



European Parliament,
Rue Wiertz, 60
1047, Bruxelles

Bruxelles, 28.05.2020

Dear Vice-President Jourová,

We, members of the European Parliament believe that our Union needs to address lawsuits intended to intimidate and silence people who raise up their voices and call public's attention to pressing problems. The so-called Strategic Lawsuits Against Public Participation (SLAPP) are part of a practice which undermines our democracy. Over 30 years since the first SLAPPs, journalists and activists in the EU still fear the consequences of these practices, consequences which can go beyond their lifetime. At the time of her death, Daphne Caruana Galizia had 47 vexatious lawsuits filed against her, many of which her family inherited. According to reports from the Council of Europe, there were over 1000 SLAPP cases in Croatia alone, in 2019, while journalists in Italy faced fines of up to 50.000 EUR for defamation.

At a time of increasing pressure over free and independent media, an effective European answer is central to solving this problem. The EU response should include a recast of the Brussels I and Rome II Regulations, as to address jurisdiction rules concerning tort law cases and defamation issues, ending the possibility of forum shopping. However, central to solving this problem is the adoption of a new European Directive.

We need a legally binding instrument to deter SLAPPs all over Europe, as the absence of rules to protect people from SLAPPs has a negative impact on the exercise of the Treaty's fundamental freedoms. Concretely, it affects the ability of media to confidently operate in member states where the risk of SLAPPs is higher, as well as discourage EU citizens willing to work for civil society organisation to seek employment in member states where NGO employees can be the target of SLAPPs. The nature of our internal market creates cross-border effects even for issues, which appear to be domestic. This is also the case with SLAPPs, and thus EU legal harmonisation in this field is central to solving this problem.

Undermining the right to effective judicial protection, SLAPPs are an impediment to effective access to justice and an obstacle to the proper functioning of civil proceedings. Moreover, because of SLAPPs brought against activists and the press, the ability of individuals to be informed of and to scrutinise the activities of powerful actors, such as corporations and politicians, is threatened. This is not only a serious problem for the functioning of our democratic societies, but also an obstacle for the uniform, full and effective application and enforcement of EU law. Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81 (2) (e)(f), Article 114 and Article 325 thereof, the Union is competent to adopt legislation concerning SLAPPs, as the whistleblower directive has already proved the role of the European Union in this matter.

A new directive needs to include procedural safeguards to easily dismiss SLAPPs cases in an early stage of legal proceedings and more deterrent measures as well, such as fines and an EU-wide list of names and firms that pursue these abusive practices.



Silencing public debate and watchdogs is hurting our democracy. Therefore, such a directive should have a wide scope in order to protect not only media professionals and media workers, but activists, grass-root movements, human right defenders, academics and trade unionists as well.

Please consider our suggestions, which are also in line with the recommendations of a number of other stakeholders across the European Union.

Kind regards

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