



European
Commission



EU Anti-SLAPP Directive and Recommendation

European Anti-SLAPP Conference 2024

14 November September 2024

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Starting point in the EU

Trigger: Murder of investigative journalist Daphne Caruana Galizia in Malta in October 2017: at the time of her death, she faced over 50 SLAPP lawsuits: domestic and cross-border, civil and criminal

Important to defend democracy, rule of law, freedom of expression and public debate in the EU: Anti-SLAPP initiative is one of the actions of the European Democracy Action Plan adopted in 2020

SLAPPs are on the rise both in the European Union and outside



EU Anti-SLAPP Package

Most efficient way to fight SLAPPs and prevent them from growing roots in the EU is a combination of:

- **Legislative measures:** targeted legislation – Directive (EU) 2024/1069 consisting of procedural safeguards against SLAPPs in cross-border civil proceedings
- **Non-legislative measures:** horizontal Commission Recommendation to Member States from April 2022 applies to all proceedings (civil, criminal and administrative; domestic and cross-border) and complements the Directive by focusing on training, awareness raising, support to victims and monitoring

Evidence on SLAPPs is provided in a Staff Working Document, which accompanied the initiative in 2022



EU Anti-SLAPP Directive

Only cross-border civil and commercial matters (due to limitations of EU legal basis)

Broad personal scope: natural and legal persons; journalists, human rights defenders and others

Broad notion of "matters with cross-border implications" to take into account the specific nature of SLAPPs

Balance between freedom of expression and access to justice



Three key pillars of protection

- **Early dismissal of manifestly unfounded claims**
- **Remedies against abusive court proceedings:** award of costs, penalties and other equally effective appropriate measures, including the payment of compensation for damage or the publication of a court decision; claimant can also be required to provide a security to cover estimated costs of the proceedings
- **Protection against third country SLAPP-judgments**

Other elements: e.g. support to defendant in court proceedings, information and transparency and data collection



Next steps

The Directive was adopted on 11 April 2024.

It entered into force on 6 May 2024

EU Member States' deadline to transpose the Directive into national law is 7 May 2026.

The Directive is a minimum harmonization instrument, which means that Member States can provide better safeguards in their national law.



EU Anti-SLAPP Recommendation

- Application since adoption on 27 April 2022
- **A Recommendation is not binding** (soft law)
- **Broader material scope than the Directive:**
 - civil and commercial matters
 - + criminal proceedings
 - + administrative proceedings
 - both cross-border and domestic
- **Same broad personal scope as the Directive:** natural and legal persons; journalists, human rights defenders and others

Main elements of the Recommendation

Review of
applicable
frameworks

Training

Awareness
raising

Support
mechanism

Data collection,
reporting and
monitoring

Assessment



THANK YOU