

**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: [Portugal](#)

PROFILE UPDATED ON (DATE): [15-05-2017](#)

**PART I: STATE**

<b>1. Contact details</b>	
<i>The contact details provided in this section <u>will be published</u> 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 checked="" type="checkbox"/> Yes.</p> <p><input 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 checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input type="checkbox"/> No. Please explain why:</p> <p><i>Comments:</i>  <a href="#">Directorate-General of Justice Administration</a>  <a href="#">Ministry of Justice</a>            (Direcção-Geral da Administração da Justiça,  <a href="#">Ministério da Justiça</a>)  <a href="#">Av. D. João II, nº 1.08.01 D/E</a>  <a href="#">Pisos 0, 9º ao 14º</a>  <a href="#">1990-097 Lisboa</a>  <a href="#">Portugal</a>            The requesting and the requested courts (once the latter has been identified by the central authority) should establish direct contact with each other to</p>

	<p>schedule a videoconference and should also arrange a date for a prior test.</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>In Portugal, the Directorate-General for the Administration of Justice (Direcção-Geral da Administração da Justiça, or DGAJ) is the central authority responsible for receiving and accepting requests from another State. Once the request has been accepted, the DGAJ indicates to the court of the requesting State the (requested) Portuguese court where the videoconference will take place. Once this has been done, the requesting and requested courts must agree with each other directly on the dates for conducting first the test and then the videoconference hearing. The DGAJ, as a central authority, facilitates the direct contact between the requesting and IT videoconferencing support team, so as to overcome any technical difficulties. Through direct contacts, the courts shall book the videoconference room and appoint the staff to set up the technical connections and monitor the videoconference at the requesting and requested courts, respectively. In Portugal, as a rule, a court official with appropriate knowledge is chosen, preferably accompanied by the IT technician of the Portuguese court.</p>
<p><b>CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)</b></p>	
<p><i>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 <a href="#">Authorities</a> page) AND / OR the declarations (accessible from the <a href="#">Status Table</a> page) of the relevant State available on the <a href="#">Evidence Section</a> of the Hague Conference website.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	
<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 type="checkbox"/> No. Please explain why:</p> <p>Comments: <a href="#">Not applicable</a></p>
<p>e) What arrangements are there for ensuring that there is a contact person with whom the</p>	<p><a href="#">Not applicable</a></p>

<p>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>	
---	--

**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 checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No. Please specify:</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>In Portugal the taking of evidence by videoconference is a common practice for many years, in both internal and cross border cases. Portuguese courts do not use video-link as such, as a common mean to establish videoconference. Instead, they ensure videoconference through videoconference devices that are available in all courts of first instance.</p> <p>Under Portuguese law, the judge of the requesting court must take the evidence of persons heard by videoconference directly, without the intervention of the judge from the requested court. This is the rule for internal cases in which there is examination by videoconference. The same procedure applies in cross-border cases where the court of the requesting State asks for the examination to take place by videoconference.</p> <p>Alternatively, in cross-border cases, the court of the requesting State may ask for the examination to take place by videoconference as indirect taking of evidence. But this is not common practice.</p> <p>The main national procedural rules governing the collection of evidence by videoconference from experts, witnesses and parties are as follows:</p> <p><b>Experts</b></p> <p>Article 486 of the Code of Civil Procedure (Código de Processo Civil)</p> <p><b>Appearance of experts at the final hearing</b></p> <p>1 - When requested by one of the parties or ordered by the judge, experts shall appear at the final hearing in order to provide, on oath, any clarifications requested of them.</p> <p>2 - Experts from establishments, laboratories or official services shall be heard by teleconference at their workplace.</p> <p><b>Witnesses</b></p>

