changed facts to the particular modification sought.

An account freezing order must not be confused with a criminal restraint order, an unexplained wealth order or a bank's delay associated with a DAML request. These mechanisms have different grounds, procedures and effects. Even where documents come from the same enforcement body, the applicable power is identified from the legal instrument. The identity of the agency does not answer the classification question. Territorial and procedural differences elsewhere in the United Kingdom also require their own assessment.

A proposed exclusion is stronger when presented as a controlled arrangement: specified payments, a monthly ceiling, direct transfers to recipients, supporting invoices and periodic reporting. Where expenditure concerns legal services, work on the restraint should be distinguished from unrelated advice. The court needs enough information to assess reasonableness without unnecessary disclosure of confidential litigation strategy. The practical aim is a permission that addresses the statutory concern while allowing identified and justified expenditure to take place.

7. United States: federal civil forfeiture

Federal civil forfeiture can proceed without criminal charges against the owner. The issue is whether the property is forfeitable on a statutory ground. CAFRA, particularly 18 U.S.C. § 983, supplies procedural protections but does not govern every form of American forfeiture. The statute itself excludes several categories, including provisions in Title 19. State procedures cannot simply be derived from the federal framework either. Identifying the governing legislation is therefore the first step, even where the notice comes from a familiar federal agency. [3]

For an administrative forfeiture covered by CAFRA, the ordinary written-notice period is sixty days after seizure. The legislation contains qualifications, including a different rule for property transferred from state or local authorities and permitted extensions. The notice must be read in full. The deadline it sets for a claim cannot be earlier than thirty-five days after the personal notice is mailed; where that letter is not received, a separate rule refers to the final publication of notice. These formulations do not remove the need to verify how notice was given in the particular case. [3]

A claim asserts an interest in the property and engages the statutory route to judicial proceedings. It must be distinguished from a petition for remission or mitigation, which seeks discretionary relief from forfeiture or its consequences. Correspondence about the fairness of the seizure does not necessarily satisfy the requirements for a claim. Under § 983, the claim must identify the property and the claimant's interest and contain the required declaration under penalty of perjury. No bond is required for that claim. These formal elements should be checked rather than inferred from the general tone of a letter. [3]

Following a proper claim, the ordinary statutory framework gives the government ninety days to take the required next step: file a civil forfeiture complaint, return the property or use the specified criminal-proceedings route with the necessary preservation measures. Court-approved or agreed extensions and other statutory conditions must be considered. Proof of filing and receipt is therefore as important as a copy of the claim itself. The case record should identify exactly what the government did before the relevant period expired, and the legal basis relied upon for continued possession.

At the judicial stage, the government bears the burden of establishing forfeiture by a preponderance of the evidence. For specified theories involving the property's use in an offence, a substantial connection must be established. The innocent-owner defence has its own requirements and places the corresponding burden on the claimant. The absence of criminal charges is not automatic proof of innocent ownership. The claimant must establish the relevant property interest, when it arose and the legally significant facts about knowledge and conduct. [3]

These distinctions also shape the evidence strategy. A document establishing title may prove standing but not the innocent-owner defence. Evidence of financial hardship may support an available interim application without defeating forfeiture on the merits. Keeping those functions separate makes the submission clearer and prevents an applicant from assuming that success on one issue has resolved every other issue in the proceeding.

8. European cooperation and the transition period

A cross-border freeze in Europe requires identification of the cooperation instrument. Regulation (EU) 2018/1805 governs mutual recognition of freezing and confiscation orders within its scope. It is not a general recognition mechanism for all civil preservation measures, nor a universal procedure applying to every European state. The participating states, nature of the originating proceedings, competent authorities and transmission documents must be identified. A geographical description such as “an EU freeze” is not sufficiently precise to determine the available remedy. [5]

Article 33 allocates challenges between jurisdictions. Affected persons have effective remedies in the executing state against recognition and execution, while the substantive reasons for the original order are challenged in the issuing state. That division does not make review meaningless, but it requires the subject of each application to be defined correctly. A mistake about identity, the scope of execution or the particular asset may follow a different route from an argument about the evidential basis of the alleged offence. The desired result must be matched to the court's actual powers. [5]

In practice, two connected sets of papers are useful. The first explains why the originating order is unsupported or should be changed. The second shows precisely how it has been implemented abroad and whether implementation has exceeded its proper scope. Both should use the same asset identifiers, currencies and valuation dates. Otherwise, the local court may be considering a different amount or object from the court in the investigating state. Consistent factual records are particularly important where several national teams are involved.

Directive (EU) 2024/1260 concerns asset tracing, freezing, confiscation and management. Its transposition deadline is 23 November 2026, which has not yet arrived at the report's cut-off date. Future harmonisation must not be described as an already uniform national procedure. For an actual case, the domestic implementing legislation, commencement dates and transitional provisions must be checked. “Non-conviction-based confiscation” and “freezing before charges” are also not interchangeable descriptions. One concerns the eventual deprivation mechanism; the other concerns the stage at which a preservation measure is imposed. [6]

The sending of a foreign request does not itself explain indefinite delay. Relevant questions include when the request was sent, what information was sought, whether replies arrived and what still prevents a decision. The applicant may not be entitled to every detail, but focused questions help distinguish genuine international complexity from the absence of individual review. A request to reduce the amount, narrow the assets or reconsider the duration can remain useful even where the merits of the originating allegations must be decided elsewhere.

