



**2022/0117(COD)**

11.4.2023

# **AMENDMENTS**

## **51 - 332**

**Draft report**  
**Tiemo Wölken**  
(PE745.170v01-00)

Protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”)

Proposal for a directive  
(COM(2022)0177 – C9-0161/2022 – 2022/0117(COD))



**Amendment 51**  
**Ilana Cicurel, Karen Melchior**

**Draft legislative resolution**  
**Citation 2 a (new)**

*Draft legislative resolution*

*Amendment*

— *having regard to article 82(2)(b) of the Treaty on the Functioning of the European Union*

Or. en

**Amendment 52**  
**Jorge Buxadé Villalba**

**Draft legislative resolution**  
**Paragraph 1**

*Draft legislative resolution*

*Amendment*

1. *Adopts its* position at first reading *hereinafter set out;*

1. *Rejects the* position at first reading

Or. es

**Amendment 53**  
**Manon Aubry**

**Proposal for a directive**  
**Title 1**

*Text proposed by the Commission*

*Amendment*

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on protecting persons *who engage in public participation from manifestly unfounded or* abusive court proceedings (“Strategic lawsuits against public participation”)

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on protecting persons *from* abusive court proceedings (“Strategic lawsuits against public participation”)

Or. en

**Amendment 54**  
**Marie Toussaint**

**Proposal for a directive**  
**Title 1**

*Text proposed by the Commission*

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on protecting persons who engage in public participation from ***manifestly unfounded or*** abusive court proceedings (“Strategic lawsuits against public participation”)

*Amendment*

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on protecting persons who engage in public participation from abusive court proceedings (“Strategic lawsuits against public participation”)

Or. en

**Amendment 55**  
**Marie Toussaint**

**Proposal for a directive**  
**Citation 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to the opinion of the European Economic and Social Committee,***

Or. en

**Amendment 56**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Citation 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***Rejects the proposal.***

Or. es

**Amendment 57**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) Article 10(3) of the Treaty on European Union states that every Union citizen has the right to participate in the democratic life of the Union. The Charter of Fundamental Rights of the European Union (the ‘Charter’) provides, inter alia, for the rights to respect for private and family life (Article 7), the protection of personal data (Article 8), freedom of expression and information, which includes respect for the freedom and pluralism of the media (Article 11), and to an effective remedy and to a fair trial (Article 47).

*Amendment*

(2) Article 10(3) of the Treaty on European Union states that every Union citizen has the right to participate in the democratic life of the Union. The Charter of Fundamental Rights of the European Union (the ‘Charter’) provides, inter alia, for the rights to respect for private and family life (Article 7), the protection of personal data (Article 8), freedom of expression and information, which includes respect for the freedom and pluralism of the media (Article 11), ***freedom of assembly and of association (Article 12)*** and to an effective remedy and to a fair trial (Article 47).

Or. en

**Amendment 58**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) Article 10(3) of the Treaty on European Union states that every Union citizen has the right to participate in the democratic life of the Union. The Charter of Fundamental Rights of the European Union (the ‘Charter’) provides, inter alia, for the rights to respect for private and family life (Article 7), the protection of personal data (Article 8), freedom of expression and information, which includes respect for the freedom and pluralism of the media (Article 11), and to an effective

*Amendment*

(2) Article 10(3) of the Treaty on European Union states that every Union citizen has the right to participate in the democratic life of the Union. The Charter of Fundamental Rights of the European Union (the ‘Charter’) provides, inter alia, for the rights to respect for private and family life (Article 7), the protection of personal data (Article 8), freedom of expression and information, which includes respect for the freedom and pluralism of the media (Article 11), ***freedom of***

remedy and to a fair trial (Article 47).

***assembly and of association (Article 12)***  
and to an effective remedy and to a fair trial (Article 47).

Or. en

## **Amendment 59**

**Manon Aubry**

### **Proposal for a directive**

#### **Recital 2**

##### *Text proposed by the Commission*

(2) Article 10(3) of the Treaty on European Union states that every Union citizen has the right to participate in the democratic life of the Union. The Charter of Fundamental Rights of the European Union (the ‘Charter’) provides, inter alia, for the rights to respect for private and family life (Article 7), the protection of personal data (Article 8), freedom of expression and information, which includes respect for the freedom and pluralism of the media (Article 11), and to an effective remedy and to a fair trial (Article 47).

##### *Amendment*

(2) Article 10(3) of the Treaty on European Union states that every Union citizen has the right to participate in the democratic life of the Union. The Charter of Fundamental Rights of the European Union (the ‘Charter’) provides, inter alia, for the rights to respect for private and family life (Article 7), the protection of personal data (Article 8), freedom of expression and information, which includes respect for the freedom and pluralism of the media (Article 11), ***freedom of assembly and of association (Article 12)*** and to an effective remedy and to a fair trial (Article 47).

Or. en

## **Amendment 60**

**Marie Toussaint**

### **Proposal for a directive**

#### **Recital 3 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***(3 a) As recognised by consistent jurisprudence of the European Court of Human Rights (ECtHR) in relation to the interpretation of relevant provisions of the European Convention on Human Rights (ECHR), in the light of which the Charter***

*shall be interpreted and applied pursuant to its Article 52(3), the right to freedom of expression and information may also be given expression through the exercise of other rights and freedoms, including the right to freedom of assembly and of association, as set forth in Article 12 of the Charter, and the freedom of the arts and sciences, including academic freedom, as set forth in Article 13 of the Charter. Article 12 of the Charter also explicitly guarantees the right of everyone to form and to join trade unions for the protection of his or her interests, which is further consolidated in Article 28 of the Charter, guaranteeing the right of collective bargaining and action. The ECHR also imposes a positive obligation on contracting states to safeguard the freedom and pluralism of the media and to create a favourable environment for participation in the public debate.*

Or. en

**Amendment 61**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*(3 a) Article 12 of the Charter of fundamental rights (Freedom of assembly and of association) explicitly guarantees the right of everyone to form and to join trade unions for the protection of his or her interests, which is further consolidated in Article 28 of the Charter, guaranteeing the right of collective bargaining and action. In its consistent jurisprudence. Article 13 of the Charter also guarantees the freedom of the arts and sciences, including academic freedom. The right to freedom of expression and information should also be given expression through the exercise*

*of these rights and freedoms as recognised by consistent jurisprudence of the European Court of Human Rights (ECtHR) in relation to the interpretation of relevant provisions of the European Convention on Human Rights (ECHR), in the light of which the Charter shall be interpreted and applied pursuant to its Article 52(3).*

Or. en

**Amendment 62**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*(3 a) Right to freedom of expression is a fundamental right that should be exercised with sense of responsibility, taking into account people's fundamental right to obtain impartial information as well as the respect for the fundamental right to respect for one's privacy.*

Or. en

**Amendment 63**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

*(3 b) Article 13 of the Charter defines a self-standing fundamental freedom of art and science, in recalling that the arts and scientific research shall be free of constraint and academic freedom respected.*

Or. en



**Amendment 64**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, in particular journalists and human rights defenders, against court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

*Amendment*

(4) The purpose of this Directive is to provide ***minimum rules at EU level in order to ensure the*** protection ***of*** to natural and legal persons who engage in public participation on matters of public interest, ***including journalists, media outlets and rights defenders, in particular, human rights, women's and LBTIQ+ rights and environmental and climate defenders, as well as civil society organizations, NGOs, activists, trade unions, artists, researchers, academics, bloggers, and whistleblowers*** in particular journalists and human rights defenders, against court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

Or. en

**Amendment 65**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, in particular journalists and human rights defenders, against court proceedings, which are initiated against them to deter them from public participation (commonly referred to

*Amendment*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, in particular journalists and human ***and environmental*** rights defenders, ***but also civil society organisations, NGOs and trade unions, as well as researchers, academics, artists,***

as strategic lawsuits against public participation or ‘SLAPPs’).

***whistleblowers and publishers of journalistic and artistic works***, against ***abusive*** court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

Or. en

#### Amendment 66

**Ilana Cicurel, Karen Melchior**

#### Proposal for a directive

##### Recital 4

###### *Text proposed by the Commission*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, ***in particular*** journalists ***and*** human rights defenders, against court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

###### *Amendment*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, ***e.g*** journalists, human rights defenders, ***non-governmental organisations, researchers, academics, artists, politicians or engaged citizens*** against court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

Or. en

#### Amendment 67

**Magdalena Adamowicz**

#### Proposal for a directive

##### Recital 4

###### *Text proposed by the Commission*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, in particular journalists and human rights defenders,

###### *Amendment*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, in particular journalists, ***publishers, academics, civil***

against court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

***society representatives*** and human rights defenders, against court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

Or. en

**Amendment 68**  
**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, in particular journalists ***and*** human rights defenders, against court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

*Amendment*

(4) The purpose of this Directive is to provide protection to natural and legal persons who engage in public participation on matters of public interest, in particular journalists, human rights defenders ***and academics***, against court proceedings, which are initiated against them to deter them from public participation (commonly referred to as strategic lawsuits against public participation or ‘SLAPPs’).

Or. fr

**Amendment 69**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Journalists play an important role in facilitating public debate and in the imparting and reception of information, opinions and ideas. It is essential that ***they*** are afforded the necessary space to contribute to an open, free and fair debate and to counter disinformation, information manipulation and interference. Journalists

*Amendment*

(5) Journalists play an important role in facilitating public debate and in the imparting and reception of information, opinions and ideas. ***Independent, impartial, professional and responsible journalism, as well as access to pluralistic information, are key pillars of democracy.*** It is essential that ***journalists*** are afforded

should be able to conduct their activities effectively to ensure that citizens have access to a plurality of views in European democracies.

the necessary space to contribute to an open, free and fair debate and to counter disinformation, information manipulation and interference. Journalists should be able to conduct their activities effectively ***and without fear*** to ensure that citizens have access to a plurality of views in European democracies.

Or. en

## **Amendment 70**

**Manon Aubry**

### **Proposal for a directive**

#### **Recital 5**

*Text proposed by the Commission*

(5) Journalists play an important role in facilitating public debate and in the imparting and reception of information, opinions and ideas. It is essential that they are afforded the necessary space to contribute to an open, free and fair debate and to counter disinformation, information manipulation and interference. Journalists should be able to conduct their activities effectively to ensure that citizens have access to a plurality of views in European democracies.

*Amendment*

(5) Journalists ***and press publishers*** play an important role in facilitating public debate and in the imparting and reception of information, opinions and ideas. It is essential that they are afforded the necessary space to contribute to an open, free and fair debate and to counter disinformation, information manipulation and interference. Journalists should be able to conduct their activities effectively to ensure that citizens have access to a plurality of views in European democracies.

Or. en

## **Amendment 71**

**Jorge Buxadé Villalba**

### **Proposal for a directive**

#### **Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5 a) Notes that journalists have the right and duty to convey information as accurately as possible, reducing, limiting***

*and eliminating its manipulation,  
especially when it is motivated by a  
partisan or ideological vision.*

Or. es

**Amendment 72**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) Investigative journalists in particular play a key role in **combating** organised crime, corruption and extremism. Their work carries particularly high risks and they are experiencing a growing number of attacks and harassment. A robust system of safeguards *is* needed to enable them to fulfil their crucial role as watchdogs on matters of legitimate public interest.

*Amendment*

(6) Investigative journalists in particular play a key role in **uncovering** organised crime, **abuse of power**, corruption, **fundamental rights violations** and extremism. Their work carries particularly high risks and they are experiencing a growing number of attacks, **intimidation** and harassment. A robust system of safeguards **and protection, including to protect life and investigate assassinations, are** needed to enable them to fulfil their crucial role as watchdogs on matters of legitimate public interest, **without fear of punishment for searching for the truth and informing the public.**

Or. en

**Amendment 73**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) Investigative journalists in particular play a key role in combating organised crime, corruption and extremism. Their work carries particularly high risks and they are experiencing a

*Amendment*

(6) Investigative journalists in particular play a key role in combating organised crime, corruption and extremism. Their work carries particularly high risks and they are experiencing a

growing number of attacks and harassment. A robust system of safeguards is needed to enable them to fulfil their crucial role as watchdogs on matters of *legitimate* public interest.

growing number of attacks, *threats* and harassment. A robust system of safeguards is needed to enable them to fulfil their crucial role as watchdogs on matters of public interest.

Or. en

**Amendment 74**  
**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, environmental protection and the rule of law. They should be able to participate actively in public life and make their voice heard on policy matters and in decision-making processes without fear of intimidation. Human rights defenders refer to individuals or organisations engaged in defending fundamental rights and a variety of other rights, *such as environmental and climate rights, women's rights, LGBTIQ rights, the rights of the people with a minority racial or ethnic background, labour rights or religious freedoms. Other participants in public debate, such as academics and researchers, also deserve adequate protection.*

*Amendment*

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, environmental protection and the rule of law. They should be able to participate actively in public life and make their voice heard on policy matters and in decision-making processes without fear of intimidation. Human rights defenders refer to individuals or organisations engaged in defending fundamental rights and a variety of other rights.

Or. fr

**Amendment 75**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 7**

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, environmental protection and the rule of law. They should be able to participate actively in public life and make their voice heard on policy matters and in decision-making processes without fear of intimidation. Human rights defenders refer to individuals or organisations engaged in defending fundamental rights and a variety of other rights, such as environmental and climate rights, women's rights, LGBTIQ rights, the rights of the people with a minority racial or ethnic background, labour rights or religious freedoms. Other participants in public debate, such as academics and researchers, also deserve adequate protection.

(7) Human rights **and environmental** defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, environmental protection and the rule of law. They should be able to participate actively in public life and make their voice heard on policy matters and in decision-making processes, **promote accountability**, without fear of intimidation. Human rights **defenders and environmental** defenders refer to individuals or organisations engaged in defending fundamental rights and a variety of other rights, such as environmental and climate rights, women's rights, LGBTIQ+ rights, the rights of the people with a minority racial or ethnic background, labour **rights, trade union** rights or religious freedoms. Other participants in public debate, such as academics and researchers, **scientists, educators, artists, cultural workers, social media activists and whistleblowers** also deserve adequate protection.

Or. en

**Amendment 76**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 7**

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, environmental protection and the rule of law. They should be able to participate actively in public life and make their voice heard on policy matters and in decision-making processes without fear of intimidation. Human rights defenders refer

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, environmental protection, **gender equality** and the rule of law. They should be able to participate actively in public life, **hold power to account**, and make their voice heard on policy matters and in decision-making processes without

to individuals or organisations engaged in defending fundamental rights and a variety of other rights, such as environmental and climate rights, women's rights, LGBTIQ rights, the rights of the people with a minority racial or ethnic background, labour rights or religious freedoms. Other participants in public debate, such as academics **and** researchers, also deserve adequate protection.

fear of intimidation. Human rights defenders refer to individuals or organisations engaged in defending fundamental rights and a variety of other rights, such as environmental and climate rights, women's rights, LGBTIQ rights, the rights of the people with a minority, racial or ethnic background, labour rights **including trade union rights**, or religious freedoms. Other participants in public debate, such as academics, researchers, **artists and whistleblowers** also deserve adequate protection.

Or. en

**Amendment 77**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, **environmental protection** and the rule of law. They should be able to participate actively in public life and make their voice heard on policy matters and in decision-making processes without fear of intimidation. Human rights defenders refer to individuals or organisations engaged in defending fundamental rights and **a variety of other rights, such as environmental and climate rights**, women's rights, **LGBTIQ rights**, the rights of **the people with a minority racial or ethnic background**, labour rights or religious **freedoms**. Other participants in public debate, such as academics and researchers, also deserve adequate protection.

*Amendment*

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion and the rule of law. They should be able to participate actively in public life and make their voice heard on policy matters and in decision-making processes without fear of intimidation. Human rights defenders refer to individuals or organisations engaged in defending fundamental rights and other rights, **men's and women's** rights, the rights of **minorities**, labour rights or religious **and ideological freedom**. Other participants in public debate, such as academics and researchers **or representatives of political parties** also deserve adequate protection.

Or. es



**Amendment 78**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, environmental protection and the rule of law. They should be able to participate actively in public life and make their voice heard on policy matters and in decision-making processes without fear of intimidation. Human rights defenders refer to individuals or organisations engaged in defending fundamental rights and a variety of other rights, such as environmental and climate rights, women's rights, LGBTIQ rights, the rights of the people with a minority racial or ethnic background, labour rights or religious freedoms. Other participants in public debate, such as academics and researchers, also deserve adequate protection.

*Amendment*

(7) Human rights defenders also play an important role in European democracies, especially in upholding fundamental rights, democratic values, social inclusion, environmental protection and the rule of law. They should be able to participate actively in public life, ***promote accountability*** and make their voice heard on policy matters and in decision-making processes without fear of intimidation. Human rights defenders refer to individuals or organisations engaged in defending fundamental rights and a variety of other rights, such as environmental and climate rights, women's rights, LGBTIQ rights, the rights of the people with a minority racial or ethnic background, labour rights or religious freedoms. Other participants in public debate, such as academics and researchers, also deserve adequate protection.

Or. en

**Amendment 79**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7 a) Women, LGBTIQ+ and gender rights defenders play a crucial role in achieving a gender-equal Europe. They should be able to promote accountability and have their voice heard in any case of gender-based harassment, violence, abuse or abuse of power relations, without suffering a second wave of gender-based***

*harassment as victims of SLAPPs. Therefore, the objectives and provisions of this Directive are linked and should be interpreted towards the highest possible protection of gender-based SLAPP victims, also along with all relevant EU policies, including but not limited to the EU Equality Strategy, the new EU-wide proposal for a directive to combat violence against women and domestic violence, the Gender Equality Directives, the Directive on gender balance in corporate boards, the EU Strategy on victims' rights (2020-2025), the LGBTIQ Equality Strategy 2020-2025, the Strategy for the Rights of Persons with Disabilities 2021-2030, and the European Pillar of Social Rights Action Plan, the Gender Action Plan III and the EU Crime Initiative and all relevant texts in the future.*

Or. en

**Amendment 80**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7 a) Environmental defenders also play a key role to protect fundamental rights and to reach the environmental and climate objectives set by the European Union. Environmental defenders as well as the organisations defending them shall in no way be persecuted or harassed for their involvement in activities to protect human rights, environmental and climate rights. In recent years, environmental defenders as well as the organisations defending them have been subjected to ever increasing incidences of killings, threats, harassment, intimidation, smear campaigns, criminalisation and judicial harassment. Abusive court proceedings are increasingly being used against them*

*in order to hinder progress in protecting the environment, climate and biodiversity, in safeguarding planetary boundaries and in respecting human rights including the right to a safe, clean, healthy and sustainable environment.*

Or. en

**Amendment 81**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7 a) Academics and researchers, exercising both their right and obligation to express themselves within their area of expertise, contribute fundamentally to public discourse and dissemination of knowledge, as well as ensure that the democratic debate can happen on an informed basis. Legal intimidation that attempts to prevent them from communicating on matters related to their scientific activities is a direct violation of academic freedom and jeopardises the crucial role of scholars in combatting disinformation and misinformation.*

Or. en

**Amendment 82**  
**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7a) Through their research and teaching activities, academics play a key role in public participation by helping students of all ages develop their*

*competences and especially improve their analytical skills, and by carrying out individual or collective research, innovation or creative work, all of which must be done with a high degree of freedom of thought;*

Or. fr

**Amendment 83**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

*(7 b) Women's and LGBTIQ+ rights defenders also play an instrumental role in promoting and defending gender equality as well as providing support and protection to victims of gender-based violence. Women's and LGBTIQ+ rights defenders as well as the organisations defending them are increasingly under attack and face threats and violence that lead to self-censorship. Abusive court proceedings are increasingly being used against them in order to hinder progress in achieving gender equality.*

Or. en

**Amendment 84**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

(8) A healthy and thriving democracy requires that people are able to participate actively in public debate without undue interference by **public** authority or other powerful actors, be they domestic or

(8) A healthy and thriving democracy requires that people are able to participate actively in public debate without undue interference by **government** authority or other powerful actors, be they domestic or

foreign. In order to secure meaningful participation, people should be able to access reliable information, which enables them to form their own opinions and exercise their own judgement in a public space in which different views can be expressed freely.

foreign. In order to secure meaningful participation, people should be able to access reliable, ***truthful and unmanipulated*** information, which enables them to form their own opinions and exercise their own judgement in a public space in which different views can be expressed freely.