	<p>Article 502 of the Code of Civil Procedure Examination by teleconference</p> <p>1 - Witnesses residing outside the district or, in the case of the Autonomous Regions, outside the island concerned shall be presented by the parties in accordance with Article 507(2), where they have made a declaration to this effect on offering to be witnesses, or shall be heard by teleconference during a specific hearing and from the district court in the area in which they reside.</p> <p>2 - The court hearing the case shall set the date of the hearing after consulting the court where the witness is to give evidence and shall summon the witness to appear.</p> <p>3 - On the date of the examination, witnesses shall identify themselves to the official of the court where the evidence is given, but from that point onwards the examination shall be conducted by the court hearing the case and by the counsel for both parties, via teleconference, without the need for intervention by the judge of the court where the evidence is given.</p> <p>4 - Witnesses residing overseas shall be examined by teleconference whenever the necessary technical means are available at the place where they reside.</p> <p>5 - In cases being heard in courts in the metropolitan areas of Lisbon and Porto, there shall be no examination by teleconference if the witness is a resident of the respective district, with the exception of cases provided for in Article 520.</p> <p>Article 520 of the Code of Civil Procedure Direct communication between the court and the person giving evidence</p> <p>1 – Where it is impossible or extremely difficult for the person who must give evidence to appear in court in good time, the judge may determine, with the agreement of the parties, that any clarification needed in order to make a proper decision on the case be given by telephone or other means of direct communication between the court and the witness, as long as the nature of the facts to be investigated or clarified are compatible with the procedure.</p> <p>2 - The court must ensure, through the means available to it, that the evidence is given truthfully and freely, in particular by determining that the witness is accompanied by a court official during</p>
--	--

	<p>the giving of evidence and that the content of the evidence and the circumstances in which it was given are placed on record.</p> <p>3 - The provisions of Article 513 [oath and preliminary questioning by the judge] and the first part of paragraph 4 of the previous article [the judge may order evidence to be given again before him in person] shall apply to cases falling under this article.</p> <p>Parties</p> <p>Article 456 of the Code of Civil Procedure</p> <p>Time and place of giving evidence</p> <p>1 - Evidence must, as a rule, be given in the final hearing, unless it is urgent or the witness is unable to appear in court.</p> <p>2 - The rules for the giving of evidence by teleconference laid down in Article 502 shall apply to parties residing outside the district or, in the case of the Autonomous Regions, outside the island concerned.</p> <p>3 - Evidence may also be given at the preliminary hearing, in which case the provisions of the previous paragraph shall apply with the necessary adjustments.</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 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 checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>Court system</p>	
<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></p> <p>All national courts of first instance have videoconference devices</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: <a href="#">Skype for Business</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></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>i.e.</i>, manufacturer, model, transmission speed, bandwidth): <a href="#">H.323, maximum bandwidth 768kbps SD or 2Mbps HD</a></p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): <a href="#">Video: H.261, H.263, H.264. Audio: G.711, G.722, G.722.1</a></p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): <a href="#">ISDN (H.320) and IP (H.323)</a></p> <p>Type of encryption for signals in secure transmissions: <a href="#">H.235/AES</a></p> <p>Split screen capability: <a href="#">PIP. Continuous Presence with MCU support</a></p> <p>Document cameras: <a href="#">No</a></p> <p>Multipoint connections: <a href="#">MCU with suport of SD and HD systems</a></p> <p>Additional specifications or capabilities: <a href="#">We are implementing the interoperability between H.323, SIP and Skype for Business</a></p> <p>Protocols or other practices: <a href="#">H.235/AES encryption</a></p> <p><i>Comments:</i></p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">Any commercial provider, nevertheless we suggest the use of Skype because of the interoperability with Skype for Business</a></p> <p><input 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: <a href="#">We test the compatibility with other systems before making the hearing so we have a fully videoconference experience and can achieve the best quality</a></p> <p><input type="checkbox"/> No.</p>

	<i>Comments:</i>
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.?	<input checked="" type="checkbox"/> Yes. Please specify: <a href="#">All court rooms have PTZ camera so it can view the whole room</a> <input type="checkbox"/> No.  <i>Comments:</i>