The practical benefit of this separation is that it avoids asking one court to provide a remedy beyond its jurisdiction while overlooking relief it can actually grant. Cross-border coordination should be organised around the legal issue and the asset concerned, rather than around a general expectation that one successful application will automatically remove every restriction in both countries.

9. European cases: value and duration

In *Džinić v. Croatia*, application no. 38359/13, judgment of 17 May 2016, the European Court of Human Rights found a violation of Article 1 of Protocol No. 1 concerning a seizure imposed without an adequate assessment of the relationship between the property's value and the amount being secured. The case arose in criminal proceedings. It does not establish a prohibition on every pre-charge restraint; its relevance here is meaningful scrutiny of the extent of the interference. [7]

The practical lesson is to give the court comparable figures. An alleged benefit calculated at one date cannot usefully be compared with an advertised property price at another date without explaining the method. Market value, encumbrances, the applicant's share and realisation costs should be identified separately. If the authority disputes the owner's valuation, the disagreement should be addressed through verifiable calculations. Failure to produce an independent valuation does not make an arbitrary official figure persuasive, but it can leave the owner without a clear evidential answer.

In *Shorazova v. Malta*, application no. 51853/19, judgment of 3 March 2022, the Court found an Article 1 of Protocol No. 1 violation concerning a prolonged freeze requested by Kazakhstan. The almost eight-year restriction lacked adequate safeguards and individual assessment. Charges existed abroad, so this was not a case of no criminal proceedings anywhere. The Court did not find a separate Article 6 violation in respect of the duration of the constitutional proceedings. [8]

For foreign enforcement, the central practical question is the current justification for continuation. A competent foreign authority's request does not answer every question about the assets' connection to the case, the requesting state's continuing interest or the proportionality of local consequences. Where political motivation is alleged, the evidence should concern the individual matter: the chronology, relevant judicial assessments, factual inconsistencies and the use of international mechanisms. General country information can provide context, but does not replace that individual evidence.

These authorities are most useful when applied to a specific issue. *Džinić* supports careful assessment of value and the scale of restraint. *Shorazova* illustrates the need for substantive scrutiny of prolonged foreign-request measures. Neither supplies a single numerical time limit for all freezes or guarantees release after a particular number of months. A national submission should explain the comparable problem in the present case rather than simply list Strasbourg judgments.

The same discipline applies to the remedy sought. Evidence of excessive coverage may support a reduction even where the original basis survives. Evidence that continued restraint is no longer justified may support discharge despite a lawful initial order. Identifying that distinction gives the domestic court a concrete issue to decide and avoids overstating what the cited judgment established.

10. United States cases: hearings and defence funding

Culley v. Marshall, 601 U.S. 377, decided on 9 May 2024, concerned vehicles seized in Alabama civil forfeiture proceedings. The Supreme Court held that, for personal property, the Due Process Clause requires a timely forfeiture hearing but not a separate preliminary hearing on continued retention. That holding does not authorise indefinite possession and does not displace additional protections available under a particular state's legislation. [9]

The practical consequence is to identify a remedy that actually exists. Where a separate preliminary hearing is not constitutionally required, attention should turn to the timing of the main proceeding, available motions, specific return provisions and the reasons for delay. The applicant's own conduct must also be documented: when rights were asserted, evidence produced and a hearing requested. A delay argument should not ignore periods attributable to the party making it. Accurate chronology is more useful than a simple total of elapsed months.

Luis v. United States, 578 U.S. 5, decided on 30 March 2016, concerned pretrial restraint of legitimate, untainted assets needed by a criminal defendant to retain chosen counsel. The Supreme Court held that the restraint infringed the relevant Sixth Amendment protection. The decision concerns criminal defence and a defined category of funds. It does not create a general entitlement to pay any legal bill from any frozen asset. [10]

Applying that reasoning requires separate examination of the proceedings, the nature of the funds, the need for funding and the constitutional right engaged. A fee agreement supports the amount of expenditure but does not establish lawful origin. Statements showing money in an account do not explain why it is needed for the protected representation. Those elements must be brought together in the application. The distinction between tainted and untainted property should not be obscured by a general reference to access to justice.

The two decisions also demonstrate why broad language about a “right to defend oneself” is insufficient. One concerned the form and timing of judicial review of seized property. The other concerned access by a criminal defendant to particular funds for counsel. The shared economic consequence, inability to use an asset, does not make the legal tests identical. A submission should identify the precise right, source of law, fact that engages it and remedy requested.

This approach leaves room for other statutory safeguards without attributing them to the wrong case. A local rule may provide a hearing even where the federal Constitution does not require that particular hearing. A statutory expenses mechanism may apply without satisfying the circumstances of *Luis*. The legal basis for each request should be stated independently so that the court can assess it on its own terms rather than accept or reject an overextended analogy.

