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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION STAFF WORKING DOCUMENT on the follow-up to the 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')

Delegations will find attached document SWD(2024) 292 final.

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COMMISSION STAFF WORKING DOCUMENT

on the follow-up to the 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')

1. INTRODUCTION

The European Democracy Action Plan¹ presented by the Commission in 2020 recognised the clear need to provide journalists and other actors involved in protecting the public interest with tools against abusive litigation which has as main purpose to prevent, restrict or penalise public participation. As part of the measures announced in this Action Plan, on 27 April 2022, the European Commission presented a key initiative to address strategic litigation against public participation (SLAPP²). This initiative included both a Directive³ and a Recommendation⁴.

The Directive entered into force on 6 May 2024 and Member States are required to implement its provisions by 7 May 2026. It applies to civil and commercial matters with cross-border implications and provides for several procedural safeguards and protections: early dismissal of manifestly unfounded claims, security for costs of the proceedings, remedies against abusive court proceedings (full award of cost and penalties or other equally effective measures) and protection from third country judgments.

The Commission Recommendation, adopted on 27 April 2022, provides guidance addressed to Member States to take effective, appropriate and proportionate measures to address SLAPPs and specifically protect journalists and human rights defenders against such proceedings⁵. The Recommendation covers applicable frameworks, training, awareness raising, support mechanisms, as well as data collection, reporting and monitoring. It applies to both domestic and cross-border SLAPP cases, and covers civil, criminal and administrative proceedings.

To facilitate the identification of entities or bodies able to assist with manifestly unfounded or abusive court proceedings and to ensure the effectiveness of support against such proceedings, the Recommendation encourages Member States to establish “Focal Points”. These are tasked with gathering and sharing information on all organisations that provide guidance and support for targets⁶.

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European democracy action plan, 3 December 2020, COM/2020/790 final, accessible at the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0790&qid=1608478349630>

² Acronym for: “Strategic Lawsuits Against Public Participation”.

³ 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’) (hereinafter: “The Directive”), accessible at the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1069>.

⁴ 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’) (hereinafter: “The Recommendation”), accessible at the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022H0758>.

⁵ Point 1 of the Recommendation.

⁶ Point 25 of the Recommendation.

In line with points 18 and 30 of the Recommendation, the Expert group against SLAPP⁷, established by the Commission and composed of legal practitioners, journalists, academics, members of media and civil society organisations, could provide, among others, technical assistance to authorities in their setting up of Focal Points. Additionally, it could promote the exchange of experience among Member States and support the follow-up to the Recommendation.

This Staff Working Document provides an overview of the information received by the Commission from twenty-five Member States⁸ on their follow-up to the Recommendation, in line with its Point 34⁹ and illustrates the work of the Expert Group against SLAPP.

The Commission is dedicated to monitoring Member States' follow up to the Recommendation and will conduct this data collection exercise annually.

In line with point 35 of the Recommendation, the Commission will publish an assessment of the impact of the Recommendation no later than 5 years after the date of adoption, evaluating the impact of the evolution of SLAPP cases in the European Union. Based on this assessment, the Commission will decide whether further steps are required to ensure the adequate protection for targets of such proceedings, also considering findings of the Commission's Rule of Law Reports and other relevant information, including external data.¹⁰

These findings from close monitoring help inform the Commission about potential further initiatives for combating SLAPPs.

2. APPLICABLE FRAMEWORKS

⁷ See here: <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail.groupDetail&groupID=3746>

⁸ The SWD is based on self-reported data provided by the following Member States: Belgium, Bulgaria, Cyprus, Czechia, Germany, Denmark, Estonia, Greece, Hungary, Spain, Finland, France, Croatia, Ireland, Italy, Lithuania, Luxembourg, Latvia, The Netherlands, Poland, Portugal, Romania, Sweden, Slovenia, Slovakia. The SWD is based on responses to three requests for information: the initial request on 14 December 2023, a reminder on 12 July 2024, another reminder on 22 November 2024, and related follow-up exchanges. The inputs received from Member States reflect diverging approaches to data collection and reporting. This SWD includes data covering activities from 2022 to 2024, with variations in the reporting periods and the completeness of the information provided, which should be taken into account when interpreting the its findings. Also, the annual Rule of Law Report covers additional developments related to SLAPPs both under its pillars on media freedom and media pluralism and on checks and balances (as regards civil society). Where relevant, the Commission has addressed recommendations to Member States as part of the Rule of Law Report, related to SLAPPs in general or specific aspects of the legal framework, such as the defamation regime (in 2024, this concerned Ireland, Italy, Greece, Croatia and Slovakia). 2024 Rule of Law Report - The rule of law situation in the European Union, COM(2024) 800 final.

