

Protection of journalists and human rights defenders from manifestly unfounded or abusive court proceedings

2022/0117(COD) - 16/04/2024 - Final act

PURPOSE: 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’).

LEGISLATIVE ACT: Directive (EU) 2024/1069 of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (‘Strategic lawsuits against public participation’).

CONTENT: the Directive provides **safeguards against manifestly unfounded claims 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. It will apply to matters of a civil or commercial nature with cross-border implications brought in civil proceedings, including procedures for interim and precautionary measures and counteractions, whatever the nature of the court or tribunal.

Procedural safeguards

Where legal proceedings are brought against natural or legal persons on the grounds of their participation in the public debate, such persons will be able to request: (a) **security** for the estimated costs of the proceedings, which may include the costs of legal representation incurred by the defendant as well as, where provided for under national law, damages; (b) **early dismissal** of manifestly unfounded legal claims at the earliest possible stage of the proceedings; (c) **remedies** in response to abusive legal proceedings which distort the public debate.

A claimant pursuing a claim against a natural or legal person engaging in public participation bears the **burden of proof** that such claim is well-founded. Where the defendant has applied for early dismissal, in order to avoid that early dismissal the claimant will have to substantiate the claim at least to such an extent that it enables the court to conclude that the claim is not manifestly unfounded.

Remedial measures

Member States will ensure that:

- a claimant who has brought abusive court proceedings against public participation can be ordered to **bear all types of costs of the proceedings** that can be awarded under national law, including the full costs of legal representation incurred by the defendant unless such costs are excessive;
- courts or tribunals seised of abusive court proceedings against public participation may impose **effective, proportionate and dissuasive penalties** or other equally effective appropriate measures, including the payment of compensation for damage or the publication of the court decision, where provided for in national law, on the party who brought those proceedings.

Grounds for refusal of recognition and enforcement of a third-country judgment

The recognition and enforcement of a third-country judgment in court proceedings against public participation by a natural or legal person domiciled in a Member State will be refused, if those proceedings are considered manifestly unfounded or abusive under the law of the Member State in which such recognition or enforcement is sought.

Information and transparency

Natural or legal persons engaging in public participation will have access to information on available procedural safeguards and remedies as well as existing support measures, such as legal aid and financial and psychological support, where appropriate. Such information will include any available information on awareness-raising campaigns, as appropriate, in cooperation with relevant civil society organisations and other stakeholders. It will be provided in one single place, in an easily accessible format, through an information centre, an existing focal point or an electronic gateway.

ENTRY INTO FORCE: 6.5.2024.

TRANSPOSITION: no later than 7.5.2026.