11. Tracing funds and mixed balances

Financial reconstruction should answer the authority's actual theory. If the dispute concerns one payment, collect the contract, evidence of performance, payment instruction, bank statement and subsequent use of the funds. If the allegation is that the account served as a transit point, the timing between receipts and onward transfers, the ultimate recipients and the account holder's economic role become important. Evidence of substantial legitimate income in general does not necessarily answer an allegation about one specific unlawful transaction.

For a mixed account, prepare a chronological ledger. Each entry should identify the date, amount, currency, counterparty, explanation and supporting record. Transfers between the owner's own accounts must be marked so that the same money is not counted as new income several times. The opening balance needs an explanation of its own. Beginning the analysis only after the disputed receipt can conceal a material gap. Missing statement periods should be clearly identified and requested rather than silently bridged by an assumption.

Methods of allocating expenditure against different receipts depend on the applicable law and the factual theory. No single accounting method should be presented as a universal legal rule. Where the result depends on a contested assumption, several calculations may be useful: the maximum amount associated with disputed receipts, the amount under an alternative sequence of withdrawals and the balance whose origin is independently established. The expert explains the method and its limitations; the court determines its legal relevance.

A particularly important issue arises where equivalent-value preservation is available. Lawful acquisition of a particular asset may not prevent it from serving as security if the legislation permits that result and its conditions are met. The financial analysis must then be accompanied by a challenge to the alleged benefit calculation, the assets legally available and any third-party interests. Otherwise, the response may convincingly prove a fact that does not decide the central legal question.

The evidence should be easy to navigate. For each disputed assertion, identify the response, supporting documents and remaining uncertainty. Large spreadsheets should not conceal exceptions. If some payment was made in cash, an original document is missing or a counterparty has ceased to exist, explain the problem and identify alternative corroboration. A candidly stated evidential limitation is usually more reliable than a categorical assertion contradicted by one line in a bank statement.

The reconstruction should also remain reproducible. A reviewer should be able to move from the summary to the underlying transaction without relying on an unexplained manual adjustment. Currency conversions need dates and sources. Reconciliations should identify differences rather than force totals to match. These are not substitutes for legal argument; they are the practical conditions that allow the argument about origin, amount and ownership to be tested with confidence.

12. Valuation and excessive security

Proportionality requires numerical analysis, but a ratio between two figures is not enough. The first question is what is being secured: alleged benefit, the value of specified property, a potential confiscation outcome or another statutory result. The value of the rights actually restrained must then be determined. A building's market price and the owner's interest after secured obligations may differ substantially. Whether a particular encumbrance can be deducted depends on the legal framework and its priority, rather than on accounting presentation alone.

A valuation needs a date and a clear instruction. Over a long restraint, the original assessment may become obsolete because of market conditions, exchange rates or deterioration. For a business, going-concern value differs from the proceeds of selling individual assets. Blocking working capital can itself reduce the value preserved: customers leave, licences lapse and equipment stands idle.

This effect should be shown through financial evidence rather than an unsupported reference to reputational damage. The relevant question is how the measure affects the asset and the statutory objective.

Where several restraints exist, prepare a consolidated schedule of the secured property. It should identify jurisdiction, authority, amount, owner and whether the measures support the same or different claims. Duplicate economic coverage is not necessarily unlawful, but it requires explanation. For example, the frozen funds of a subsidiary and shares in its parent cannot simply be added without considering whether the share value already reflects those funds. Conversely, separate legal grounds may protect different interests and cannot always be treated as one claim.

Less restrictive options should be specific. They may include releasing one account while retaining another asset, substituting permitted security, imposing an amount ceiling or authorising a sale with the proceeds kept under control. For each option, explain adequacy, liquidity, implementation cost and risk of loss. The proposal should preserve value and address the authority's concern, not merely make the owner's position more convenient. Its availability depends on the powers conferred by the applicable law.

If a valuer and a financial expert use different assumptions, reconcile them before filing. The court should not be told that a business is worth EUR 5 million as a going concern and, without explanation, that the same assets will provide EUR 5 million on immediate sale. Sensitivity to sale timing, debt and access to working capital should be made explicit. That transparency helps the court choose a genuinely less burdensome measure without relying on an inflated estimate of replacement security.

A useful valuation submission therefore explains not only the headline figure but also what could change it. The date of the next review, the cost of preservation and the conditions for realisation may matter as much as the initial market assessment. This is particularly relevant when the restraint itself prevents the ordinary activity on which the stated value depends.

13. Third parties, families and shared property

A third party must establish an independent right in the asset, rather than merely deny involvement in the alleged wrongdoing. A spouse, co-owner, creditor and customer of a company occupy different legal positions. Kinship does not establish ownership of money. A register entry does not always resolve a dispute about the underlying interest. A loan agreement does not necessarily create a proprietary right over a particular account. The nature of the claimant's interest must therefore be identified before the appropriate remedy can be selected.