⁹ Point 34 of the Recommendation: “*Member States should transmit by the end of 2023 and subsequently on request, in compliance with data protection rules, a report to the Commission on the implementation of this Recommendation containing aggregated data consolidated at Member States' level. The Commission will hold, as necessary, discussions with Member States and stakeholders, in relevant forums, on the measures and actions taken to apply the Recommendation*”.

¹⁰ Point 35 of the Recommendation.

The Recommendation urges Member States to ensure that their legal frameworks provide for the necessary safeguards to address SLAPPs, in full respect of democratic values and fundamental rights, including the right to a fair trial and the right to freedom of expression¹¹.

Bulgaria reported that, in June 2023, the Council for the Rule of Law set up a working group for the media environment and access to information. The working group has discussed proposals for amendments to the code of civil procedure, in the view of the transposition of the Directive¹².

Croatia indicated that it had removed a regime of double liability (civil and criminal) for defamation and removed the possibility of prison time for defamation altogether¹³.

Lithuania indicated that:

- it has adopted safeguards for early dismissal and award of court costs for SLAPPs in civil proceedings¹⁴;
- it has decriminalised offenses of insults (although defamation remains a criminal offense)¹⁵;
- since 2018, it has a law that provides exceptions to the General Data Protection Regulation¹⁶ with regards to the rights to freedom of expression and information in journalistic or academic matters; in 2023, the Office of the Inspector of Journalist Ethics issued non-binding guidance on ways to reconcile personal data protection requirements and freedom of expression and information, aimed at addressing remaining concerns regarding the misinterpretation of legal framework¹⁷;
- its national bar association is reviewing whether to update its code of conduct for lawyers to specifically cover SLAPPs.

Greece indicated that simple defamation has been decriminalised in February 2024 but that slanderous acts of defamation are still currently punishable under criminal law.¹⁸

Ireland reported that a reform of the defamation regime is pending¹⁹ with its current draft set to include safeguards against SLAPPs. Ireland also reported that the proposed reform goes beyond the minimum requirements of the EU Anti-SLAPP Directive, in its application to all

¹¹ Points 2 to 9 of the Recommendation.

¹² See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Bulgaria, pp.29-30

¹³ It remains a criminal offense punishable only by monetary fines. See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp.26-27

¹⁴ Law No XIV-1748 of 22 December 2022

¹⁵ Law No XIV-1749 of 22 December 2022

¹⁶ Regulation (EU) 2016/679 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).

¹⁷ See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p.22, and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 19.

¹⁸ See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p. 21

¹⁹ General Scheme of the Defamation (Amendment) Bill (the General Scheme)

defamation proceedings taken in Irish Courts not just to those with ‘cross-border implications’²⁰.

Czechia, Denmark, Greece, France, Italy²¹, Poland²² and Sweden indicated that, although they do not have dedicated rules concerning SLAPPs, their general procedural rules and safeguards (as well as existing specific regimes for the protection of the press and the media²³) apply to SLAPP cases (e.g. civil procedure law²⁴, criminal law²⁵, administrative law²⁶, data protection²⁷, and deontological rules for legal professionals²⁸).

Luxembourg reported that in the context of the transposition of the Anti-SLAPP Directive, it will introduce early dismissal of manifestly unfounded court proceedings against public participation, and it is analysing to extend the safeguards provided for in the Directive also to domestic cases. Luxembourg also stated that its upcoming legal framework will ensure that the perpetrator of SLAPPs is ordered to pay the costs of the lawsuit and full compensation for the harm caused to the victim of SLAPPs. It will also provide that courts dealing with abusive court proceedings against public participation may impose periodic penalty payments or other equally effective appropriate measures.