Or. es

**Amendment 85**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) To foster this environment, it is important to protect ***journalists and human rights defenders*** from court proceedings against public participation. Such court proceedings are not initiated for the purpose of access to justice, but to silence public debate ***typically using*** harassment and intimidation.

*Amendment*

(9) To foster this environment, it is important to protect ***natural and legal persons who engage in public participation***, from court proceedings against public participation. ***Over the years SLAPPs have increasingly been used to criminalise solidarity, as well as activists defending the environment and climate as well as environmental rights, women's rights, gender equality and LGBTIQ+ rights, increasingly questioning their role as public watchdogs and contributing to the shrinking space for civil society in the Union.*** Such court proceedings are not initiated for the purpose of access to justice, but to silence public debate. ***They often use*** harassment and intimidation.

Or. en

**Amendment 86**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) To foster this environment, it is important to protect **journalists and human rights defenders** from court proceedings against public participation. Such court proceedings are not initiated for the purpose of access to justice, but to silence public debate typically using harassment and intimidation.

*Amendment*

(9) To foster this environment, it is important to protect **natural and legal persons** from court proceedings against public participation. Such court proceedings are not initiated for the purpose of access to justice, but to silence public debate **and prevent investigation and reporting on breaches of Union and national law, corruption or other abusive practices**, typically using harassment and intimidation.

Or. en

**Amendment 87**

**Manon Aubry**

**Proposal for a directive**

**Recital 9**

*Text proposed by the Commission*

(9) To foster this environment, it is important to protect journalists **and** human rights defenders from court proceedings against public participation. Such court proceedings are not initiated for the purpose of access to justice, but to silence public debate typically using harassment and intimidation.

*Amendment*

(9) To foster this environment, it is important to protect **all natural and legal persons who engage in public participation including** journalists, human rights **and environmental** defenders from court proceedings against public participation. Such court proceedings are not initiated for the purpose of access to justice, but to silence public debate typically using harassment and intimidation.

Or. en

**Amendment 88**

**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**

**Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) To foster this environment, it is important to protect **journalists and human rights defenders** from court proceedings against public participation. Such court proceedings **are not initiated for the purpose of access to justice, but** to silence public debate typically using harassment and intimidation.

(9) To foster this environment, it is important to protect **natural and legal persons** from court proceedings against public participation. Such court proceedings **seek** to silence public debate typically using harassment and intimidation.

Or. en

**Amendment 89**  
**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) To foster this environment, it is important to protect journalists **and** human rights defenders from court proceedings against public participation. Such court proceedings are not initiated for the purpose of access to justice, but to silence public debate typically using harassment and intimidation.

*Amendment*

(9) To foster this environment, it is important to protect **in particular** journalists, human rights defenders **and academics** from court proceedings against public participation. Such court proceedings are not initiated for the purpose of access to justice, but to silence public debate typically using harassment and intimidation.

Or. fr

**Amendment 90**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) SLAPPs are typically initiated by powerful entities, for example **individuals**, lobby groups, corporations and state organs. **They** often involve an imbalance of power between the parties, with the claimant having a more powerful financial or political position than the defendant.

*Amendment*

(10) SLAPPs are typically initiated by powerful **individuals or** entities, for example lobby groups, corporations and state organs **and authorities, including politicians and judicial authorities in an attempt to silence public debate. They can be sued for expressing critical views on**

Although not being an indispensable component of such cases, where present, an imbalance of power significantly increases the harmful effects as well as the chilling effects of court proceedings against public participation.

*the behaviour or denouncing wrongdoings, and* often involve an imbalance of power between the parties, with the claimant having a more powerful financial or political position than the defendant. Although not being an indispensable component of such cases, where present, an imbalance of power significantly increases the harmful effects as well as the chilling effects of court proceedings against public participation.

Or. en

**Amendment 91**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) SLAPPs are typically initiated by powerful entities, for example individuals, lobby groups, corporations *and state organs*. They often involve an imbalance of power between the parties, with the claimant having a more powerful financial or political position than the defendant. Although not being an indispensable component of such cases, where present, an imbalance of power significantly increases the harmful effects as well as the chilling effects of court proceedings against public participation.

*Amendment*

(10) SLAPPs are typically initiated by powerful entities, for example individuals, lobby groups, corporations, *public officials and publicly controlled entities*. They often involve an imbalance of power between the parties, with the claimant having a more powerful financial or political position than the defendant. Although not being an indispensable component of such cases, where present, an imbalance of power significantly increases the harmful effects as well as the chilling effects of court proceedings against public participation.

Or. en

**Amendment 92**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 10**



*Text proposed by the Commission*

(10) SLAPPs are typically initiated by powerful entities, for example individuals, lobby groups, corporations and state organs. They often involve an imbalance of power between the parties, with the claimant having a more powerful financial or political position than the defendant. Although not being an indispensable component of such cases, where present, an imbalance of power significantly increases the harmful effects as well as the chilling effects of court proceedings against public participation.

*Amendment*

(10) SLAPPs are typically initiated by powerful entities, for example individuals, lobby groups, corporations and **European and foreign** state organs. They often involve an imbalance of power between the parties, with the claimant having a more powerful financial or political position than the defendant. Although not being an indispensable component of such cases, where present, an imbalance of power significantly increases the harmful effects as well as the chilling effects of court proceedings against public participation.

Or. es

**Amendment 93**

**Manon Aubry**

**Proposal for a directive**

**Recital 10**

*Text proposed by the Commission*

(10) SLAPPs are typically initiated by powerful entities, for example individuals, lobby groups, corporations and state organs. They often involve an imbalance of power between the parties, with the claimant having a more powerful financial or political position than the defendant. Although not being an indispensable component of such cases, where present, an imbalance of power significantly increases the harmful effects as well as the chilling effects of court proceedings against public participation.

*Amendment*

(10) SLAPPs are typically initiated by powerful entities, for example individuals, lobby groups, corporations, **politicians** and state organs. They often involve an imbalance of power between the parties, with the claimant having a more powerful financial or political position than the defendant. Although not being an indispensable component of such cases, where present, an imbalance of power significantly increases the harmful effects as well as the chilling effects of court proceedings against public participation.

Or. en

**Amendment 94**

**Manon Aubry**

**Proposal for a directive**

## Recital 11

### *Text proposed by the Commission*

(11) Court proceedings against public participation may have an adverse impact on the credibility and reputation of journalists **and** human rights defenders and exhaust their financial and other resources. Because of such proceedings, the publication of information on a matter of public interest may be delayed or altogether avoided. The length of procedures and the financial pressure may have a chilling effect on journalists **and** human rights defenders. The existence of such practices may therefore have a deterrent effect on their work by contributing to self-censorship in anticipation of possible future court proceedings, which leads to the impoverishment of public debate to the detriment of society as a whole.

### *Amendment*

(11) Court proceedings against public participation may have an adverse impact on the credibility and reputation of **targeted natural or legal persons such as** journalists, human rights **and environmental** defenders and exhaust their financial and other resources. Because of such proceedings, the publication of information on a matter of public interest may be delayed or altogether avoided. The length of procedures and the financial pressure may have a chilling effect on journalists, human rights **and environmental** defenders, **academics, researchers, artists and any one active in public participation**. The existence of such practices may therefore have a deterrent effect on their work by contributing to self-censorship in anticipation of possible future court proceedings, which leads to the impoverishment of public debate to the detriment of society as a whole.

Or. en

## Amendment 95

Gilles Lebreton, Jean-Paul Garraud

### Proposal for a directive

#### Recital 11

### *Text proposed by the Commission*

(11) Court proceedings against public participation may have an adverse impact on the credibility and reputation of **journalists and human rights defenders** and exhaust their financial and other resources. Because of such proceedings, the publication of information on a matter of public interest may be delayed or altogether avoided. The length of procedures and the financial pressure may have a chilling effect on **journalists and**

### *Amendment*

(11) Court proceedings against public participation may have an adverse impact on the credibility and reputation of **persons targeted** and exhaust their financial and other resources. Because of such proceedings, the publication of information on a matter of public interest may be delayed or altogether avoided. The length of procedures and the financial pressure may have a chilling effect on **them**. The existence of such practices may therefore

**human rights defenders.** The existence of such practices may therefore have a deterrent effect on their work by contributing to self-censorship in anticipation of possible future court proceedings, which leads to the impoverishment of public debate to the detriment of society as a whole.

have a deterrent effect on their work by contributing to self-censorship in anticipation of possible future court proceedings, which leads to the impoverishment of public debate to the detriment of society as a whole.

Or. fr

**Amendment 96**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

(11) Court proceedings against public participation may have an adverse impact on the credibility and reputation of journalists and human rights defenders and exhaust their financial and other resources. Because of such proceedings, the publication of information on a matter of public interest may be delayed or altogether avoided. The length of procedures and the financial pressure may have a chilling effect on journalists and human rights defenders. The existence of such practices may therefore have a deterrent effect on their work by contributing to self-censorship in anticipation of possible future court proceedings, which leads to the impoverishment of public debate to the detriment of society as a whole.

*Amendment*

(11) Court proceedings against public participation may have an adverse impact on the credibility and reputation of journalists, **academics** and human rights defenders and exhaust their financial and other resources. Because of such proceedings, the publication of information on a matter of public interest may be delayed or altogether avoided. The length of procedures and the financial pressure may have a chilling effect on journalists, **academics** and human rights defenders. The existence of such practices may therefore have a deterrent effect on their work by contributing to self-censorship in anticipation of possible future court proceedings, which leads to the impoverishment of public debate to the detriment of society as a whole.

Or. en

**Amendment 97**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 11**

(11) Court proceedings against public participation may have an adverse impact on the credibility and reputation of **journalists and human rights defenders** and exhaust their financial and other resources. Because of such proceedings, the publication of information on a matter of public interest may be delayed or altogether avoided. The length of procedures and the financial pressure may have a chilling effect on journalists and human rights defenders. The existence of such practices may therefore have a deterrent effect on their work by contributing to self-censorship in anticipation of possible future court proceedings, which leads to the impoverishment of public debate to the detriment of society as a whole.

(11) Court proceedings against public participation may have an adverse impact on the credibility and reputation of **persons engaging in public participation** and exhaust their financial and other resources. Because of such proceedings, the publication of information on a matter of public interest may be delayed or altogether avoided. The length of procedures and the financial pressure may have a chilling effect on journalists and human rights defenders. The existence of such practices may therefore have a deterrent effect on their work by contributing to self-censorship in anticipation of possible future court proceedings, which leads to the impoverishment of public debate to the detriment of society as a whole.

Or. en

**Amendment 98**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 12**

(12) Those targeted by court proceedings against public participation may face multiple cases simultaneously, sometimes initiated in several jurisdictions. Proceedings initiated in the jurisdiction of one Member State against a person resident in another Member State are usually more complex and costly for the defendant. Claimants in court proceedings against public participation may also use procedural tools to drive up the length and cost of the litigation, and bring cases in a jurisdiction they perceive to be favourable for their case, rather than to the court best placed to hear the claim. Such practices

(12) Those targeted by court proceedings against public participation may face multiple cases simultaneously, **which can be civil, administrative or criminal or a combination of those**, sometimes initiated in several jurisdictions. **Reportedly, most cases of abusive court proceedings against public participation are criminal and domestic cases.** Proceedings initiated in the jurisdiction of one Member State against a person resident in another Member State are usually more complex and costly for the defendant. Claimants in court proceedings against public participation may also use

also place unnecessary and harmful burdens on national court systems.

procedural tools to drive up the length and cost of the litigation, and bring cases in a jurisdiction they perceive to be favourable for their case, rather than to the court best placed to hear the claim. ***The length of procedures, the financial pressure and the threat of sanctions, in particular criminal sanctions, constitute powerful tools to intimidate and silence critical voices.*** Such practices also place unnecessary and harmful burdens on national court systems.

Or. en

**Amendment 99**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 12**

*Text proposed by the Commission*

(12) Those targeted by court proceedings against public participation may face multiple cases simultaneously, sometimes initiated in several jurisdictions. Proceedings initiated in the jurisdiction of one Member State against a person resident in another Member State are usually more complex and costly for the defendant. Claimants in court proceedings against public participation may also use procedural tools to drive up the length and cost of the litigation, and bring cases in a jurisdiction they perceive to be favourable for their case, rather than to the court best placed to hear the claim. Such practices also place unnecessary and harmful burdens on national court systems.

*Amendment*

(12) Those targeted by court proceedings against public participation may face multiple cases simultaneously, sometimes initiated in several jurisdictions. Proceedings initiated in the jurisdiction of one Member State against a person resident in another Member State are usually more complex and costly for the defendant. Claimants in court proceedings against public participation may also use procedural tools to drive up the length and cost of the litigation, and bring cases in a jurisdiction they perceive to be favourable for their case, rather than to the court best placed to hear the claim. Such practices also place unnecessary and harmful burdens on national court systems, ***hence constituting an abuse of judicial systems*** .

Or. en

**Amendment 100**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12 a) To foster prevention of SLAPP initiation and protection of targeted natural or legal person, it is crucial to promote relevant information, awareness raising, campaigns, education and training, including on their rights and protection mechanisms.***

Or. en

**Amendment 101**  
**Alessandra Basso, Gunnar Beck**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

*Amendment*

(13) The safeguards provided in this Directive should apply to any natural or legal person on account of their engagement in public participation. ***They should also protect natural or legal persons who, either on a professional or on a personal basis, support, assist or provide goods or services to another person for purposes directly linked to public participation on a matter of public interest. This involves for example internet providers, publishing houses or print shops, which face or are threatened with court proceedings for providing services to the person targeted with court proceedings.***

(13) The safeguards provided in this Directive should apply to any natural or legal person on account of their engagement in public participation.

Or. en

**Amendment 102**  
**Marie Toussaint**

**Proposal for a directive**

## Recital 13

### *Text proposed by the Commission*

(13) The safeguards provided in this Directive should apply to any natural or legal person on account of their engagement in public participation. They should also protect natural or legal persons who, either on a professional or on a personal basis, support, assist or provide goods or services to another person for purposes directly linked to public participation on a matter of public interest. This involves for example internet providers, publishing houses or print shops, which face or are threatened with court proceedings for providing services to the person targeted with court proceedings.

### *Amendment*

(13) The safeguards provided in this Directive should apply to any natural or legal person on account of their **direct or indirect** engagement in public participation. They should also protect natural or legal persons who, either on a professional or on a personal basis, support, assist or provide goods or services to another person for purposes directly linked to public participation on a matter of public interest. This involves for example **family members, media outlets**, internet providers, publishing houses or print shops, which face or are threatened with court proceedings for **assisting**, providing **support or** services to the person targeted with court proceedings.

Or. en

## Amendment 103

Ilana Cicurel, Karen Melchior

### Proposal for a directive

#### Recital 13

### *Text proposed by the Commission*

(13) The safeguards provided in this Directive should apply to any natural or legal person on account of their engagement in public participation. They should also protect natural or legal persons who, either on a professional or on a personal basis, support, assist or provide goods or services to another person for purposes directly linked to public participation on a matter of public interest. This involves for example internet providers, publishing houses or print shops, which face or are threatened with court proceedings for providing services to the person targeted with court proceedings.

### *Amendment*

(13) The safeguards provided in this Directive should apply to any natural or legal person on account of their engagement in public participation. They should also protect natural or legal persons who, either on a professional or on a personal basis, support, assist or provide goods or services to another person for purposes directly linked to public participation on a matter of public interest. This involves for example **lawyers**, internet providers, publishing houses or print shops, which face or are threatened with court proceedings for providing services to the person targeted with court proceedings.

## Amendment 104

Marie Toussaint

### Proposal for a directive

#### Recital 14

##### *Text proposed by the Commission*

(14) This Directive should apply to any type of legal claim or action of a civil or commercial nature with cross-border implications *whatever* the nature of the court or tribunal. This includes civil claims brought in criminal proceedings. It also includes interim and precautionary measures, counteractions or other particular type of remedies available under other instruments.

##### *Amendment*

(14) This Directive should apply to any type of legal claim or action of a civil or commercial nature with cross-border implications, ***including claims pending before a national court at the time of its entry into force, irrespective of*** the nature of the court or tribunal. This includes civil claims brought in criminal proceedings. It also includes interim and precautionary measures, counteractions or other particular type of remedies available under other instruments.

Or. en

## Amendment 105

Alessandra Basso, Gunnar Beck

### Proposal for a directive

#### Recital 14

##### *Text proposed by the Commission*

(14) This Directive should apply to any type of legal claim or action of a civil or commercial nature with cross-border implications whatever the nature of the court or tribunal. ***This includes civil claims brought in criminal proceedings.*** It also includes interim and precautionary measures, counteractions or other particular type of remedies available under other instruments.

##### *Amendment*

(14) This Directive should apply to any type of legal claim or action of a civil or commercial nature with cross-border implications whatever the nature of the court or tribunal. It also includes interim and precautionary measures, counteractions or other particular type of remedies available under other instruments.

Or. en



**Amendment 106**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

(15) The Directive does not apply to claims arising out of liability of the State for actions or omissions in the exercise of State authority (*acta iure imperii*) and claims against officials who act on behalf of the State and liability for acts of public authorities, including liability of publicly appointed office-holders.

*Amendment*

(15) The Directive does not apply to claims arising out of liability of the State for actions or omissions in the exercise of State authority (*acta iure imperii*) and claims against officials who act on behalf of the State and liability for acts of public authorities, including liability of publicly appointed office-holders, ***unless national law provide for it. In line with established case law of the Court of justice of the EU, court proceedings might still fall in the scope of ‘civil and commercial matters’ as referred to in this Directive where a State or a public body is a party, when the acts or omissions are not made in the exercise of State authority.***

Or. en

**Amendment 107**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

(15) The Directive does not apply to claims arising out of liability of the State for actions or omissions in the exercise of State authority (*acta iure imperii*) and claims against officials who act on behalf of the State and liability for acts of public authorities, including liability of publicly appointed office-holders.

