

**COUNTRY PROFILE**

**TAKING OF EVIDENCE BY VIDEO-LINK UNDER THE  
HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF  
EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

**STATE NAME:** Hungary

**PROFILE UPDATED ON (DATE):** 23 May 2017

**PART I: STATE**

<b>1. Contact details</b>	
<i>The contact details provided in this section will be published on the Hague Conference website</i>	
<b>CHAPTER I (LETTERS OF REQUEST)</b>	
<i>As with any other Letter of Request under Chapter I of the Evidence Convention, the requesting authority should contact the Central Authority(ies) of the requested State when seeking to obtain evidence by means of a Letter of Request, whether using video-link or not.</i>	
<p>a) Are the contact details of the Central Authority(ies) designated by YOUR STATE up-to-date on the <a href="#">Evidence Section</a> of the Hague Conference website?</p>	<p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please provide the contact details on a separate Word or PDF document for uploading on the Evidence Section of the Hague Conference website.</p>
<p>b) Would YOUR STATE be in favour of specifying a <b>person or department within the Central Authority(ies)</b> who would assist in processing Letters of Request where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?</p>	<p><input type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input checked="" type="checkbox"/> No. Please explain why: <a href="#">Contact persons are designated case by case, and any potential case worker is able to deal with such requests.</a></p> <p><i>Comments:</i></p>
<p>c) What arrangements are there for ensuring that there is a contact person with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?</p>	<p><a href="#">The Hungarian court assisting with organisation of the videoconference might designate such a person, it is up to the court's assessment.</a></p>

**CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)**

*Permission by a designated authority may be required to apply certain provisions under Chapter II. To know if such a permission is required for a particular State, see the practical information chart (accessible from the [Authorities](#) page) AND / OR the declarations (accessible from the [Status Table](#) page) of the relevant State available on the [Evidence Section](#) of the Hague Conference website.*

*If permission is not required, applicants should contact the diplomatic and consular mission (Arts 15/16) or the commissioner (Art. 17) to explore whether or not evidence may be obtained by video-link under this Chapter.*

*If permission is required, applicants should contact the authority that was designated to grant permission AND the relevant diplomatic and consular mission or commissioner, to explore, where necessary, whether or not evidence may be obtained by video-link under this Chapter.*

<p>d) Would YOUR STATE be in favour of specifying <b>an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner</b>, that would assist in processing applications where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?</p>	<p><input type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input checked="" type="checkbox"/> No. Please explain why: <b>There is no added value, relevant authority can deal with such requests.</b></p> <p>Comments:</p>
---	---

<p>e) What arrangements are there for ensuring that there is a contact person with whom the Court of Origin can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?</p>	<p><b>The Hungarian court assisting with organisation of the videoconference might designate such a person, it is up to the court's assessment.</b></p>
--	---

## PART II: RELEVANT LEGISLATION AND COURT SYSTEM

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (<i>i.e.</i> internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No. Please specify: <b>Direct taking of evidence is only allowed on the basis of EU law or international agreement.</b></p> <p><i>Comments:</i></p>
<p>b) Please indicate the legal basis or applicable protocols (<i>i.e.</i>, relevant laws, regulations, practice, etc.) for the use of video-links in the taking of evidence in YOUR STATE, either under the Convention or independent of the Convention (see, <i>e.g.</i> Art. 27 (b) and (c)):</p> <p><i>Please also attach a copy of, or provide a link to, the relevant provisions, where possible in English or French.</i></p>	<p><b>A polgári perrendtartásról szóló 1952. évi III. törvény (Act III of 1952 on the code of civil procedure, hereinafter "Pp"), Sections 340/C and 394/N to 394/P - <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=305.331318">http://njt.hu/cgi_bin/njt_doc.cgi?docid=305.331318</a></b></p> <p><b>A polgári eljárásban a tárgyalás, valamint a személyes meghallgatás zártcélú távközlő hálózat útján történő megtartásáról szóló 3/2016. (II. 22.) IM rendelet (Decree of the minister of justice No. 3/2016 (II.22.) on the use of closed-circuit telecommunication network in civil procedures for the purposes of trial and hearing of persons - hereinafter "Decree") - <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=194118.318997">http://njt.hu/cgi_bin/njt_doc.cgi?docid=194118.318997</a></b></p>
<p>c) Does YOUR STATE have any agreements with other Contracting States that derogate from the Convention when taking evidence by video-link (see Art. 28 and Art. 32)?</p>	<p><input checked="" type="checkbox"/> Yes. Please attach a copy of, or provide a link to, the relevant provisions, where possible in English or French:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
Court system	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p><input checked="" type="checkbox"/> All courts.</p> <p><input type="checkbox"/> All courts of a specific type / level. Please specify:</p> <p><input type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list:</p> <p><input type="checkbox"/> None.</p> <p><i>Comments:</i> <b>By law all courts can use this method of taking of evidence, although not all of them have the necessary technical facilities. In case of need mobile equipment is used. There is no online list of properly equipped courts.</b></p>

