“Upping the Ante”: Rethinking the Execution of Judgments of the European Court of Human Rights

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Abstract

This article analyses the current execution process of ECtHR judgments. It proposes a financial sanction mechanism as one of the means to move implementation forward in the most difficult situations and to exert pressure on non-complying states. The idea is that the Committee of Ministers, as the ancillary to the infringement proceedings, could also request a financial sanction from the ECtHR under a new paragraph of art.46 of the ECHR. This article discusses the design of the new sanction regime. It argues that, to determine the amount of the sanction, the ECtHR should consider the following criteria: the seriousness of the human rights violation, the effects of infringement on the public interest, the duration of non-implementation and the conduct of the Member State concerned. This relatively modest Convention amendment would add financial “sticks and carrots” to the enforcement mechanism.

Introduction

We would like to introduce our proposal on a positive note: overall, the implementation of the judgments of the European Court of Human Rights (ECtHR or the court) is carried out with considerable success. In comparison with other international treaties the implementation of the European Convention on Human Rights European Convention on Human Rights (ECHR or Convention) is robust. This finding is also supported by empirical evaluations: for example, the latest report by the Committee of Ministers (CM) on the execution of judgments highlights constant steps taken by the CM and major advances in enforcement.[1] In line with Henkin’s famous aphorism on compliance with international law, namely that “almost all nations observe almost all principles of international law and almost all of their obligations almost all the time”.[2] It is those few unimplemented judgments that attract a lot of attention because they affect politically sensitive areas.

These cases of non-implementation are based on a growing systemic resistance on the part of some Member States. In addition to these—let’s call them political—cases, there is a second category of non-implementation: concerning judgments in which the court requires general measures that a state either

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[1] *15th Annual Report of the Committee of Ministers on the Execution of Judgments—2021* (Council of Europe, 2022), *https://rm.coe.int/2021-cm-annual-report-en/1680a60140* [Accessed 25 February 2023].

[2] L. Henkin, *How Nations Behave*, 2nd edn (New York: Columbia University Press, 1979), p.47.

cannot or will not implement. Here too, political motives may be decisive for non-implementation, but often there are other, economic, factual, or even legal reasons behind this. It follows that we need to rethink the execution of the court's judgments, focusing on these most difficult cases of non-implementation. Indeed, as O'Boyle ventures about the existing system, "we don't have a Rolls-Royce engine; we have an engine that breaks down every so often but essentially does the job and we should try to make that engine as efficient as possible".[3]

This contribution proceeds as follows: the next two sections take stock of the existing Convention mechanism for supervising the execution of judgments, and specifically assess the effectiveness of the infringement proceedings under art.46(4) of the ECHR. The contribution rounds off with recommendations for future improvement of the mechanism by introducing financial sanctions to increase pressure on non-complying states.

The existing "engine"

The in-depth study conducted by Çali and Koch shows that the Convention system represents "a hybrid form of human rights monitoring in which the governments and a technocratic body jointly share competences under the shadow of a Court".[4] The involvement of different actors in the monitoring process does raise the issue of the balance of authority between the CM on the one hand, and the court on the other.

First, tenacity in maintaining the dialogue with the Member States under the supervision of the CM is without doubt a key strength of the current system, because successful implementation requires being able to persuade a sovereign government. Prime emphasis should accordingly be put on the techniques of diplomacy, persuasion or cajoling.[5] In the report presented by the High-Level Reflection Group in October 2022, it is reiterated that:

> "irrespective of the nature of the obstacles and the reasons for the delays in execution, a more political approach is necessary, notably for cases where enforcement faces a lack of political will. To this end, an enhanced engagement with the respondent state … is key for the timely and full execution of judgments."[6]

At the same time, we would advocate the need for some degree of judicialisation of the implementation process, as a combination of political dialogue and legal accountability. While the CM would initially retain the power to supervise implementation but, if this proves to be unsuccessful after a set period, the court would then have the power to review compliance.[7] In this regard the introduction of the infringement proceedings under art.46(4) of the ECHR is a significant institutional development.[8] These proceedings were nicknamed "the nuclear option"[9] and intended for use only in exceptional circumstances.[10] More

[3] M. O'Boyle discussed questions of the implementation of the ECtHR's judgments in an interview with A.K. Speck, see A.K. Speck, "The European System of Human Rights Protection: No Rolls-Royce, but a Solid Engine Fit for the Future? In Conversation with Council of Europe Insiders" (2020) 12(1) *Journal of Human Rights Practice* 155.