The evidence package should cover the basis and date of acquisition, consideration, source of payment and subsequent ownership. Matrimonial property rules, shares and the applicable law matter for jointly held assets. Acquisition before the alleged wrongdoing can make chronology decisive. An interest acquired later raises different questions about knowledge and the terms of the transaction. An agreement drawn up after an investigation began requires especially careful comparison with records that existed beforehand. The objective is to establish the actual arrangement, not merely its later description.

Under US federal law, § 983(d) distinguishes an interest existing at the time of the unlawful conduct from one acquired afterwards. Different innocent-owner requirements apply. Good faith in an everyday sense is not a substitute for the statutory test. In the French procedure under Article 706-154, known third parties with rights over the relevant property are expressly included among those to be notified. The precise method of participation and proof of the right must nevertheless be checked against the particular measure. [3-4]

Representing several family members or related companies can create conflicts. One person may explain that the money belongs to another, while that other person previously gave the opposite account to a bank or tax authority. The positions should be compared before filing, and the need for independent representation considered. The aim is to identify genuine rights, not to construct a convenient shared narrative. A transfer made after restraint should not be used to manufacture a third-party defence or evade an existing prohibition.

The relief sought should correspond to the third party's own interest: exclusion of a defined share, recognition of priority, participation in a hearing, access to relevant material or another available remedy. Evidence of hardship may strengthen urgency, but does not replace proof of ownership. An independent, timely application can be more effective than attaching the third party's letter to the main account holder's general challenge. It gives the decision-maker a specific right and a specific remedy to examine.

14. Living costs and legal assistance

An essential-expenses application should be measurable. Instead of saying that a family has no money, identify dependants, housing, food, treatment, transport, compulsory payments and any available unrestricted resources. Separate existing liabilities from future expenditure, and recurring costs from one-off items. Significant amounts should be supported by a contract, invoice or medical record. The court needs to understand both the requested expenditure and the consequence of refusal during the particular period in question.

A budget for a limited period, such as one month, with a separate schedule of urgent payments is often useful. That period is an evidence-management choice, not a universal statutory entitlement. Direct payment to a landlord, clinic or lawyer may reduce concerns about onward movement of funds. The bank cannot, however, replace judicial permission with its own assessment of hardship. The proposed payment must comply with the operative order and applicable legislation. A permission should identify what can be paid, by whom and to whom.

British account freezing legislation provides for exclusions, whereas the hardship-release mechanism in US § 983(f) has a different structure. It requires several conditions and includes substantial exclusions for currency, monetary instruments and electronic funds, subject to the specified exception concerning assets of a seized legitimate business. It is therefore unsafe to promise release of a personal cash balance merely because rent must be paid. The availability of the particular route must be established before the application is built around it. [1-3]

A legal-fee budget should set out stages of work, rates, expected costs and their connection with the proceedings. It should explain what other resources are available, why they are insufficient and who will receive payment. Litigation strategy should be disclosed only to the extent necessary to decide the funding issue. Confidentiality does not eliminate the need to justify reasonable expenditure, but

it does require a careful distinction between financial information and protected advice. A proportionate supporting schedule can often make that distinction clear.

Where several prohibitions operate, permission under one does not necessarily make payment lawful. A court may vary a restraint while a sanctions regime still requires a separate licence. The application should identify that situation and the sequence of decisions needed. The practical result is measured not only by the amount authorised, but by whether the specified payer can lawfully transfer it to the specified recipient in time.

This focus also helps after permission is granted. If the bank cannot process the payment because the order omits the recipient, currency or relevant account, clarification may be needed. A well-prepared application anticipates those operational details without asking the court to determine unnecessary aspects of the underlying legal representation or the family's entire financial affairs.

15. Preserving an operating business

For a company, the immediate issue is often preserving value rather than distributing profits. A working-capital freeze affects employees, suppliers and customers who may have no involvement in the suspected conduct. A list of affected people does not, however, establish the need for every proposed payment. The operating cycle should be explained: which expenditure completes orders, generates revenue and preserves assets, and which expenditure transfers value to owners or connected parties. The distinction helps the court assess a controlled continuation proposal.

Prepare a short-term cash-flow forecast beginning with the verified balance and recording expected receipts and payment dates. Payroll, taxes, rent, insurance, utilities and critical supplies should be identified separately. The forecast needs assumptions: the likelihood of receipts, the possibility of deferral and the consequences of non-payment. If the business was already insolvent, that fact should not be hidden behind an assertion that the restraint is the sole cause of its difficulties. The court needs a credible account of the company's actual condition.

Possible arrangements include a controlled operating account, payment limits, restrictions on related-party transfers without permission, dual approval and periodic reporting. These are options for consideration within the court's or authority's powers, not automatically available rights. The bank's technical capacity and the cost of administration should be checked in advance. A complicated arrangement that nobody can operate is not a workable alternative. The proposal should name the people responsible for approvals and for producing the required records.