**PART III: TECHNICAL AND SECURITY ASPECTS (APPLICABLE TO BOTH CHAPTERS)**

<p>a) Does YOUR STATE use licensed software (which ensures support for technical and security matters) for the taking of evidence by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> The software is secure and encoded, supports the taking of evidence by videoconference.</p>
<p>b) What are the specifications of the video-link technology in use in YOUR STATE, including, if any, the minimum standards or mechanisms used to secure the communications and any recordings made?</p> <p><i>States are encouraged to provide as much information as possible when responding to this question. As such, it may be useful to consider liaising with the relevant IT experts.</i></p>	<p>Codec (i.e., manufacturer, model, transmission speed, bandwidth): Polycom HDX 8000, unit max. speed 2048 kbit/sec, connected LAN dedicated 100 MBit/s</p> <p>Video and audio standards (e.g. Standard Definition, High Definition, etc.): High Definition</p> <p>Type of network (e.g., ISDN, IP, etc.): IP</p> <p>Type of encryption for signals in secure transmissions: Intenal codec</p> <p>Split screen capability: Yes</p> <p>Document cameras: No</p> <p>Multipoint connections: Yes</p> <p>Additional specifications or capabilities: 2 microphones per set</p> <p>Protocols or other practices: H.323.</p> <p><i>Comments:</i> The full system is currently under construction, expected to be finished by March 2018.</p>
<p>c) Can evidence be taken via commercial providers (e.g., Skype™)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Under Section 5 of the Decree the assisting technical staff has to make sure that all devices work properly. Any problem encountered must be reported to the judge of assistant judge and until it is solved the trial/hearing cannot start or continue.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

<p>e) Does YOUR STATE have any requirements as to the hearing room, <i>e.g.</i>, should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?</p>	<p><input checked="" type="checkbox"/> Yes.  Please specify: The person heard via closed-circuit telecommunication network and all other persons present together with him/her must be seen by in the place where the hearing is held. Furthermore, all areas of the premises where the person heard must be kept visible for the president of the chamber or the single judge or the assistant judge holding the hearing. The person heard must also be enabled to follow the trial/hearing. (See Section 394/O (7) of Pp)</p> <p>The location can be at a court or other body but it must be a separated room. The camera must be placed in a way that all persons present in the room can be seen, and the (assistant) judge can see all parts of the room. The camera cannot be moved during the hearing and the time must be constantly indicated. Additional cameras can be placed in the room that can be directed by the judge with the purpose of monitoring certain persons or documents. Microphones must be placed in the room as well. (See Section 2 of the Decree)</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