Lastly, Belgium, Finland, Poland, Slovenia²⁹, Slovakia³⁰ and Hungary stated their willingness to regulate the issue of SLAPPs but were waiting for the adoption of the Anti-SLAPP Directive before taking legislative action.

3. TRAINING

The Recommendation encourages Member States to offer training on SLAPPs to legal professionals and potential targets to build expertise in identifying such proceedings and responding appropriately³¹.

Bulgaria, Germany, Croatia, Lithuania, Romania provided examples of training activities for legal professionals and other relevant stakeholders. Examples of such activities include:

- the organisation of training sessions for judges, lawyers and potential SLAPPs targets, including with the involvement of the European Judicial Training Network³²;

²⁰ See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 27; the Bill lapsed with the dissolution of the Dáil and Seanad. See here: <https://www.oireachtas.ie/en/bills/bill/2024/67/>

²¹ See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp.29-30

²² See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Poland, p.28

²³ Sweden

²⁴ Czechia, Denmark, Greece, France, Italy, Poland

²⁵ Czechia, Greece, France, Sweden

²⁶ France

²⁷ Czechia

²⁸ France, Lithuania

²⁹ See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, pp. 27-29

³⁰ See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 31

³¹ Points 10 to 18 of the Recommendation

³² Bulgaria and Germany

- the development of courses on the protection of journalists and on media freedom at the Academy of the Ministry of the Interior³³;
- relevant courses provided by court associations³⁴, bar associations³⁵ and universities³⁶;
- the establishment of an expert working group within the Ministry of Culture and Media³⁷ made up of public institutions, the media and legal sectors, as well as academia, providing training to judicial officials;
- informing stakeholders about the possibility of getting funding for the creation of SLAPP-related trainings³⁸.

Poland indicated that it had not currently started providing training activities but expressed a strong willingness to start doing so as soon as the Directive is adopted. Slovenia stated that, although it had not initiated training activities, it had already designated the authorities that will be in charge of providing training and was waiting for the adoption of the Directive before initiating such activities.

Luxembourg reported that it also intends to carry out an awareness-raising campaign on the phenomenon of SLAPPs when transposing the Directive into national law. To this end, the government has earmarked the necessary funds in its budget.

Greece reported that it has launched a Task Force on ensuring the protection, safety and empowerment of journalists and other media professionals in July 2022. Greece also reported that among the deliverables of the Task Force during the two years of operation there is the creation of an International Training Centre for the Safety of Journalists and Media Professionals (ICSJ)³⁹ which was established in January 2023⁴⁰. Greece reported on specific initiatives carried out ranging from research activities to dedicated seminars⁴¹

Hungary reported a training session organised in 2023 by the National Office for the Judiciary on the subject of freedom of expression, including ‘SLAPPs’, with the participation of 75 judges and 12 junior judges. Hungary stated that it expects the number of training sessions to increase in parallel with the transposition of the Directive.

PATFOX - ‘Pioneering anti-SLAPP Training for Freedom of Expression’

³³ Bulgaria

³⁴ Lithuania

³⁵ Germany and Romania

³⁶ Lithuania, Romania and Sweden

³⁷ Croatia

³⁸ Germany

³⁹ <https://icsj.net/index.php/el/>

⁴⁰ See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Greece, p.21

⁴¹ Greece referred to the conduct of research on the needs of Greek journalists; organization of a two-day Workshop on the importance of the Safety of Journalists in Situations of War Conflicts and Demonstrations, with support by the European Federation of Journalists - EFJ (April 2023); organization of a «Safety for Journalists (SFJ)-Training School» in Kilkis (Multinational Training Center for Peace Support Operations) in consecutive repetitive training cycles (May 2023 and again September 2024) and the participation of the staff to the UNESCO Training Center on Freedom of Speech and Law Enforcement (April 2023). Greece also reported that a webinar on women journalist’s protection against sexual harassment online was organised in July 2023.