Property with continuing maintenance costs needs a preservation plan. Buildings require insurance and repairs, equipment requires servicing, and goods require suitable storage with attention to shelf life. A permitted sale with the proceeds retained may preserve more value than prolonged storage where the law allows it and interested parties are protected. The decision should address valuation, sale method, destination of proceeds and control of expenses. Otherwise, a proposal presented as preservation may result in an opaque disposal of the asset.

The finance director, external accountant and lawyer should work from consistent figures. Accounts showing payments to owners while the company claims it cannot pay staff will predictably require explanation. A strong submission links each proposed expense to preserving the business and the security available for the eventual outcome. It should also provide for review if the forecast fails.

Permission to continue trading should not depend on an unmonitored promise that the situation will improve.

The wider commercial context belongs in the evidence where it affects the proposal. Customer cancellation dates, expiry of insurance or a supplier's refusal to extend credit can explain why a narrow permission is urgent. Those details are more useful than a broad claim that all ordinary business activity must be restored immediately. The application should show the minimum workable arrangement and how its results will be checked.

16. Continuation, renewal and inactivity

Each continuation should be examined as a decision requiring a current justification. Initial urgency may explain action without advance notice, but does not automatically justify the same restriction a year later. New material, investigative steps, outstanding requests and the impact of time on the owner should be reviewed. It is also necessary to establish whether review occurs automatically, requires an application by an affected person or belongs to a different authority at the later stage. The procedural route cannot be assumed from the original order alone.

The chronology should be evidence-based. For each period, identify state action, defence action and objective obstacles. Waiting for a foreign reply differs from a period during which the request has not yet been sent. Preparing a substantial expert report differs from a case in which no expert has been appointed. An applicant may lack access to those details, but can formulate focused questions and ask the court to examine them through the procedure available. Precision is more effective than a general allegation that nothing has happened.

The consequences of time also need updating. The original family budget may not include new medical costs. An old valuation may not reflect deterioration of equipment. A temporary business interruption may be approaching irreversible closure. A renewed application should contain evidence of those changes. It should also consider alternatives that were previously unavailable: another asset, insurance cover, a reliable guarantor or a possibility of partial implementation. Changed circumstances can affect both the burden on the owner and the risk to the statutory objective.

A request to end the restraint differs from a request to accelerate the proceedings. Depending on the law, the available steps may include seeking a hearing date, challenging inactivity, requesting a narrower order or pursuing compensation separately. Not every remedy suspends the main process. The choice should reflect the present objective: access to expenses, reduction of security, a final decision or recovery of loss already suffered. Combining those objectives without distinguishing their legal bases can make an application difficult to decide.

For internal case management, it is useful to set a review date even if the authority has not responded. That is an organisational measure, not a legal deadline. The review should cover the calendar, new evidence, condition of the assets and implementation of permitted transactions. Regular, substantive reassessment helps prevent a temporary measure from continuing by inertia because no one has responsibility for preparing the next procedural step.

A concise update can be more effective than resubmitting the entire history. It should identify what is new, what remains unresolved and why the requested change follows. The earlier material

remains available, but the court should not have to reconstruct the development of the case from several overlapping bundles in order to understand the current issue.

17. Foreign requests and alleged political motivation

A foreign request raises separate questions about formal validity, the reliability of its factual basis and the consequences of local enforcement. Translation, authentication and transmission through the correct channel matter, but do not eliminate questions about the affected person's rights. Conversely, the executing court's review powers depend on the cooperation instrument. It should not be assumed that the court will rehear the entire foreign criminal case. The application must distinguish an objection it can decide from one that belongs in the issuing jurisdiction.

An allegation of political motivation should be built from individual circumstances. Relevant material may include the timing of proceedings, the person's public or professional activity, changes in the alleged offence, contradictions between requests, independent judicial findings and evidence of pressure. Country information can explain the context of those facts. It should not replace analysis of the specific connection between the proceedings and the restrained property. A general political characterisation is rarely an adequate substitute for a documented chronology.

Even a strong abuse argument does not remove the need to establish ownership and origin of the assets. Two independent evidence sections are useful: defects in the foreign proceedings and the property analysis. If the court's powers over the first are limited, the second may still support narrowing the measure or protecting third parties. Conversely, a lawful financial history does not resolve every question about the authority, purpose or safeguards of the international request. Both dimensions should be addressed without assuming that one disposes of the other.

Positions taken in different countries must be factually consistent. Differences in currencies, acquisition dates, shares and payment explanations weaken credibility. A common source-document register helps national teams adapt the legal argument while retaining the same factual foundation. Translations should preserve procedural distinctions and avoid turning suspicion into established guilt. Material filed in one jurisdiction should be assessed with regard to possible use elsewhere and the relevant confidentiality rules. Coordination is particularly important where different family members or companies have separate representation.

If the originating decision is discharged or varied, the change must reach the executing state through the required process. The owner should obtain an authenticated decision, information about its effect and confirmation of transmission through the competent channel. Sending a news report to a foreign bank will rarely be sufficient. The plan should identify who communicates the change, who makes any necessary local decision and who carries out the release.