**PART IV: USE OF VIDEO-LINKS UNDER BOTH CHAPTERS – LEGAL CONSIDERATIONS**

Restrictions	
<p>a) Must a court order directing the use of video-links first be obtained from the requesting State (Chapter I) / State of Origin (Chapter II)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> There is no need for court order but a formal request is required.</p>
<p>b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: According to Section 394/N (1) of Pp, videoconference can only be used for the hearing of a party, a witness, an expert or any other other person involved in the proceedings.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>c) Are there any specific restrictions on how evidence gathered via video-link can be handled and distributed, or do the usual rules for evidence obtained in person apply?</p>	<p><input checked="" type="checkbox"/> Yes, there are specific restrictions. Please specify: The hearing can be recorded (only sound or image and sound), on which the exact date and time msut be indicated. The record must be kept separated from documents and kept for five years counted from the date of termination of proceedings. The record can be hears/viewed by the parties, the public prosecutor and other persons involved in the proceedings, but no copy can be made to these persons. (See Section 7 of the Decree)</p> <p><input type="checkbox"/> No, the normal rules for evidence apply.</p> <p><i>Comments:</i></p>
<p>d) Are there any restrictions on the type of person who may be examined by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: See point b).</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>e) Is it necessary to seek the consent of the parties to use video-link to take evidence?</p>	<p><input type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link:</p> <p><input checked="" type="checkbox"/> No.</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p><i>Comments:</i></p>
<p>f) Are there any restrictions on the location where the person should be examined (e.g. in a courtroom, on the premises of an Embassy or diplomatic mission)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">See Part III point e)</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify what coercive measures may be used: <a href="#">reimbursement of costs incurred, fine, warrant</a></p> <p><input type="checkbox"/> No. Please explain:</p> <p><i>Comments:</i> In case of Chapter II use of coercive measures is not allowed - see Hungary's declaration in relation to Article 18.</p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert to give evidence by video-link, including any references to relevant laws, regulations or practice.</p> <p><i>Please also include, where applicable, the differences between notifying or summoning a willing witness / expert and notifying or summoning a witness / expert that is to be compelled.</i></p>	<p>Chapter I: <a href="#">As requests covered by this Chapter concern indirect taking of evidence, Hungarian law applies in which there are no specific rules for such cases, only the location where the person must appear can be different than usual.</a></p> <p><a href="#">The summons must contain the following information: - name of court, case number</a></p> <ul style="list-style-type: none"> <li>- name and litigation position of the parties</li> <li>- subject matter of the litigation</li> <li>- date, time and venue of the hearing</li> <li>- legal consequences of non-appearance</li> <li>- in case of a witness, the circumstances on which his/her testimony is needed.</li> </ul> <p>Chapter II: <a href="#">In case the a request aims at direct taking of evidence by the requesting court, we apply Chapter II. All kinds of methods listed in Articles 15 to 17 require permission by the Ministry of Justice. One of the conditions we usually lay down is that a Hungarian court must assist which court then applies rules of Hungarian law. As coercive measures cannot be applied the part of the summons relating to legal consequences of non-appearance refers to the voluntary nature of the persons participation.</a></p> <p><i>Comments:</i></p>
<p>i) The law of which State governs the use of privileges?</p>	<p>Chapter I:</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p><i>Please tick all that apply.</i></p> <p><i>See Articles 11 and 21(e) of the Convention</i></p>	<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> The law of the Requesting State.</li><li><input checked="" type="checkbox"/> The law of the Requested State.</li><li><input checked="" type="checkbox"/> The law of another State. Please specify:</li></ul> <p>Chapter II:</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> The law of the State of Origin.</li><li><input checked="" type="checkbox"/> The law of the State of Execution.</li><li><input type="checkbox"/> The law of another State. Please specify:</li></ul> <p><i>Comments:</i></p> <p>For Chapter I Article 11 applies. For Chapter II probably the application of both legal systems concerned would be set as a condition of permission, in addition to the voluntary nature.</p>
---	--



PART V - LEGAL CONSIDERATIONS (CHAPTER I)

**PART V: USE OF VIDEO-LINKS UNDER CHAPTER I (LETTERS OF REQUEST) – LEGAL CONSIDERATIONS**

<b>Legal obstacles</b>	
<p>a) Does YOUR STATE consider that there are legal obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (see C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
<b>Direct and indirect taking of evidence</b>	
<p>b) Under Chapter I of the Convention, does YOUR STATE allow for the direct taking of evidence by judicial personnel of the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
<p>c) Under which provisions of Chapter I of the Convention is indirect taking of evidence by video-link possible in YOUR STATE?</p>	<p><input type="checkbox"/> Art. 9(1) – The judicial authority of the requested State obtains evidence (<i>e.g.</i>, a witness / expert examination) which is located in a (distant) location within its own State.</p> <p><input checked="" type="checkbox"/> Art. 9(2) - As a special method or procedure. Please also outline whether any specific conditions must be satisfied:</p> <p><i>See also questions on presence.</i></p> <p>Comments:</p>
<b>Legal safeguards for witness / expert</b>	
<p>d) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter I (<i>e.g.</i> protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>Upon request of the witness, his/her personal details, with the exception of his/her name, are only available to the judges, court staff and the public prosecutor. Interpretation is provided for the person heard if necessary and they have the right to legal counsel.</p>
<b>Presence</b>	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a single location the same for when evidence is taken via video-link?</p> <p><i>See Article 7 of the Convention</i></p>	<p><input type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<p>Only the (1) person heard, (2) other persons whose presence, in relation to the person heard is allowed or required by the law and (3) technical staff can be at the room used for the hearing by video link. All other persons involved are present in the courtroom from where the hearing is conducted.</p>
<p>f) Under Chapter I of the Convention, does YOUR STATE allow for the cross-examination of a witness / expert by video-link by the representatives located in the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes.  <input type="checkbox"/> No.</p> <p><i>Comments:</i>  The judge (assistant judge) conducting the hearing has the discretion to allow that.</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link?  <i>See Article 8 of the Convention</i>  <i>Please note that a declaration may be made under this provision.</i></p>	<p><input checked="" type="checkbox"/> Yes.  If so, please specify if they are allowed to actively participate:  They can request the judge (assistant judge) to ask specific questions or to allow them to address questions directly to the person heard.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i>  Permission from the Central authority is needed under Hungary's declaration, but it is always given if requested.</p>

