

PRESS RELEASE

Electronic surveillance: MEPs join European lawyers calling on the EU and its Member States to protect the rule of law

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In light of the upcoming European Commission's legislative proposal on electronic evidence in criminal matters, the Council of Bars and Law Societies of Europe (CCBE) met with several MEPs to discuss how to protect the rule of law in Europe within the field of security and surveillance.

The event was hosted by MEP Jan Philipp Albrecht with the support of the CCBE, which represents the voice of bars and law societies of 45 countries. Participants discussed the recent developments in surveillance policy in Europe and their impact on the rule of law, the protection of human rights and the judicial system.

As EU Member States endeavour to counter present security threats such as terrorism and cybercrime, European lawyers are deeply concerned that the proposed surveillance measures constitute an unjustifiable risk for the respect of human rights and the integrity of the justice system that is expected to protect European citizens.

As indicated in the CCBE's [Response](#) to the Public Consultation on improving cross-border access to electronic evidence in criminal matters, there is a worrying divergence between the rules of search and seizure of evidence applied in the real world and those applied in the digital world. The rules related to the access to digital evidence and interception of data, in fact, appear to be weaker or virtually non-existent.

This regulatory uncertainty becomes particularly hazardous when the data in question has been granted special protection by the law, such as the communications between lawyers and their clients. These communications have been [recognised as a fundamental right](#).

The CCBE's President Antonín Mokry commented: "It is when governments push the boundaries of the rule of law on the wave of

national security, and touch on the very fundamental rights to privacy and a fair trial, that we are most concerned. We hope that this initiative will help to foster dialogue on how the rule of law can be strengthened through legislative tools at our disposal and through the efforts and input of the legal profession."

MEPs attending the event called on the EU and its Member States to ensure the adequate protection of citizens' right to privacy. It was underlined during the meeting that the conversation should be open and inclusive. MEPs also agreed on the need to continue this discussion to inform EU policymakers about the threats to Europe's fundamental legal values and the importance of defending them.

Upon the conclusion of the event, Jan Philip Albrecht MEP stated: "I look forward to actively engaging with the CCBE on policy issues relating to the rule of law, surveillance and data protection."

About the CCBE:

The CCBE represents the bars and law societies of 45 countries, and through them over one million European lawyers.

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