The owner should not be left as the only intermediary between two public systems with no responsible recipient identified. Shorazova illustrates the importance of individual scrutiny, but the actual route remains determined by the applicable cooperation framework. [8] The practical task is to translate a favourable development in one country into the legally effective step needed in the other, while preserving evidence of each stage.

18. Cryptoassets and technical implementation

For cryptoassets, the legal object needs a more precise description than “the wallet”. A customer's rights against a custodian, assets recorded at blockchain addresses, actual control of private keys and the platform's internal ledger are different things. One address does not necessarily correspond to one owner; an exchange address may serve many customers. A blockchain transaction without account-level evidence may therefore be insufficient to attribute the asset to a particular person. The attribution method and its limitations should be explained.

British cryptoasset forfeiture provisions and Home Office Circular 005/2024 address a distinct framework for wallet freezing, variation and exclusions. It should not simply be described as an ordinary bank-account freeze. French Article 706-154 expressly addresses relevant accounts and cryptoassets. Yet the legal power to restrain does not answer the technical question of who can implement the restriction and which operations actually stop. The operative order and the provider's system need to be matched. [4, 11]

The order and implementation correspondence should, where relevant, identify the network, asset type, number of units, address or account identifier and entity responsible for execution. Market value should be stated at a specified time with a price source. For an illiquid token, a displayed quotation may differ substantially from achievable sale proceeds. If the restraint secures a monetary amount, the effect of price movements on adequacy and excess coverage should be explained. A changing price does not automatically change the legal scope of an order expressed in units.

Custody of keys and access credentials is a separate issue from valuation. Private keys or seed phrases should not be placed in publicly accessible exhibits. Any transfer of control must use the legally required and securely agreed process. Staking, accruals, network changes and transaction fees may need express consideration. Freezing the principal asset does not automatically determine the treatment of every related right or event. A technically vague instruction can create avoidable risks even where the legal basis is clear.

Release should end with verification of the relevant account or address and reconciliation of the number of units. If the platform lifts its restriction but a token issuer maintains an independent block, the transaction may remain impossible. Different layers of control belong in the record of restrictions. Moving the asset through another service to circumvent an operative measure is not a legal remedy and can worsen the owner's position.

A workable proposal therefore connects legal scope with operational detail. It should avoid exposing secrets, overstating attribution or assuming that every digital asset behaves like a bank balance. Where sale or conversion is sought, the application should address authority, execution method, costs and destination of proceeds. Those details allow a court to assess a concrete preservation or release proposal rather than an abstract request to make the portfolio available.

19. Practical scenarios: family, business and co-owner

The following six scenarios are hypothetical. The figures and circumstances illustrate a method of analysis; they do not describe client matters or additional judicial precedents. The outcome in each situation depends on the governing law, the terms of the order and the evidence. The purpose is to turn a general account of hardship into verifiable questions and specific requests for relief.

Scenario 1. A family account and one disputed transfer

A joint account contains EUR 240,000. The authority links a EUR 45,000 transfer to suspected fraud by a counterparty. The rest of the balance derives from salary and the sale of an apartment previously owned by the spouses. Neither account holder has been formally charged. The first step is to obtain the order and establish whether the entire balance is restrained as suspected proceeds or as security for a separately calculated amount. Those theories require different responses.

The spouses produce statements before and after the apartment sale, the sale agreement, proof of payment, salary records and documents establishing the matrimonial property position. The relationship with the counterparty and the actual basis for the disputed payment are addressed separately. That transfer should not disappear within a larger total of legitimate receipts. If local law requires an independent application by the second spouse, it should be made in the required form. Signing a general joint objection may not perform the same procedural function.

The primary request may be discharge for lack of sufficient grounds. An alternative may seek a defined amount ceiling and release of the independently established balance, if the legal mechanism permits that result. An urgent family budget is submitted separately. A direct payment for medical treatment can be examined as a distinct issue without requiring the court first to determine every question about the EUR 45,000 receipt.

If the authority relies on equivalent-value preservation, the response tests the amount and the conditions for reaching jointly held property. The outcome is recorded for each request: whether the whole restraint was discharged, the amount reduced, the spouse's interest recognised and the expenses permission implemented. Partial release should not be described as a final finding that every transaction was lawful. Accurate reporting of the result matters for later proceedings and for communications with the bank.

Scenario 2. A supplier's operating account

A company has EUR 620,000 in its account and payroll and supplier commitments falling due over the next three weeks. The stated suspicion concerns one contract worth EUR 90,000. A complete payment stop threatens other orders. Management should not rely only on letters from employees. It needs to show which transactions preserve the business and why other available resources cannot fund them.

The accountant prepares a receipts-and-payments forecast linked to contracts. The disputed contract is isolated. For the other orders, the company documents customers, deliveries, margins and payment dates. It also establishes whether the authority alleges a wider scheme or includes additional events in its calculation. Without that check, the apparent comparison between EUR 620,000 and EUR 90,000 may be incomplete and the proposed amount reduction may not address the actual case.