[4] B. Çali and A. Koch, "Foxes Guarding the Foxes? The Peer Review of Human Rights Judgments by the Committee of Ministers of the Council of Europe" (2014) 14(2) *Human Rights Law Review* 314.

[5] C. Sandoval, P. Leach and R. Murray, "Monitoring, Cajoling and Promoting Dialogue: What Role for Supranational Human Rights Bodies in the Implementation of Individual Decisions?" (2020) 12(1) *Journal of Human Rights Practice* 79.

[6] *Report of the High-Level Reflection Group of the Council of Europe Report* (Council of Europe, 2022), para.22, *https://rm.coe.int/report-of-the-high-level-reflection-group-of-the-council-of-europe-/1680a85cf1* [Accessed 25 February 2023].

[7] H. Keller and C. Marti, "Reconceptualizing Implementation: The Judicialization of the Execution of the European Court of Human Rights' Judgments" (2015) 26(4) *European Journal of International Law* 850.

[8] Through these proceedings the CM askes the ECtHR to confirm that a state has failed to abide by a judgment, see European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol Nos 11 and 14, 4 November 1950 art.46(4).

[9] J. Vernimmen, "The first of many Mammadovs? Reflections on the ECHR infringement procedure" (11 December 2019), Leuven Blog for Public Law, *https://www.leuvenpubliclaw.com/the-first-of-many-mammadovs-reflections-on-the-echr-infringement-procedure/* [Accessed 25 February 2023].

[10] Explanatory Report to Protocol No.14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, 13 May 2004, para.100.

specifically, in the Explanatory Report to Protocol No.14 to the ECHR it is reiterated that "the procedure's mere existence, and the threat of using it, should act as an effective new incentive to execute the Court's judgments".[11] This report also recognised a collective duty to preserve the court's authority and the Convention system's credibility and effectiveness in cases where a state, expressly or through its conduct, refuses to comply with a judgment of the court.[12]

"The nuclear option"

Some authors have called into question the usefulness of the infringement proceedings, labelling it as "a complete failure"[13] and arguing that even if the practical difficulties of triggering art.46(4) of the ECHR could somehow be overcome, it would be both futile and counterproductive and further delay implementation while proceedings were pending.[14] The procedure for infringement proceedings remained dormant for many years and such proceedings were only recently launched and conducted in just two cases[15] in which the court determined that a Member State had not complied with the court's judgment. These pronouncements gave new impetus to the discussion and generated criticism for the limitations of the proceedings—and the court's narrow approach when conducting them.

One point of criticism is that while the infringement proceedings have rarely been used, and only in specific cases concerning political persecution, there are other prominent examples of non-implementation in Strasbourg.[16] These considerations demonstrate that the infringement proceedings are used only exceptionally and when it is clear that a state refuses execution, which implies that it acts in bad faith. As to why the proceedings were triggered only in cases concerning this specific issue, there were a number of factors at play: the cases concerned political persecution and, by finding a violation of art.18 combined with art.5 of the ECHR, the court in its previous judgments had already established that the arrests and detention concerned were designed to silence opposition. When examining the case within the infringement proceedings, the court concluded that the supervision procedure and execution of judgments should involve good faith; and "the importance of the good faith obligation is paramount where the Court has found a violation of Article 18, the object and purpose of which is to prohibit the misuse of power".[17] Furthermore, intense civil society advocacy efforts have succeeded in raising the profile of political persecution cases internationally, which has led to a significant increase in diplomatic pressures for the implementation of relevant judgments.[18] But non-compliance with judgments concerning other types of cases might become subject to infringement proceedings in the future.

[11] Explanatory Report to Protocol No.14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, 13 May 2004, para.100.

[12] Explanatory Report to Protocol No.14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, 13 May 2004, para.98. One may note that "this is not about (temporary) inability, but about unwillingness to secure ECHR standards". See in more detail, A. Buyse, "First Infringement Proceedings Judgment of the European Court: Ilgar Mammadov v Azerbaijan" (31 May 2019), ECHR Blog, *https://www.echrblog.com/2019/05/first-infringement-proceedings-judgment.html* [Accessed 25 February 2023].