*Amendment*

(15) The Directive does not apply to claims arising out of liability of the State for actions or omissions in the exercise of State authority (*acta iure imperii*) and claims against officials who act on behalf of the State and liability for acts of public authorities, including liability of publicly appointed office-holders, ***nor to those relating to corruption or misappropriation of public funds.***

**Amendment 108****Alessandra Basso, Gunnar Beck****Proposal for a directive****Recital 16***Text proposed by the Commission*

(16) Public participation should mean any statement or activity by a natural or legal person expressed or carried out in exercise of the right to freedom of expression and information on a matter of public interest, such as the creation, exhibition, advertisement or other promotion of journalistic, political, scientific, academic, artistic, commentary or satirical communications, publications or works, **and any preparatory activities directly linked thereto**. It can also include activities related to the exercise of the right to freedom of association and peaceful assembly, **such as the organisation of or participation to lobbying activities, demonstrations and protests or activities resulting from the exercise of the right to good administration and the right to an effective remedy, such as the filing of complaints, petitions, administrative and judicial claims and participation in public hearings. Public participation should also include preparatory, supporting or assisting activities that have a direct and inherent link to the statement or activity in question and that are targeted to stifle public participation**. In addition, it can cover other activities meant to inform or influence public opinion or to further action by the public, including activities by any private or public entity in relation to an issue of public interest, such as the organisation of or participation to research, surveys, campaigns or any other collective actions.

*Amendment*

(16) Public participation should mean any statement or activity by a natural or legal person expressed or carried out **in any form** in exercise of the right to freedom of expression and information on a matter of public interest, such as the creation, exhibition, advertisement or other promotion of journalistic, political, scientific, academic, artistic, commentary or satirical communications, publications or works, **or filing of complaints, petitions, claims and participation in public hearings**. It can also include activities related to the exercise of the right to freedom of association and peaceful assembly, **as well as to** the right to good administration and to an effective **access to justice**. In addition, it can cover other activities meant to inform or influence public opinion or to further action by the public, including activities by any private or public entity in relation to an issue of public interest, such as the organisation of or participation to research, surveys, campaigns or any other collective actions.

**Amendment 109**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) Public participation should mean any statement or activity by a natural or legal person expressed or carried out in exercise of the right to freedom of expression and information on a matter of public interest, such as the creation, exhibition, advertisement or other promotion of journalistic, political, scientific, academic, artistic, commentary or satirical communications, publications or works, and any preparatory activities directly linked thereto. It can also include activities related to the exercise of the right to freedom of association and peaceful assembly, such as the organisation of or participation to lobbying activities, demonstrations and protests or activities resulting from the exercise of the right to good administration and the right to an effective remedy, such as the filing of complaints, petitions, administrative and judicial claims and participation in public hearings. Public participation should also include preparatory, supporting or assisting activities that have a direct and inherent link to the statement or activity in question and that are targeted to stifle public participation. In addition, it can cover other activities meant to inform or influence public opinion or to further action by the public, including activities by any private or public entity in relation to an issue of public interest, such as the organisation of or participation to research, surveys, campaigns or any other collective actions.

*Amendment*

(16) Public participation should mean any statement or activity, ***preparatory, supporting or assisting action directly linked thereto***, by a natural or legal person expressed or carried out in ***the*** exercise of ***fundamental rights and freedoms such as*** the right to freedom of expression and information on a matter of public interest, such as the creation, exhibition, advertisement or other promotion of journalistic ***content, news or current affairs***, political, scientific, academic, artistic, commentary or satirical communications, publications or works, and any preparatory activities directly linked thereto. It can also include activities related to the exercise of ***academic and artistic freedom***, the right to freedom of association and peaceful assembly, such as the organisation of or participation to lobbying activities, demonstrations and protests or activities resulting from the exercise of the right to good administration and the right to an effective remedy, such as the filing of complaints, petitions, administrative and judicial claims and participation in public hearings. Public participation should also include preparatory, supporting or assisting activities that have a direct and inherent link to the statement or activity in question and that are targeted to stifle public participation. In addition, it can cover other activities meant to inform or influence public opinion or to further action by the public, including activities by any private or public entity in relation to an issue of public interest, such as the organisation of or participation to research, surveys, campaigns or any other collective actions.

**Amendment 110**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) Public participation should mean any statement or activity by a natural or legal person expressed or carried out in exercise of the right to freedom of expression and information on a matter of public interest, such as the creation, exhibition, advertisement or other promotion of journalistic, political, scientific, academic, artistic, commentary or satirical communications, publications or works, and any preparatory activities directly linked thereto. It can also include activities related to the exercise of the right to freedom of association and peaceful assembly, such as the organisation of or participation to lobbying activities, demonstrations and protests or activities resulting from the exercise of the right to good administration and the right to an effective remedy, such as the filing of complaints, petitions, administrative and judicial claims and participation in public hearings. Public participation should also include preparatory, supporting or assisting activities that have a direct and inherent link to the statement or activity in question and that are targeted to stifle public participation. In addition, it can cover other activities meant to inform or influence public opinion or to further action by the public, including activities by any private or public entity in relation to an issue of public interest, such as the organisation of or participation to research, surveys, campaigns or any other collective actions.

*Amendment*

(16) Public participation should mean any statement or activity by a natural or legal person expressed or carried out in exercise of the right to freedom of expression and information ***or academic freedom*** on a matter of public interest, such as the creation, exhibition, advertisement or other promotion of journalistic, political, scientific, academic, artistic, commentary or satirical communications, publications or works, and any preparatory activities directly linked thereto. It can also include activities related to the exercise of the right to freedom of association and peaceful assembly, such as the organisation of or participation to lobbying activities, demonstrations and protests or activities resulting from the exercise of the right to good administration and the right to an effective remedy, such as the filing of complaints, petitions, administrative and judicial claims and participation in public hearings. Public participation should also include preparatory, supporting or assisting activities that have a direct and inherent link to the statement or activity in question and that are targeted to stifle public participation. In addition, it can cover other activities meant to inform or influence public opinion or to further action by the public, including activities by any private or public entity in relation to an issue of public interest, such as the organisation of or participation to research, surveys, campaigns or any other collective actions.

**Amendment 111**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 17**

*Text proposed by the Commission*

(17) Public participation should not normally cover commercial advertisement and marketing activity, ***which are typically not made in the exercise of freedom of expression and information.***

*Amendment*

(17) Public participation should not normally cover commercial advertisement and marketing activity.

Or. en

**Amendment 112**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 17**

*Text proposed by the Commission*

(17) Public participation should not normally cover commercial advertisement and marketing activity, ***which are typically not made in the exercise of freedom of expression and information.***

*Amendment*

(17) Public participation should not normally cover commercial advertisement and marketing activity.

Or. en

**Amendment 113**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services where such matters are relevant to public health, safety, the environment,

*Amendment*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services, ***including the conditions under which these are produced and***

climate or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with environmental or safety standards.

*provided*, where such matters are relevant to public health, safety, the environment, climate, **rule of law** or enjoyment of fundamental rights, **including labour rights, media freedom and pluralism, non-discrimination, gender equality and protection from gender-based violence**. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with environmental or safety standards.

Or. en

#### **Amendment 114** **Manon Aubry**

#### **Proposal for a directive** **Recital 18**

##### *Text proposed by the Commission*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services where such matters are relevant to public health, safety, the environment, climate or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with environmental or safety standards.

##### *Amendment*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services **including the conditions under which these are produced or provided**, where such matters are relevant to public health, safety, the environment, climate or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with environmental or safety standards, **labour rights, consumer rights or human rights, including the principle of non-discrimination**.

Or. en

## Amendment 115

Alessandra Basso, Gunnar Beck

### Proposal for a directive

#### Recital 18

##### *Text proposed by the Commission*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services where such matters are relevant to public health, safety, the environment, climate or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered ***only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with environmental or safety standards.***

##### *Amendment*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services where such matters are relevant to public health, safety, the environment, climate or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should ***not*** be covered.

Or. en

## Amendment 116

Ilana Cicurel, Karen Melchior

### Proposal for a directive

#### Recital 18

##### *Text proposed by the Commission*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services where such matters are relevant to public health, safety, the environment, climate or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with

##### *Amendment*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services where such matters are relevant to public health, safety, the environment, climate or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with

environmental or safety standards.

environmental or safety standards, ***labour rights, consumer rights or human rights including the principle of non-discrimination.***

Or. en

**Amendment 117**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services where such matters are relevant to public health, safety, the environment, ***climate*** or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with environmental or safety standards.

*Amendment*

(18) The notion of a matter of public interest should include also quality, safety or other relevant aspects of goods, products or services where such matters are relevant to public health, safety, the environment or enjoyment of fundamental rights. A purely individual dispute between a consumer and a manufacturer or a service provider concerning a good, product or service should be covered only when the matter contains an element of public interest, for instance concerning a product or service which fails to comply with environmental or safety standards.

Or. es

**Amendment 118**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***(19 a) Allegations of corruption, fraud, money laundering, extortion, coercion or other forms of intimidation and criminality including environmental crime are also matters of public interest. Activities aimed to protect the rule of law***



*to fight disinformation, as well as scientific and research activities, including in the field of environment and climate also qualify as matters of public interest.*

Or. en

**Amendment 119**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) Abusive *court proceedings* typically involve litigation tactics used in bad faith such as delaying proceedings, causing disproportionate costs to the defendant in the proceedings or forum shopping. These tactics are used by the claimant for other purposes than gaining access to justice. *Such* tactics are often, although not always, combined with various forms of intimidation, harassment or threats.

*Amendment*

(20) *Strategic lawsuits against public participation are commonly characterised by claims that lack any legal merit, exhibit an imbalance of power and the abuse of rights or of process by the plaintiff.* Abusive *lawsuits against public participation* typically involve litigation tactics used in bad faith such as *abusive or excessive damage claims, requesting disproportionate prior restraint measures*, delaying proceedings, causing disproportionate costs to the defendant in the proceedings or forum shopping. These tactics are used by the claimant for other purposes than gaining access to justice *or genuinely exercising a right. The past records of the claimant and, in particular, any history of legal intimidation should also be considered when determining whether the court proceedings are abusive in nature.* *Such* tactics are often, although not always, combined with various forms of intimidation, harassment or threats.

Or. en

**Amendment 120**  
**Marie Toussaint**

**Proposal for a directive**

## Recital 20

### *Text proposed by the Commission*

(20) Abusive court proceedings typically involve litigation tactics used in bad faith such as **delaying** proceedings, causing disproportionate costs to the defendant in the proceedings or forum shopping. These tactics are used by the claimant for other purposes than gaining access to justice. Such tactics are often, although not always, combined with various forms of intimidation, harassment or threats.

### *Amendment*

(20) Abusive court proceedings typically involve litigation tactics used in bad faith such as **relying on one or more fully or partially unfounded claim, exploiting an economic advantage or political influence by the claimant against the defendant, leading to an imbalance of power between the two parties, as well as requesting exaggerated or excessive damage claims or disproportionate prior restraint measures, which delay** proceedings, causing disproportionate costs to the defendant in the proceedings or forum shopping. These tactics are used by the claimant for other purposes than gaining access to justice. Such tactics are often, although not always, combined with various forms of intimidation, harassment or threats.

Or. en

## Amendment 121

Magdalena Adamowicz

### Proposal for a directive

#### Recital 20

### *Text proposed by the Commission*

(20) Abusive court proceedings typically involve litigation tactics used in bad faith such as delaying proceedings, causing disproportionate costs to the defendant in the proceedings or forum shopping. These tactics are used by the claimant for other purposes than gaining access to justice. Such tactics are often, although not always, combined with various forms of intimidation, harassment or threats.

### *Amendment*

(20) Abusive court proceedings typically involve litigation tactics used in bad faith such as delaying proceedings, **making excessive claims**, causing disproportionate costs to the defendant in the proceedings or forum shopping. These tactics are used by the claimant for other purposes than gaining access to justice. Such tactics are often, although not always, combined with various forms of intimidation, harassment or threats **and in case of death of the defendant such abusive lawsuits might be even inherited by the members of the family.**

## Amendment 122

Ilana Cicurel

### Proposal for a directive

#### Recital 20

##### *Text proposed by the Commission*

(20) Abusive court proceedings typically involve litigation tactics used in bad faith such as delaying proceedings, causing disproportionate costs to the defendant in the proceedings or forum shopping. These tactics are used by the claimant for other purposes than gaining access to justice. Such tactics are often, although not always, combined with various forms of intimidation, harassment or threats.

##### *Amendment*

(20) Abusive court proceedings typically involve litigation tactics used in bad faith such as delaying proceedings, causing disproportionate costs to the defendant in the proceedings or forum shopping. These tactics are used by the claimant for other purposes than ***only*** gaining access to justice ***in order to assert, vindicate or exercise a right***. Such tactics are often, although not always, combined with various forms of intimidation, harassment or threats.

Or. en

## Amendment 123

Magdalena Adamowicz

### Proposal for a directive

#### Recital 20 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(20 a) SLAPPs are consistently characterized by imbalance of power between the claimant and the defendant in terms of financial and legal resources. This imbalance of power causes particular concern if the abusive lawsuits are funded directly or indirectly from the state budgets and are combined with other indirect and direct state measures against independent media outlets, independent journalism and civil society.***

Or. en

**Amendment 124**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

***(20 a) Abusive lawsuits against public participation are becoming more sophisticated and more effective, with one of the techniques used being multiple lawsuits filed against the same person on the same subject matter, meaning that all of them have to be defended and dealt with simultaneously and in parallel by the same person, which increases costs disproportionately.***

Or. en

**Amendment 125**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

***(20 a) Not all legal actions against natural or legal persons engaging in acts of public participation relating to matters of public interest should be considered SLAPPs; in order to avoid impunity for these actors, it is necessary that there be quantitative or qualitative evidence that may give cause for their categorisation as SLAPPs.***

Or. es

**Amendment 126**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 20 b (new)**

*Text proposed by the Commission*

*Amendment*

***(20 b) Abusive lawsuits against public participation often infringe on victims' right to defence recognised by the Charter, possibly also impacting on their right to a fair trial and the presumption of innocence;***

Or. en

**Amendment 127**  
**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**  
**Recital 21**

*Text proposed by the Commission*

*Amendment*

***(21) A cross-border dimension of SLAPPs adds to the complexity and challenges faced by defendants, as they need to deal with proceedings in other jurisdictions, sometimes in multiple jurisdictions at the same time. This, in turn, results in additional costs and burdens with even more adverse consequences.***

***deleted***

Or. fr

*Justification*

*Recital 12 renders this recital redundant.*

**Amendment 128**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 21**

*Text proposed by the Commission*

*Amendment*

**(21) A cross-border dimension of**

**(21) A *potential* cross-border dimension**

SLAPPs adds to the complexity and challenges faced by defendants, as they need to deal with proceedings in other jurisdictions, sometimes in multiple jurisdictions at the same time. This, in turn, results in additional costs and burdens with even more adverse consequences.

of SLAPPs adds to the complexity and challenges faced by defendants, as they *may* need to deal with proceedings in other jurisdictions, sometimes in multiple jurisdictions at the same time. This, in turn, results in additional costs and burdens with even more adverse consequences.

Or. es

## **Amendment 129**

### **Manon Aubry**

#### **Proposal for a directive**

#### **Recital 22**

##### *Text proposed by the Commission*

(22) A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised. Even where both parties are domiciled in the same Member State as the court seised, a matter should be considered to have cross-border implications in two other types of situations. The first situation is where the specific act of public participation concerning a matter of public interest at stake is relevant to more than one Member State. That includes for instance public participation *in* events organised by Union institutions, such as appearances in public hearings, or statements or activities on matters *that are* of specific relevance to more than one Member State, such as cross-border pollution or allegations of money laundering with potential cross-border involvement. The second situation where a matter should be considered to have cross-border implications is when the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State. These two types of situations take into consideration the specific context of

##### *Amendment*

(22) A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised. Even where both parties are domiciled in the same Member State as the court seised, a matter should be considered to have cross-border implications in two other types of situations. The first situation is where the specific act of public participation concerning a matter of public interest at stake is relevant to more than one Member State. That includes for instance public participation *acts which have a cross-border nature or dimension, such as* events organised by Union institutions, such as appearances in public hearings, or *widely disseminated publications. It shall also include* statements or activities on matters *which the public of more than one Member State may legitimately take an interest on, and therefore are or may become* of specific relevance to more than one Member State, such as *economic or political activities of cross-border relevance, cross-border enjoyment or abuse of fundamental rights or freedoms under EU law*, cross-border pollution or allegations of money laundering with potential cross-border involvement. The

***SLAPPs.***

second situation where a matter should be considered to have cross-border implications is when the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State. These two types of situations take into consideration the specific context of ***abusive lawsuits against public participation.***

Or. en

**Amendment 130**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(22) A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised. Even where both parties are domiciled in the same Member State as the court seised, a matter should be considered to have cross-border implications in two other types of situations. The first situation is where the specific act of public participation ***concerning*** a matter of public interest at stake is relevant to more than one Member State. That includes for instance public participation in events organised by Union institutions, such as appearances in public hearings, or statements or activities on matters that are of specific relevance to more than one Member State, such as cross-border pollution ***or*** allegations of money laundering with potential cross-border involvement. The second situation where a matter should be considered to have cross-border implications is when the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State. These

*Amendment*

(22) A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised. Even where both parties are domiciled in the same Member State as the court seised, a matter should be considered to have cross-border implications in two other types of situations. The first situation is where the specific act of public participation, ***including online, concerns*** a matter of public interest at stake is relevant to more than one Member State ***either due to the cross-border nature or dimension of the act itself, or due to the legitimate interest which the public in different Member States may take in the matter of public interest concerned by the act.*** That includes for instance public participation in events organised by Union institutions, such as appearances in public hearings, or statements or activities on matters that are of specific relevance to more than one Member State, such as cross-border pollution ***including diffuse pollution, economic or political activity of cross-border relevance,*** allegations of money

two types of situations take into consideration the specific context of SLAPPs.

launders with potential cross-border involvement, ***or cross-border enjoyment or abuse of fundamental rights or freedoms under EU law***. The second situation where a matter should be considered to have cross-border implications is when the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State. These two types of situations take into consideration the specific context of SLAPPs.

Or. en

## **Amendment 131**

**Alessandra Basso, Gunnar Beck**

### **Proposal for a directive**

#### **Recital 22**

*Text proposed by the Commission*

(22) A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised. Even where both parties are domiciled in the same Member State as the court seised, a matter should be considered to have cross-border implications in ***two*** other types of situations. ***The first situation is*** where the specific act of public participation concerning a matter of public interest at stake is relevant to more than one Member State. That includes for instance public participation in events organised by Union institutions, such as appearances in public hearings, or statements or activities on matters that are of specific relevance to more than one Member State, such as cross-border pollution or allegations of money laundering with potential cross-border involvement. ***The second situation where a matter should be considered to have cross-border implications is*** when the claimant or associated entities have

*Amendment*

(22) ***This Directive shall be considered lex specialis with respect to Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast). For matters not specifically covered in this Directive, the said Regulation shall apply.***



initiated concurrent or previous court proceedings against the same or associated defendants in another Member State. These **two** types of situations take into consideration the specific context of SLAPPs.