A limited payment arrangement is proposed for wages, taxes and critical suppliers, with no profit distributions and with reporting. The application includes a draft recipient list and limits. If the bank cannot technically support that model, another legally available arrangement must be considered. The permission should describe the operating process clearly enough that implementation does not depend on a bank employee making fresh assumptions about what the court intended.

Success is assessed by continued operation and preservation of security. If the company resumes receipts but transfers them to connected parties contrary to the conditions, its original argument loses credibility. Monitoring compliance is therefore part of the response, not an unrelated administrative exercise. The reporting mechanism also provides evidence for a later application if the restricted operating model proves insufficient or circumstances improve.

Scenario 3. An independent co-owner's home

A house worth EUR 900,000 belongs to two people. One is connected with an investigation; the other acquired a share with independent funds well before the disputed events. The whole property is restrained. The independent owner first establishes whether the measure prevents disposal only, affects occupation as well, and supports which potential confiscation outcome.

The evidence includes the acquisition agreement, register information, payment records, mortgage documents and a current valuation. The value of the whole property is distinguished from the value of the particular interest. Encumbrances and the legal possibility of division are considered. The statement “half the house is mine” must be supported by the applicable property regime, not merely by evidence that the person paid half the household bills.

The request may seek recognition of the independent interest, narrower coverage and continued use. If sale with retention of the disputed part of the proceeds is proposed, valuation, costs and distribution must be addressed. It should not be promised that a third party's share will always be released immediately: the law may protect the interest through a different mechanism. Independent participation nevertheless gives the court a specific right to consider, rather than leaving it outside the principal person's challenge.

20. Practical scenarios: notice, foreign request and tokens

Scenario 4. A US notice answered in the wrong way

An owner receives notice of federal administrative forfeiture of equipment and sends a letter asking the agency to consider severe financial hardship. The owner believes that the letter has contested forfeiture. The representative's first task is to identify the governing statute, the date the notice was mailed, the deadline and the exact content of the response already sent. Not every objection automatically constitutes a valid claim.

If time remains, a claim is prepared in the required form, identifying the property, the claimant's interest and the necessary declaration. A discretionary request for relief and any hardship-return application are considered separately. Those routes do not substitute for one another. Equipment needed for work may present a different case from personal money, for which § 983(f) contains specific exclusions. The legal route should be chosen before the evidence is tailored to it.

The package includes title documents, the history of use, evidence that income depends on the equipment and safeguards for its preservation if returned. Any proposed bond or insurance must be feasible, not merely offered in principle. If the deadline has passed, the specific grounds for relief from default or a challenge to notice must be investigated. A promise that the owner can simply file again may be wrong.

The result should be described procedurally: whether the claim was accepted, judicial proceedings began, or the property was returned temporarily or finally. The agency's receipt of a letter does not establish acceptance of every request within it. Proof of a valid filing should be retained separately from an ordinary correspondence acknowledgement. That distinction can become decisive when later deadlines or the legality of continued possession are assessed.

Scenario 5. A foreign-request freeze lasting several years

An account has been frozen for four years under a foreign request. The owner lives in the executing state, regularly supplies documents and receives general replies that the investigation continues. The owner alleges that the proceedings stem from a conflict with the authorities in the country of origin. The response begins by reconstructing the sequence of decisions, including renewals and actual foreign replies available in the record.

Two evidence packages are then prepared: individual indications of abuse and a current property assessment. The latter covers origin, available alternatives, family expenditure and the effects of duration. Even if the local court cannot reconsider all foreign allegations, it may have powers over local execution that must be identified under the particular instrument. Shorazova is used to explain the problem of prolonged restraint, not as a promise of an identical outcome.

The relief is structured in stages: termination where grounds exist; alternatively, where available, narrower coverage, specific expenses permissions and procedural review. The application identifies the new information needed to assess continuation. If the foreign decision changes, its official transmission to the executing authority is organised. The owner should not remain the sole messenger between two public systems without a clearly responsible recipient.

A useful result may be complete discharge or a substantive review that reduces the burden. Those outcomes should be distinguished. Obtaining a date for the next hearing improves the procedural position, but does not restore access to funds before an effective decision is implemented. The case plan therefore continues beyond the hearing request and identifies the steps needed for any subsequent release.

Scenario 6. Tokens held by a custodian

A platform restricts a customer account containing several token types. Its message refers to a court order but does not explain which assets are covered. One token has risen substantially since the restraint; another is illiquid. The owner seeks permission to sell part of the portfolio to meet obligations.

The court order, platform balance and available blockchain records are first reconciled. Account ownership, network, units and any issuer-level restriction are checked. A price increase does not automatically release a supposed surplus. The question is whether the order freezes a specified quantity or secures a monetary value. Valuation considers liquidity, fees and the possible price impact of a sale, rather than relying solely on a quoted market price.

If sale is legally available, the proposed order defines the amount, execution method, cost limit and destination of proceeds. Payment of obligations also requires an authorised use of those proceeds. Moving tokens to another address without proper authority is not offered as a solution. After variation, the platform's internal status and the ability to perform the permitted transaction are

checked. Legal release and technical implementation may occur at different times, and the case is not operationally complete until that difference has been resolved.

