

CCBE response to the call for evidence for the EU Cloud and AI Development Act

July 2025

The Council of Bars and Law Societies of Europe (CCBE) represents the Bars and Law Societies of 45 countries, and through them more than 1 million European lawyers. The CCBE is recognised as the voice of European lawyers, representing European Bars and Law Societies in their common interests before European and other international institutions. Defending human rights and the rule of law are central values of the CCBE.

The CCBE welcomes the opportunity to provide its feedback to the call for evidence for the EU Cloud and AI Development Act. The CCBE would equally like to offer its expertise and readiness for future engagement in the development of the proposed measure, as well as in its future implementation.

The CCBE has long advocated for respecting the confidentiality of lawyer-client communications in a digital environment, in particular in the context of digitalisation of justice, in the use of AI by lawyers and by judiciary and, more broadly, the use of cloud-based services by lawyers. The CCBE has also voiced its concerns about the broad investigatory powers of law enforcement authorities and their impact on the protection of professional secrecy/legal professional privilege. To this end, the CCBE has published numerous policy paper and guidelines, referenced at the end of this document. The CCBE has likewise been involved in various EU-level policy dialogues and initiatives; most recently in the High-Level Forum on Justice for Growth and the High-Level Forum on the Future of Criminal Justice.

The CCBE has noted that one of the objectives of the proposed legislative instrument is to: *‘Ensure that a set of narrowly defined highly critical use cases can be operated using highly secure EU-based cloud capacity, while creating the conditions for the EU cloud industry to develop secure processing capabilities to serve the needs of these highly critical use cases.’* The CCBE would argue that justice should in fact be considered as a critical infrastructure for our societies – essential to social cohesion, the rule of law, and democratic resilience. It must be supported, protected, and, most importantly, resourced accordingly.

From the point of view of the legal profession, the following issues have been of particular significance:

- identification of data protected by professional secrecy/legal professional privilege in an online environment;
- protection of such data from disclosure and their exclusion from the scope of production or of preservation orders in accordance with the respective fundamental rights and the jurisprudence of both the CJEU and the ECtHR; and
- identification of lawyers as professionals in the e-justice systems.

The CCBE does not have a position on whether there should be an EU-based cloud service or not; however, should there be one, the CCBE recommends that it be accompanied by procedures for identifying data in a way that respects the principles of confidentiality, proportionality and necessity,

as well as robust safeguards against abuse. The CCBE elaborated on such principles in its [Recommendations on the protection of client confidentiality within the context of surveillance activities](#). The CCBE is also of the opinion that regulations concerning the cloud infrastructure should not undermine these principles by including technical vulnerabilities.