



**VĚRA JOUROVÁ**  
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*Brussels,*  
*SC/jr/Ares (2020) 2764837*

*Dear Honourable Members,*

*Thank you for your letter of 28 May 2020, in which you outline a series of concerns about Strategic Lawsuits Against Public Participation (SLAPP) and offer suggestions for EU action in this regard. I have read your letter with great interest.*

*A plural, free, and independent media is essential to a well-functioning democracy. Journalists play a vital role in European democracies and they should be able to operate freely, without threats and intimidation. The Commission shares the concerns related to SLAPPs, as they may result in individuals and organisations misusing defamation laws and also other substantive claims, as well as procedural rules such as those affecting cross-border claims with the objective of threatening journalists and other citizens with ruinous lawsuits.*

*The Parliament has already stressed through specific Resolutions<sup>1</sup> the importance of an EU anti-SLAPP directive and has encouraged “both the Commission and the Member States to present legislative or non-legislative proposals for the protection of journalists in the EU”.*

*During my confirmation hearing I referred to a promise I made to Daphne Caruana Galizia’s family, to better protect journalists in Europe. This topic is very important for me. I committed at that time to conduct a mapping of the possible situations of abuse of litigation against journalists, to obtain a better understanding of the situation in the Member States involving relevant experts and stakeholders, and to determine the best way forward, on this basis.*

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<sup>1</sup> [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0204\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0204_EN.pdf)  
[https://www.europarl.europa.eu/doceo/document/TA-8-2018-0183\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0183_EN.pdf)

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*As regards cross-border aspects, I can already inform you that relevant private international law rules in the Brussels I Recast Regulation, on jurisdiction and recognition and enforcement of judgments, and the Rome II Regulation, on law applicable to non-contractual obligations, will be subject to evaluation during this mandate. Defamation, which is currently excluded from the scope of Rome II Regulation, is one of the topics that the Commission will analyse in the context of these forthcoming evaluations.*

*In this regard, the Commission services have commissioned a study on the application of the Rome II Regulation, which will look into the specific difficulties stemming from divergences in Member States' national provisions on conflict of laws, in cases of cross-border violations of personality rights, including defamation. This will address the treatment of data protection and defamation lawsuits in the context of the misuse of legal proceedings against journalists. Furthermore, the Commission services are also mapping possible abuse of litigation and potential tools that could be used in this context. These studies will contribute to a better understanding of the situation.*

*Since the beginning of my mandate I have heard many telling stories of difficulties encountered directly from journalists or stakeholder organisations. Please, be reassured that I will look into all possible options to address this matter, in line with EU competence. Journalists and civil society organisations should use their expertise and time in being the needed watchdogs for our democracies, not in fighting abusive litigation.*

*The European Democracy Action Plan, to be adopted by the end of this year, addressing threats to and improving the resilience of our democracies will also include our response on how to tackle SLAPP matters. The Commission intends to launch a public consultation on the European Democracy Action Plan in the coming months. This will give us an opportunity to gather specific feedback from stakeholders on limitation to free and independent media and to consider potential initiatives in this area.*

*I would like to recall that the Commission is also providing, with the support of the European Parliament, funding to independent projects in the field of media pluralism and journalistic freedom. The Media Pluralism Monitor, managed by the Centre for Media Pluralism and Media Freedom and the mapping platform reporting threats to media freedom, managed by the European Centre for Press and Media Freedom, cover the SLAPP issue. The latter also supports specific actions to support journalists, such as legal assistance.*

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*I am keen to continue the cooperation with the European Parliament in this matter and together with you seek for best ways to resolve the problem.*

*Yours faithfully,*

A handwritten signature in black ink, appearing to be 'VJ' with a long horizontal stroke extending to the right.

*Věra Jourová*