A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised.

Even where both parties are domiciled in the same Member State as the court seised, a matter should be considered to have cross-border implications in other types of situations, ***such as*** where the specific act of public participation concerning a matter of public interest at stake ***took place in more than one Member States or it*** is relevant to more than one Member State. That includes for instance public participation in events organised by Union institutions, such as appearances in public hearings, or statements or activities on matters that are of specific relevance to more than one Member State, such as cross-border pollution or allegations of money laundering with potential cross-border involvement. When the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State ***involving the same cause of action , the existing relevant rules on Lis pendens and related actions shall apply.***

These types of situations take into consideration the specific context of SLAPPs.

Or. en

**Amendment 132**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 22**

(22) A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised. Even where both parties are domiciled in the same Member State as the court seised, a matter should be considered to have cross-border implications in two other types of situations. The first situation is where the specific act of public participation concerning a matter of public interest at stake is relevant to more than one Member State. That includes for instance public participation *in* events organised by Union institutions, ***such as*** appearances in public hearings, or statements or activities on matters ***that are*** of specific relevance to more than one Member State, such as cross-border pollution or allegations of money laundering with potential cross-border involvement. The second situation where a matter should be considered to have cross-border implications is when the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State. These two types of situations take into consideration the specific context of SLAPPs.

(22) A matter should be considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised. Even where both parties are domiciled in the same Member State as the court seised, a matter should be considered to have cross-border implications in two other types of situations. The first situation is where the specific act of public participation concerning a matter of public interest at stake is relevant to more than one Member State. That includes for instance public participation ***acts which have a cross border dimension, such as*** events organised by Union institutions, appearances in public hearings, or ***widely disseminated publications. It shall also include*** statements or activities on matters ***which the public of more than one Member State may legitimately take an interest on, and therefore are or may become*** of specific relevance to more than one Member State, such as ***cross-border enjoyment or abuse of fundamental rights or freedoms under EU law***, cross-border pollution or allegations of money laundering with potential cross-border involvement. The second situation where a matter should be considered to have cross-border implications is when the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State. These two types of situations take into consideration the specific context of SLAPPs.

Or. en

**Amendment 133**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 22 a (new)**

***(22 a) Support should be available from the moment competent authorities become aware of the persons targeted by court proceedings against public participation and throughout the proceedings in accordance with the rights set out in this Directive. Support should be made available by a variety of means, including by providing comprehensive and independent information and advice, in a manner that is easily accessible to the public and free of charge, on procedures and remedies available, on protection against intimidation, harassment or threats of legal action, and on the rights of the person concerned, and by providing legal aid in cross-border civil proceedings, legal aid in further proceedings and legal counselling or other legal assistance which is deemed appropriate. Member States should provide for financial assistance and support measures, including psychological support, for those targeted by court proceedings against public participation***

Or. en

#### **Amendment 134** **Marie Toussaint**

#### **Proposal for a directive** **Recital 23**

Text proposed by the Commission

Amendment

(23) Defendants should be able to apply for the following procedural safeguards: a request for a security to cover procedural costs, or procedural costs and damages, a request for an early dismissal of ***manifestly*** unfounded court proceedings, a request for remedies against abusive court proceedings (award of costs, compensation of damages and penalties), or all of them at the same time.

(23) Defendants should be able to apply for the following procedural safeguards: a request for a security to cover procedural costs, or procedural costs and damages, a request for an early dismissal of ***fully or partially*** unfounded court proceedings, a request for remedies against abusive court proceedings (award of costs, compensation of damages and penalties), or all of them at the same time. ***Court proceedings brought***

*against natural or legal persons on account of their engagement in public participation should be dealt with in a swift and effective manner, taking into account the circumstances of the case, and the right to an effective remedy and the right to a fair trial.*

Or. en

**Amendment 135**

**Manon Aubry**

**Proposal for a directive**

**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

*(24 a) Any entity safeguarding or promoting the rights of persons engaging in public participation or otherwise bearing an interest in the defence of the public participation activity targeted by an abusive lawsuit against public participation should have the opportunity to take part in those proceedings, either in support of the defendant or to provide information. Such possibility of legal representation should be without prejudice to the right and competences of trade unions and workers' representatives to engage on behalf of or in support of workers in judicial proceedings, in accordance with other Union and national rules.*

Or. en

**Amendment 136**

**Marie Toussaint**

**Proposal for a directive**

**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

*(24 a) Any entity safeguarding or promoting the rights of persons engaging in public participation or otherwise bearing an interest in the defence of the public participation activity targeted by a SLAPP shall have the opportunity to take part in those proceedings, either in support of the defendant or to provide information. Such possibility of legal representation should be without prejudice to the right and competences of trade unions and workers' representatives to engage on behalf of or in support of workers in judicial proceedings, in accordance with other Union and national rules.*

Or. en

**Amendment 137**  
**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**  
**Recital 25 b (new)**

*Text proposed by the Commission*

*Amendment*

*(25 b) Non-governmental organisations, representative associations, professional associations, trade unions or other entities having legitimate interest in safeguarding the rights of the defendant may take part in the proceeding in accordance with national law.*

Or. en

**Amendment 138**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

*Amendment*

(26) To provide the defendant with an

(26) To provide the defendant with an

additional safeguard, there should be a possibility to grant him or her a security to cover procedural costs and/or damages, when the court considers that even if the claim is not manifestly unfounded, there are elements indicating an abuse of procedure and the prospects for success in the main proceedings are low. A security does not entail a judgement on the merits but serves as a precautionary measure ensuring the effects of a final decision finding an abuse of procedure. It should be for Member States to decide whether a security should be ordered by the court on its own motion or upon request by the defendant.

additional safeguard, there should be a possibility to grant him or her a security to cover procedural costs and/or damages, when the court considers that even if the claim is not manifestly unfounded, there are elements indicating an abuse of procedure and the prospects for success in the main proceedings are low. A security does not entail a judgement on the merits but serves as a precautionary measure ensuring the effects of a final decision finding an abuse of procedure ***and covering the costs and damage caused to the defendant***. It should be for Member States to decide whether a security should be ordered by the court on its own motion or upon request by the defendant.

Or. en

## **Amendment 139**

**Manon Aubry**

### **Proposal for a directive**

#### **Recital 26**

##### *Text proposed by the Commission*

(26) To provide the defendant with an additional safeguard, there should be a possibility to grant him or her a security to cover procedural costs and/or damages, when the court considers that even if the claim is not manifestly unfounded, there are elements indicating an abuse of procedure and the prospects for success in the main proceedings are low. A security does not entail a judgement on the merits but serves as a precautionary measure ensuring the effects of a final decision finding an abuse of procedure. It should be for Member States to decide whether a security should be ordered by the court on its own motion or upon request by the defendant.

##### *Amendment*

(26) To provide the defendant with an additional safeguard, there should be a possibility to grant him or her a security to cover ***costs, including*** procedural ***costs, legal representation*** costs and/or damages, when the court considers that even if the claim is not manifestly unfounded, there are elements indicating an abuse of procedure and the prospects for success in the main proceedings are low. A security does not entail a judgement on the merits but serves as a precautionary measure ensuring the effects of a final decision finding an abuse of procedure. It should be for Member States to decide whether a security should be ordered by the court on its own motion or upon request by the defendant.

Or. en

**Amendment 140**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

(26) To provide the defendant with an additional safeguard, there should be a possibility to grant him or her a security to cover procedural costs and/or damages, when the court considers that even if the claim is not ***manifestly*** unfounded, there are elements indicating an abuse of procedure and the prospects for success in the main proceedings are low. A security does not entail a judgement on the merits but serves as a precautionary measure ensuring the effects of a final decision finding an abuse of procedure. It should be for Member States to decide whether a security should be ordered by the court on its own motion or upon request by the defendant.

*Amendment*

(26) To provide the defendant with an additional safeguard, there should be a possibility to grant him or her a security to cover ***costs, including*** procedural costs, ***legal representation*** and/or damages, when the court considers that even if the claim is not unfounded, there are elements indicating an abuse of procedure and the prospects for success in the main proceedings are low. A security does not entail a judgement on the merits but serves as a precautionary measure ensuring the effects of a final decision finding an abuse of procedure. It should be for Member States to decide whether a security should be ordered by the court on its own motion or upon request by the defendant.

Or. en

**Amendment 141**  
**Alessandra Basso, Gunnar Beck**

**Proposal for a directive**  
**Recital 30**

*Text proposed by the Commission*

***(30) If a defendant has applied for early dismissal, it should be for the claimant in the main proceedings to prove in the accelerated procedure that the claim is not manifestly unfounded. This does not represent a limitation of access to justice, taking into account that the claimant carries the burden of proof in relation to that claim in the main proceedings and only needs to meet the***

*Amendment*

***deleted***

*much lower threshold of showing that the claim is not manifestly unfounded in order to avoid an early dismissal.*

Or. en

#### **Amendment 142**

**Marie Toussaint**

#### **Proposal for a directive**

##### **Recital 30**

###### *Text proposed by the Commission*

(30) If a defendant has applied for early dismissal, it should be for the claimant in the main proceedings to prove in the accelerated procedure that the claim is not ***manifestly*** unfounded. This does not represent a limitation of access to justice, taking into account that the claimant carries the burden of proof in relation to that claim in the main proceedings and only needs to meet the much lower threshold of showing that the claim is not ***manifestly*** unfounded in order to avoid an early dismissal.

###### *Amendment*

(30) If a defendant has applied for early dismissal, it should be for the claimant in the main proceedings to prove in the accelerated procedure that the claim is not ***partially or fully unfounded. When seeking to avoid an early dismissal, the claimant shall establish a prima facie case as to each essential element of the cause of action that the claim is not fully or partially*** unfounded. This does not represent a limitation of access to justice, taking into account that the claimant carries the burden of proof in relation to that claim in the main proceedings and only needs to meet the much lower threshold of showing that the claim is not unfounded in order to avoid an early dismissal.

Or. en

#### **Amendment 143**

**Manon Aubry**

#### **Proposal for a directive**

##### **Recital 30**

###### *Text proposed by the Commission*

(30) If a defendant has applied for early dismissal, it should be for the claimant in the main proceedings to prove in the

###### *Amendment*

(30) If a defendant has applied for early dismissal, it should be for the claimant in the main proceedings to prove in the



accelerated procedure that the claim is not ***manifestly unfounded***. This does not represent a limitation of access to justice, taking into account that the claimant carries the burden of proof in relation to that claim in the main proceedings and only needs to meet the much lower threshold of showing that the claim is not manifestly unfounded in order to avoid an early dismissal.

accelerated procedure that the claim is not ***an abusive lawsuit against public participation***. This does not represent a limitation of access to justice, taking into account that the claimant carries the burden of proof in relation to that claim in the main proceedings and only needs to meet the much lower threshold of showing that the claim is not manifestly unfounded ***and is not abusive*** in order to avoid an early dismissal.

Or. en

**Amendment 144**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 30 a (new)**

*Text proposed by the Commission*

*Amendment*

***(30 a) Early dismissal of fully or partially unfounded claims does not constitute an undue infringement of the right of access to justice. Under this Directive, Member States shall empower their tribunals and courts with the possibility to adopt early decisions to dismiss, but such decisions shall be adopted by the judge on a case by case basis, in claims where the aim of the claimant is not to genuinely assert, vindicate or exercise a right. Moreover, claimants shall always be entitled to lodge an appeal against the early decision to dismiss.***

Or. en

**Amendment 145**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

(31) Costs should include all costs of the proceedings, including the full costs of legal representation incurred by the defendant unless such costs are excessive. Costs of legal representation exceeding amounts laid down in statutory fee tables should not be considered as excessive per se. Full compensation of damages should include both material and immaterial damages, such as physical and psychological harm.

*Amendment*

(31) Costs should include all costs of the proceedings, including the full costs of legal representation incurred by the defendant unless such costs are excessive. Costs of legal representation exceeding amounts laid down in statutory fee tables should not be considered as excessive per se. ***Where the domestic law does not guarantee the compensation of costs for legal representation beyond statutory fee tables, the court should be enabled to indemnify costs not encompassed in statutory fee tables through the award of damages.*** Full compensation of damages should include both material and immaterial damages, such as physical and psychological harm.

Or. en

**Amendment 146**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

(31) Costs should include all costs of the proceedings, including the full costs of legal representation incurred by the defendant ***unless such costs are excessive.*** Costs of legal representation exceeding amounts laid down in statutory fee tables should not be considered as excessive per se. Full compensation of damages should include both material and immaterial damages, such as physical and psychological harm.

*Amendment*

(31) Costs should include all costs of the proceedings, including the full costs of legal representation incurred by the defendant. Costs of legal representation exceeding amounts laid down in statutory fee tables should not be considered as excessive per se. ***Where the domestic law does not guarantee the compensation of costs for legal representation beyond statutory fee tables, the court should be enabled to indemnify costs not encompassed in statutory fee tables through the award of damages.*** Full compensation of damages should include both material and immaterial damages, such as physical and psychological harm.

Or. en

**Amendment 147**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

(31) Costs should include all costs of the proceedings, including the full costs of legal representation incurred by the defendant unless such costs are excessive. ***Costs of legal representation exceeding amounts laid down in statutory fee tables should not be considered as excessive per se. Full compensation of damages should include both material and immaterial damages, such as physical and psychological harm.***

*Amendment*

(31) Costs should include all costs of the proceedings, including the full costs of legal representation incurred by the defendant unless such costs are excessive. ***Costs shall be subject to the laws of each of the Member States as regards the rules on recognition, amounts and procedures.***

Or. es

**Amendment 148**  
**Tiemo Wölken**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

(31) Costs should include all costs of the proceedings, including the full costs of legal representation incurred by the defendant unless such costs are excessive. Costs of legal representation exceeding amounts laid down in statutory fee tables should not be considered as excessive per se. Full compensation of damages should include both material and immaterial damages, such as physical and psychological harm.

*Amendment*

(31) Costs should include all costs of the proceedings, including the full costs of legal representation, ***including pre-trial costs*** incurred by the defendant unless such costs are excessive. Costs of legal representation exceeding amounts laid down in statutory fee tables should not be considered as excessive per se. Full compensation of damages should include both material and immaterial damages, such as physical and psychological harm.

Or. en

**Amendment 149**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

***(31 a) Any natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation should be able to claim and to obtain full compensation for that harm, without the need to initiate separate court proceedings to that end. Full compensation for harm should cover both material and immaterial damage. Material damage includes notably lawyer fees, when they are not reimbursable as costs, travel expenses and medical costs, in particular psychological assistance. Pre-trial costs should be also considered as material damages, if they are not included in costs according to national laws. Immaterial damage includes in particular different forms of physical and/or psychological harm, pain and suffering or emotional distress related to the court proceedings, impairment of life or of relationship, reputational damage and in general, any types of intangible damage.***

Or. en

**Amendment 150**  
**Tiemo Wölken**

**Proposal for a directive**  
**Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

***(31 a) Full compensation for damage should include both material and immaterial damage, such as physical and psychological harm. In order for the defendant to be able to claim***

*damages easily and in a timely manner, it should be possible to seek damages in the same proceedings as those brought against the defendant, where appropriate through a counter claim. Material damages should include pre-trial costs, if they are not included in costs according to national laws or this directive. Pre-trial costs should also include necessary expenses incurred in respect of defending the person's rights against abusive claims, including lawyer fees, even if the claimant does not subsequently file a lawsuit.*

Or. en

#### **Amendment 151**

**Manon Aubry**

#### **Proposal for a directive**

#### **Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

*(31 a) Defendants should be allowed to seek damages in the same proceedings as those brought against them, through a counter claim where appropriate.*

Or. en

#### **Amendment 152**

**Marie Toussaint**

#### **Proposal for a directive**

#### **Recital 32**

*Text proposed by the Commission*

*Amendment*

(32) The main objective of giving courts or tribunals the possibility to impose penalties is to deter potential claimants from initiating abusive court proceedings against public participation. Such penalties should be proportionate to the elements of abuse identified. When establishing

(32) The main objective of giving courts or tribunals the possibility to impose penalties is to deter potential claimants from initiating abusive court proceedings against public participation. Such penalties should be ***determined on a case by case basis and be*** proportionate to the elements

amounts for penalties, courts should take into account the potential for a harmful or chilling effect of the proceedings on public participation, including as related to the nature of the claim, whether the claimant has initiated multiple or concerted proceedings in similar matters and the existence of attempts to intimidate, harass or threat the defendant.

of abuse identified, *to the amount of the claim and to the financial situation of the claimant, specifically when the claimant is a legal person*. When establishing amounts for penalties, courts should take into account the potential for a harmful or chilling effect of the proceedings on public participation, including as related to the nature of the claim, whether the claimant has initiated multiple or concerted proceedings in similar matters and the existence of attempts to intimidate, harass or threat the defendant.

Or. en

### **Amendment 153** **Manon Aubry**

#### **Proposal for a directive** **Recital 32**

##### *Text proposed by the Commission*

(32) The main objective of giving courts or tribunals the possibility to impose penalties is to deter potential claimants from initiating abusive court proceedings against public participation. Such penalties should be proportionate to the elements of abuse identified. When establishing amounts for penalties, courts should take into account the potential for a harmful or chilling effect of the proceedings on public participation, including as related to the nature of the claim, whether the claimant has initiated multiple or concerted proceedings in similar matters and the existence of attempts to intimidate, harass or threat the defendant.

##### *Amendment*

(32) The main objective of giving courts or tribunals the possibility to impose penalties is to deter potential claimants from initiating abusive court proceedings against public participation. Such penalties should ***be determined on a case by case basis and*** be proportionate to the elements of abuse identified. When establishing amounts for penalties, courts should take into account the potential for a harmful or chilling effect of the proceedings on public participation, including as related to the nature of the claim, whether the claimant has initiated multiple or concerted proceedings in similar matters and the existence of attempts to intimidate, harass or threat the defendant.

Or. en

### **Amendment 154** **Manon Aubry**

**Proposal for a directive**  
**Recital 32 a (new)**

*Text proposed by the Commission*

*Amendment*

***(32 a) Publicity of court decisions is a key element to deter potential abusive lawsuit against public participation and to strengthen the effectiveness of this Directive. Member States should establish a publicly accessible national register of relevant court decisions falling within the scope of this Directive. The Commission should establish a publicly accessible register at EU level on the basis of the information from the national registers concerning relevant court decisions falling within the scope of this Directive. National and EU registers should comply with relevant rules on the protection of personal data***

Or. en

**Amendment 155**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 33**

*Text proposed by the Commission*

*Amendment*

(33) In the cross-border context, it is also important to recognize the threat of SLAPPs from third countries targeting journalists, human rights defenders and other persons engaged in public participation who are domiciled in the European Union. They may involve excessive damages awarded against EU ***journalists, human rights defenders and others***. Court proceedings in third-countries are more complex and costly for the targets. To protect democracy and freedom of expression and information in the European Union and to avoid that the safeguards provided by this Directive are

(33) In the cross-border context, it is also important to recognize the threat of SLAPPs from third countries targeting journalists, human rights defenders and other persons engaged in public participation who are domiciled in the European Union. They may involve excessive damages awarded against ***persons engaging in public participation in the*** EU. Court proceedings in third-countries are more complex and costly for the targets. To protect democracy and freedom of expression and information in the European Union and to avoid that the safeguards provided by this Directive are

undermined by recourse to court proceedings in other jurisdictions, it is important to provide protection also against ***manifestly unfounded and*** abusive court proceedings in third countries.

undermined by recourse to court proceedings in other jurisdictions, it is important to provide protection also against abusive court proceedings in third countries.