*The PATFox project, launched by the European Commission, ran from February 2022 to February 2024 and was **co-funded by the European Union’s Justice Programme**⁴². The project was designed to raise awareness and extend relevant knowledge about SLAPPs among European lawyers; improve lawyers’ knowledge and skills to effectively deal with SLAPPs and to better represent those targeted by these abusive actions; promote front-line SLAPP defense efforts across the European Union.*

*Over the two-year duration of the project, the Consortium managed to **train 364 lawyers in 11 Member States**: Bulgaria, Croatia, Cyprus, Germany, Malta, Hungary, Poland, Romania, Slovakia, Slovenia, and Spain.*

The target groups reached during the duration of the project were lawyers in general, human rights lawyers, independent lawyers focusing on environmental cases, lawyers working with or for independent media and NGOs, representatives of bar associations and associations of lawyers, state attorneys and lawyers from public institutions.

*In addition to practical training, the project designed, developed, and implemented the first **European anti-SLAPP curriculum**, based on video lectures, case studies, and handbooks.*

All materials are freely available in all 11 languages on the Curriculum Hub section on the project website: <https://www.antislapp.eu/>

4. AWARENESS RAISING

The Recommendation encourages Member States to support initiatives to raise awareness and organise information campaigns on SLAPPs, with a particular emphasis on addressing potential targets of such proceedings⁴³.

Bulgaria, Germany, Greece, Croatia, Lithuania, Romania, Sweden and Slovenia provided information on awareness raising activities they have undertaken since the adoption of the Recommendation.

Croatia, Romania, Sweden and Slovenia indicated that relevant ministries (the Ministry of Justice⁴⁴ and/or the Ministry of Culture⁴⁵) had been in charge of carrying out awareness raising activities such as events, roundtables and conferences with stakeholders including representatives of the media industry, civil society organisations and/or embassies of other Member States.

In Croatia, the Ministry of Culture and Media has held, among other awareness raising activities, a number of educational workshops for judges and journalists.⁴⁶

⁴² <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/projects-details/43252386/101051559/JUST2027>

⁴³ Points 19 to 23 of the Recommendation.

⁴⁴ Croatia, Romania, Sweden and Slovenia

⁴⁵ Croatia, Romania and Sweden

⁴⁶ In December 2021 in the National and University Library in Zagreb; in March 2022 at the Regional Center of the Judicial Academy in Split; in June 2022 at the Cultural Center in Osijek; in October 2022 at the Regional Center of the Judicial Academy in Varaždin; in June 2023 at the Regional Center of the Judicial Academy in Rijeka. See here: <https://min-kulture.gov.hr/strucna-radna-skupina-za-oblikovanje-politike-suzbijanja-slapp-tuzbi/22216#5>. See also 2024 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp.27

In Sweden and Slovenia, the Minister of Justice and/or the Minister for Culture reported to have participated in discussions intended to facilitate engagement and communication between key stakeholders.

Germany and Romania noted that bar associations had undertaken awareness raising activities on the issue of SLAPPs. Lithuania, Romania and Sweden highlighted the involvement of universities in awareness raising efforts such as seminars and conferences. Germany and Romania indicated that their Focal Points had been conducting awareness raising activities. Poland declared its eagerness to undertake awareness raising activities, once the Directive will be transposed in national legislation.

Lastly, Belgium expressed that it would start conducting awareness raising activities as soon as the Directive will be adopted, and that its Focal Point is preparing a communication campaign on SLAPPs for 2025.

5. SUPPORT MECHANISMS

The Recommendation urges Member States to ensure that SLAPPs targets have access to individual and independent support⁴⁷. In particular, each Member State should establish a Focal Point to gather and share information on all organisations that provide guidance and support for SLAPP targets⁴⁸.

Fourteen Member States⁴⁹ have Focal Points in place. The Netherlands and Slovenia have indicated temporary contacts, while in the process of establishing formal appointment of Focal Points. Slovenia in particular stressed that it has initiated a call for tender to create a Focal Point and that in the interim its Ministry of Justice currently acts as de facto Focal Point.