**PART VI: USE OF VIDEO-LINKS UNDER CHAPTER II (BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS) – LEGAL CONSIDERATIONS**

<p><b>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</b></p> <p>Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, available on the <a href="#">Evidence Section</a> of the Hague Conference website.</p>	
<p>Legal obstacles and legal framework</p>	
<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
<p>b) Under which provisions of Chapter II of the Convention is taking of evidence by video-link possible in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Art. 15 <input type="checkbox"/> Art. 16 <input checked="" type="checkbox"/> Art. 17</p> <p>Comments: <a href="#">When not a commissioner but the requesting court (judge) intends to conduct the hearing we treat the request in accordance with Article 17.</a></p>
<p>c) Is prior permission from YOUR STATE required when taking evidence under Chapter II of the Convention on the territory of YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied: <a href="#">There is detailed internal legislation only for dealing with requests submitted under Article 17. The request for permission must be addressed to the Ministry of Justice in Hungarian, English, French or German and it has to contain the following information:</a></p> <ul style="list-style-type: none"> <li>- designation and case number of the foreign court;</li> <li>- name and address of the parties and their representatives;</li> <li>- subject matter of the case;</li> <li>- short description of the facts of the case;</li> <li>- name and address of the commissioner;</li> <li>- exact description of the judicial act to be carried out in Hungary;</li> <li>- name and address of person whose assistance, involvement is necessary to carry out the judicial act.</li> </ul> <p><a href="#">The order or other equivalent document, duly legalized if applicable, ordering the</a></p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

	<p>commission must be attached to the request.</p> <p>In case the request concerns hearing of a person, it can only be carried out under the supervision of the Hungarian district court on the competence territory of which the person to be heard has domicile or habitual residence. The person to be heard must be informed of (1) the voluntary nature of his/her participation and the lack of negative legal consequences, (2) the right to use their mother tongue, (3) the right to legal counsel as well as (4) Hungarian rules on privileges and duty to refuse to give testimony. Costs of interpretation are to be reimbursed by the commissioner. The Ministry of Justice can also set other conditions.</p> <p>In case of a request submitted under Article 15 the rules relating to Article 17 would be applied mutatis mutandis.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>d) Please indicate who administers the oath or affirmation and how perjury and contempt are dealt with when evidence is taken under Chapter II of the Convention on the territory of YOUR STATE.</p>	<p>Administration of the oath or affirmation: Not known in the Hungarian legal system, thus it is governed by the law of the State of origin.</p> <p>Dealing with perjury and contempt: It is also to be governed by the law of the State of origin.</p>
<p>Direct and indirect taking of evidence</p>	
<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighbouring country or in a place distant from the Embassy or Consulate. In these circumstances, does YOUR STATE consider it possible to use video-link to obtain evidence under Chapter II of the Convention?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Only when the person to be heard is in Hungary, while the foreign Embassy or Consulate is situated outside of Hungary but it is accredited to Hungary.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

