



### **OPEN LETTER: WE REFUSE TO LET THE ANTI-SLAPP DIRECTIVE BE A MISSED OPPORTUNITY**

The European Union is set to miss a critical opportunity to demonstrate that it is on the side of those who hold power to account. The trilogue negotiations concerning the Directive expected to fight Strategic Lawsuits Against Public Participation (SLAPPs) are coming to a close and the 74 undersigned organisations are sounding the alarm that, in the absence of certain key provisions, the anti-SLAPP Directive will fail to counteract the growing problem of SLAPPs in the EU.

These provisions include first and foremost a strong early dismissal mechanism for all SLAPPs. If the Directive fails to ensure that all claims against public participation are subject to a rigorous threshold test at the earliest stage of proceedings, as is the case with the Council of the European Union's general approach document, the Directive will be a hollow instrument.

Secondly, if the definition of "cross-border" SLAPP cases is deleted, then the notion of cross-border cases would implicitly refer to cases where the parties are domiciled in different Member States. This means that the Directive will only be applicable in a handful of cases; thousands of actual and potential SLAPP targets will not be able to invoke any of the anti-SLAPP protective measures introduced by the Directive.

Finally, the provisions on compensation of damages risk being left entirely at the discretion of Member States and the courts, leading to unequal compensation mechanisms in different countries. Leaving out a minimal standard for compensation would be disgraceful considering that full compensation for damages is essential in any anti-SLAPP legislation worthy of the name. We cannot ignore the restorative function for SLAPP victims and its deterrent effect on powerful actors who consider starting similar abusive proceedings.

These past years, member organisations of the Coalition Against Slapps in Europe (CASE) have been providing solid, evidence-based expertise and in-depth knowledge to feed discussions on the law, and always in a constructive spirit, to the Commission, the European Parliament and the Member States. At this crucial stage, it looks like our contribution has been ignored.

**We refuse to let this be a missed opportunity.**

We will not support a watered-down Directive that will provide no meaningful protection for journalists, media outlets, activists and civil society organisations in Europe, instead of serving as a model for ambitious anti-SLAPP legislation across Europe and beyond.

As we enter the final stages of the trilogue discussions, we urge the Council and the Parliament, with the support of the Commission, to make this legislation an robust instrument that fulfils its purpose and not a tick-box exercise.

## SIGNED

Access Info Europe  
Aditus Foundation  
Amnesty International  
ARTICLE 19 Europe  
Association of European Journalists-Bulgaria  
BIRN, Balkan Investigative Reporting Network  
Blueprint for Free Speech (B4FS)  
Bruno Manser Fonds (BMF)  
Center for Environmental Democracy FLOROZON, North Macedonia  
Centre for European Volunteering (CEV)  
Centre for Peace Studies, Croatia  
Civic Initiatives, Serbia  
Civil Liberties Union for Europe (Liberties)  
Civil Rights Defenders  
Citizens Network Watchdog Poland  
Coalition For Women In Journalism (CFWIJ)  
Coalizione Italiana per le Libertà e i Diritti civili (CILD)  
Committee to Protect Journalists  
Croatian Journalists Association  
Estonian Human Rights Centre (EHRC)  
Eurocadres  
European Anti-Poverty Network  
European Center For Not-For-Profit Law (ECNL)  
European Centre for Press and Media Freedom (ECPMF)  
European Civic Forum  
European Environmental Bureau (EEB)  
European Legal Support Center (ELSC)  
European Federation of Journalists (EFJ)  
European Trade Union Confederation (ETUC)  
Foodwatch International  
Foundation Atelier for Community Transformation – ACT (BiH)  
FIBGAR  
Free Press Unlimited  
Frente Cívica (Portugal)  
Global Forum for Media Development (GFMD)  
Greenpeace European Unit  
Helsinki Foundation for Human Rights (HFHR, Poland)  
Human Rights Centre, Ghent University  
Human Rights House Foundation (HRHF)  
Hungarian Civil Liberties Union (HCLU)  
IFEX  
ILGA-Europe

Index on Censorship  
International Press Institute (IPI)  
Journalists' Association of Serbia (UNS)  
Justice for Journalists Foundation (JFJ)  
Legal Human Academy (Denmark)  
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