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"Freedom of information and the European Union's competences: Restrictive measures"

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1. INTRODUCTION

The impact of European Union law on the regulation of matters closely linked to the core of national sovereignty is certainly nothing new. In the area of fundamental rights, however, the intervention of European institutions, both legislative and judicial, is a very particular case, as it must take account of the limits of the Union's competences (governed by the principle of conferral) as enshrined in the basic rules of the founding Treaties. The extension of competences to the field of fundamental rights by relying – in a sometimes very broad manner – on the legal bases provided for in the Treaties, always however with the consent (unanimous or majority, depending on the applicable legal bases) of the Member States and European Parliament during the legislative process, is a phenomenon which has always interested legal writers, and which can be described as one of the identifying traits, one of the specific characteristics of that *new legal order* to which the Court of Justice of the European Union (CJEU) has referred since the *van Gend & Loos*[2] judgment. The same applies to the CJEU's case-law, which has been vested by the Treaties (Article 19 of the Treaty on European Union (TEU)) with the ultimate responsibility for ensuring compliance with the law in the EU legal order, in particular through the power, conferred by Article 267 of the Treaty on the Functioning of the European Union (TFEU), to provide a uniform and binding interpretation of the rules of EU law and to rule on the validity of decisions adopted by the institutions.

This phenomenon of extending competences is closely linked to – and essentially directly determined by – the regulatory requirements arising from the emergence of new sensibilities and values within European society to which it would be difficult to respond effectively through fragmented regulation adopted by individual EU countries. In that regard, the Treaties must, like the European Convention on Human Rights, be considered "living instruments", in the sense that the interpretation of these basic texts, taken as a whole and therefore also the part relating to the Union's competences, cannot but be influenced by the changing conditions of our times, since it is inconceivable, for example, that institutions would make use of the legal bases provided for in the Treaties without being strongly influenced by the common values set out in Article 2 TEU.

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[2] Judgment of the Court of Justice of 5 February 1963 in *NV Algemene Transport- en Expeditie Onderneming van Gend & Loos*, C-26/62, ECLI:EU:C:1963:1.

Freedom of information – the theme of this seminar – is no exception. On the contrary, as I will endeavour to demonstrate, it can be regarded as an ideal case study for understanding the modalities of extending EU competences to areas not expressly provided for in the founding Treaties.

I will be dividing my presentation into two parts. In the first, I will discuss the Union's competence in the area of freedom of information, doing so by means of a brief journey through time which, in my view, demonstrates a significant evolution, a transformation of the very nature of the Union and of its ability to influence concepts and principles of a typically constitutional nature within the Member States. In the second, I will refer to some recent decisions of the EU courts in the area of external relations, in the context of restrictive measures adopted by the Union in respect of third countries, in order to highlight the way in which the EU courts have attempted to strike a fair balance between freedom of information and other fundamental values and principles of the EU legal order.

2. THE EUROPEAN UNION'S COMPETENCE IN THE AREA OF FREEDOM OF INFORMATION

What is the relationship between EU law and freedom of information? On the basis of what competences does the European Union (and did the European Community) regulate the activities of information service providers, so as to determine the rules under which such activities are conducted in the Member States?

In order to answer this question, I would like to take as my starting-point a statement with may seem self-evident, but which is in my view necessary: the European Union is a subject of international law, technically an international organisation, which, despite the well-known particularities which make it unique within the diverse landscape of such organisations, acts in accordance with the will of the States which created it by means of a joint act (which, as we know, is revocable), given effect through the signature and ratification of the founding Treaties. This is particularly so as concerns the limits of its competences since, as the text of the two Treaties currently in force expressly (and on multiple occasions) indicates, those competences are determined and limited by the principle of conferral, and any competences not conferred remain with the Member States (see Articles 4 and 5 TEU).

