



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS

The Director-General

Brussels
JUST.C.4/FD/ms (2025)11753970s

Permanent Representation

**Subject: Follow up to the Commission “Anti-SLAPP” Recommendation
(EU) 2022/758 of 27 April 2022 and Anti-SLAPP Directive (EU) 2024/1069**

Dear Ambassador,

A cornerstone of healthy and thriving democracies is a pluralistic debate. Citizens must have access to reliable information and be able to form their own judgements in a public space where diverse views can be expressed. Journalists and human rights defenders play a crucial role in nurturing this public debate including by investigating and informing citizens on and highlighting issues of public interest.

In this context, the Commission adopted the Anti-SLAPP initiative on 27 April 2022, consisting of a Directive¹ (in force since 6 May 2024, hereafter “Anti-SLAPP Directive”) and a Recommendation² (hereafter: “the Recommendation”) which is directly applicable. The Commission’s 2025 Rule of Law Report³ notes that EU legislation and the dedicated Recommendation issued by the Commission on SLAPP have helped stimulate further steps in national legislation. On the other hand, reform processes are pending in some Member States, in spite of concerns about journalist’s safety and their working conditions.

As announced in the Commission’s Communication on a “European Democracy Shield”, ensuring the safety and protection of journalists remains a key priority. As part of its efforts to protect journalists against undue pressure, threats and attacks, the Commission is committed to following up on the implementation of this anti-SLAPPs package. The Commission will organise a high-level event on SLAPPs to prepare for the review of the anti-SLAPP Recommendation and it will also review EU private international law rules to assess the possible need to include SLAPP-relevant aspects. The mandate of the expert

(¹) Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation') *OJ L*, 2024/1069, 16.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1069/oj>

(²) Commission Recommendation (EU) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation'), *OJ L* 138, 17.5.2022, pp. 30–44, ELI: <http://data.europa.eu/eli/reco/2022/758/oj>.

(³) COM(2025) 900 final of 8.7.2025.

group against SLAPPs will be renewed to promote cooperation fostering enhanced direct support to victims.

As a basis for the preparation of the next yearly report on the anti-SLAPPs Recommendation (in accordance with its point 34), the Commission is asking Member States to provide a report on the follow up to the Recommendation, broken down by measures taken to address the main components of the following chapters of the Recommendation: Applicable frameworks; Training; Awareness raising; Support Mechanisms (including the set up and functioning of focal points) and Data collection. To facilitate this exercise, we have produced a questionnaire which we kindly ask you to complete (see Annex I to this letter). **Please note that the timeframe of reference is 2025.**

The deadline to respond to this questionnaire is **31 January 2026**. It should be returned to: JUST-ANTI-SLAPP-EXPERT-GROUP@ec.europa.eu.

In the report on the Recommendation, the Commission will also draw on the information Member States provide for the Rule of Law report.

The two-year transposition period of the Anti-SLAPP Directive will end **on 7 May 2026**. The timely and correct transposition of the Directive is a priority to the Commission, as it is crucial to protecting democracy and freedom of expression in the EU.

The Commission continues to assist Member States in their transposition work and is available for any requests for clarifications, technical assistance and practical support. The contact persons for the transposition of this Directive are: Pia Lindholm (email: pia.lindholm@ec.europa.eu; tel. +32 2 2991959), Caterina D'Osualdo (email: Caterina.D'OSUALDO@ec.europa.eu; tel. +32 2 2967853) and Georg Haibach (email: Georg.HAIBACH@ec.europa.eu; tel. +32 2 2960182).

We would like to remind you of the approaching end of the transposition deadline and kindly invite you to use the opportunity of the reply to this letter also to update us on your progress on the transposition as well as to inform us on which elements of your national legislative work go beyond the transposition of the Anti-SLAPP Directive, since such elements are likely to be relevant to the Recommendation. We again invite you to consider extending your national law also to domestic cases to enable courts to adequately handle all SLAPPs and provide tools for safeguards to all those targeted with SLAPPs. We are interested in learning about your plans in that respect during the workshop.

The third transposition workshop on the Anti-SLAPP Directive is due to take place in Brussels on 27 November 2025 in person at 9:30 – 16:30. Further information has been provided via email to national transposition contact points.

Looking forward to your active participation, the Commission stands available to answer any of your questions and queries on this exercise.

Yours sincerely,

ANNEX I - QUESTIONNAIRE

APPLICABLE FRAMEWORKS

1. In the context of the transposition of the Directive, did your Member State decide to go beyond the minimum harmonisation requirements? Did you expand the safeguards envisaged by the Directive to **national cases**? Or did you expand the safeguards envisaged by the Directive to **criminal and/or administrative proceedings**? Please provide any links or documents to draft laws or other documents.
2. How do you ensure the adequate articulation of your legislation on (1) defamation and (2) **data protection**, as required by Article 85(2) of the GDPR⁴, with the right to freedom of expression and information?
3. How does your Member State ensure that rules and penalties applicable to defamation are clear and proportionate?
4. Which measures did you take to ensure that the **deontological rules** that govern the conduct of legal professionals and the disciplinary measures for violation of those rules consider and include appropriate measures to discourage SLAPPs?