21. Applications, evidence and the hearing

A well-structured application lets the court identify the issue quickly and verify each material assertion. It should open with the measure, the applicant's interest, timeliness and requested decision. The facts then follow chronologically, with the applicable test and evidence. Arguments about an unlawful basis, excessive coverage and essential expenditure should be separated so that rejection of one does not make the others disappear. The court should be able to decide each point on its own legal and factual foundation.

A short evidence schedule links each assertion to the document and its location in the exhibits. A receipt said to be the price of an apartment is supported by the agreement, transfer of title and banking record. A third party's share is supported by acquisition and funding evidence. A payment said to be essential to operations is supported by the contract, supplier notice and forecast. An official-looking document is not automatically proof of the desired fact. Its content and limitations must be explained.

Foreign documents require attention to translation, authentication and admissibility in the particular court. Names, dates, account identifiers and currencies should match across the materials. If a legal term has two plausible translations, an explanation should remove the ambiguity. Electronic records should be preserved in their original form, with the source of any extract described. Access secrets, unnecessary medical information and unrelated customer data should not be included without need. A focused bundle is both easier to assess and less likely to expose irrelevant sensitive material.

Before the hearing, prepare a list of disputed and agreed issues. Admitting receipt of a payment does not admit its unlawful origin. Accepting a valuation does not accept the restraint. Those boundaries should be clear to both representative and client. If the authority changes its legal theory, assess whether more time or further evidence is needed to respond through the available procedure. The response should address the new point without inadvertently abandoning an existing objection.

The relief section should contain the primary outcome and any legally available alternatives. Instead of asking simply to “unfreeze the assets”, identify the property, amount, currency, precise variation, permitted operations and route of communication to the implementing institution. The draft must not impose obligations the court has no power to order or circumvent another restriction. Legal precision and operational feasibility should be checked together. A favourable but ambiguous order can create a second dispute at the implementation stage.

After the hearing, record the decision, deadlines, outstanding documents and person responsible for each step. Any appeal calendar starts from the event prescribed by law. An oral account of a favourable result is not a substitute for obtaining the appropriate order. An agreement between parties also requires attention to form and effect: an undertaking to apply for a variation later does not itself discharge an existing restraint.

The hearing is therefore a central stage, but not the endpoint. The evidence record should remain usable for implementation, appeal and any later review. A clear separation between the decision

obtained and the actions still required prevents a team from treating legal success as equivalent to restored access before the practical work has been completed.

22. Implementation and the end of restraint

Completion involves three separate outcomes: removal or variation of the legal basis, communication of the decision to the implementing body, and actual restoration of permitted operations. There may be a gap between them. On receiving the order, check its effect, any need for an authenticated copy, the transmission procedure and any other restriction affecting the same property. The bank needs a document through a channel that allows it to verify authenticity and the scope of its authority to act.

For partial release, reconcile the amount before variation, the amount that must remain restrained, authorised payments and the current available balance. Take account of charges, interest and instructions already queued. For real estate, check the relevant register entries. For property held in storage, verify delivery, condition and expenses. For cryptoassets, verify units and technical status. Removing one marker in a system does not necessarily remove every consequence of the measure. The check should correspond to the type of property and the precise relief granted.

If the implementing institution retains a restriction, identify the new or surviving basis. It may be a separate order, a sanctions prohibition, the bank's own decision or a technical delay. The next request should address that particular cause. Not every delay is automatically a failure to comply with a judgment. Equally, a general reference to internal review should not be accepted indefinitely where a specific obligation has already been established. The factual record should distinguish uncertainty about the order from an independent legal obstacle.

Once access is restored, preserve evidence of expenditure and loss. Compensation depends on the governing regime, the reason the measure ended, procedural conditions and causation. A successful restraint challenge does not automatically entitle the owner to recover every commercial loss. Invoices, termination notices, storage charges and evidence of reasonable loss-reduction measures should be retained for any later assessment. The value of that record may be lost if it is assembled only after the immediate dispute has ended.

The final archive should include the sequence of orders, notification evidence, financial reconstruction, third-party documents, expenses permissions and proof of implementation. It may be needed for a later dispute or to explain the transaction history to a bank, auditor or counterparty within appropriate limits. Public disclosure is not a necessary consequence of successful protection and requires a separate assessment. The archive should allow the result to be explained accurately without overstating what the court decided.

There is no single formula for assessing an asset freeze before charges. Legality turns on the power, stage, property, evidence and safeguards; continuing acceptability depends on proportionality and effective review. The strongest response connects legal argument with verifiable figures and an implementable proposal. Its objective is a decision on the particular restriction and the practical restoration of the rights that decision recognises.

Sources and references

Legal cut-off: 28 September 2026. Bracketed citations refer to the entries below. Judicial holdings are distinguished from practical recommendations; the scenarios in chapters 19-20 are hypothetical. National rules are compared within the procedures described and are not presented as universal.

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