However, as regards the regulation of the activities of the media, in their role as disseminators of information, there is no title ("legal basis" in European terms) in the founding Treaties, either now or in the past, formally conferring on the Union the power to legislate in this area. Nevertheless, the founding Treaties do confer regulatory powers on the European Union not only by virtue of areas of transferred competence, whether on an exclusive or shared basis, but also on account of the integration objectives the Member States intend to pursue through the Union. Hence the inclusion of "horizontal" and "functional" legal bases in the founding Treaties which enable EU institutions to intervene at the legislative level on the basis of an assessment, expressed by the institutions themselves in the legislative process, of the need to harmonise domestic rules in order to achieve some of the European Union's primary objectives: in the case at hand, the removal of obstacles to the free movement of services (Article 59 TFEU) or ensuring the proper functioning of the internal market (Article 114 TFEU). The use of those legal bases enables the Union to impose uniform and harmonised regulations, which replace or supplement those of the Member States, in areas that had not previously been defined. However, this is on condition, first, that these interventions do not concern matters expressly excluded by the Treaties and, secondly, that they have the characteristics referred to above, that is, that their function is to enable the free movement of factors of production and they eliminate actual or potential obstacles to the functioning of the internal market. Furthermore, in the exercise of its competences, the Union is bound to comply with other requirements of primary law, including the principles of subsidiarity and proportionality (Article 5 TEU), the equality of Member States and their national identities (Article 4 § 2 TEU) and, naturally, the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union (Article 6 § 1 TEU).

It is precisely because of this mechanism that European Community (and subsequently EU) law has become the principal source of regulation in the field of the dissemination of information, whether by regulating the activities of "traditional" providers (such as audiovisual media service providers) or new media providers (such as online platform providers), harmonising national rules on political advertising, or guaranteeing the freedom of information service providers, particular those in the public sector. These interventions all share, as justification for the exercise of the European Union's regulatory powers, the aim of avoiding the maintenance or potential creation of barriers to the free movement of services and to the freedom of establishment. It should be added that the fact that the Charter of Fundamental Rights contains a provision on freedom of expression and information (Article 11) does not alter the framework described above, since the Charter has neither the aim nor function of conferring new competences on the Union. This does not mean, of course, that the Charter, as a binding reference for the legislative activity of the institutions, has not had – and does not continue to have – a decisive impact on the choice of measures to be adopted and on the content of regulatory intervention in this area, as well as on the interpretation of the provisions adopted by the EU legislature and, more generally, on the interpretation of the fundamental right to freedom of information and its corollaries (freedom and pluralism of the media, freedom to receive information, and so on).

3. THE THREE PHASES OF EU INTERVENTION: THE IMPACT OF FUNDAMENTAL RIGHTS AND EU VALUES

Let us now look at how the Union's competence has been exercised in practice, from the perspective of legislative activity. As I have already mentioned, this has followed a trajectory forming part of an approach designed to progressively increase the impact of the founding values of European integration – above all, the broadest possible protection of fundamental rights – on legislative choices.

If we wish to follow this "sequential" approach, a *first phase* may be identified, which I would describe as the "internal-market phase". Here, we are talking about the final decades of the last century, when the European Community's activities were motivated and characterised mainly by the need to make progress in the creation of the internal market, that is, an area in which factors of production (goods, services, capital) could circulate freely. However, notwithstanding the direct effect of the relevant Treaty provisions, these fundamental economic freedoms are not to be regarded as absolute, in the sense that the Member States may rely on "overriding" requirements, based on particular aspects of their legal orders – including respect for fundamental rights – in order to restrict their scope. Specifically, and returning to our subject today, EU law grants Member States the power to adopt or maintain national measures prohibiting or limiting the dissemination, in the territory of the State adopting them, of content by media providers based in other Member States.

At that stage, it was therefore clear from the EC case-law that values such as media pluralism, the protection of users or sources of funding for the weakest sectors of the information market could constitute legitimate "obstacles" to the functioning of the internal market, where a State attached to those values another, more protective meaning than that attributed in the legal order in which the media activities originated. It followed that, since "negative"[3] harmonisation was insufficient, it was essential, in order to ensure the proper functioning of the internal market, to intervene in the form of "positive" harmonisation: in essence, by means of directives for the approximation of national laws. The adoption of such directives makes it possible to remove, or at least mitigate, the differences between the rules applicable in the various Member States and thus to ensure the full operation of the principle of mutual recognition, as applied to the legislation of the other Member States from which media service providers' activities originated (for example, a television channel).

[3] In practice, this entailed the non-application of domestic rules capable of giving rise to the above-mentioned obstacles, pursuant to the country-of-origin principle.

