[BG] New anti-SLAPP legislation protects journalists and public participation

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On 6 October 2026, the Act amending and supplementing the Civil Procedure Code (*Закон за изменение и допълнение на Гражданския процесуален кодекс* – hereafter "the Act") was promulgated in the State Gazette (*Държавен вестник*). The National Assembly (*Народно събрание*) adopted the Act on 30 September 2026. The Act is Bulgaria's new anti-SLAPP legislation; it transposes Directive (EU) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ("strategic lawsuits against public participation" – SLAPPs).

The Act adds a new Chapter 33b to the Civil Procedure Code. Its rules apply to all civil and commercial cases brought because of the defendant's public participation. "Public participation" covers statements or activities that exercise freedom of expression and information, freedom of the arts and sciences, or freedom of assembly and association on a matter of public interest. Matters of public interest include the activities of public figures, reports of corruption and fraud, and the protection of democratic processes, in particular by combating disinformation. Media outlets, journalists and civil society organisations, the usual targets of SLAPPs, are therefore within the scope of the new rules.

A brief, non-exhaustive overview of the new anti-SLAPP provisions is as follows:

- The defendant may ask the court to dismiss a SLAPP as manifestly unfounded. The request must be made no later than the first hearing. The claimant then has one week to substantiate the claim. If the claimant fails to do so, the court dismisses the claim.

- The court must assess whether the main purpose of the proceedings is to prevent, restrict or penalise the defendant's public participation. Relevant factors include an imbalance of power between the parties, a disproportionate claim value, and multiple or coordinated proceedings, including cross-border ones. Intimidation through media publications and suing journalists as individuals instead of the responsible legal entity are also relevant.

- The court may collect evidence of these circumstances of its own motion, including from court registers and other publicly available sources.

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- With the defendant's consent, non-profit organisations that protect fundamental rights may submit evidence. Professional organisations and trade unions of which the defendant is a member may do the same.

- SLAPP defendants may request security for the legal costs they reasonably expect to incur. Interim relief securing the claim is not allowed unless the claim is supported by convincing written evidence.

- Final judgments dismissing SLAPPs are published on the court's website for 10 years, with the claimant's details.

Several related acts were also amended. Under the Bar Act (*Закон за адвокатурата*), SLAPP defendants may receive free legal assistance. The Supreme Judicial Council (*Висш съдебен съвет*) must publish annual statistics on SLAPP cases. Under the Private International Law Code (*Кодекс на международното частно право*), Bulgarian courts gain jurisdiction over claims for damages arising from SLAPPs brought in non-EU countries. Recognition of manifestly unfounded or abusive third-country SLAPP judgments may be refused. Defendants in pending cases may also ask for the new rules to be applied.

In conclusion, the anti-SLAPP legislation gives journalists, media outlets and civil society a long-awaited procedural shield against abusive litigation. Early dismissal, security for costs and the publication of judgments dismissing abusive claims should discourage lawsuits filed mainly to silence critical voices. Much will depend on how the courts apply the new criteria in practice. The annual SLAPP statistics should help show whether the new rules are effective.

Закон за изменение и допълнение на Гражданския процесуален кодекс

https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=246208

Act Amending and Supplementing the Code of Civil Procedure

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