

Association of Corporate Counsel (ACC) Position on the Digital Justice strategy for 2025-2030 (DigitalJustice@2030)

The Association of Corporate Counsel (ACC) welcomes the opportunity to respond to the European Commission's Call for Evidence regarding the Digital Justice Strategy for 2025-2030 (DigitalJustice@2030).

ACC's members are legal professionals working within diverse organizations across the European Union, who possess specialized expertise in implementing regulatory frameworks and ensuring organizational compliance. In-house counsel serve at the intersection between legal requirements and business operations, translating complex regulatory obligations into actionable organizational policies and procedures and helping their organizations to strike the appropriate balance between fulfilling regulatory obligations, operating effectively and innovating responsibly.

ACC recommends that the Commission include in-house counsel and their contributions to the rule of law in all justice-related initiatives. Specifically, ACC requests that the Commission:

- Develop a clear understanding of existing digital resources and avoid duplication of efforts
- Remove obstacles in cross-border cooperation, notably the lack of LPP for in-house counsel across the EU

The comments below expand on these points.

1. Data on exigent digitalisation efforts is key to avoiding conflicting, inefficient regimes in national justice systems

Before introducing new digital initiatives into national justice systems, it is essential to first understand the current universe of digital systems and resources. As the Call for Evidence notes, a number of Member States have made significant strides in developing digital systems, and there are opportunities for Member States to share best practices and access existing systems. A clear understanding of the digital tools and programs in use by Member States prevent unnecessary duplication, ensure efficiency, and support the development of interoperable national justice systems.

This same approach of identifying the current landscape should apply to assessing the regulatory environment as well. ACC urges the Commission to ensure that any actions taken pursuant to DigitalJustice@2030 avoid overlap or duplication of existing regulations. When new requirements conflict with or duplicate existing obligations, organisations face legal uncertainty and judicial and organizational efficiencies are undermined.

2. Cross-Border Cooperation

Organizations increasingly operate across borders through multinational structures, international supply chains, and global customer relationships. ACC members who represent these organizations would benefit from the efficiencies gained through interoperable digital justice systems. Cross-border litigation creates unique challenges, such as navigating

different and sometimes conflicting legal requirements, determining which jurisdiction's laws apply in specific situations, managing variable reporting obligations across countries, or coordinating responses when incidents affect multiple jurisdictions.

In-house lawyers generally manage litigation on behalf of their organisations and work closely with the outside lawyers they hire as the case progresses. One obstacle that in-house lawyers face in cross-border cases is a lack of legal professional privilege (LPP) for in-house counsel at the EU level. Without uniform recognition of LPP, in-house lawyers are hampered in their ability to positively contribute to access to justice systems and more broadly, legal and ethical compliance.

One example of the complications that arise because of the varying LPP rules across EU member states are situations where an in-house lawyer who is fully qualified in a country which recognizes LPP for in-house counsel provides advice to corporate affiliates in a country where in-house counsel do not enjoy LPP protection. Because there is no uniform understanding as to whether such communications remain privileged, justice systems become burdened with navigating this uncertainty. Any efforts to create efficient, interoperable legal systems should include extending LPP to in-house counsel to alleviate this source of complexity.

3. Conclusions

In-house counsel are an important consumer of digital justice systems in Europe and are a valuable resource to the Commission and Member States on the cross-border collaboration envisioned by the DigitalJustice@2030 strategy.

In-house counsel whose communications are privileged are best positioned support their organisation's engagement in cross-border litigation. In this role they contribute to a more efficient, higher quality, and inclusive judicial system.