It was therefore this approach that was followed, with the first piece of legislation entirely devoted to regulating media activities, namely the famous "Television Without Frontiers" Directive – adopted in 1989 and following in the footsteps of the Council of Europe Convention on Transfrontier Television of the same year – which was more recently replaced by the Audiovisual Media Services Directive (AVMSD)[4]. As regards the content of the Directive, in the context of adopting legislation regulating media activities, it was only natural that the European legislature should address fundamental rights, engaging with essential issues such as the right of reply to false information, the protection of minors, as well as, in subsequent revisions of the Directive, the combat against hate speech and restrictions on exclusive rights in order to allow the general public to have access to events of major importance to society.

The *second phase*, which I would describe as the "integration phase", is characterised by the emergence of primary law, and, therefore, by a more direct and immediate impact of the values on which the Union is founded – in particular the protection of fundamental rights – on the exercise of the Union's competences. The first example of this was the adoption of a protocol appended to the Treaty of Amsterdam (Protocol No. 29 on the system of public broadcasting in the Member States, 1999), which recognised the link between public service media and "the democratic, social and cultural needs of each society and ... the need to preserve media pluralism". But the main step towards this integration was without doubt the adoption of the Charter of Fundamental Rights in 2001 – and its entry into force in 2009 as a binding text of primary EU law – and, in particular, its Article 11 on freedom of expression and information. This provision has a very wide scope. It does not merely enshrine the freedom to receive and impart information among fundamental rights, as do other international instruments, but adds in its second paragraph an entirely novel clarification concerning respect for the freedom and pluralism of the media.

It is unsurprising that, as a result of the adoption of the Charter, the activities of EU institutions were influenced by the protection of fundamental rights in an even more incisive manner than ever before. Thus, the revision of the AVMSD in 2007 was significant in that it placed greater emphasis on the protection of fundamental rights, while requirements relating to the functioning of the internal market, although invoked as the formal justification for the measures adopted in the absence of any other legal bases in the Treaties, clearly remained in the background. This was illustrated, among other points, by the inclusion in the AVMSD of provisions which required transparency of information regarding the monitoring of audiovisual media service providers (Article 3a of Directive 2007/65), or which required Member States to ensure that audiovisual media services under their jurisdiction did not contain any incitement to hatred based on race, sex, religion or nationality (Article 3b) or, lastly, which required the independence of regulatory and supervisory authorities (Article 23b).

Lastly, there is the *third phase*, in which we currently find ourselves, which can be described as the "direct intervention phase". It is characterised precisely by the direct impact of the Union's action aimed at protecting freedom and pluralism of information, as values on which the European Union is founded within the meaning of Article 2 TEU. There are many signs of this phase, so I will limit myself here to highlighting only the most significant.

First of all, review of the Member States' conduct by means of infringement proceedings, which are brought by the Commission with a view to having the CJEU rule on an alleged infringement of the rules set out in Article 11 of the Charter together with Article 2 TEU. In this connection, I would like to draw your attention to the three sets of proceedings under way against Hungary and currently pending before the CJEU[5].

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[4] In the original text, for matters subject to approximation of national laws, the above-mentioned obstacle was therefore overcome, since following the adoption of approximation-of-laws measures, a Member State lost the possibility of relying on stricter rules within its own legal order to restrict the free movement of broadcasts originating in another Member State.

[5] The first set of proceedings concerns the so-called law "on the protection of national sovereignty", enacted in 2023, which the Commission criticised as establishing a system of strict controls over media outlets that receive foreign funding (C-829/24). The second set concerns a breach – among several rules of EU law– of the principle of the freedom of the media allegedly committed by the Hungarian authorities responsible for allocating radio frequencies, in view of the discriminatory and disproportionate treatment towards the independent radio station *Klubradio* (C-92/23). The third set

Secondly, the Union's legislative activity, which has gone in two main directions. On the one hand, the adoption of legislative acts aimed at ensuring the functioning of the internal market, but which include, as a key element of the regulatory framework, provisions designed to strengthen the protection of freedom of information in the context of new technologies. I will cite only what is perhaps the most significant of these interventions, namely, Regulation (EU) 2022/2065 of 19 October 2022 on a Single Market For Digital Services (Digital Services Act). This Regulation, which is based on Article 114 TFEU (the approximation of laws for the functioning of the internal market), includes a series of provisions addressed to very large online platforms and very large online search engines, as defined in Article 33, which impose on them a monitoring obligation with a view to preventing and, where appropriate, responding to systemic crises resulting from the functioning of their services, including any actual or foreseeable negative effects for the exercise of fundamental rights, in particular, freedom of expression, including the freedom and pluralism of the media (Articles 34 et seq.).

