
Anti-SLAPP: EU protection against legal actions that silence critical voices

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- Long-awaited rules to address growing number of lawsuits against journalists and media outlets
 - Cross-border cases include electronically accessible content
 - Recommendations for member states to address domestic cases
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Journalists, media organisations, activists, academics, artists and researchers should be protected against unfounded and abusive legal proceedings.

The [Legal Affairs Committee](#) adopted its position on new rules to ensure EU-wide protection from vexatious lawsuits against public participation with 15 votes in favour, 1 against and 1 abstention.

The new draft rules contain safeguards against strategic lawsuits against public participation (SLAPPs) and threats thereof. These are unfounded and abusive legal actions to silence those working in the public interest on matters such as fundamental rights, the environment and public access to information. They would apply in cross-border cases, i.e. when a defendant and claimant are not based in the member state of the court.

To increase EU protection, MEPs extended the definition of cross-border cases, to include cases where the topic of the case is relevant for more than one country and is accessible electronically. They also urge EU countries to implement the Commission's recommendations for national cases, especially when it comes to legal assistance for those targeted.

Early dismissal, costs coverage and non-recognition of third-country judgements

Those targeted by a SLAPP would be able to apply for their case to be dismissed early and it would be up to the claimant to prove that the case is not manifestly unfounded. Claimants would

also cover all costs of proceedings, while the victims of SLAPPs would have the right to compensation for related damage, including reputational harm. Defamation cases would only be admissible in the defendant's national court. MEPs also want member states to not recognise judgements against those targeted by SLAPPs in third countries and domiciled in their territory. To the contrary, these targeted people would be entitled to claim compensation for SLAPP in the national courts.

National support and data collection

According to MEPs, member states should provide legal, financial and psychological assistance to SLAPPs victims, including creating one-stop-shops with relevant support contacts and collect pertinent data, especially on court decisions.

Quote

Following the committee vote, rapporteur [Timo Wölken \(S&D, Germany\)](#) said: "SLAPP lawsuits are a threat to the rule of law and seriously undermine the fundamental rights to expression, information and association. They are a form of legal harassment and an abuse of the justice system that is used increasingly by powerful individuals and organisations to avoid public scrutiny. The aim of a SLAPP is not to win the case, but to intimidate and deter many journalists and activists from making information known to the public, thus resulting in self-censorship. Our courts should not be seen as a playground for powerful individuals, companies and politicians and should not be abused for personal gain."

Next steps

Parliament will adopt its negotiating position at the plenary session in July. It will then decide together with the Council on the final shape of the new legislation.

Background

In light of the [increasing number of SLAPPs in the EU](#), from 2018 MEPs adopted a series of resolutions calling for EU action against legal harassment of journalists, media outlets and activists. The Commission presented its [proposal](#) in April 2022, including many of the measures MEPs were suggesting in their 2021 [resolution](#).

Further information

[Procedure file](#)

[Legislative train](#)

[EP Think Tank: Strategic lawsuits against public participation \(SLAPPs\) \(26 April 2023\)](#)


[EP Multimedia Centre: free photos, video and audio material \(SLAPPs\)](#)

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