

N° 8696⁶

CHAMBRE DES DÉPUTÉS

PROJET DE LOI

portant transposition de la Directive (UE) 2024/1069
du Parlement européen et du Conseil du 11 avril 2024
sur la protection des personnes qui participent au
débat public contre les demandes en justice mani-
festement infondées ou les procédures abusives
(« poursuites stratégiques altérant le débat public »)

AVIS DU CONSEIL DE L'EUROPE

This analysis is based on an unofficial English translation of the draft law and the three other accompanying documents, made available for the purposes of this review. The French text is the sole authoritative version. Where a conclusion may depend on specific wording, this is noted accordingly.

<i>Theme</i>	<i>Luxembourg draft</i>	<i>Directive floor</i>	<i>Council of Europe benchmark</i>	<i>Status</i>	<i>Suggested action</i>

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Green indicates that Luxembourg meets or exceeds the Directive and that no material Council of Europe concern requires a numbered recommendation. Amber indicates a point that appears Directive-compliant but narrower than the Council of Europe logic in a way that warrants a recommendation or body-text discussion. No Red issues have been identified on the face of the unofficial English translation available for the purposes of this review.

NOTE: The unofficial English translation available of the draft, for the purposes of this review uses the term “public debate” where the Directive and the Recommendation use “public participation”. While the operative definition in Article 3(1°) encompasses freedom of assembly and association and preparatory, support, or assistance actions, which may operationally bridge any terminological difference, it is desirable to verify against the authoritative French text whether the underlying terminology is fully equivalent to “public participation” as defined in Article 4(1) of the Directive and paragraph 4(a) of CM/Rec(2024)2.

Recommendation 1 – Data collection and transparency

Recommendation 2 – Indicators of abusive proceedings

Recommendation 3 – Early dismissal and indicators

Recommendation 4 – Support architecture

Recommendation 5 – Damages and compensation

Recommendation 6 – Broader Council of Europe framing

Recommendation 7 – Terminology clarification (conditional)