Or. en

## **Amendment 156**

**Manon Aubry**

### **Proposal for a directive**

#### **Recital 33**

##### *Text proposed by the Commission*

(33) In the cross-border context, it is also important to recognize the threat of SLAPPs from third countries targeting journalists, human rights defenders and other persons engaged in public participation who are domiciled in the European Union. They may involve excessive damages awarded against ***EU journalists, human rights defenders and others***. Court proceedings in third-countries are more complex and costly for the targets. To protect democracy and freedom of expression and information in the European Union and to avoid that the safeguards provided by this Directive are undermined by recourse to court proceedings in other jurisdictions, it is important to provide protection also against ***manifestly unfounded and*** abusive ***court proceedings*** in third countries.

##### *Amendment*

(33) In the cross-border context, it is also important to recognize the threat of SLAPPs from third countries targeting journalists, human rights defenders and other persons engaged in public participation who are domiciled in the European Union. They may involve excessive damages awarded against ***persons engaging in public participation***. Court proceedings in third-countries are more complex and costly for the targets. To protect democracy and freedom of expression and information in the European Union and to avoid that the safeguards provided by this Directive are undermined by recourse to court proceedings in other jurisdictions, it is important to provide protection also against abusive ***lawsuits against public participation*** in third countries.

Or. en

## **Amendment 157**

**Manon Aubry**

### **Proposal for a directive**

#### **Recital 33 a (new)**



***(33 a) As regards jurisdiction for defamation claims or other claims based on civil or commercial law which could constitute abusive court proceedings against public participation, the Member State of domicile of the defendant should be considered as the sole forum, having due regard to cases where the victims of defamation are private persons. With the exception of that rule concerning cases falling within the scope of this Directive, this Directive should not affect the application of Regulation (EU) No 1215/2012 of the European Parliament and of the Council [1] ('Brussels I Regulation') 1a Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p.1).***

Or. en

**Amendment 158**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Recital 34**

***(34) This Directive creates a new special ground of jurisdiction in order to ensure that targets of SLAPPs domiciled in the European Union have an efficient remedy available in the Union against abusive court proceedings brought in a court or tribunal of a third country. This special ground of jurisdiction allows the targets domiciled in the European Union to seek, in the courts or tribunals of their domicile, for compensation of damages and costs incurred in connection with the proceedings before the court or tribunal***

***deleted***

*of the third country. This right applies irrespective of the domicile of the claimant in the proceedings in the third country.*

Or. es

**Amendment 159**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

(34) This Directive creates a new special ground of jurisdiction in order to ensure that targets of SLAPPs domiciled in the European Union have an efficient remedy available in the Union against abusive court proceedings brought in a court or tribunal of a third country. This special ground of jurisdiction allows the targets domiciled in the European Union to seek, in the courts or tribunals of their domicile, for compensation of damages and costs incurred in connection with the proceedings before the court or tribunal of the third country. This right applies irrespective of the domicile of the claimant in the proceedings in the third country.

*Amendment*

(34) This Directive creates a new special ground of jurisdiction in order to ensure that targets of SLAPPs domiciled in the European Union have an efficient remedy available in the Union against abusive court proceedings brought in a court or tribunal of a third country. This special ground of jurisdiction allows the targets domiciled in the European Union to seek, in the courts or tribunals of their domicile, for compensation of damages and costs incurred ***or reasonably expected to be incurred*** in connection with the proceedings before the court or tribunal of the third country. This right applies irrespective of the domicile of the claimant in the proceedings in the third country.

Or. en

**Amendment 160**  
**Alessandra Basso, Gunnar Beck**

**Proposal for a directive**  
**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

***(34 a) This Directive shall be in any case without prejudice to the recognized function of the national judges to***

*establish, under a case-by-case evaluation performed on factual bases, according to the national civil substantive law and the relevant civil procedural law, whether a judicial action is manifestly abusive or unfounded.*

Or. en

**Amendment 161**  
**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**  
**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

*(34 a) The provisions and safeguards of this Directive apply to all pending abusive court proceeding against public participation on the date of entry into force of the national law implementing the Directive and thereafter.*

Or. en

**Amendment 162**  
**Manon Aubry**

**Proposal for a directive**  
**Recital 35 a (new)**

*Text proposed by the Commission*

*Amendment*

*(35 a) Member States should take appropriate measures to ensure that the deontological rules that govern the conduct of legal professionals and the disciplinary sanctions for violation of those rules consider and include appropriate measures to discourage abusive lawsuits against public participation. These measures which be developed in close cooperation with relevant stakeholders including professional associations, social partners*

**Amendment 163**

**Marie Toussaint**

**Proposal for a directive**

**Recital 36**

*Text proposed by the Commission*

(36) This Directive is complementary to the Commission recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”). This recommendation is addressed to Member States and it provides a comprehensive toolbox of measures including training, awareness-raising, support to targets of abusive court proceedings and data collection, reporting and monitoring of court proceedings against public participation.

*Amendment*

(36) This Directive is complementary to the Commission recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”). This recommendation is addressed to Member States and it provides a comprehensive toolbox of measures including training, awareness-raising, support to targets of abusive court proceedings and data collection, reporting and monitoring of court proceedings against public participation. ***When transposing this Directive, Member States should also ensure the implementation of the Commission’s recommendation. In this regard, Member States should pay particular attention to the implementation of the recommendations concerning, in particular, the inclusion of safeguards similar to those provided for by the present Directive for domestic cases not covered by the scope of this Directive, the provision of legal assistance to defendants in an affordable and easily accessible manner, and ensure the inclusion in their national transposition laws of targeted provisions to that effect.***

**Amendment 164**

**Manon Aubry**

**Proposal for a directive**

**Recital 36**

*Text proposed by the Commission*

(36) This Directive is complementary to the Commission recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”). This recommendation is addressed to Member States and it provides a comprehensive toolbox of measures including training, awareness-raising, support to targets of abusive court proceedings and data collection, reporting and monitoring of court proceedings against public participation.

*Amendment*

(36) This Directive is complementary to the Commission recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”). This recommendation is addressed to Member States and it provides a comprehensive toolbox of measures including training, awareness-raising, support to targets of abusive court proceedings and data collection, reporting and monitoring of court proceedings against public participation. ***When transposing this Directive, Member States should pay particular attention to the implementation of the Commission’s recommendations as regards, in particular, the inclusion of safeguards similar to those provided for by the Directive for domestic cases not covered by the Directive’s scope, and the provision of legal assistance to defendants in an affordable and easily accessible manner, and consider the inclusion in their national transposition laws of targeted provisions to that effect.***

Or. en

**Amendment 165**

**Magdalena Adamowicz**

**Proposal for a directive**

**Recital 36**

*Text proposed by the Commission*

(36) This Directive is complementary to the Commission recommendation on protecting journalists and human rights

*Amendment*

(36) This Directive is complementary to the Commission recommendation on protecting journalists and human rights

defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”). This recommendation is addressed to Member States and it provides a comprehensive toolbox of measures including training, awareness-raising, support to targets of abusive court proceedings and data collection, reporting and monitoring of court proceedings against public participation.

defenders who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”). This recommendation is addressed to Member States and it provides a comprehensive toolbox of measures including training, awareness-raising, support to targets of abusive court proceedings and data collection, reporting and monitoring of court proceedings against public participation. ***When transposing this Directive, Member States should pay particular attention to the implementation of the Commission’s recommendations as regards, in particular, the inclusion of safeguards similar to those provided for by the Directive for domestic cases not covered by the Directive’s scope, and the provision of legal assistance to defendants in an affordable and easily accessible manner, and consider the inclusion in their national transposition laws of targeted provisions to that effect.***

Or. en

**Amendment 166**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 36 a (new)**

*Text proposed by the Commission*

*Amendment*

***(36 a) This Directive provides comprehensive support and preventive measures, including the establishment of national funds by Member States, non-financial support mechanisms such as the provision of legal aid and psychological support, as well as training, awareness-raising and data collection measures. It also seeks to ensure the collection of data by establishing common criteria at EU level. A national focal point should be established to gather and share information on all organisations that***

*provide guidance and support for targets of abusive court proceedings against public participation. Such organisations may include associations of legal professionals, media and press councils, umbrella associations for human rights defenders, associations at Union and national level, law firms defending targets of manifestly unfounded or abusive court proceedings against public participation pro bono, legal clinics of universities and other non-governmental organisations.*

Or. en

**Amendment 167**  
**Marie Toussaint**

**Proposal for a directive**  
**Recital 36 b (new)**

*Text proposed by the Commission*

*Amendment*

*(36 b) Training for journalists, other media professionals and human rights defenders should strengthen their capacity to deal with abusive court proceedings against public participation. It should focus on recognising such court proceedings, how to manage being targeted by them and inform them of their rights and obligations in order for them to be able to take the necessary steps to protect themselves against such proceedings. Training should also be provided to legal professionals in order to increase awareness of abusive court proceedings and be able to detect them at a very early stage.*

Or. en

**Amendment 168**  
**Marie Toussaint**

**Proposal for a directive**

**Recital 36 c (new)**

*Text proposed by the Commission*

*Amendment*

***(36 c) National Funds should be established by Member States to support and compensate victims of abusive court proceedings. The national funds should be partially funded by penalties.***

Or. en

**Amendment 169**

**Marie Toussaint**

**Proposal for a directive**

**Recital 36 d (new)**

*Text proposed by the Commission*

*Amendment*

***(36 d) The collection of data is paramount to document cases of abusive court proceedings and to provide solutions in order to prevent them. This Directive should establish common criteria to standardise the data collection procedures in Member States and ensure that comparable data is collected.***

Or. en

**Amendment 170**

**Marie Toussaint**

**Proposal for a directive**

**Article 1 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1 This Directive sets minimum standards of protection of natural and legal persons who engage in public participation, playing an important democratic role in upholding public debate, fundamental rights and values, social inclusion, environmental and***



*climate protection and the rule of law, as well as strengthening democracy, gender equality, media freedom and pluralism in the EU.*

Or. en

**Amendment 171**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Directive provides safeguards against ***manifestly unfounded or*** abusive court proceedings in civil matters with cross-border implications brought against natural ***and*** legal persons, ***in particular*** journalists and ***human*** rights defenders, on account of their engagement in public participation.

*Amendment*

This Directive provides ***procedural*** safeguards against abusive court proceedings, ***or threats of initiating legal action,*** in civil matters with cross-border implications brought ***directly or indirectly*** against natural ***or*** legal persons, ***such as*** journalists, ***media outlets*** and rights defenders, ***in particular, human rights, women's and LGBTIQ+ rights, environmental and climate defenders, as well as civil society organisations, NGOs, activists, trade unions, artists, researchers, academics, bloggers, whistleblowers,*** on account of their engagement in public participation, ***including online.***

Or. en

**Amendment 172**  
**Daniel Buda**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Directive provides safeguards against manifestly unfounded or abusive court proceedings in civil matters with cross-border implications brought against natural

*Amendment*

This Directive provides safeguards against manifestly unfounded or abusive court proceedings in civil matters with cross-border implications brought against natural

**and** legal persons, in particular journalists and human rights defenders, on account of their engagement in public participation.

**or** legal persons, in particular journalists, **media outlets, activists, editors** and human rights defenders, on account of their engagement in **public participation, as well as against natural or legal persons engaged in preparatory activities to support or assist** public participation.

Or. ro

#### Amendment 173

Manon Aubry

#### Proposal for a directive Article 1 – paragraph 1

##### *Text proposed by the Commission*

This Directive provides safeguards against **manifestly unfounded or** abusive **court proceedings** in civil matters with cross-border implications brought against natural and legal persons, in particular journalists **and** human rights defenders, on account of their engagement in public participation.

##### *Amendment*

This Directive provides safeguards against abusive **lawsuits against public participation** in civil matters **as well as the threats thereof, having** with cross-border implications brought against natural and legal persons, in particular journalists, human rights **and environmental** defenders, on account of their engagement in public participation.

Or. en

#### Amendment 174

Ilana Cicurel, Karen Melchior

#### Proposal for a directive Article 1 – paragraph 1

##### *Text proposed by the Commission*

This Directive provides safeguards against **manifestly unfounded or** abusive court proceedings in civil matters with cross-border implications brought against natural and legal persons, **in particular journalists and human rights defenders**, on account of their engagement in public participation.

##### *Amendment*

This Directive provides safeguards against abusive court proceedings in civil **and criminal** matters with cross-border implications brought against natural and legal persons on account of their engagement in public participation.

**Amendment 175**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Directive provides safeguards against manifestly unfounded or abusive court proceedings in civil matters with cross-border implications brought against natural and legal persons, ***in particular journalists and human rights defenders***, on account of their engagement in public participation.

*Amendment*

This Directive provides safeguards against manifestly unfounded or abusive court proceedings in civil matters with cross-border implications brought against natural and legal persons on account of their engagement in public participation.

Or. en

**Amendment 176**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 1 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The implementation of this Directive shall in no circumstances constitute grounds for a reduction in the level of safeguards already afforded by Member States in the matters covered by this Directive.***

Or. en

**Amendment 177**  
**Manon Aubry**

**Proposal for a directive**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

This Directive shall apply to ***matters*** of a

This Directive shall apply to ***legals claims***

civil or commercial nature with cross-border implications, *whatever* the nature of the court or tribunal. It shall not extend, *in particular, to revenue, customs or administrative matters or* the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).

*or actions* of a civil or commercial nature with cross-border implications *initiated or ongoing before a national court at the time of its entry into force.*, *This Directive shall extend to any type of claim including interim and precautionary measures, counteractions or other particular type of remedies, and irrespective of* the nature of the court or tribunal. It shall *include civil claims brought in criminal proceedings. It shall not extend to claims invoking* the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).

Or. en

**Amendment 178**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

This Directive shall apply to matters of a civil or commercial nature with cross-border implications, whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters or the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).

*Amendment*

This Directive shall apply to matters of a civil or commercial nature with cross-border implications, whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters or the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).

*This Directive shall not apply in the cases provided for in Article 1(2)(g) of Regulation 864/2007 of 11 July 2007 on the law applicable to non-contractual obligations (Rome II).*

Or. es

**Amendment 179**  
**Marie Toussaint**

**Proposal for a directive**

## Article 2 – paragraph 1

### *Text proposed by the Commission*

This Directive shall apply to **matters** of a civil or commercial nature with cross-border implications, **whatever** the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters or the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).

### *Amendment*

This Directive shall apply to **any type of legal claims or actions** of a civil or commercial nature with cross-border implications **including claims pending before a national court at the time of its entry into force, irrespective of** the nature of the court or tribunal. **It shall include civil claims brought in criminal proceedings.** It shall not extend, in particular, to revenue, customs or administrative matters or the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii) **unless national law provides for it.**

Or. en

## Amendment 180

Ilana Cicurel, Karen Melchior

### Proposal for a directive

#### Article 2 – paragraph 1

### *Text proposed by the Commission*

This Directive shall apply to matters of a civil **or** commercial nature with cross-border implications, whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters or the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).

### *Amendment*

This Directive shall apply to matters of a civil, commercial **or criminal** nature with cross-border implications, whatever the nature of the court or tribunal.

It shall not extend, in particular, to revenue, customs or administrative matters or the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).

Or. en

## Amendment 181

Magdalena Adamowicz

**Proposal for a directive**  
**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2 a**

*This Directive lays down minimum rules, thus enabling the Member States to adopt or maintain provisions more favourable to persons engaged in the public participation, including national provisions establishing more effective procedural safeguards relating to freedom of expression and information, freedom of assembly and association or academic freedom. The transposition of this Directive cannot constitute grounds for a reduction in the level of safeguards already granted by the Member States in the matters covered by this Directive.*

Or. en

**Amendment 182**  
**Manon Aubry**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the right to freedom of expression and information on a matter of public interest, and preparatory, supporting or assisting action directly linked thereto. This includes complaints, petitions, administrative or judicial claims and participation in public hearings;

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the **rights such as the** right to freedom of expression and information, **the right of collective bargaining and action, the right to good administration and the right to an effective remedy, academic freedom, freedom of association and assembly** on a matter of public interest, and preparatory, supporting or assisting action directly linked thereto. This includes **inter alia journalistic content**, complaints, petitions, administrative or judicial claims and participation in public hearings. **This**

*shall also include any supporting or preparatory activities thereof, such as the provision by natural or legal persons, either on a professional or personal basis, of support to another person for purposes directly linked to public participation on a matter of public interest;*

Or. en

**Amendment 183**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the right to freedom of expression and information on a matter of public interest, *and preparatory, supporting or assisting action directly linked thereto. This* includes complaints, petitions, administrative or judicial claims and participation in public hearings;

*Amendment*

1. ‘public participation’ means any statement or activity, *preparatory, supporting or assisting action directly linked thereto*, by a natural or legal person, expressed or carried out in the exercise of *fundamental rights including* the right to *a safe, clean, healthy and sustainable environment and freedoms such as* freedom of expression and information on a matter of public interest, *freedom of association and assembly, academic and artistic freedom, freedom of science and culture, the right of collective bargaining and* action, *the right to an effective remedy and the right to good administration. This* includes *any activity regardless of the nature, medium or format, which serves the disclosure, dissemination or promotion of information to the public such as* complaints, petitions, administrative or judicial claims and participation in public hearings;

Or. en

**Amendment 184**  
**Magdalena Adamowicz**

## Proposal for a directive

### Article 3 – paragraph 1 – point 1

#### *Text proposed by the Commission*

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the **right** to freedom of expression and information on a matter of public interest, and preparatory, supporting or assisting action directly linked thereto. This includes complaints, petitions, administrative or judicial claims **and** participation in public hearings;

#### *Amendment*

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the **rights** to freedom of expression and information, **freedom of assembly and association or academic freedom** on a matter of public interest, and preparatory, supporting or assisting action directly linked thereto. This includes complaints, petitions, administrative or judicial claims, participation in public hearings, **as well as exercise of public scrutiny and dissemination of public information in form of creation, exhibition, advertisement or other promotion of journalistic, political, scientific, academic, artistic, commentary or satirical communications, publications or works**;

Or. en

## Amendment 185

Ilana Cicurel, Karen Melchior

## Proposal for a directive

### Article 3 – paragraph 1 – point 1

#### *Text proposed by the Commission*

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the right to freedom of expression and information on a matter of public interest, and preparatory, supporting or assisting action directly linked thereto. This includes complaints, petitions, administrative or judicial claims and participation in public hearings;

#### *Amendment*

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the right to freedom of expression and information, **academic freedom, freedom of association and assembly** on a matter of public interest, and preparatory, supporting or assisting action directly linked thereto. This includes complaints, petitions, administrative or judicial claims and participation in public hearings;



