Anti-SLAPP Directive Published

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News

After the European Parliament and Council had finally signed the act on 11 April 2024, Directive (EU) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ("Strategic lawsuits against public participation" - commonly dubbed "SLAPP") was published in the EU's Official Journal of 16 April 2024. For the Commission's proposal → eucrim 2/2022, 119.

The "Anti-SLAPP Directive" provides safeguards against manifestly unfounded claims or abusive court proceedings in civil or commercial matters with cross-border implications brought against natural and legal persons on account of their engagement in public participation. The main safeguards include the following:

- Natural or legal persons who have been targeted by a SLAPP can request the early dismissal of any claims that are deemed to be without merit;
- In the event that a court determines the proceedings to be abusive, it may require the claimant to bear the burden of all legal costs (unless the defendant's costs are excessive) and provide financial security for the costs of the proceedings and potential damages;
- Judges may impose penalties or other equally effective measures on those initiating SLAPP cases as a means of deterring such actions.
- It is also incumbent upon EU Member States to refuse to recognize or enforce judgments from third countries that are manifestly unfounded or abusive.

In order to provide additional support to SLAPP victims, Member States must facilitate the involvement of associations, organisations, and trade unions in assisting defendants. Comprehensive information on available procedural safeguards and remedies must be provided in a central location.

Timing: Member States must bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 7 May 2026. The Commission must assess the application of the Directive by 7 May 2030.

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