Commission welcomes political agreement on countering abusive lawsuits against public participation (SLAPP)

Brussels, 30 November 2023

The European Commission welcomes the provisional political agreement reached between the European Parliament and the Council today on new EU rules to protect those targeted with strategic lawsuits against public participation (SLAPP), such as journalists, rights defenders or civil society organisations.

As proposed by the Commission in April 2022, the Directive creates a system of powerful procedural safeguards for cross-border SLAPP cases. The existence of these safeguards will equip courts to deal with abusive litigation but will also deter potential claimants from engaging in such practices.

When the new Directive enters into force, for the first time there will be a binding European legal instrument against strategic lawsuits against public participation, following calls for such action from civil society after the murder of Maltese journalist Daphne Caruana Galizia.

The new rules will include:

- the early dismissal of manifestly unfounded claims; remedies against abusive court proceedings including the full award of costs and penalties or other appropriate measures;
- protection against third country judgments which will not be recognised or enforced in the EU.

This Directive forms a package together with the Commission's horizontal Recommendation on anti-Slapp, which was adopted in 2022 and is already being implemented.

Next steps

The European Parliament and the Council will now have to formally adopt the political agreement.

Background

The European Democracy Action Plan, adopted in December 2020, announced a series of concrete initiatives to support and safeguard media freedom and pluralism. One of the initiatives announced was a measure to protect journalists and civil society organisations against SLAPPs. The use of SLAPPs is increasing in the EU, with targets often facing multiple lawsuits simultaneously and in multiple jurisdictions.

The prevalence of SLAPPs is a matter of serious concern in some Member States, as identified by the 2020 and 2021 Rule of Law Reports. Media Freedom Rapid Response (MFRR) partners documented 626 press freedom violations in the EU in 2021, including widespread SLAPPs, affecting 1,063 people or media entities in 30 countries.

A tragic example of the use of SLAPPs is the journalist Daphne Caruana Galizia who was facing 43 lawsuits at the time of her assassination in 2017. The aim of SLAPP lawsuits is not to access justice but to harass, intimidate and silence defendants with the financial pressure and stress resulting from lengthy court proceedings. It is particularly important to be able to offer concrete support to those who are taking such grave risks to keep people properly informed.

Journalists are not the only targets; human rights defenders, civil society organisations and others, including those working on the environment, also face SLAPPs.

For More Information

Draft Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”).

IP/23/6159

Quotes:
This phenomenon of Strategic Lawsuits against Public Participation – has been gaining ground in the EU. Its aim is to use wealth and power to silence journalists and those who seek to defend human rights. The new law will deter those wanting to file such abusive lawsuits from doing so and will strengthen the victims of SLAPPs and help them to fight back. We want to protect those who take risks to make sure that the citizens are informed on matters of interest for our societies.

Věra Jourová, Vice-President for Values and Transparency - 30/11/2023

Abusive court proceedings are initiated to silence and harass persons involved in the public debate, be it journalists, human rights defenders or environmental activists. Today we have achieved a major step to protect these individuals that play a key role in public discourse. This is important to defend European democracies, the rule of law and the freedom of expression, including free media.

Didier Reynders, Commissioner for Justice - 30/11/2023

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