EUROPEAN PARLIAMENT

Member of the European Parliament

Frans Timmermans
Vice President of the European Commission
European Commission
B-1049 Brussels, Belgium

Brussels, 19 February 2018

Dear Vice-President Timmermans,

On 12 January 2018 you were called on by the undersigned to propose legislation that will address and end "SLAPPs" - lawsuits intended to intimidate and silence investigative journalists and independent media by burdening them with exorbitant legal expenses until they abandon their opposition. This practice is abusive, poses a threat to media freedom and has no place in the European Union.

It has recently come to light that a SLAPP lawsuit was filed by Pilatus Bank in Arizona, United States against assassinated investigative journalist Daphne Caruana Galizia. Reports show that the Bank wished to pursue Maltese journalists in the United States for damages amounting to some 40 million dollars. This is a perfect illustration of the abusive and contemptible nature of SLAPP practices.

Neither Pilatus Bank nor Daphne Caruana Galizia have any link with the US. The choice of jurisdiction is intended solely to make mounting a legal defence as painful and financially crippling as possible.

Pilatus Bank is at the centre of the money laundering revelations exposed by the Panama Papers leak. Serious concerns related to this bank are stated in the European Parliament resolution of 15 November 2017 on the rule of law in Malta and the subsequent report of the fact-finding mission to Malta published on 11 January 2018. The European Banking Authority is currently investigating the Maltese national supervisory authority in view of the fact that this bank continues to hold a license to operate in the European Union. The European Central Bank is currently assessing whether the gravity of the situation warrants its direct intervention.

In the meantime, Maltese media houses, faced with the prospect of financial ruin, have complied with Pilatus Bank's requests, deleting and amending articles in online archives, effectively concealing truth and re-writing history.

Recently, nascent Maltese media house The Shift was threatened with legal proceedings in the UK and the US by Henley & Partners, the concessionaires of Malta's citizenship-for-money scheme. This is the firm Daphne Caruana Caruana had exposed, through leaked email correspondence that she published, as having been plotting SLAPP lawsuits against her together with the top Maltese government officials.

While the situation in Malta is extreme, the practice is not limited to Malta. In the UK, Appleby, the firm associated with the Paradise Papers, is using similar tactics against the Guardian and the BBC.

The cross-border nature of investigative journalism as well as the tendency to pursue legal action in jurisdictions outside the EU that only have a tenuous connection with the parties justifies and requires an EU response.

We therefore reiterate our call for you to expediently propose an EU Anti-SLAPP Directive that will include:

- The ability for investigative journalists and independent media to request that vexatious lawsuits in the EU be expediently dismissed and claim compensation;
- The establishment of punitive fines on firms pursuing these practices when recourse is made to jurisdictions outside the EU;
- The setting up of a SLAPP fund to support investigative journalists and independent media that choose to resist malicious attempts to silence them and to assist in the recovery of funds due to them;
- The setting-up of an EU register that names and shames firms that pursue these abusive practices.

We are committed to the protection of investigative journalists and media freedom across the EU and will pursue this issue until Anti-SLAPP EU legislation is in place. We are hopeful that the Commission will join us in denouncing these abusive practices and take swift action to address them.

David Casa (EPP)

Ana Gomes (S&D)

Monica Macovei (ECR)

Maite Pagazaurtundúa (ALDE)

Stelios Kouloglou (GUE)

Benedek Jávor (Greens-EFA)