On the other hand, the European Union has adopted a series of acts which, grouped together under the ambitious and meaningful banner of a "European democracy action plan" launched by the Commission in 2020, have the *direct aim* of regulating media activity and protecting freedom of information, while inevitably retaining, although in reality relegating to the background, the "internal market" legal basis. Indeed, the stated aims of this action plan are promoting free and fair elections, strengthening media freedom and independence, and countering disinformation. As regards media freedom and independence, while it is not possible to detail every measure, Regulation 2024/1083, known as the "European Media Freedom Regulation" or the "European Media Freedom Act", should, at the least, be mentioned. Of course, this Regulation was adopted on the basis of Article 114 TFEU, and its Preamble repeatedly emphasises the importance of regulating the sector in order to support the internal market and address its shortcomings. However, the Preamble also states that, given the unique role of the media as an essential factor in shaping public opinion, the promotion of the internal market in this sector cannot be achieved without reinforced protection of media freedom and independence: in essence, as previously stated, it would be illusory to speak of opening up markets without a solid guarantee that these values common to the Union and its Member States will be protected, and it would not be possible to achieve this without the approximation of national laws.

To conclude this brief – and undoubtedly incomplete – *excursus* dedicated to the European Union's regulatory intervention in the area of freedom of information, I consider it useful to emphasise that the evolution of EU legislation towards an increasing involvement ("concretisation") of fundamental values must in my view be regarded as a structural and indispensable requirement of the European integration process. This is a necessity inherent to an organisation with "supranational" ambitions which is "required" to adapt its actions to the new developments imposed not only by technological progress, but also by the emergence, within the "social base", of new sensibilities regarding the interpretation of the values and principles enshrined in the Treaties and the Charter. Drawing on the legal bases provided for in the Treaties, the European Union seeks to support Member States – and in some cases even to act on their behalf – in making decisions which, to be effective in terms of the regulatory aims, require an approach which is (at least) pan-European. While, formally, the flexibility of the legal bases of the "internal market" allows for this, the choices made at the European level have a significant impact on the scope and interpretation of values and principles of a purely constitutional nature (the freedom to disseminate and receive information, pluralism and media freedom), which underpin the legal system of the Union and the Member States. In this sense, the EU Treaties must, like the Convention, be regarded as "living instruments": it is inconceivable, for example, that the institutions should use the legal bases provided for in the Treaties without being strongly influenced by the common values set out in Article 2 TEU.

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concerns the so-called law "on paedophilia", on account of the numerous obligations and prohibitions imposed on the Hungarian media regarding the dissemination of content portraying or promoting gender identities that differ from the sex assigned at birth, sex reassignment, or homosexuality (C-769/22).

4. FREEDOM OF INFORMATION AND RESTRICTIVE MEASURES IN THE CASE-LAW OF EU COURTS: THE *RT FRANCE* CASE

The question of the relationship between the Union's competences and the protection of freedom of information also arises in the context of its external action. It is considered established, on the basis of the case-law of the Court of Justice, that, in the exercise of their external competences, the EU institutions are also required to comply fully with the fundamental rights guaranteed by the Charter[6].

In that context, I would like to briefly discuss some recent EU court decisions which I consider important for assessing the decisive impact of EU law in defining the scope and limits of the right to information during a serious international crisis, and which concern freedom of information in times of war.

In the *RT France* case[7], the General Court ruled on an action seeking the setting-aside of the decision of 2 March 2022 of the Council of the European Union which, in the framework of restrictive measures adopted following the invasion of Ukraine, imposed sanctions – in the form of the temporary suspension of broadcasting activities – on certain television channels established within EU territory but *de facto* controlled by the Russian government[8]. The grounds for the suspension had been the conduct of those channels, which had been found liable for broadcasting, after the outbreak of hostilities between Russia and Ukraine, programmes justifying and promoting the Russian Federation's military operations to such an extent that the Council had described them as *war propaganda*. In the Council's view, "disinformation, information manipulation and distortion of facts" were operational tools that threatened the security of the European Union, used strategically by Russia to destabilise its neighbouring countries and to justify its military aggression ("hybrid warfare"). Among the main grounds of appeal, RT France – the only broadcaster to challenge the suspension – alleged a breach of Article 11 of the Charter, submitting that the Council's measure should be regarded as preventive censorship.