**Amendment 186**

**Alessandra Basso, Gunnar Beck**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the right to freedom of expression and information on a matter of public interest, **and preparatory, supporting or assisting action directly linked thereto**. This includes complaints, petitions, administrative or judicial claims and participation in public hearings;

*Amendment*

1. ‘public participation’ means any statement or activity by a natural or legal person expressed or carried out in the exercise of the right to freedom of expression and information on a matter of public interest. This includes complaints, petitions, administrative or judicial claims and participation in public hearings;

Or. en

**Amendment 187**

**Marie Toussaint**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 2 – point a**

*Text proposed by the Commission*

(a) public health, safety, the environment, climate or enjoyment of fundamental rights;

*Amendment*

(a) public health, safety, the environment, climate or enjoyment of fundamental rights, **including labour rights, non-discrimination, gender equality and protection from gender-based violence, as well as media freedom and pluralism**;

Or. en

**Amendment 188**

**Manon Aubry**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point a**

*Text proposed by the Commission*

(a) public health, safety, the environment, climate or enjoyment of fundamental rights;

*Amendment*

(a) public health, safety, the environment, climate or enjoyment of fundamental rights, ***including consumer and labour rights***;

Or. en

**Amendment 189**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point a**

*Text proposed by the Commission*

(a) public health, safety, the environment, climate ***or enjoyment of fundamental rights***;

*Amendment*

(a) ***fundamental rights***, public health, safety, ***media freedom and pluralism***, the environment ***or*** climate;

Or. en

**Amendment 190**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point a**

*Text proposed by the Commission*

(a) public health, safety, the environment, ***climate*** or enjoyment of fundamental rights;

*Amendment*

(a) public health, safety, the environment or enjoyment of fundamental rights;

Or. es

**Amendment 191**  
**Alessandra Basso, Gunnar Beck**

**Proposal for a directive**

### Article 3 – paragraph 1 – point 2 – point b

*Text proposed by the Commission*

(b) activities of a person or entity in the public eye or of public interest;

*Amendment*

(b) activities of a person or entity in the public eye or of public interest, ***except whether the sole purpose of a statement or activity concerning such a person or entity is to satisfy the curiosity of a particular audience regarding the details of a person's private life;***

Or. en

### Amendment 192 Marie Toussaint

#### Proposal for a directive

### Article 3 – paragraph 1 – point 2 – point d

*Text proposed by the Commission*

(d) allegations of corruption, fraud ***or*** criminality;

*Amendment*

(d) allegations of corruption, fraud, ***money laundering, extortion, coercion or other forms of intimidation and criminality including environmental crime;***

Or. en

### Amendment 193 Manon Aubry

#### Proposal for a directive

### Article 3 – paragraph 1 – point 2 – point d

*Text proposed by the Commission*

(d) allegations of corruption, fraud or criminality;

*Amendment*

(d) allegations of corruption, fraud or criminality, ***including tax evasion and financial criminality;***

Or. en

**Amendment 194**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) activities aimed to fight  
disinformation;*

*deleted*

Or. es

**Amendment 195**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) activities aimed to fight  
disinformation;*

*(e) activities aimed **to protect  
democracy, the rule of law and** to fight  
disinformation;*

Or. en

**Amendment 196**  
**Manon Aubry**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(e a) activities advancing social change  
such as advocacy, reporting of breaches  
of the law or ethical norms, petitions,  
addressing government officials or private  
entities, engaging in peaceful protests or  
boycotts, or speaking out against or  
commenting on misuse or abuse of power.***

Or. en

**Amendment 197**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(e a) scientific and research activities,  
including in the field of environment and  
climate;***

Or. en

**Amendment 198**  
**Daniel Buda**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) media pluralism and media  
freedom***

Or. ro

**Amendment 199**  
**Manon Aubry**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

***(e b) (e b) scientific and research  
activities***

Or. en

**Amendment 200**  
**Marie Toussaint**

**Proposal for a directive**

## Article 3 – paragraph 1 – point 2 – point e b (new)

*Text proposed by the Commission*

*Amendment*

*(e b) academic and artistic activities.*

Or. en

### Amendment 201

Manon Aubry

#### Proposal for a directive

##### Article 3 – paragraph 1 – point 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. ‘abusive ***court proceedings*** against public participation’ mean court proceedings brought in relation to public participation that are ***fully or partially unfounded*** and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a ***purpose*** can be:

3. ‘abusive ***lawsuits*** against public participation’ mean court proceedings brought in relation to public participation that are ***characterised by elements indicative of an abusive use of the judicial process for purposes other than genuinely asserting, vindicating or exercising a right*** and have as their main purpose to prevent, restrict or penalize public participation. ***This includes claims which are manifestly unfounded and claims which, although bearing some legal merits, are of abusive nature.*** Indications of such a ***nature*** can be:

Or. en

### Amendment 202

Magdalena Adamowicz

#### Proposal for a directive

##### Article 3 – paragraph 1 – point 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are ***fully or partially unfounded*** and have as their main purpose

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are ***characterised by elements indicative of an abusive use of***

to prevent, restrict or penalize public participation. Indications of such a purpose can be:

*the judicial process for purposes other than genuinely asserting, vindicating or exercising a right* and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a purpose *or effect* can be:

Or. en

## **Amendment 203**

**Marie Toussaint**

### **Proposal for a directive** **Article 3 – paragraph 1 – point 3 – introductory part**

#### *Text proposed by the Commission*

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are *fully or partially unfounded* and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a purpose can be:

#### *Amendment*

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are *characterised by elements indicative of an abusive use of the judicial process for purposes other than genuinely asserting, vindicating or exercising a right* and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a purpose *or effect* can be:

Or. en

## **Amendment 204**

**Daniel Buda**

### **Proposal for a directive** **Article 3 – paragraph 1 – point 3 – introductory part**

#### *Text proposed by the Commission*

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are fully or partially unfounded and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a purpose

#### *Amendment*

3. ‘abusive court proceedings against public participation’ mean court proceedings *abusively* brought in relation to public participation that are fully or partially unfounded and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a

can be:

purpose can be:

Or. ro

#### **Amendment 205**

**Tiemo Wölken**

##### **Proposal for a directive**

##### **Article 3 – paragraph 1 – point 3 – introductory part**

###### *Text proposed by the Commission*

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are fully or partially unfounded and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a purpose can be:

###### *Amendment*

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are fully or partially unfounded and have as their main purpose to ***abusively*** prevent, restrict or penalize public participation. Indications of such a purpose can be:

Or. en

#### **Amendment 206**

**Alessandra Basso, Gunnar Beck**

##### **Proposal for a directive**

##### **Article 3 – paragraph 1 – point 3 – introductory part**

###### *Text proposed by the Commission*

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are ***fully or partially*** unfounded and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a purpose ***can be***:

###### *Amendment*

3. ‘abusive court proceedings against public participation’ mean court proceedings brought in relation to public participation that are unfounded and have as their main purpose to prevent, restrict or penalize public participation. Indications of such a purpose ***are***:

Or. en

#### **Amendment 207**

**Marie Toussaint**



**Proposal for a directive**

**Article 3 – paragraph 1 – point 3 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

**(-a) the reliance of the court  
proceedings on one or more claims that  
are fully or partially unfounded;**

Or. en

**Amendment 208**

**Marie Toussaint**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 3 – point -a a (new)**

*Text proposed by the Commission*

*Amendment*

**(-a a) the exploitation of economic  
advantage or political influence by the  
claimant against the defendant, leading to  
an imbalance of power between the two  
parties;**

Or. en

**Amendment 209**

**Daniel Buda**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 3 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the disproportionate, excessive or  
***unreasonable*** nature of the claim or part  
thereof;

(a) the disproportionate, excessive or  
***unjustified*** nature of the claim or part  
thereof, ***and hence the disproportionate  
nature of the demands forming the  
subject of the claim;***

Or. ro

**Amendment 210**  
**Ilana Cicurel**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point a**

*Text proposed by the Commission*

(a) the disproportionate, excessive or unreasonable nature of the claim or part thereof;

*Amendment*

(a) the disproportionate, excessive or unreasonable nature of the claim or part thereof, ***in particular with regard to the quantum of damages claimed.***

Or. en

**Amendment 211**  
**Manon Aubry**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point a**

*Text proposed by the Commission*

(a) the disproportionate, excessive or unreasonable nature of the claim or part thereof;

*Amendment*

(a) the disproportionate, excessive, ***unfounded*** or unreasonable nature of the claim or part thereof;

Or. en

**Amendment 212**  
**Manon Aubry**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(a a) the exploitation of economic advantage and political influence by the claimant against the defendant, leading to an imbalance of power between the two parties;***

Or. en

**Amendment 213**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point b**

*Text proposed by the Commission*

(b) the existence of multiple proceedings initiated by the claimant or associated parties in relation to similar matters;

*Amendment*

(b) the existence of multiple **baseless** proceedings initiated by the claimant or associated parties in relation to similar matters;

Or. es

**Amendment 214**  
**Manon Aubry**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) the usage of litigation tactics deployed by the claimant, including as regards the choice of jurisdiction, or of dilatory or vexatious tactics;***

Or. en

**Amendment 215**  
**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point c**

*Text proposed by the Commission*

*Amendment*

(c) intimidation, harassment or threats on the part of the claimant or his or her representatives.

(c) intimidation, harassment or threats, ***in particular threats of legal actions***, on the part of the claimant or his or her representatives, ***before or during proceedings***.

Or. en

**Amendment 216**  
**Manon Aubry**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(c a) a history of legal intimidation by the claimant or those acting on their behalf, in the form of threats, harassment, legal action or threat thereof;***

Or. en

**Amendment 217**  
**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(c a) the use of procedural tactics, such as delaying tactics, forum shopping or discontinuance of the case at a late stage of the proceedings.***

Or. en

**Amendment 218**  
**Daniel Buda**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the use by complainants or their representatives of dilatory and vexatious tactics.***

Or. ro

**Amendment 219**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(c a) parties' imbalances in bargaining powers in terms of financial and legal resources;***

Or. en

**Amendment 220**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(c a) the use of procedural tactics, such as delaying proceedings, and forum shopping;***

Or. en

**Amendment 221**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(c b) a history of legal intimidation by the claimant or those acting on their behalf, in the form of threats, harassment, legal action or threats thereof;***

Or. en

**Amendment 222**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(c b) the litigation tactics deployed by the claimant, including as regards the choice of jurisdiction and the use of dilatory tactics;***

Or. en

**Amendment 223**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. 'damage' means that set out under Article 2(1) of Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)***

Or. es

**Amendment 224**  
**Daniel Buda**

**Proposal for a directive**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. For the purposes of this Directive, a matter is considered to have cross-border implications unless both parties are domiciled in the same Member State as the court seised.

1. For the purposes of this Directive, a matter is considered to have cross-border implications unless both parties are domiciled ***or have their head offices*** in the same Member State as the court seised.

**Amendment 225**

**Daniel Buda**

**Proposal for a directive**

**Article 4 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. Where both parties to the proceedings are domiciled in the same Member State as the court seised, the matter shall also be considered to have cross-border implications if:

*Amendment*

2. Where both parties to the proceedings are domiciled - ***or as the case may be, have their head office*** - in the same Member State as the court seised, the matter shall also be considered to have cross-border implications if:

Or. ro

**Amendment 226**

**Manon Aubry**

**Proposal for a directive**

**Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the act of public participation concerning a matter of public interest against which court proceedings are initiated is relevant to more than one Member State, ***or***

*Amendment*

(a) the act of public participation concerning a matter of public interest against which court proceedings are initiated is ***or may be*** relevant to ***the general public or its part in*** more than one Member State, ***either due to the cross-border nature or dimension of the act itself, or due to the interest which the public in different Member States may take in the matter of public interest concerned by the act, or due to links with the European Union laws or policies.***

Or. en

**Amendment 227**

**Ilana Cicurel**

**Proposal for a directive**  
**Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the act of public participation ***concerning a matter of public interest*** against which court proceedings are initiated is relevant to more than one Member State, ***or***

*Amendment*

(a) the act of public participation against which court proceedings are initiated is relevant to more than one Member State ***because :***

***(i) it concerns a matter that is of specific interest for the public in more than one Member State, or***

***(ii) it takes place on or is accessible, including via electronic means, from the territory of more than one Member State***

Or. en

**Amendment 228**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the act of public participation concerning a matter of public interest against which court proceedings are initiated is relevant to more than one Member State, ***or***

*Amendment*

(a) the act of public participation concerning a matter of public interest against which court proceedings are initiated is relevant to more than one Member State, ***either due to the cross-border dimension of the act itself, or due to the legitimate interest which the public in different Member States may take in the matter of public interest concerned by the act; or***

Or. en

**Amendment 229**  
**Marie Toussaint**

**Proposal for a directive**



## Article 4 – paragraph 2 – point a

*Text proposed by the Commission*

(a) the act of public participation **concerning** a matter of public interest against which court proceedings are initiated is relevant to more than one Member State, **or**

*Amendment*

(a) the act of public participation, **including online, concerns** a matter of public interest against which court proceedings are initiated is relevant to more than one Member State ***either due to the cross-border nature or dimension of the act itself, or due to the interest which the public in different Member States may take in the matter concerned by the act, or***

Or. en

### Amendment 230

Daniel Buda

#### Proposal for a directive

## Article 4 – paragraph 2 – point a

*Text proposed by the Commission*

(a) the act of public participation concerning a matter of public interest against which court proceedings are initiated ***is relevant to*** more than one Member State, or

*Amendment*

(a) the act of public participation concerning a matter of public interest against which court proceedings are initiated ***has direct implications for*** more than one Member State, or

Or. ro

### Amendment 231

Alessandra Basso, Gunnar Beck

#### Proposal for a directive

## Article 4 – paragraph 2 – point b

*Text proposed by the Commission*

(b) ***the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State.***

*Amendment*

***deleted***

**Amendment 232**

**Daniel Buda**

**Proposal for a directive**

**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State.

*Amendment*

(b) the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State ***which have similar claims as their object.***

Or. ro

**Amendment 233**

**Alessandra Basso, Gunnar Beck**

**Proposal for a directive**

**Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. When the claimant or associated entities have initiated concurrent or previous court proceedings against the same or associated defendants in another Member State involving the same cause of action , the existing relevant rules on Lis pendens and related actions shall apply.***

Or. en

**Amendment 234**

**Daniel Buda**

**Proposal for a directive**

**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that

1. Member States shall ensure that

when court proceedings are brought against natural or legal persons on account of their engagement in public participation, those persons can apply for:

when court proceedings are brought against natural or legal persons on account of their engagement in public participation, ***as well as against natural or legal persons engaged in preparatory activities to support or assist public participation***, those persons can apply for:

Or. ro

#### **Amendment 235**

**Manon Aubry**

#### **Proposal for a directive**

#### **Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) early dismissal ***of manifestly unfounded court proceedings*** in accordance with Chapter III;

*Amendment*

(b) early dismissal in accordance with Chapter III;

Or. en

#### **Amendment 236**

**Ilana Cicurel, Karen Melchior**

#### **Proposal for a directive**

#### **Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) early dismissal of manifestly ***unfounded*** court proceedings in accordance with Chapter III;

*Amendment*

(b) early dismissal of manifestly ***abusive*** court proceedings in accordance with Chapter III;

Or. en

#### **Amendment 237**

**Marie Toussaint**

#### **Proposal for a directive**

#### **Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) early dismissal of ***manifestly*** unfounded ***court proceedings*** in accordance with Chapter III;

(b) early dismissal of ***fully or partially*** unfounded ***claims*** in accordance with Chapter III;

Or. en

**Amendment 238**

**Manon Aubry**

**Proposal for a directive**

**Article 5 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) remedies ***against abusive court proceedings*** in accordance with Chapter IV.

(c) remedies in accordance with Chapter IV.

Or. en

**Amendment 239**

**Manon Aubry**

**Proposal for a directive**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Member States ***may*** provide that measures on procedural safeguards in accordance with Chapters III and IV can be taken by the court or tribunal seised of the matter ex officio.

3. Member States ***shall*** provide that measures on procedural safeguards in accordance with Chapters III and IV ***as well as the security provided in Article 8 of this Directive***, can be taken by the court or tribunal seised of the matter ex officio.

Or. en

**Amendment 240**

**Marie Toussaint**

**Proposal for a directive**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Member States **may** provide that measures on procedural safeguards in accordance with Chapters III and IV can be taken by the court or tribunal seised of the matter ex officio.

*Amendment*

3. Member States **shall** provide that measures on procedural safeguards in accordance with Chapters III and IV **and Article 8 of this Directive**, can be taken by the court or tribunal seised of the matter ex officio.

Or. en

**Amendment 241**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Member States **may** provide that measures on procedural safeguards in accordance with Chapters III and IV can be taken by the court or tribunal seised of the matter ex officio.

*Amendment*

3. Member States **shall** provide that measures on procedural safeguards in accordance with Chapters III and IV can be taken by the court or tribunal seised of the matter ex officio.

Or. en

**Amendment 242**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. Member States shall ensure that court proceedings brought against natural or legal persons on account of their engagement in public participation are dealt with in a swift and effective manner, taking into account the circumstances of the case, the right to an effective remedy and the right to a fair trial.**

Or. en

**Amendment 243**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 7**

*Text proposed by the Commission*

*Amendment*

**Article 7**

*deleted*

**7 Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that non-governmental organisations safeguarding or promoting the rights of persons engaging in public participation may take part in those proceedings, either in support of the defendant or to provide information.**

**Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that non-governmental organisations safeguarding or promoting the rights of persons engaging in public participation may take part in those proceedings, either in support of the defendant or to provide information.**

Or. es

**Amendment 244**  
**Manon Aubry**

**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that **non-governmental organisations** safeguarding

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that **entities** safeguarding or promoting the rights of

or promoting the rights of persons engaging in public participation may take part in those proceedings, either in support of the defendant or to provide information.

persons engaging in public participation ***such as non-governmental organisations, trade unions and other collective bodies acting in the interest of the defendant, professional and representative associations, the European Union Agency for Fundamental Rights, international organisations and their bodies, such as the Council of Europe*** may take part in those proceedings, either in support of the defendant or to provide information. ***This provision is without prejudice to existing rights of representation and intervention as guaranteed by other Union or national rules.***

Or. en

**Amendment 245**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that non-governmental organisations safeguarding or promoting the rights of persons ***engaging in public participation*** may take part in those proceedings, either in support of the defendant or to provide information.

*Amendment*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that ***civil society organisations engaging in public participation, including non-governmental organisations safeguarding or promoting the rights of persons or the protection of the environment and climate, trade unions and professional associations and other collective bodies acting in the interest of the defendant*** may take part in those proceedings, either in support of the defendant or ***on their behalf with the defendant's approval,*** or to provide information. ***This provision is without prejudice to existing rights of representation and intervention as guaranteed by other Union or national rules.***

Or. en

#### Amendment 246

Alessandra Basso, Gunnar Beck

#### Proposal for a directive

#### Article 7 – paragraph 1

##### *Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that non-governmental organisations safeguarding or promoting the rights of persons engaging in public participation may take part in those proceedings, either in support of the defendant or to provide information.

