

# **Belgium as Frontrunner on Rules to Protect Against “Strategic Lawsuits Against Public Participation” (SLAPP), What You Need to Know.**

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The anti-SLAPP EU Directive 2024/1069 aims to protect people taking part in the public debate against dissuasive legal proceedings brought against them. It provides various guarantees against manifestly unfounded claims or legal proceedings targeting people because of their participation in the public debate.

As a directive, it must now be transposed into national law in each Member State of the European Union. In Belgium, on 18 February 2025, the anti-SLAPP bill was tabled before the Belgian Parliament, giving interesting insights on how this EU initiative may materialize in Member States.

The anti-SLAPP bill’s stated objective is to combat the abusive use of judicial proceedings for the purpose of intimidating or silencing people expressing their opinions (journalists, academics, NGOs, etc.). Among its proposed features, two major points stand out:

- Firstly, if a legal claim is brought against a person because of his/her participation in the public debate (for example if this person has expressed his/her opinion on a public subject), the judge may, during the preliminary hearing, dismiss the claim for being manifestly unfounded.
- Then, in the event of abuse of procedure by a party, the judge may impose a fine of up to €25,000, damages and/or the publication of the judgment. The draft bill provides several criteria to be considered to establish whether there is an abuse of procedure.

In addition to introducing the above points for civil cases, the draft bill also caters for anti-SLAPP measures through amending the Belgian Code of Criminal Procedure.

At this stage it is still only a draft bill that has not yet been adopted by the Belgian Parliament and may hence be subject to further changes, and once adopted, subject to future case law and doctrinal developments. Still, it is likely to have a significant impact on companies operating in sectors subject to public opinion’s pressure such as health, food, construction, consumer products and heavy industry. This draft bill (if adopted) will indeed provide a solid means of defense for NGOs and other players active in the public debate and already exercising noticeable policy and legal activism.

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