In its judgment of 27 July 2022, the Grand Chamber of the General Court dismissed the appeal. It had to undertake a delicate balancing exercise between freedom of information, a cornerstone of democratic societies, and the specific requirements of the Union's common foreign and security policy, and it came to the conclusion, on the basis of the Court's case-law under Article 10 of the Convention[9] and of other international conventions binding on the Member States, including the United Nations International Covenant on Civil and Political Rights[10], that, in extreme cases, the former had to give way in order to ensure compliance with international law and the protection of public order within the Union itself, which was under threat from the phenomenon of hybrid warfare involving the weaponisation of information service providers.

Specifically, having found that there had been a restriction on freedom of information, on account of the suspension of the activities of the broadcasters targeted by the sanctions, the General Court noted that that freedom was not absolute and that it could be subject to restrictions in compliance with the conditions set out in Article 52 of the Charter. In that connection, the General Court considered, first, that the restrictive

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[6] Judgment of the General Court of 27 September 2018 in *Ahmed Abdelaziz Ezz and Others*, T-288/15, EU:T:2018:619, paragraph 58, and the case-law cited therein.

[7] Judgment of the General Court of 27 July 2022 in *RT France*, T-125/22, EU:T:2022:483. See also V. Szép, R. Wessel, "Balancing restrictive measures and media freedom: *RT France v. Council*", *Common Market Law Review*, 2023, vol. 60, issue 5, pp. 1384-96 ; J-P. Jacqué, "Liberté d'information et mesures restrictives", *Revue trimestrielle des droits de l'homme*, 2024, no. 139, pp. 719-32.

[8] The measures in question were provided for in Article 2f § 1 of Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Regulation (EU) 2022/350 of 1 March 2022. The interpretation of that Article is currently the subject of a request for a preliminary ruling submitted to the CJEU by Landgericht Saarbrücken, which asks whether the concept of "operator", within the meaning of that provision, also applies to natural persons who operate a website without carrying out an economic activity, whatever form that might take – see case C-67/25, *Request for a preliminary ruling from the Landgericht Saarbrücken (Germany) lodged on 31 January 2025 – Criminal proceedings against R and Others*. In his conclusions of 12 February 2026, Advocate-General Norkus confirmed that that was the case.

[9] See, in particular, the judgment of the Court in *NIT S.R.L. v. the Republic of Moldova* [GC], no. 28470/12, §§ 144 et seq., 5 April 2022, and the case-law cited therein.

[10] See Article 20 § 1 of the Covenant: "Any propaganda for war shall be prohibited by law."

measures in issue were "provided for by law" since they were laid down in acts which were of general application and had a clear legal basis in EU law[11] and sufficient foreseeability in the light of the applicant's conduct. Secondly, the General Court noted that the measure in question complied with the essence of freedom of expression. Thirdly, the measure effectively met an objective of general interest, recognised as such by the Union: the General Court pointed out that, by the restrictive measures at issue, the Council sought to pursue the twofold objective of protecting the Union's public order and security, under threat from the systematic international propaganda campaign in issue, and of exerting maximum pressure on the Russian authorities for them to bring an end to their military aggression against Ukraine. Fourthly, as regards the proportionate nature of the restrictive measures at issue, the General Court, having examined the evidence adduced by the Council, considered that it constituted a body of sufficiently concrete, precise and consistent evidence demonstrating, first, that, before the adoption of the restrictive measures at issue, RT France had actively supported the destabilising and aggressive policy conducted by the Russian Federation towards Ukraine, which had eventually led to a massive military offensive, and, secondly, that the applicant had, *inter alia*, broadcast information justifying the military aggression against Ukraine, capable of constituting a significant and direct threat to the Union's public order and security. Taking account of the extraordinary context of the case, the General Court concluded that the impugned limitations on the applicant's freedom of expression were proportionate to the aims pursued by the measures adopted[12].