[13] A.É. Lambert, "The Enforcement of ECtHR Judgments" in A. Jakab, and D. Kochenov (eds), *The Enforcement of EU Law and Values: Ensuring Member States' Compliance* (Oxford, 2017; online edn, Oxford Academic, 20 April 2017), p.337.

[14] F. de Londras and K. Dzehtsiarou, "Mission Impossible? Addressing Non-Execution Through Infringement Proceedings in the European Court of Human Rights" (2017) 66 I.C.L.Q. 482–490.

[15] *Mammadov v Azerbaijan* [GC] (App. No.15172/13), judgment of 29 May 2019; (2020) 70 E.H.R.R. 8; *Kavala v Turkey* [GC] (App. No.28749/18), judgment of 11 July 2022; (2023) 76 E.H.R.R. 13.

[16] J.-E. Zastrow and A. Zimmermann, "Council of Europe's Committee of Ministers Starts Infringement Proceedings in Mammadov v. Azerbaijan: A Victory for the International Rule of Law?" (5 February 2018), *EJIL:Talk!*, *https://www.ejiltalk.org/council-of-europes-committee-of-ministers-starts-infringement-proceedings-in-mammadov-v-azerbaijan-a-victory-for-the-international-rule-of-law/* [Accessed 25 February 2023]. While these points of criticism were expressed in relation to the *Mammadov* judgment, they are equally applicable to the Kavala judgment.

[17] *Mammadov* [GC] (App. No.15172/13), judgment of 29 May 2019 at [214].

[18] P. Leach, "Some Justice Out of Repression and Reprisals: On the Plight of Human Rights Defenders in Azerbaijan", *http://www.bristol.ac.uk/media-library/sites/law/hric/2021-documents/7.%20Plight%20of%20Human%20Rights%20Defenders%20in%20Azerbaijan_Leach_Updated_ENG.pdf* [Accessed 25 February 2023]; I. Ilescu, "Implementing political persecution judgments: Civil society advocacy efforts help put infringement on the horizon" (12 October 2021), European Implementation Network, *https://www.einnetwork.org/ein-voices/2021/10/12/implementing-political-persecution-judgments-civil-society-advocacy-efforts-help-put-infringement-on-the-horizon* [Accessed 25 February 2023].

Moreover, the court's approach has been much critiqued as leaving the respondent state with excessive flexibility in both material and temporal dimensions.[19] In particular, at the implementation stage, the case of *Mammadov v Azerbaijan* had been grouped together with other cases raising identical issues, and the CM had been supervising the execution of all the cases in the *Mammadov* group. Some commentators have argued that the "narrow terms of the infringement procedure—relating only to *Mammadov* and not the other applicants in the group, and not applying to general measures—led to a missed opportunity to generate meaningful impact".[20] While these objections have merit, the court's approach is certainly understandable in light of the institutional balance between the CM and the ECtHR in the execution process. Specifically, in view of the court's limited jurisdiction to assess implementation, it was bound by the framing of the submissions of the CM, which decided to refer only the *Mammadov* case.

Overall, the infringement proceedings as tested by reality have their limitations, but the adjustments discussed above to counter their indicated weaknesses do not require amendment of the Convention. However, the court's finding of non-implementation is not enough and, as some commentators argue, "a key issue the ECtHR is facing is the lack of significant consequences when states fail to implement its judgments".[21] We argue that the infringement proceedings lack an important element: the mechanism should be able to lay down specific sanctions. The 2022 report by the High-Level Reflection Group incorporates the proposal to consider "the issuing of graduated sanctions in cases of persistent non-compliance with a judgment of a member state".[22] That is an important recommendation, as it marks a significant step in strengthening the Council of Europe's ability to fight non-implementation.[23] We propose amending art.46 of the Convention by introducing financial sanctions to increase pressure on non-complying states. Clarification of the design of the proposed sanctions mechanism, including both its technical and normative dimension, should be provided in the explanatory report to the Protocol amending the Convention.