*The **list of focal points** and their contact details is available on the European Commission's website: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/eu-citizenship-and-democracy/democracy-and-electoral-rights/protecting-journalists-and-human-rights-defenders-strategic-lawsuits-against-public-participation_en*

Member States adopted various approaches to establishing their Focal Points. Czechia, Germany, Greece, France, Croatia, Italy, Lithuania established their Focal Point within their Ministry of Justice. Belgium and Romania⁵⁰ designated their National Human Rights Institutions as Focal Points. Bulgaria and France designated interministerial bodies as their Focal Point. Estonia and Portugal appointed an organisation representing media enterprises as their Focal Point, while Sweden's Ministry of Justice appointed a civil society organisation supporting victims and witnesses of crimes as Focal Point.

⁴⁷ Points 24 to 28 of the Recommendation.

⁴⁸ Point 25 of the Recommendation.

⁴⁹ Belgium, Bulgaria, Cyprus, Czechia, Germany, Estonia, Greece, France, Croatia, Italy, Lithuania, Portugal, Romania and Sweden

⁵⁰ See additional information from the 2024 Rule of Law Report, Country Chapter on the rule of law situation in Romania, p.29

Spain, Finland, Ireland, Latvia, Slovakia and Poland are still discussing internally on the setting up of a Focal Point, also taking into consideration the process of transposition of the Directive.

Germany, France, Lithuania, Romania and Slovenia provided examples of anti-SLAPP support activities that have taken place, such as the creation of a legal aid fund⁵¹, the promotion of anti-SLAPP activities outside the EU via a development agency.⁵², and activities of Focal Points related to training and awareness raising⁵³.

Greece reports the establishment of an observatory on SLAPPs by the Panhellenic Federation of Journalists Associations (POESY) in July 2023. Journalists can report any SLAPPs on the platform and receive legal support from POESY.

Germany reported that the NO SLAPP *Anlaufstelle*⁵⁴ for the protection of journalistic work brings together various organisations and experts to support journalists and other critical public actors encountering SLAPPs. It informs, advises and trains multipliers against SLAPPs. It supports those affected by finding legal advice, public relations work and other forms of case support where possible.

Under the Citizens, Equality, Rights, and Values (CERV) Work Programme for 2023-2024, a call for proposals (CERV-2024-CHAR-LITI) was published covering in particular the topic of “Strategic litigation”⁵⁵. The Justice Programme, with a budget of 305 million euro over 7 years, aims to contribute to develop a European area of justice thereby strengthening democracy, the rule of law and the protection of fundamental rights. This Programme provides *inter alia* for the possibility to fund activities linked to judicial training, with a view to fostering a common legal and judicial culture based on the rule of law, and to support and promote the consistent and effective implementation of the Union legal instruments that are relevant in the context of the Programme.

An example of a project under this heading was PAT-Fox (Pioneering AntiSLAPP Training for Freedom of Expression), mentioned above, which was funded under the call for proposals for action grants to support transnational projects on judicial training covering civil law, criminal law or fundamental rights (JUST-2021-JTRA).

A newsletter on funding opportunities and funded projects under both CERV and Justice has been issued⁵⁶. There are also other funding opportunities for SLAPPs related activities, for example, under Creative Europe, which is one of the instruments used to support the news media sectors, as part of its wider objectives to respond to the needs and challenges of the cultural and creative sectors and contribute to cultural diversity.

6. DATA COLLECTION, REPORTING AND MONITORING

⁵¹ Lithuania.

⁵² France.

⁵³ Germany and Romania.

⁵⁴ <https://www.noslapp.de/ueber-das-projekt>

⁵⁵ [EU Funding & Tenders Portal](#)

⁵⁶ [JUSTICE AND CONSUMERS - Newsletter Archives](#)

The Recommendation states that Member States should designate one or more authorities responsible for collecting and aggregating data on SLAPPs within their jurisdiction. Additionally, an authority should be assigned to coordinate this information and report the aggregated national data to the Commission annually, starting at the end of 2023, in full compliance with data protection requirements⁵⁷.

Although Bulgaria⁵⁸, Greece, Croatia and Lithuania indicated that they are collecting some statistical judicial data on abusive litigation in general⁵⁹ or on lawsuits against media organisations and journalists⁶⁰, Member States are yet to provide specific data on the phenomenon of SLAPPs, as referred to in the Recommendation.

France indicated that a system for collecting information has been set up and data collection commenced in 2024, with the goal of providing concrete data starting from 2025.