Legal safeguards for witness / expert	
<p>f) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter II (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>See point c). Other safeguards provided for by the law of the State of origin are not excluded, if compatible with Hungarian law.</p>
Presence	
<p>g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>diplomatic and consular agents</b>?</p> <p><i>Please tick all that apply.</i></p>	<p><input type="checkbox"/> The parties.  <input type="checkbox"/> The parties' representatives.  <input type="checkbox"/> Judicial personnel.  <input type="checkbox"/> Someone else.  Please specify:</p> <p><i>Comments:</i>  As assistance of a Hungarian court is required, a judge or assistance judge as well as possible court staff must be present under the Hungarian court, but any other aspect is to be governed by the law of the State of origin.</p>
<p>h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>commissioners</b>?</p> <p><i>Please tick all that apply.</i></p>	<p><input type="checkbox"/> The parties.  <input type="checkbox"/> The parties' representatives.  <input type="checkbox"/> Judicial personnel.  <input type="checkbox"/> Someone else.  Please specify:</p> <p><i>Comments:</i>  See point g) above.</p>
Applicable law	
<p>i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?</p>	<p><input checked="" type="checkbox"/> The law of the State of Origin  <input type="checkbox"/> The law of the State of Execution  <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner.  Please specify:</p> <p><i>Comments:</i></p>
<p>j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?</p>	<p><input checked="" type="checkbox"/> The law of the State of Origin  <input type="checkbox"/> The law of the State of Execution  <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner.  Please specify:</p> <p><i>Comments:</i></p>

**PART VII PRACTICAL CONSIDERATIONS**

<b>COMMON TO BOTH CHAPTERS</b>	
<b>Notice</b>	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	<p>Chapter I: No such deadline set, but practically 60 days would be enough in most cases.</p> <p>Chapter II: No such deadline set, but practically 60 days would be enough in most cases.</p>
<b>Interpretation services</b>	
b) Who is responsible, under Chapter I and Chapter II, for the use of interpretation services and who arranges these services in YOUR STATE when video-link is used?	<p>Chapter I: Requested Hungarian court (unless other practical arrangement is made after consultation with the requesting court).</p> <p>Chapter II: Requesting court/diplomatic, consular agent/commissioner, in accordance with the law of the State of origin.</p>
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<p><input checked="" type="checkbox"/> Yes. Please specify: If the court has its seat in Budapest, interpretation is carried out by the Hungarian Office for Translations and Attestation Ltd (hereinafter: "OFFI", which evidently employs interpreters with the necessary qualifications). In case the OFFI does not have an interpreter in the given language or the court has its seat outside of Budapest, a qualified interpreter registered in the competence territory of the court is employed. In case interpretation cannot be ensured in any way described above a capable person with knowledge of the given language must be employed. In case interpretation cannot be ensured at a court outside of Budapest in any of the ways above, the OFFI must provide interpretation. OFFI's website is <a href="http://www.offi.hu">www.offi.hu</a>.</p> <p>There are three different levels of interpreters. Interpreters ("tolmács"), specialized interpreters ("szaktolmács" who are specialized in a certain field) and conference interpreters ("konferenciatolmács"). All three can be someone with the corresponding higher education degree or interpreter can be a person who successfully passes an interpreter exam, specialized interpreter can be a person who has any higher education degree and successfully passes a specialized interpreter exam and conference interpreter can be someone who is already a specialized interpreter</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>and successfully passes a conference interpreter exam.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
d) Under the law of YOUR STATE, is interpretation to be <i>simultaneous</i> or <i>consecutive</i> when a witness / expert is examined via video-link?	<p><b>Consecutive.</b></p>
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<p><input checked="" type="checkbox"/> In the room with the witness / expert.</p> <p><input type="checkbox"/> In the room with those conducting the examination.</p> <p><input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II).</p> <p><input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II).</p> <p><input type="checkbox"/> In a third State.</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p> <p>The above answer relates only to Chapter I when Hungarian law applies.</p>
<b>Reporting and recording</b>	
f) Is a written report of the video-link hearing or testimony prepared?	<p><input checked="" type="checkbox"/> Yes. Please specify by whom: <b>Court staff.</b> Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p> <p>The above answer relates only to Chapter I when Hungarian law applies.</p>
g) Are facilities and equipment made available in order to record the hearing or testimony?	<p><input checked="" type="checkbox"/> Yes, with audio and video.</p> <p><input type="checkbox"/> Yes, only with video.</p> <p><input type="checkbox"/> Yes, only with audio.</p> <p><input type="checkbox"/> No, but the recording of hearings/testimonies is permitted.</p> <p>If a recording is produced, please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the recording:</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.  <i>Comments:</i> The above answer relates only to Chapter I when Hungarian law applies.
<b>Documents and exhibits</b>	
h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?	To verify his/her identity, the person heard shows his/her ID card or other official document suitable for identification to the judge or assistant judge through the video camera. Specific camera for use for documents can be also deployed.



PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER I</b>	
<b>Practical obstacles</b>	
<p>i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <b>At this moment not all Hungarian courts are properly equipped.</b></p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<b>Identification of all relevant actors</b>	
<p>j) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter I?</p>	<p><b>See point h) above.</b></p>
<b>Standard Forms</b>	
<p>k) Do the authorities of YOUR STATE use a standardised request form under Chapter I that makes specific reference to the use of video-links?</p> <p><i>The use of the <a href="#">Model Form</a> of the Evidence Convention is recommended when taking evidence under Chapter I.</i></p> <p><i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> The standardised form used makes no reference to video-link.</p> <p><input checked="" type="checkbox"/> No standardised form is used.</p> <p>Comments:</p>
<p>l) Does YOUR STATE require the inclusion of any particular practical or technical information from the requesting State in the request in order to conduct / arrange a witness / expert examination by video-link under Chapter I? (e.g. contact details for IT support, technical specifications, etc)</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <b>To be determined in a case-by-case basis. IP address is necessary in all cases.</b></p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<b>Costs</b>	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs: <b>If the competent court has its seat outside of Budapest, mobile equipment is used which is provided by an external service provider for 213360 HUF + VAT per occasion.</b></p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE? See Art. 14(2) of the Evidence Convention</p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).  <input checked="" type="checkbox"/> The requesting authority (in the requesting State).  <input type="checkbox"/> The requested authority (in the requested State).  <input type="checkbox"/> Other.  Please specify:</p> <p><i>Comments:</i>  At the end it is up to the law of Requesting State to determine who bears the costs.</p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash  <input type="checkbox"/> Payment by (credit) card  <input checked="" type="checkbox"/> Electronic/wire transfer  <input type="checkbox"/> Other.  Please specify:</p> <p><i>Comments:</i></p>
<p>p) Who pays for the interpretation services under Chapter I in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	<p>We require the requesting court to arrange for the payment to the Hungarian court, but it is up to the law of the Requesting State to determine who effects the payment.</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER II</b>	
<b>Only for States that have not excluded in whole the application of Chapter II</b>	
<b>Practical obstacles</b>	
q) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter II of the Convention?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.  <i>Comments:</i>
<b>Identification of all relevant actors</b>	
r) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter II?	When the hearing is not conducted by the Hungarian court, it only verifies the identity of the person heard who is present in person. All other aspects are governed by the law of the State of origin.
<b>Standard Forms</b>	
s) Do the authorities of YOUR STATE use a standardised request form under Chapter II that makes specific reference to the use of video-links?  <i>Although the use of the <a href="#">Model Form</a> of the Evidence Convention is recommended when taking evidence under Chapter I, it may also be used, with the necessary amendments when applying for permission to take evidence under Chapter II.</i>  <i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i>	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> The standardised form used makes no reference to video-link. <input checked="" type="checkbox"/> No standardised form is used.  <i>Comments:</i>
<b>Assistance and facilities</b>	
t) Are the Embassies and Consulates of YOUR STATE (acting as the State of Execution) able to assist applicants in arranging a video-link?	<input type="checkbox"/> Yes. Please specify how, e.g., via a booking system: <input checked="" type="checkbox"/> No. Please specify who else would assist, if anyone:  <i>Comments:</i>
u) Is it possible to hold a video-link session requested under the Convention at the premises of the Embassies or Consulates of YOUR STATE abroad?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No.  <i>Comments:</i> It cannot be excluded.
v) Does YOUR STATE require the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link under Chapter II? (e.g. the use of interpreters, stenographers, or recording devices)	<input checked="" type="checkbox"/> Yes. Please specify: <a href="#">See point I) above.</a> <input type="checkbox"/> No.  <i>Comments:</i>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

Costs	
<p>w) Are there any costs associated with the taking of evidence via video-link under Chapter II in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs: <a href="#">See point m) above.</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?</p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input checked="" type="checkbox"/> The State of Origin</p> <p><input type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution.</p> <p><input type="checkbox"/> The commissioner</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>y) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash</p> <p><input type="checkbox"/> Payment by (credit) card</p> <p><input checked="" type="checkbox"/> Electronic/wire transfer</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>z) Who pays for the interpretation services under Chapter II in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	<p><a href="#">The law of the State of origin applies.</a></p>