##### *Amendment*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that non-governmental organisations safeguarding or promoting the rights of persons engaging in public participation may take part in those proceedings, either in support of the defendant or to provide information, ***providing that they have a qualified interest in the case under national law.***

Or. en

#### Amendment 247

Jorge Buxadé Villalba

#### Proposal for a directive

#### Article 7 – paragraph 1

##### *Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that ***non-governmental organisations*** safeguarding or promoting the rights of persons engaging in public participation may take part in those proceedings, either in support of the defendant or to provide information.

##### *Amendment*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that ***entities*** safeguarding or promoting the rights of persons engaging in public participation, ***trade unions or political parties*** may take part in those proceedings, either in support of the defendant or to provide information.

Or. es

#### Amendment 248

Ilana Cicurel, Karen Melchior



**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that ***non-governmental organisations*** safeguarding ***or promoting*** the rights of ***persons engaging in public participation*** may take part in those proceedings, either in support of the defendant or to provide information.

*Amendment*

Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that ***entities having a legitimate interest in*** safeguarding the rights of ***the defendant*** may take part in those proceedings ***in accordance with national laws***, either in support of the defendant or to provide information.

Or. en

**Amendment 249**  
**Manon Aubry**

**Proposal for a directive**  
**Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 7 a***

***Article 7a Third party substitution***

***Member States shall take the necessary measures to ensure that a court or tribunal seised of court proceedings against public participation may accept that subject to the defendant's approval, entities with a legitimate interest in engaging on behalf of the defendant may substitute or otherwise represent the defendant in any proceedings covered under this directive. This provision is without prejudice to existing rights of representation and intervention as guaranteed by other Union or national rules.***

Or. en

**Amendment 250**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 8**

*Text proposed by the Commission*

*Amendment*

**Article 8**

*deleted*

***8 Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, or for procedural costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive court proceedings.***

***Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, or for procedural costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive court proceedings.***

Or. es

**Amendment 251**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, ***or for procedural*** costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive court proceedings.

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for ***costs, including*** procedural costs, ***costs of legal representation, and other associated*** costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive

court proceedings ***against public participation as defined in Article 3(3) of this Directive.***

Or. en

#### **Amendment 252**

**Manon Aubry**

#### **Proposal for a directive**

#### **Article 8 – paragraph 1**

##### *Text proposed by the Commission*

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, ***or for procedural costs and damages***, if it considers such security appropriate in view of presence of elements indicating abusive ***court proceedings***.

##### *Amendment*

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for ***costs, including*** procedural costs, ***legal representation, and associated*** costs and damages, if it considers such security appropriate in view of presence of elements indicating ***an abusive lawsuit against public participation as defined in Article 3(3) of this Directive.***

Or. en

#### **Amendment 253**

**Jorge Buxadé Villalba**

#### **Proposal for a directive**

#### **Article 8 – paragraph 1**

##### *Text proposed by the Commission*

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, or for procedural costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive court proceedings.

##### *Amendment*

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, or for procedural costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive court proceedings ***where there is clear evidence.***

**Amendment 254**

**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, or for procedural costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive court proceedings.

*Amendment*

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, ***as defined in article 14***, or for procedural costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive court proceedings.

**Amendment 255**

**Daniel Buda**

**Proposal for a directive**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

Member states shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, or for procedural costs and damages, if it considers such security appropriate in view of presence of elements indicating abusive court proceedings.

*Amendment*

Member States shall ensure that in court proceedings against public participation, the court or tribunal seised has the power to require the claimant to provide security for procedural costs, or for procedural costs and damages, if it considers such security appropriate in view of presence of elements indicating ***manifestly unfounded or*** abusive court proceedings.

**Amendment 256**

**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**  
**Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that security for costs as referred to in paragraph 1 includes:***

***(a) security for the anticipated procedural costs as defined in article 14, taking into account the economic situations of the parties.***

***(b) security for subsidies, upon clear evidence that the proceedings cause severe deterioration of the economic situation of the defendant.***

Or. en

**Amendment 257**  
**Manon Aubry**

**Proposal for a directive**  
**Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***If security for costs is requested by the defendant, the court shall refuse to grant it only where the claimant has established a prima facie case as to each essential element of the cause of action and where it is satisfied that the claim is not characterised by elements of abuse.***

Or. en

**Amendment 258**  
**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**  
**Article 8 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall ensure that the court or tribunal seised has the power to decide, at any stage of the proceedings, that the security for costs as referred to in paragraph 1 is definitively granted to the defendant.*

Or. en

**Amendment 259**

**Manon Aubry**

**Proposal for a directive**

**Chapter III – title**

*Text proposed by the Commission*

III Early dismissal of *manifestly unfounded court proceedings*

*Amendment*

III Early dismissal of *abusive lawsuits against public participation*

Or. en

**Amendment 260**

**Marie Toussaint**

**Proposal for a directive**

**Chapter III – title**

*Text proposed by the Commission*

III Early dismissal of *manifestly unfounded court proceedings*

*Amendment*

III Early dismissal of *fully or partially unfounded claims*

Or. en

**Amendment 261**

**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall empower

*Amendment*

1. Member States shall empower

courts and tribunals to adopt an early decision to dismiss, in full or in part, court proceedings against public participation *as* manifestly unfounded.

courts and tribunals to adopt an early decision to dismiss, in full or in part, court proceedings against public participation *if they are able to precisely establish that the proceedings concerned are* manifestly unfounded *and that the circumstances that make the pursuit of proceedings abusive are clear.*

Or. fr

**Amendment 262**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall empower courts and tribunals to adopt an early decision to dismiss, in full or in part, court proceedings against public participation *as manifestly* unfounded.

*Amendment*

1. Member States shall empower courts and tribunals to adopt an early decision to dismiss, in full or in part, court proceedings against public participation *when they rely on claims that are fully or partially unfounded in the meaning of Article 3(3) of this Directive.*

Or. en

**Amendment 263**  
**Daniel Buda**

**Proposal for a directive**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall empower courts and tribunals to adopt *an early* decision to dismiss, in full or in part, court proceedings against public participation as manifestly unfounded.

*Amendment*

1. Member States shall empower courts and tribunals, *without any unjustified delay*, to adopt *a* decision to dismiss, in full or in part, court proceedings against public participation as manifestly unfounded *or as abusive.*

Or. ro

## Amendment 264

Manon Aubry

### Proposal for a directive

#### Article 9 – paragraph 1

*Text proposed by the Commission*

1. Member States shall empower courts and tribunals to adopt an early decision to dismiss, in full or in part, court proceedings against public participation as ***manifestly unfounded***.

*Amendment*

1. Member States shall empower courts and tribunals to adopt an early decision to dismiss, in full or in part, court proceedings ***which can be qualified as abusive lawsuits*** against public participation as ***defined in Article 3(3)***.

Or. en

## Amendment 265

Ilana Cicurel, Karen Melchior

### Proposal for a directive

#### Article 9 – paragraph 1

*Text proposed by the Commission*

1. Member States shall empower courts and tribunals to adopt an early decision to dismiss, in full or in part, court proceedings against public participation as manifestly ***unfounded***.

*Amendment*

1. Member States shall empower courts and tribunals to adopt an early decision to dismiss, in full or in part, court proceedings against public participation as manifestly ***abusive***.

Or. en

## Amendment 266

Gilles Lebreton, Jean-Paul Garraud

### Proposal for a directive

#### Article 9 – paragraph 2

*Text proposed by the Commission*

2. Member States may establish time limits for the exercise of the right to file an application for early dismissal. ***The time limits shall be proportionate and not***

*Amendment*

2. Member States may establish time limits for the exercise of the right to file an application for early dismissal.



*render such exercise impossible or excessively difficult.*

Or. fr

#### **Amendment 267**

**Daniel Buda**

#### **Proposal for a directive**

#### **Article 9 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States may establish time limits for the exercise of the right to file an application *for early dismissal*. The time limits shall be proportionate *and* not render such exercise impossible or excessively difficult.

##### *Amendment*

2. Member States may establish time limits for the exercise of the right to file an application *to expedite proceedings so as to avoid any unjustified delay*. The time limits shall be proportionate, *specifically established and reasonable, and shall* not render such exercise impossible or excessively difficult.

Or. ro

#### **Amendment 268**

**Manon Aubry**

#### **Proposal for a directive**

#### **Article 9 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States *may* establish time limits for the exercise of the right to file an application for early dismissal. The time limits shall be proportionate and not render such exercise impossible or excessively difficult.

##### *Amendment*

2. Member States *shall* establish time limits for the exercise of the right to file an application for early dismissal. The time limits shall be proportionate and not render such exercise impossible or excessively difficult.

Or. en

#### **Amendment 269**

**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

***Political parties***

***Member States shall ensure that actions brought by political parties cannot be regarded by the judicial authority as abusive lawsuits against public participation in view of their status as entities of special public interest, except in cases where there is clear evidence of such intent as defined in this Directive.***

Or. es

**Amendment 270**  
**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that if the defendant applies for early dismissal, the main proceedings are stayed until a final decision on that application is taken.***

***deleted***

Or. fr

**Amendment 271**  
**Daniel Buda**

**Proposal for a directive**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that if the defendant applies for ***early dismissal***, the main proceedings are stayed until a final decision on that application is taken.

Member States shall ensure that if the defendant applies for ***proceedings to be expedited under Article 9***, the main proceedings are stayed until a final

decision on that application is taken.

Or. ro

**Amendment 272**

**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Member States shall ensure that an application for early dismissal is treated in an accelerated procedure, taking into account the circumstances of the case and the right to an effective remedy and the right to a fair trial.*

*Amendment*

*deleted*

Or. fr

**Amendment 273**

**Daniel Buda**

**Proposal for a directive**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that an application *for early dismissal* is treated in an accelerated procedure, taking into account the circumstances of the case and the right to an effective remedy and the right to a fair trial.

*Amendment*

Member States shall ensure that an application *to expedite proceedings under Article 9* is treated in an accelerated procedure, taking into account the circumstances of the case and the right to an effective remedy and the right to a fair trial, *conducted within a reasonable time limit*.

Or. ro

**Amendment 274**

**Jorge Buxadé Villalba**

**Proposal for a directive**

## Article 11 – paragraph 1

### *Text proposed by the Commission*

Member States shall ensure that an application for early dismissal is treated in an accelerated procedure, taking into account the circumstances of the case and the right to an effective remedy and the right to a fair trial.

### *Amendment*

Member States shall ensure that an application for early dismissal is treated in an accelerated procedure ***in accordance with the applicable national legislation***, taking into account the circumstances of the case and the right to an effective remedy and the right to a fair trial.

Or. es

## Amendment 275 Antonius Manders

### Proposal for a directive Article 11 – paragraph 1

### *Text proposed by the Commission*

Member States shall ensure that an application for early dismissal is treated in an accelerated procedure, taking into account the circumstances of the case and the right to an effective remedy and the right to a fair trial.

### *Amendment*

Member States shall ensure that an application for early dismissal is treated in an accelerated procedure, ***within three months***, taking into account the circumstances of the case and the right to an effective remedy and the right to a fair trial.

Or. en

## Amendment 276 Alessandra Basso, Gunnar Beck

### Proposal for a directive Article 12

### *Text proposed by the Commission*

#### ***Article 12***

#### ***Burden of proof***

***Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that***

### *Amendment*

***deleted***

*the claim is not manifestly unfounded.*

Or. en

**Amendment 277**

**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim is not manifestly unfounded.*

*deleted*

Or. fr

**Amendment 278**

**Manon Aubry**

**Proposal for a directive**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim is not *manifestly unfounded*.

Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim is not *an abusive lawsuit against public participation as defined in Article 3(3) of this Directive*.

Or. en

**Amendment 279**

**Jorge Buxadé Villalba**

**Proposal for a directive**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim is not manifestly unfounded.

Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim is not manifestly unfounded, ***except where clear evidence is already known.***

Or. es

**Amendment 280**  
**Daniel Buda**

**Proposal for a directive**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that where a defendant has applied for ***early dismissal***, it shall be for the claimant to prove that the claim is not manifestly unfounded.

*Amendment*

Member States shall ensure that where a defendant has applied for ***proceedings to be expedited to avoid any unjustified delay***, it shall be for the claimant to prove that the claim is not manifestly unfounded ***or abusive.***

Or. ro

**Amendment 281**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim is not ***manifestly*** unfounded.

*Amendment*

Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim is not ***fully or partially*** unfounded.

Or. en

**Amendment 282**  
**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**

## Article 12 – paragraph 1

*Text proposed by the Commission*

Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim *is not manifestly unfounded*.

*Amendment*

Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to prove that the claim *has some prospect of success*.

Or. en

## Amendment 283

Manon Aubry

### Proposal for a directive

#### Article 12 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*Pursuant to paragraph 1, the court shall refuse to grant early dismissal only where the claimant has established a prima facie case as to each essential element of the cause of action and where it is satisfied that the claim is not characterised by elements of abuse.*

Or. en

## Amendment 284

Marie Toussaint

### Proposal for a directive

#### Article 12 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*Pursuant to paragraph 1, when seeking to avoid an early dismissal, the claimant shall establish a prima facie case, as to each essential element of the court proceedings, that the claim is not fully or partially unfounded.*

Or. en

**Amendment 285**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that a decision refusing or granting early dismissal pursuant to Article 9 is subject to an appeal.

*Amendment*

Member States shall ensure that a decision refusing or granting early dismissal pursuant to Article 9 is subject to an appeal ***in accordance with the national legislation applicable.***

Or. es

**Amendment 286**  
**Daniel Buda**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that a decision ***refusing or granting early dismissal*** pursuant to Article 9 is subject to an appeal.

*Amendment*

Member States shall ensure that a decision ***to grant expedited proceedings*** pursuant to Article 9 is subject to an appeal.

Or. ro

**Amendment 287**  
**Daniel Buda**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive court proceedings against public participation can be ordered to bear all the costs of the proceedings, including the full costs of legal representation

*Amendment*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive court proceedings against public participation can be ordered, ***at the request of the respondent,*** to bear all the costs of the proceedings, including the full



incurred by the defendant, unless such costs are excessive.

costs of legal representation incurred by the defendant, unless such costs are excessive *or disproportionate in comparison to market costs*.

Or. ro

**Amendment 288**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive court proceedings against public participation can be ordered to bear all the costs of the proceedings, including the full costs of legal representation incurred by the defendant, ***unless such costs are excessive***.

*Amendment*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive court proceedings against public participation can be ordered to bear all the costs of the proceedings, including the full costs of legal representation incurred by the defendant. ***This award of costs should be an automatic feature of the court's decision within the same proceedings***.

Or. en

**Amendment 289**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive court proceedings against public participation can be ordered to bear all the costs of the proceedings, including the full costs of legal representation incurred by the defendant, unless such costs are excessive.

*Amendment*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive court proceedings against public participation can, ***in accordance with the national legislation applicable***, be ordered to bear all the costs of the proceedings, including the full costs of legal representation incurred by the defendant, unless such costs are excessive.

**Amendment 290**

**Manon Aubry**

**Proposal for a directive**

**Article 14 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive ***court proceedings*** against public participation ***can be*** ordered to bear all the costs of the proceedings, including the full costs of legal representation incurred by the defendant, ***unless such costs are excessive***.

*Amendment*

Member States shall take the necessary measures to ensure that a claimant who has brought ***an*** abusive ***lawsuit*** against public participation ***is*** ordered to bear all the costs of the proceedings, including the full costs of legal representation incurred by the defendant,.

Or. en

**Amendment 291**

**Magdalena Adamowicz**

**Proposal for a directive**

**Article 14 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive court proceedings against public participation ***can be*** ordered to bear all the costs of the proceedings, including the full costs of legal representation incurred by the defendant, unless such costs are excessive.

*Amendment*

Member States shall take the necessary measures to ensure that a claimant who has brought abusive court proceedings against public participation ***is*** ordered to bear all the costs of the proceedings, including the full costs of legal representation incurred by the defendant, unless such costs are excessive.

Or. en

**Amendment 292**

**Manon Aubry**

**Proposal for a directive**

**Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where the domestic law does not guarantee the compensation of costs for legal representation beyond statutory fee tables, the court should be enabled to indemnify costs not encompassed in statutory fee tables through compensation of damages pursuant to Article 15.***

Or. en

**Amendment 293  
Marie Toussaint**

**Proposal for a directive  
Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where the domestic law does not guarantee the compensation of costs for legal representation beyond statutory fee tables, the court should be enabled to indemnify costs not encompassed in statutory fee tables through compensation of damages pursuant to Article 15.***

Or. en

**Amendment 294  
Daniel Buda**

**Proposal for a directive  
Article 15 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation is able to claim and to obtain full compensation for that harm.

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation is able to claim and to obtain full compensation for that harm, ***except in***

*cases where the amount of that compensation is excessive or manifestly disproportionate.*

Or. ro

#### **Amendment 295**

**Marie Toussaint**

#### **Proposal for a directive**

#### **Article 15 – paragraph 1**

##### *Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation is able to claim and to obtain full compensation for that harm.

##### *Amendment*

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation is able to claim and to obtain full compensation for that harm, ***without the need to initiate separate court proceedings to that end.***

Or. en

#### **Amendment 296**

**Manon Aubry**

#### **Proposal for a directive**

#### **Article 15 – paragraph 1**

##### *Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive ***court proceedings*** against public participation is able to claim and to obtain full compensation for that harm.

##### *Amendment*

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive ***lawsuit*** against public participation is able to claim and to obtain full compensation for that harm ***without having to initiate a dedicated separate court proceeding.***

Or. en

**Amendment 297**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation is able to claim and to obtain full compensation for that harm.

*Amendment*

Member States shall, ***in accordance with the national legislation applicable***, take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation is able to claim and to obtain full compensation for that harm.

Or. es

**Amendment 298**  
**Gilles Lebreton, Jean-Paul Garraud**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation is able to claim ***and to obtain*** full compensation for that harm.

*Amendment*

Member States shall take the necessary measures to ensure that a natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation is able to claim full compensation for that harm.

Or. fr

**Amendment 299**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that full compensation for harm covers:***

*(a) material damage, including but not limited to lawyer fees, when they are not reimbursable as costs, travel expenses and medical costs, in particular psychological assistance. Pre-trial costs should be considered material damages, if they are not included in costs according to national laws;*

*(b) immaterial damage, including but not limited to different forms of physical and/or psychological harm, pain and suffering or emotional distress related to the court proceedings, impairment of life or of relationship, reputational damage and in general, any types of intangible damage.*

Or. en

**Amendment 300**  
**Manon Aubry**

**Proposal for a directive**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

Member States shall provide that courts or tribunals seised of abusive ***court proceedings*** against public participation have the possibility to impose effective, proportionate and dissuasive penalties on the party who brought those proceedings.