Financial "sticks and carrots"

Material scope

There are several facets that we consider relevant regarding the material scope of financial sanctions. First, we argue that sanctions should be ancillary to the infringement proceedings in the sense that the opportunity to impose financial sanctions would depend on the court's finding that a state has failed to implement a judgment. It follows that the material scope of financial sanctions would be delimited by that of the infringement proceedings as defined by the terms of art.46(4) of the ECHR. Therefore, sanctions should only apply in the case of refusal of a Member State to implement the court's judgment, which means that

[19] For example, B. Çalı argues that "given how hard and rare it is to get the requisite two thirds of the membership of the Council of Europe to initiate infringement proceedings against one of their own, the narrow material and temporal angle adopted by the Court to address compliance with a bad faith judgment could be interpreted as a calming signal to states with pending Article 18 violation cases. Even when the CM goes nuclear, the Court really does not". See B. Çalı, "No Going Nuclear in Strasbourg: The Infringement Decision in Ilgar Mammadov v. Azerbaijan by the European Court of Human Rights" (30 May 2019), *VerfBlog*, *https://verfassungsblog.de/no-going-nuclear-in-strasbourg/* [Accessed 25 February 2023]; see also, Buyse, "First Infringement Proceedings Judgment of the European Court: Ilgar Mammadov v Azerbaijan" (31 May 2019), *ECHR Blog*, *https://www.echrblog.com/2019/05/first-infringement-proceedings-judgment.html* [Accessed 25 February 2023].

[20] T. Collis, "The Impact of Infringement Proceedings in the Mammadov/Mammadli Group of Cases: a Missed Opportunity" (28 May 2021), *Strasbourg Observers*, *https://strasbourgobservers.com/2021/05/28/the-impact-of-infringement-proceedings-in-the-mammadov-mammadli-group-of-cases-a-missed-opportunity/* [Accessed 25 February 2023].

[21] G. Stafford and J. Jaraczewski, "Taking European Judgments Seriously: A Call for the EU Commission to Take Into Account the Non-Implementation of European Court Judgments in its Rule of Law Reports" (24 January 2022), *VerfBlog*, *https://verfassungsblog.de/taking-european-judgments-seriously/* [Accessed 25 February 2023].

[22] *Report of the High-Level Reflection Group of the Council of Europe Report* (Council of Europe, 2022), para.27, *https://rm.coe.int/report-of-the-high-level-reflection-group-of-the-council-of-europe-/1680a85cf1* [Accessed 25 February 2023].

[23] Lambert claims that "the EU's infringement proceedings became effective when the power to impose financial penalties was introduced". See Lambert, "The Enforcement of ECtHR Judgments" in Jakab and Kochenov (eds), *The Enforcement of EU Law and Values: Ensuring Member States' Compliance* (Oxford, 2017; online edn, Oxford Academic, 20 April 2017), p.338.

a state is acting in bad faith. For example, it should be obvious that a state has not taken any genuine actions towards execution, although it has declared otherwise.

The question to be addressed is whether the opportunity to impose financial sanctions should arise only in exceptional cases. One could argue that sanctions should only be possible in cases concerning the most fundamental and severe human rights violations, i.e. breaches of arts 2 and 3 of the ECHR. However, restricting this potentially powerful deterrent to only certain cases would weaken the court's ability to fight non-implementation. It is possible that non-execution of judgments concerning violations of other rights could have even greater implications for a society as a whole (e.g. revealing endemic issues concerning freedom of speech), and that its execution would have greater impact from the point of view of public interest. Therefore, we propose that the material scope of financial sanctions should be coextensive with that of the infringement proceedings.

Competence

Bearing in mind the institutional balance between the court and the CM concerning the execution process, it should be the CM which has the right to ask for the imposition of sanctions. Under the existing framework, the CM has the power to appraise the implementation measures taken by states. Therefore, it should also be left to the CM to decide whether to bring the question of financial sanctions before the court, since it has the tools and resources available to that end.

At the same time, the imposition of financial sanctions involves and directly concerns the interests of the applicant to have their judgment executed. Therefore, we propose that the applicant should be given notice as regards all the main developments throughout the proceedings, as well as an opportunity to provide their written observations on questions of financial sanctions and their account of the state of implementation as far as any individual measures are concerned. Similarly, the government should also have an opportunity to provide their observations on the matter.