Lithuania stated that it is currently updating its judicial statistical information system with the view of starting to collect data on SLAPP in the second half of 2024.

Croatia and Romania noted that they had not started collecting data yet, but that they had already designated their Focal Point as authority in charge of data collection.

Estonia explained that it is currently holding discussions on how to set up a statistical system and that, in the meantime, it has focused on training and awareness raising among judges to prepare them to better report SLAPP cases once the system is in place.

Denmark explained that it will consider whether to create a statistical system for the collection of data on the phenomenon of SLAPPs.

Belgium, Italy, Latvia, Poland, Sweden, Slovenia, Luxembourg and Hungary expressed that they were waiting for the adoption of the Directive before creating statistical systems related to SLAPPs.

7. THE EXPERT GROUP AGAINST SLAPPs

The Expert group against SLAPPs was established by the European Commission to provide a platform to discuss and address SLAPPs in the European Union. Throughout its activities⁶¹, the Expert group against SLAPPs has provided significant support to Member States in their efforts to combat SLAPPs. This support has included:

- Providing inputs on the development of EU initiatives against SLAPPs
- Gathering and sharing information on SLAPP cases in the EU
- Sharing expertise and best practices on addressing SLAPPs, including awareness-raising, training, and support for SLAPP targets

⁵⁷ Points 29 to 32 and Annex of the Recommendation.

⁵⁸ See 2024 Rule of Law Report, Country Chapter on the rule of law situation in Bulgaria, p. 30, footnote 272.

⁵⁹ Lithuania collects data on judicial decisions in civil matters in which the court applied one or more of the following principles: impermissibility of abuse of rights; prohibition of abuse of procedural rights; or damages as a consequence of an abuse of procedural rights.

⁶⁰ Bulgaria, Greece, Croatia.

⁶¹ https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail_groupDetail&groupID=3746

- Raising awareness about the importance of mental health support for SLAPP targets
- Supporting the appointment of Focal Points by Member States
- Providing input on the development of support mechanisms for SLAPP targets
- Creation of a directory of experts to assist Member States in the follow up of the recommendation and other EU initiatives

The Expert group on SLAPPs has met ten times since its creation in 2021⁶² to discuss the latest developments and share best practices in combating SLAPPs. Member State authorities were invited in two of the Expert Group's meetings⁶³. The subject of these two meetings was support mechanisms, in particular the establishment and operations of focal points.

These meetings were the occasion to remind Member States about funding opportunities, available under the CERV Programme, for activities linked to capacity building and awareness on the Charter including on freedom of expression. This also includes anti-SLAPP activities.

Overall, the Expert group against SLAPPs had a key role in supporting Member States in their efforts to combat SLAPPs and promote a safe and enabling environment for journalists and rights defenders in the European Union as well as to support expert knowledge in the context of establishment by Member States of focal points. This highlights the importance of cooperation and collaboration to address the SLAPP phenomenon in a comprehensive manner.

8. CONCLUSIONS

The Staff Working Document highlights varying level of progress among Member States in following-up on the Recommendation.

While many Member States have taken concrete steps, others are still in the process of developing their frameworks and support mechanisms. A few Member States have indicated that they run awareness-raising activities or information campaigns on SLAPPs.

As the transposition of the Anti-SLAPP Directive is underway, Member States have a unique opportunity to strengthen the protections against SLAPPs by going beyond the minimum harmonisation set out in the Directive and beyond its scope (which is limited to cross-border civil proceedings), drawing inspiration from elements from the Recommendation.

Focal Points can play an important role to address SLAPPs, serving as key centres of expertise and support for entities affected by such action.

The expert group against SLAPPs is providing dedicated expertise to authorities in setting up Focal Points, developing training material and organising legal assistance, sharing best practices, making full use of the funding available at Union level, exchanging information, and coordinating efforts to combat SLAPPs. Exchange of expertise between the Expert Group and the Focal Points has proved its added value.

The Commission is closely monitoring the follow-up to the Recommendation.

⁶² [Register of Commission expert groups and minutes](#)

⁶³ 8th meeting on 21 November 2022 and 10th meeting on 9 September 2024