

(English version)

**Priority question for written answer P-003070/26
to the Commission
Dario Tamburrano (The Left), Carolina Morace (The Left), Gaetano Pedulla' (The Left)
(22 July 2026)**

Subject: Transposition of the Anti-SLAPP Directive in Italy

Law No 36 of 17 March 2026 empowers the Italian Government to transpose the ‘anti-SLAPP Directive’ ⁽¹⁾, although the deadline for doing so expired on 7 May 2026 ⁽²⁾.

On 2 July 2026, the Italian Council of Ministers approved a draft legislative decree ⁽³⁾. Article 3 thereof circumscribes its scope of application to cross-border civil and commercial proceedings only, contrary to the provisions of the European Commission’s recommendation ⁽⁴⁾ and the European Parliament resolution of April 2026 ⁽⁵⁾. Paragraph 3 thereof further states that ‘proceedings brought before an Italian court do not have cross-border implications if both the claimant and the defendant are domiciled in Italy’, thereby deviating from Article 5 and Recital 30 of the directive, which stipulates that the court must also assess whether ‘all other elements relevant to the situation concerned are located only in that Member State’.

Article 17 further provides that the provisions of the decree shall apply only to proceedings brought after its entry into force.

In the light of the above, I ask the Commission:

1. Whether the provisions of Article 3 of the draft are in accordance with Article 5 of the directive, in particular with the concept of cross-border implications?
2. Whether the transitional arrangements provided for in Article 17 are compatible with the obligations arising from the directive?
3. Whether further action, as laid down in Article 258 TFEU, should be taken in the event that the final text does not comply with European law?

Submitted: 22.7.2026

**Answer given by Mr McGrath on behalf of the European Commission
(28 August 2026)**

Italy has not yet notified transposition of Directive (EU) 2024/1069 (Anti-Strategic lawsuits against public participation (SLAPP) Directive,) to the Commission. Therefore, at this stage, the Commission is not able to provide an assessment of the Italian draft transposing act.

On 15 July 2026 the Commission launched infringement proceedings against 14 Member States, including Italy, which had failed to notify full transposition of the directive by the deadline of 7 May 2026.

Once the transposition has been notified, the Commission will assess the completeness and the conformity of national measures transposing the directive and may take appropriate action if the national legislation does not comply with the directive.

The Commission has strongly encouraged the Member States to be ambitious in their national Anti-SLAPP law and to cover also domestic proceedings in line with the Anti-SLAPP Recommendation. In case a Member State opts to provide for the Anti-SLAPP safeguards only in matters with cross-border implications, ⁽¹⁾ the scope of the national transposing law needs to comply with Article 5 of the directive.

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’) (Anti-SLAPP Directive).

² Article 22 of the directive.

³ <https://documenti.camera.it/apps/nuovoSito/attiGoverno/schedaLavori/getTesto.ashx?leg=XIX&file=0424.pdf>.

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’). See paragraph 4.

⁵ European Parliament resolution of 29 April 2026 on the Commission’s 2025 Rule of Law Report. See paragraphs 72 and 73.

⁽¹⁾ 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’), C/2022/2428, OJ L 138, 17.5.2022, pp. 30-44.