Subsequently, in the sixth, ninth and tenth sanction packages, the European Union suspended the broadcasting within its territory of other news channels owned or controlled by the Russian State. In addition to those measures, which targeted companies operating as broadcasters, a large number of personal sanctions were imposed on individuals (including journalists) accused of contributing to Russian government propaganda. An action seeking to have the decision set aside was brought before the General Court in this context as well: in that connection, I would mention the *Kiselev* case (T-262/15), on which the General Court ruled on 14 July 2017 in the context of restrictive measures adopted following the first Russo-Ukrainian crisis. I would also mention, in respect of restrictive measures taken in response to actions to destabilise the Republic of Moldova, the judgment of the General Court of 29 October 2025 in the *Corşicova* case (T-345/24).

Lastly, I would emphasise that the findings of the EU courts in the above-mentioned judgments – which have been relied upon by courts outside the European Union[13], in an undeniable "Luxembourg effect" – are obviously influenced by the exceptional circumstance of an ongoing armed conflict. The resulting limitation on broadcasters' rights must not be allowed to diminish the importance of freedom of information as a pillar of a democratic society and, as such, the link between freedom of expression and the founding values of the European Union. The CJEU reiterated this in its recent judgment of 4 October 2024 in *Real Madrid Club de Fútbol and AE* (C-633/22), in which it stated that "Article 11 of the Charter [constituted] one of the essential foundations of a pluralist, democratic society, and [was] one of the values on which, under Article 2 TEU, the European Union [was] founded", so that "interferences with the rights and freedoms guaranteed by Article 11 [had to] be limited to what [was] strictly necessary".

This last statement strikes me as very significant: it essentially demonstrates that not all the possibilities offered by Article 2 TEU have yet been explored in respect of the concept of democracy and its relationship to freedom of information[14]. For example, the link between freedom of information, including the public's right to be informed in a free and pluralist manner, and the right to free elections, enshrined in Article 39 of the Charter and Article 3 of Protocol No. 1 to the Convention and the subject of several judgments of the

[11] Namely, as regards the contested decision, Article 29 TEU, and, as regards the contested Regulation, Article 215 TFEU.

[12] The *RT France* judgment has become final, as the applicant withdrew its appeal lodged on 28 October 2022 (Order of the President of the Court of 28 July 2023). It was followed by the judgment of the General Court of 26 March 2026 in *A2B Connect and Others* (T-307/22, EU:T:2025:331) which upheld the findings and is notable for the fact that the applicants, who were subject to the ban on broadcasting programmes by the sanctioned channels, were internet service providers.

[13] See *Graham William Phillips v. Secretary of State for Foreign, Commonwealth and Development Affairs* [2024] EWHC 32 (Admin).

[14] See R. Mastroianni, "Freedom and pluralism of the media: a European value waiting to be discovered?", *Media Laws*, no. 1, 2022, p. 1.

European Court (see, for example, *Mestan v. Bulgaria*[15] and *Bradshaw and Others v. the United Kingdom*[16]), would merit examination. It cannot be ruled out that EU legislative and judicial practice may soon move in this direction.

[15] No. 24108/15, 2 May 2023. The European Court of Human Rights found that the Bulgarian courts' decisions upholding a sanction imposed on a candidate in the parliamentary elections because he had campaigned in a language other than the official Bulgarian language had breached Article 10. The Court stressed the importance of pluralism, tolerance and the protection of minorities in a democratic society, and found that the Bulgarian Electoral Code was not in conformity with the principles of the European Convention and that imposing Bulgarian as the only official language in elections violated the fundamental right to freedom of expression. See E. Meyermans Spelmans, "Mestan v. Bulgaria – finally a genuine recognition of linguistic rights?", *Strasbourg Observers*, 8 September 2023.

[16] No. 15653/22, 22 July 2025. In the *Bradshaw and Others* case, the European Court of Human Rights recognised, for the first time, that disinformation and foreign information manipulation and interference fell within the scope of the right to free elections enshrined in Article 3 of Protocol No. 1 to the European Convention on Human Rights. It also considered that States could have the *positive obligation* to adopt measures to protect the integrity of the electoral process against such threats if there was a real risk that the "very essence" of the right to free elections would be impaired and deprived of its effectiveness. See K. Pentney, "Disinformation, Foreign Interference and the Right to Free Elections before the ECtHR in *Bradshaw and Others v. United Kingdom"*, *Modern Law Review*, 2026.