TRAINING

5. How did you support training opportunities for **legal professionals** on how to detect and react to SLAPPs⁵? Did you encourage associations of legal professionals and legal training providers to offer training on how to deal with SLAPPs, for example via the European Judicial Training Network? Did you include this type of training in broader training on freedom of expression and legal ethics?
6. Did the trainings provided for **journalists, other media professionals and human rights defenders** seek to strengthen their capacity to detect and handle SLAPPs?
7. With regards to the **substance** of those trainings, did you ensure that they cover any or all of the following elements?
 - Relevant aspects of the EU Charter of Fundamental Rights and the European Convention on Human Rights, including the case law of the Court of Justice of the European Union and the European Court of Human Rights, in particular regarding the articulation of the freedom of expression and information with other fundamental rights;

⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

⁵ Point 10 of the Recommendation provides the following examples of legal professionals: judiciary and judicial staff at all court levels, qualified lawyers as well as for potential targets of such court proceedings.

- Available procedural safeguards against SLAPPs, as well as information on the jurisdiction and available law in fundamental rights, criminal, administrative, civil and commercial matters;
- The obligation for Member States under the GDPR to reconcile by law the protection of personal data and the right to freedom of expression and information, in particular the specific exemptions or derogations for data processing carried out for journalistic purposes or the purpose of academic, artistic or literary expression⁶;
- How to recognise and manage being targeted by SLAPPs;
- Knowing one's rights and obligations to be able to protect oneself against SLAPPs;
- The ethical standards and guidelines set out by national press or media councils (for training specific to journalists).

8. Did you encourage **higher education institutions** to include knowledge on SLAPPs in their curricula, in particular for law and journalism degrees?

AWARENESS RAISING

9. Please provide examples of **initiatives**, including those of National Human Rights Institutions or civil society organisations, which you have supported and that contributed to raising awareness on the issue of SLAPPs, in particular for potential SLAPP targets?
10. To what **specific groups** did you address those activities⁷, and how did you ensure that those activities explained the issue in a simple and accessible way so that SLAPPs be easily recognised?
11. Did you make sure that those activities provided information on the **legal lines of defence** available to SLAPP targets as well as information on **support structures**, including information on your national Focal Point?

SUPPORT MECHANISMS

12. How do you ensure that SLAPP targets have easy access to independent, affordable and individual **support** and legal assistance from relevant organisations⁸?

⁶ The Annex to the Recommendation lists the following examples of provisions of the GDPR which those trainings should cover: Article 85(2) on exemptions and derogations, Article 12(5) on data subject's rights, Article 16 on the right to rectification, Article 17(3)(a) on the right to be forgotten, Article 79(2) on the protection against forum shopping.

⁷ Point 23 of the Recommendation provides the following examples of organisations: media professionals, legal professionals, members of civil society organisations, academics, think tanks, communication professionals, civil servants, politicians, public authorities and private corporations.

⁸ Point 24 of the Recommendation provides the following examples of types of organisations: associations of legal professionals, media and press councils, umbrella associations for human rights defenders, associations at Union and national level, law firms defending targets of manifestly unfounded or abusive court proceedings against public participation *pro bono*, legal clinics of universities and other non-governmental organisations.

13. Did you create a **Focal Point** as recommended under Point 25 of the Recommendation? If so, please provide information on this Focal Point. [If not, please explain the reasons for not having done so.]
14. How do you facilitate the exchange of information and **best practices** between organisations that provide guidance and support to SLAPP targets?

DATA COLLECTION

15. Did you ensure that data on manifestly unfounded or abusive court proceedings against public consultation initiated in your jurisdiction is collected?
16. Which **authority(ies)** did you entrust to coordinate the information and report aggregated data on SLAPPs initiated in your jurisdiction?
17. Please provide information regarding the following **data points** listed in Point 31 of the Anti-SLAPP Recommendation (if possible including a link to online publication of the data):
 - the number of manifestly unfounded or abusive court proceedings against public participation cases, initiated in the relevant year;
 - the number of manifestly unfounded or abusive court proceedings against public participation cases dismissed early in the relevant year starting from 2022, both dismissed on merits and for procedural reasons;
 - the number of court proceedings, classified by type of defendant (e.g. journalist, human rights defender, press outlet);
 - the number of court proceedings, classified by type of plaintiff (e.g. politician, private person, company, whether the plaintiff is a foreign entity);
 - figures about acts of public participation on the account of which court proceedings were launched;
 - figures on the estimated amount of initial damages requested by plaintiffs;
 - description of the different legal bases employed by plaintiffs and related figures;
 - figures on the length of the proceedings, including all instances;
 - figures on cross-border elements; and
 - as available, other data including on judicial costs of proceedings and, as relevant and appropriate, relevant figures on historical backgrounds of cases.
18. If you collect **other data points** not listed in Point 31 of the Anti-SLAPP Recommendation, please also include those data in your reply.
19. How do you ensure the respect of **data protection** requirements when collecting and aggregating those statistics?