Type of sanctions and temporal scope

The relevant questions are: (i) what are the objectives of financial sanctions; and (ii) what is the timeframe for the court's assessment of a state's failure to execute a judgment.[24] The objectives of financial sanctions should be based on the principles of international law relating to cessation, non-repetition and reparation.[25] From this point of view, the financial sanctions should both prevent repetition of non-execution in future cases and induce a state to execute a judgment in the case of persistent non-execution. Drawing inspiration from the law of the EU, we propose to introduce two types of financial sanctions, *viz* penalty payments and lump sums. Specifically, penalty payments would be imposed if the original judgment remains unimplemented after the infringement judgment, and would be payable as long as it remains unexecuted. In this sense, the penalty payment would be a day fine and it would get bigger the longer a state fails to execute a judgment. Meanwhile, the lump sum payment would correspond to the periods of non-implementation before the judgment on infringement.

With regard to the timeframe of the court's assessment of the execution process, the court has addressed this issue in the *Mammadov* judgment. On this point, the court noted that its jurisdiction on the question of compliance is limited to the context of infringement proceedings, and it is primarily for the CM to

[24] Within EU law, depending on their aim, there are two types of financial sanctions: (i) the penalty payment—a payment due after the judgment, payable as long as the EU Member State had not executed the original judgment; and (ii) the lump sum—payment designed to punish the non-execution of the original judgment during the period before the second judgment on infringement. The aim of the penalty payment is to induce a Member State to end a breach of obligations. The aim of the lump sum is to prevent repetition of similar infringements of EU law. See P. Wennerås, "Making effective use of Article 260 TFEU" in A. Jakab and D. Kochenov (eds), *The Enforcement of EU Law and Values: Ensuring Member States' Compliance* (Oxford: 2017; online edn, Oxford Academic, 20 April 2017), pp.89–96.

[25] International Law Commission, Draft Articles on the Responsibility of States for Internationally Wrongful Acts with Commentaries, UN GAOR, 56th Sess, Supp.10, Ch.4, UN Doc.A/56/10 (2001) arts 30 and 31.

assess the specific measures to be taken by a state to ensure the maximum possible reparation for the violation found.[26] Following from these considerations, the court concluded that:

> "the date on which the Committee of Ministers refers a question to the Court under Article 46 (4) is the date by which it has deemed that the State in question has refused to abide by a final judgment …, because it could not consider the State's actions to be 'timely, adequate and sufficient'."[27]

This could be taken to suggest that the court's power to impose a penalty payment or a lump sum, or both, would depend on how the submissions on this question are framed by the CM at that very moment. If the CM asks for a penalty payment, this will oblige the court to look at developments in the execution process after the date when the case was referred to the court within the non-compliance proceedings.

Calculation of financial sanctions

A difficult issue concerns the method of calculating the financial sanctions. First, it should be within the discretion of the CM to propose the specific amount and to offer the method of its calculation. The question arises whether the court should be bound by the amount suggested by the CM and whether it could not exceed this amount. For example, in contentious proceedings between applicants and a Member State, and in accordance with the *ne ultra petita* principle, the court does not exceed what the applicant has actually claimed.[28] However, the CM is not a victim of the infringement and its claim for financial sanctions is aimed at ensuring the credibility of the Convention system of human rights,[29] not the compensation of the damage incurred by the applicant. Therefore, there are no obvious reasons why the court should be bound by the submission of the CM as regards the amount of financial sanctions. At the same time, if the court imposes sanctions exceeding the amount suggested by the CM, the court should provide reasons in that respect; the reasoning behind the amount paid in sanctions should be transparent.

Furthermore, regarding the method of calculating the financial sanctions, the CM and the ECtHR may be informed by the practices that have been developed by the EU's institutions. Drawing on the case law of the European Court of Justice (ECJ)[30] and the most recent Communication from the European Commission on Financial Sanctions in Infringement Proceedings,[31] we propose that the amount of financial sanctions should be determined by the following criteria:

- the seriousness of the human rights violation, which should be assessed taking into consideration the nature of the Convention rights at stake[32] and the potential consequences of the violation on the applicant's personal situation;
- the effects of infringement on the public interest, meaning the implications and importance of a judgment's implementation for the society as a whole. This criterion could be assessed from the point of view of the scale of infringement, i.e. the size of the population affected by the violation and its systemic or structural character; and

