

# CCBE: Recommendation to Ensure Lawyers' Interests in Implementation of E-Evidence Regulation



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European Law Forum: Prevention • Investigation • Prosecution

## News

**Thomas Wahl**

On 21 November 2024, the Council of Bars and Law Societies of Europe (CCBE) issued [recommendations](#) on the implementation of the e-evidence Regulation (Regulation 2023/1543, →[euclid 2/2023, 165-168](#)). They focus on issues which are both relevant and of importance to Bars and the legal profession. They aim at assisting Bars in their engagement with their respective Ministries during the national implementation process.

The Regulation, which was adopted on 12 July 2023, makes it possible to request electronic evidence directly from service providers in other Member States in criminal proceedings ("production order") or to request its preservation ("preservation order"). Lawyers can also request such orders on behalf of their clients. The CCBE emphasises two key areas for action:

- Clear procedures must be created for lawyers to request such orders;
- Lawyer-client confidentiality, as understood and protected at national level, must be effectively protected.

On the latter point, the CCBE recommends that the Bars must consider with their appropriate authorities how service providers manage information about the privileged nature of the data and are informed about the possibility to refuse orders if protected information is involved. In addition, it must be ensured that service providers will be informed about the extent of lawyer-client privilege in the Member State, and to whom it applies (i.e. lawyers).

Given that the e-evidence Regulation applies from 18 August 2026, the CCBE recommends the Bars to begin a dialogue urgently with the relevant competent authorities in their own Member State, to take up the issues raised.

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