*Amendment*

Member States shall provide that courts or tribunals seised of ***an*** abusive ***lawsuit*** against public participation have the possibility to impose effective, proportionate and dissuasive penalties on the party who brought those proceedings ***taking into account the amount of the claim and the financial situation of the claimant..***

Or. en

**Amendment 301**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 16 – paragraph 1 a (new)**

***Member States shall ensure that the level of penalties are quantified and proportionate to the elements of abuse identified, to the amount of the claim and to the financial situation of the claimant, specifically when the claimant is a legal person. The potential for a harmful or chilling effect of the proceedings on public participation, including as related to the nature of the claim, whether the claimant has initiated multiple or concerted proceedings in similar matters and the existence of attempts to intimidate, harass or threaten the defendant, shall also be taken into account.***

Or. en

**Amendment 302**

**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**

**Article 16 – paragraph 1 a (new)**

***Member States shall ensure that courts or tribunal imposing penalties take due account of :***

***(i) the economic situation of the claimant***  
***;***

***(ii) the nature and number of the elements indicating an abuse identified.***

Or. en

**Amendment 303**

**Manon Aubry**

**Proposal for a directive**

**Article 16 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 16 a**

**National Registers**

***Member states shall establish a publicly accessible register of relevant court decisions falling within the scope of this Directive, in full compliance with Union and national rules on the protection of personal data.***

Or. en

**Amendment 304**

**Ilana Cicurel, Karen Melchior**

**Proposal for a directive**

**Article 16 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 16 a**

***Member States shall ensure that remedies provided for in this chapter may apply regardless of the outcome of the main proceedings.***

Or. en

**Amendment 305**

**Manon Aubry**

**Proposal for a directive**

**Article 17 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that the recognition and enforcement of a third-country judgment in court proceedings on account of public participation by natural or legal person domiciled in a Member State is refused as manifestly contrary to public policy (ordre public) if those proceedings would have been considered

Member States shall ensure that the recognition and enforcement of a third-country judgment in court proceedings on account of public participation by natural or legal person domiciled in a Member State is refused as manifestly contrary to public policy (ordre public) if those proceedings would have been considered



***manifestly unfounded or*** abusive if they had been brought before the courts or tribunals of the Member State where recognition or enforcement is sought and those courts or tribunals would have applied their own law.

***as an abusive lawsuit against public participation as defined in Article 3(3)*** if they had been brought before the courts or tribunals of the Member State where recognition or enforcement is sought and those courts or tribunals would have applied their own law.

Or. en

**Amendment 306**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that the recognition and enforcement of a third-country judgment in court proceedings on account of public participation by natural or legal person domiciled in a Member State is refused as manifestly contrary to public policy (*ordre public*) if those proceedings would have been considered ***manifestly unfounded or*** abusive if they had been brought before the courts or tribunals of the Member State where recognition or enforcement is sought and those courts or tribunals would have applied their own law.

*Amendment*

Member States shall ensure that the recognition and enforcement of a third-country judgment in court proceedings on account of public participation by natural or legal person domiciled in a Member State is refused as manifestly contrary to public policy (*ordre public*) if those proceedings would have been considered abusive ***as defined in Article 3(3) of this Directive*** if they had been brought before the courts or tribunals of the Member State where recognition or enforcement is sought and those courts or tribunals would have applied their own law.

Or. en

**Amendment 307**  
**Manon Aubry**

**Proposal for a directive**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall take the measures necessary to ensure that, where a court refuses recognition and enforcement of a***

*third-country judgment in accordance with paragraph 1, the defendant is able to request and obtain from the court or tribunal of the Member State where recognition or enforcement is sought a declaratory judgment on the abusive nature of court proceedings on account of public participation pursuant to its own law.*

Or. en

**Amendment 308**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall take the measures necessary to ensure that, where a court refuses recognition and enforcement of a third-country judgment in accordance with paragraph 1, the defendant is able to request and obtain from the court or tribunal of the Member State where recognition or enforcement is sought a declaratory judgment on the abusive nature of court proceedings on account of public participation pursuant to its own law.*

Or. en

**Amendment 309**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that, where abusive court proceedings on account of engagement in public participation have

Member States shall ensure that, where abusive court proceedings on account of engagement in public participation have

been brought in a court or tribunal of a third country against a natural or legal person domiciled in a Member State, that person may seek, in the courts or tribunals of the place where he is domiciled, compensation of the damages and the costs incurred in connection with the proceedings before the court or tribunal of the third country, irrespective of the domicile of the claimant in the proceedings in the third country.

been brought in a court or tribunal of a third country against a natural or legal person domiciled in a Member State, that person may seek, in the courts or tribunals of the place where he is domiciled, compensation of the damages and the costs incurred in connection with the proceedings before the court or tribunal of the third country, irrespective of the domicile of the claimant in the proceedings in the third country ***in the event that the authorities of the third country do not permit such action, provided that this is supported by credible evidence regarding the national law of the third country.***

Or. es

#### **Amendment 310**

**Alessandra Basso, Gunnar Beck**

#### **Proposal for a directive**

#### **Article 18 – paragraph 1**

*Text proposed by the Commission*

***Member States shall ensure that, where abusive court proceedings on account of engagement in public participation have been brought in a court or tribunal of a third country against a natural or legal person domiciled in a Member State, that person may seek, in the courts or tribunals of the place where he is domiciled, compensation of the damages and the costs incurred in connection with the proceedings before the court or tribunal of the third country, irrespective of the domicile of the claimant in the proceedings in the third country.***

*Amendment*

***If the grounds for refusal of the recognition and enforcement of a third-country judgement under Article 17 are met, the interested person may seek, in the courts or tribunals of the place where he is domiciled, compensation of the damages and the costs incurred in connection with the proceedings before the court or tribunal of the third country, irrespective of the domicile of the claimant in the proceedings in the third country.***

Or. en

#### **Amendment 311**

**Manon Aubry**

**Proposal for a directive**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that, where abusive court proceedings on account of engagement in public participation have been brought in a court or tribunal of a third country against a natural or legal person domiciled in a Member State, that person *may* seek, in the courts or tribunals of the place where he is domiciled, compensation of the damages and the costs incurred in connection with the proceedings before the court or tribunal of the third country, irrespective of the domicile of the claimant in the proceedings in the third country.

*Amendment*

Member States shall ensure that, where abusive court proceedings on account of engagement in public participation have been brought in a court or tribunal of a third country against a natural or legal person domiciled in a Member State, that person ***shall have the right to*** seek, in the courts or tribunals of the place where he is domiciled, compensation of the damages and the costs ***incurred or reasonably expected to be*** incurred in connection with the proceedings before the court or tribunal of the third country, irrespective of the domicile of the claimant in the proceedings in the third country.

Or. en

**Amendment 312**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that, where abusive court proceedings on account of engagement in public participation have been brought in a court or tribunal of a third country against a natural or legal person domiciled in a Member State, that person may seek, in the courts or tribunals of the place where he is domiciled, compensation of the damages and the costs incurred in connection with the proceedings before the court or tribunal of the third country, irrespective of the domicile of the claimant in the proceedings in the third country.

*Amendment*

Member States shall ensure that, where abusive court proceedings on account of engagement in public participation have been brought in a court or tribunal of a third country against a natural or legal person domiciled in a Member State, that person may seek, in the courts or tribunals of the place where he is domiciled, compensation of the damages and the costs incurred ***or reasonably expected to be incurred*** in connection with the proceedings before the court or tribunal of the third country, irrespective of the domicile of the claimant in the proceedings in the third country.

Or. en

**Amendment 313**  
**Marie Toussaint**

**Proposal for a directive**  
**Chapter V a (new)**

*Text proposed by the Commission*

*Amendment*

**V a CHAPTER VI - SUPPORT  
MEASURES**

**Article 18a**

**National Fund**

***1. Member States shall establish a national fund for the compensation of any natural or legal person who has suffered harm as a result of an abusive court proceedings against public participation not covered by already existing national schemes for compensation to victims.***

***2. Member States shall ensure that organisations providing guidance and support for targets of abusive court proceedings against public participation are provided with sufficient resources in order to perform their tasks adequately. To this end, the fund provided for in paragraph 1 shall also be dedicated to provide financial support towards them, in particular to make sure that they have sufficient resources to react quickly against such proceedings.***

***3. National funds shall be partially funded by the penalties as provided for in Article 16 of this Directive. Member States shall decide on the amount of the penalties to be covered by the national funds.***

**Article 18b**

**Non-financial support mechanisms**

***1. Member States shall ensure that non-financial support mechanisms are provided to persons engaging in public participation. Such measures shall include the provision of legal aid and psychological support, as well as information concerning the organisations***

*providing guidance and support for targets of abusive court proceedings against public participation. The support and assistance shall be accessible and free of charge.*

*2. Member States shall establish a national focal point that gathers and shares information on all organisations that provide guidance and support for targets of abusive court proceedings against public participation.*

*3. Member States shall facilitate the exchange of information and best practices between organisations that provide guidance and support for targets of abusive court proceedings against public participation.*

Or. en

**Amendment 314**  
**Marie Toussaint**

**Proposal for a directive**  
**Chapter V b (new)**

*Text proposed by the Commission*

*Amendment*

**V b CHAPTER VII - PREVENTIVE MEASURES**

**Article 18c Training**

*1. With due respect for judicial independence, the independence of the legal profession and differences in the organisation of the judiciary across the Union, Member States shall support training opportunities for legal professionals such as judiciary and judicial staff at all court levels, qualified lawyers as well as for potential targets of such court proceedings in order to increase awareness of strategic lawsuits against public participation and the procedural safeguards against them provided for in this Directive, as well as awareness of the needs of natural or legal*

*persons engaging in public participation.*

*2. Member States shall ensure that trainings are extended to individuals and organisations engaging in public participation to ensure that they are able to recognize when they are confronted with an abusive court proceeding as defined in Art. 3(3) and to equip them with specific knowledge in order to respond accordingly. Member States shall ensure that abusive court proceedings against public participation are included in particular in the law and journalism curricula.*

*3. Member States shall receive support from the Commission in facilitating training and the exchange of practices in order to ensure to the extent possible common objectives and methodology at EU level. In this regard, they should ensure the involvement of legal practitioners and their professional associations, whose role, from preparing needs analyses to the evaluation of results, is of paramount importance to ensuring the effectiveness and sustainability of training activities.*

#### *Article 18d Awareness-raising*

*1. Member States shall take appropriate action, such as information and awareness-raising campaigns targeting all relevant stakeholders both from the public and private sector and research and education programmes, in order to foster knowledge about strategic lawsuits against public participation and the procedural safeguards set out in this Directive, to raise public awareness and seriously reduce the risk or threat of such lawsuits. Where appropriate, Member States shall act in cooperation with all relevant stakeholders.*

*2. Member States shall provide support and information on raising awareness activities on existing support structures at EU and national levels, including reference to national focal points that gather and share information on available*

*resources, including on legal assistance and the legal avenues of defence available.*

*3. The legal measures inhibiting the use of abusive court proceedings shall be complemented with educational measures and a network of organisations providing legal support for persons and institutions against which such actions are brought.*

***Article 18e Data collection***

*1. Member States should, taking into account their institutional arrangements on judicial statistics, entrust one or more authorities to be responsible to collect and aggregate, in full respect of data protection requirements, data on abusive court proceedings against public participation initiated in their jurisdiction.*

*2. Data referred to in paragraph 1 should include:*

*(a) the number of abusive court proceedings against public participation cases, initiated in the relevant year;*

*(b) the number of abusive court proceedings against public participation cases dismissed early as relying on fully or partially unfounded claims in the relevant year starting from 2022, both dismissed on merits and for procedural reasons;*

*(c) the number of court proceedings, classified by type of defendant (e.g. journalist, human rights defender, press outlet);*

*(d) the number of court proceedings, classified by type of plaintiff (e.g. politician, private person, company, whether the plaintiff is a foreign entity);*

*(e) figures about acts of public participation on the account of which court proceedings were launched;*

*(f) figures on the estimated amount of initial damages requested by plaintiffs;*

*(g) description of the different legal bases*



*employed by plaintiffs and related figures;*  
*(h) figures on the length of the proceedings, including all instances;*  
*(i) figures on cross-border elements;*  
*(j) as available, other data including on judicial costs of proceedings and, as relevant and appropriate, relevant figures on historical backgrounds of cases;*  
*(k) the type of claim issued on the basis of this Directive and the Recommendation accompanying it.*

*3. For the purpose of paragraph 1 of this Article, Member States shall establish a register of court decisions concerning matters governed by this Directive and the Recommendation accompanying it. Such register shall be made publicly accessible free of charge at point of use, and comply with Union and national rules on the protection of personal data.*

Or. en

**Amendment 315**  
**Manon Aubry**

**Proposal for a directive**  
**Article 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 19 a***

***More favourable treatment and non-regression clause***

***1. Member States may introduce or retain provisions more favourable than the safeguards provided for in this Directive against abusive court proceedings in civil matters*** ***2. The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of safeguards already afforded by Member States in the areas covered by this Directive.***

**Amendment 316**

**Alessandra Basso, Gunnar Beck**

**Proposal for a directive**

**Article 19 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 19 a**

***Relations with the Regulation (EU) No. 1215/2012 of the European Parliament and of the Council***

***This Directive shall be considered lex specialis with respect to Regulation (EU) No. 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. For matters not specifically covered in this Directive, the said Regulation shall apply.***

Or. en

**Amendment 317**

**Marie Toussaint**

**Proposal for a directive**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall provide the Commission with all relevant information regarding the application of this Directive ***by [5 years from the date of transposition].*** On the basis of the information provided, the Commission shall by [6 years from the date of transposition] at the latest, submit to the European Parliament and the Council a report ***on the application*** of this Directive. ***The report shall provide an assessment of the evolution of abusive court proceedings against public participation and the impact of this***

Member States shall provide the Commission with all relevant information regarding the application of this Directive, ***in particular available data collected on the basis of Article 18e by [3 years from the date of transposition].*** On the basis of the information provided, the Commission shall by [4 years from the date of transposition] at the latest, ***and every 5 years thereafter,*** submit to the European Parliament and the Council a report ***assessing the purpose and objectives*** of this Directive. ***In particular,*** the report

***Directive in the Member States. If necessary, the report shall be accompanied by proposals to amend this Directive.***

shall:

Or. en

**Amendment 318**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

Member States shall provide the Commission with all relevant information regarding the application of this Directive by [5 years from the date of transposition]. On the basis of the information provided, the Commission shall by [6 years from the date of transposition] at the latest, submit to the European Parliament and the Council a report on the application of this Directive. The report shall provide an assessment of the evolution of abusive court proceedings against public participation and the impact of this Directive in the Member States. If necessary, the report shall be accompanied by proposals to amend this Directive.

*Amendment*

Member States shall provide the Commission with all relevant information regarding the application of this Directive by [3 years from the date of transposition]. On the basis of the information provided, the Commission shall by [4 years from the date of transposition] at the latest, submit to the European Parliament and the Council a report on the application of this Directive. The report shall provide an assessment of the evolution of abusive court proceedings against public participation and the impact of this Directive in the Member States. If necessary, the report shall be accompanied by proposals to amend this Directive.

Or. en

**Amendment 319**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

Member States shall provide the Commission with all relevant information regarding the application of this Directive by [5 years from the date of transposition]. On the basis of the information provided,

*Amendment*

Member States shall provide the Commission with all relevant information regarding the application of this Directive by [4 years from the date of transposition]. On the basis of the information provided,

the Commission shall by [6 years from the date of transposition] at the latest, submit to the European Parliament and the Council a report on the application of this Directive. The report shall provide an assessment of the evolution of abusive court proceedings against public participation and the impact of this Directive in the Member States. If necessary, the report shall be accompanied by proposals to amend this Directive.

the Commission shall by [5 years from the date of transposition] at the latest, submit to the European Parliament and the Council a report on the application of this Directive. The report shall provide an assessment of the evolution of abusive court proceedings against public participation and the impact of this Directive in the Member States. If necessary, the report shall be accompanied by proposals to amend this Directive.

Or. en

**Amendment 320**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

**(a) contain an assessment of the correct implementation of this Directive and its accompanying Recommendation by Member States;**

Or. en

**Amendment 321**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 1 – point b (new)**

*Text proposed by the Commission*

*Amendment*

**(b) provide an overview of the evolution of abusive court proceedings against public participation assess compliance by Member States of Article 18e and provide an overview, findings and recommendations of the data collected;**

Or. en

**Amendment 322**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 1 – point c (new)**

*Text proposed by the Commission*

*Amendment*

**(c) assess compliance by Member States of Article 18e and provide an overview, findings and recommendations of the data collected;**

Or. en

**Amendment 323**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 1 – point d (new)**

*Text proposed by the Commission*

*Amendment*

**(d) provide an evaluation of the impact of this Directive in the Member States;**

Or. en

**Amendment 324**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 1 – point e (new)**

*Text proposed by the Commission*

*Amendment*

**(e) measure the progress made in preventing abusive court proceedings against public participation based on objective criteria included in the evaluation. assess the possible need to amend this Directive. In this regard, the report shall be accompanied by legislative**

*proposals to amend this Directive;*

Or. en

**Amendment 325**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 1 – point f (new)**

*Text proposed by the Commission*

*Amendment*

*(f) provide a detailed analysis of potential abusive court proceedings against public participation not covered under this Directive and consider the need for proposing new legislation to cover them. The analysis shall be accompanied by concrete proposals in this direction;*

Or. en

**Amendment 326**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 1 – point g (new)**

*Text proposed by the Commission*

*Amendment*

*(g) provide an overview about the steps taken by Member States to review their legal frameworks applicable to defamation to ensure that existing concepts and definitions cannot be used in the context of abusive court proceedings against public participation, and of the progress made by Member States in following the recommendations by the Council of Europe and OSCE;*

Or. en

**Amendment 327**

**Marie Toussaint**

**Proposal for a directive**

**Article 20 – paragraph 1 – point h (new)**

*Text proposed by the Commission*

*Amendment*

**(h) assess whether the legal frameworks in Member States provide for the necessary safeguards to address abusive court proceedings, in full respect of fundamental rights and freedoms, and ensure protection. This assessment shall be accompanied by concrete proposals and recommendations;**

Or. en

**Amendment 328**

**Marie Toussaint**

**Proposal for a directive**

**Article 20 – paragraph 1 – point i (new)**

*Text proposed by the Commission*

*Amendment*

**(i) follow-up on the progress achieved since the presentation of the last report;**

Or. en

**Amendment 329**

**Antonius Manders**

**Proposal for a directive**

**Article 20 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**The Commission shall by [6 months from the date of transposition] provide an assessment of equal access to justice, focused on the financial burden of court proceedings for in particular natural persons and small and medium-sized enterprises, in the Member States and the**

*evolution of abusive court proceedings against any natural or legal person. If necessary, the assessment shall by [2 years from the date of transposition] be accompanied by legislative proposals.*

Or. en

**Amendment 330**  
**Magdalena Adamowicz**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [2 years from the date of entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months from the date of entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

**Amendment 331**  
**Marie Toussaint**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [2 years from the date of entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [1 years from the date of entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en



**Amendment 332**  
**Alessandra Basso, Gunnar Beck**

**Proposal for a directive**  
**Article 21 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The Commission shall exempt a Member State from transposing this Directive where the Member State concerned demonstrates that the existing national legislation at the time of the entry into force of the Directive already achieves the objectives set out therein. To this end, the Member State shall transmit a communication to the Commission within one year of the entry into force of this Directive.***

***Member States may, in any event, introduce or maintain more favourable provisions than the guarantees provided for in this Directive against manifestly unfounded and abusive legal proceedings in civil matters.***

Or. en