[26] *Mammadov* [GC] (App. No.15172/13), judgment of 29 May 2019 at [167]–[168].
[27] *Mammadov* [GC] (App. No.15172/13), judgment of 29 May 2019 at [170].
[28] *Nagmetov v Russia* [GC] (App. No.35589/08), judgment of 30 March 2017 at [71].
[29] As underscored in the Explanatory Report to Protocol No.14 to the Convention the court's authority and the system's credibility both depend on the effectiveness of the execution of the court's judgments, see Explanatory Report to Protocol No.14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the convention, 13 May 2004, para.98.
[30] The ECJ's findings are based on the principle of proportionality. It held that the amount of sanctions (applicable both to the penalty payment and the lump sum) is determined by the duration of the infringement, its degree of seriousness, and the ability of the Member State to pay. See *Commission v Greece* (C-387/97) EU:C:2000:356; [2000] E.C.R. I-5047 at [92]; *Commission v France* (C-304/02) EU:C:2005:444; [2005] 3 C.M.L.R. 13 at [105]; *Commission v Spain* (C-658/19) EU:C:2021:138 at [63] and [73].
[31] The European Commission considers that the financial sanctions imposed should be based on three fundamental criteria: (i) the seriousness of the infringement; (ii) its duration; and (iii) the need to ensure that the financial sanctions themselves are a deterrent to further infringements. See Communication from the European Commission on Financial Sanctions in Infringement Proceedings, Brussels, (22.12.2022 C(2022) 9973 final), *https://commission.europa.eu/system/files/2022-12/communication-on-financial-sanctions-c-2022-9973_en.pdf* [Accessed 25 February 2023].
[32] For example, the highest coefficient for seriousness should be taken concerning the non-execution of the judgment finding violation of the "core rights" under arts 2, 3, 4 or 5(1) of the Convention, i.e. seriousness or irreparable damage to human health.

- the duration of non-implementation and conduct of a Member State in that respect, i.e. persistent failure of implementation.

Finally, to ensure the transparency of the financial sanctions, it would be useful if the CM were to publish procedural reports, explaining the principles and methods of calculating the amount of the proposed financial sanctions.

Enforcement of sanctions judgments

Turning to the enforcement of the infringement judgment, the salient question is who should be the beneficiary of the sanctions issued by the court concerning the infringement. The subject-matter of these proceedings is not the applicant's individual rights; the latter is already settled in the original judgment. When the case is considered under art.46(4) of the ECHR and even if the violation found in the original judgment persists,[33] the court will analyse this fact solely from the point of view of whether the state has taken necessary measures for implementation. What is at stake in the infringement proceedings is the integrity of the Convention human rights system, because of the failure to abide by the court's final judgment. It follows that the Council of Europe should be the beneficiary of the financial sanctions and not the individual applicants.

We propose that, first of all, the sanctions should constitute revenue contributing to the budget of the Council of Europe and be used, for example, to finance the programme concerning the effective ECHR implementation.[34] In such a manner, a state undermining the Convention system by failing to abide by the court's judgment, would financially contribute to the strengthening of this system. Furthermore, building upon the idea of Peers,[35] the Council of Europe could use financial sanctions to motivate states that have good rates of compliance with the court's judgments by means of reduction in their gross contribution to the council's budget. As Peers has noted "every parent knows, it is useful in practice to accompany the threat of punishment for bad behaviour with the promise of reward for good behaviour".[36]

Proposed amendment

For the reasons discussed in this article, we propose to amend art.46 of the ECHR by adding a new paragraph:

> "If the Committee of Ministers brings a case before the Court pursuant to paragraph 4, it may specify the amount of the lump sum or penalty payment or a combination thereof, to be paid by a High Contracting Party which it considers appropriate under the circumstances. If the Court finds a violation of paragraph 4, it may impose a lump sum or penalty payment on a High Contracting Party concerned."

[33] The continuing violation could become the subject-matter of examination by the court, but the applicant should lodge new application, which raises new facts, e.g. new period of detention or excessive length of proceedings before domestic courts.

[34] *Council of Europe Programme and Budget 2022–2025* (1418th (Budget) Meeting, 23–25 November 2021), *https://rm.coe.int/0900001680a4d5de* [Accessed 25 February 2023].

[35] S. Peers, "Sanctions for Infringement of EU Law after the Treaty of Lisbon" (2012) 18(1) *European Public Law* 63–64.

[36] Peers, "Sanctions for Infringement of EU Law after the Treaty of Lisbon" (2012) 18(1) *European Public Law* 64.