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

Restrictions	
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)?	<input checked="" type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No.  <i>Comments:</i>
b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?	<input checked="" type="checkbox"/> Yes. Please specify: <b>It is up to to Portuguese Court to determine if the evidence is admissible</b> <input type="checkbox"/> No.  <i>Comments:</i>
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?	<input type="checkbox"/> Yes, there are specific restrictions. Please specify: <input checked="" type="checkbox"/> No, the normal rules for evidence apply.  <i>Comments:</i>
d) Are there any restrictions on the type of person who may be examined by video-link?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.  <i>Comments:</i>
e) Is it necessary to seek the consent of the parties to use video-link to take evidence?	<input type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link:  <input checked="" type="checkbox"/> No.  <i>Comments:</i>
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)?	<input checked="" type="checkbox"/> Yes. Please specify: <b>The general rule is that the person must be heard by videoconference in a courtroom. However, experts from official services may be heard by videoconference at their workplace. Exceptionally, in the circumstances provided for in Article 520 of the Code of Civil Procedure, the court may hear a person by videoconference who is in a place other than a court.</b>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<input type="checkbox"/> No.  <i>Comments:</i>
<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<input type="checkbox"/> Yes. If so, please specify what coercive measures may be used:  <input checked="" type="checkbox"/> No. Please explain:  <i>Comments:</i>
<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="#">When the Portuguese Central Authority receives a request for taking of evidence by videoconference, an application will be sent to the competent Requested Court asking for the said evidence, where the videoconference will take place. Once this has been done, the Requesting and Requested courts must agree with each other directly on the dates for conducting first the test and then the videoconference hearing.</a></p> <p>Chapter II:</p> <p><i>Comments:</i></p>
<p>i) The law of which State governs the use of privileges?</p> <p><i>Please tick all that apply.</i></p> <p><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter I:</p> <input type="checkbox"/> The law of the Requesting State. <input checked="" type="checkbox"/> The law of the Requested State. <input type="checkbox"/> The law of another State. Please specify:  <p>Chapter II:</p> <input type="checkbox"/> The law of the State of Origin. <input type="checkbox"/> The law of the State of Execution. <input type="checkbox"/> The law of another State. Please specify:  <i>Comments:</i>

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

Legal obstacles	
<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>
Direct and indirect taking of evidence	
<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 checked="" type="checkbox"/> Yes. <input 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 checked="" 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: <i>As long as it is not incompatible with the internal law of the State of execution or is impossible of performance by reason of its internal practice and procedure or by reason of practical difficulties</i></p> <p><i>See also questions on presence.</i></p> <p>Comments:</p>
Legal safeguards for witness / expert	
<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><a href="#">Provision for interpretation</a></p>
Presence	
<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 checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: <a href="#">Regarding the presence in the Portuguese court acting as requesting court</a></p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<input type="checkbox"/> No.  <i>Comments:</i>
<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>	<input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.  <i>Comments:</i>
<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>	<input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: The hearing is presided over by the requesting Judge assisted by his staff  <input type="checkbox"/> No.  <i>Comments:</i>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

**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: There are no legal obstacles to the use of videoconference</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 type="checkbox"/> Art. 17</p> <p>Comments:</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:</p> <p><input type="checkbox"/> No.</p> <p>Comments: The national legal framework applies to both chapters I and II with the necessary adaptations (from chapter II Portugal accepts only Article 15).</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:</p> <p>Dealing with perjury and contempt:</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</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

<p>possible to use video-link to obtain evidence under Chapter II of the Convention?</p>	<p>When the courts/authorities involved agree, the witness is Portuguese and also agrees on that.</p>
<p>Legal safeguards for witness / expert</p>	
<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>Presence</p>	
<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 checked="" type="checkbox"/> The parties.  <input checked="" type="checkbox"/> The parties' representatives.  <input checked="" type="checkbox"/> Judicial personnel.  <input type="checkbox"/> Someone else.  Please specify:</p> <p><i>Comments:</i>  Exactly the same as in the national cases (parties, their representatives, judicial staff, anyone else authorised by the Judge)</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></p>
<p>Applicable law</p>	
<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 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 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?	Chapter I: <b>One to three months in advance. Less in case of justified urgency</b>  Chapter II:
<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?	Chapter I: <b>The Requested Court ensures that an interpreter will be pointed to assist the witness in case of language difficulties</b>  Chapter II:
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.  <i>Comments:</i>
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?	
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<input checked="" type="checkbox"/> In the room with the witness / expert. <input checked="" type="checkbox"/> In the room with those conducting the examination. <input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II). <input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II). <input type="checkbox"/> In a third State. <input type="checkbox"/> Other. Please specify:  <i>Comments:</i>
<b>Reporting and recording</b>	
f) Is a written report of the video-link hearing or testimony prepared?	<input type="checkbox"/> Yes. Please specify by whom: Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report: <input checked="" type="checkbox"/> No.  <i>Comments:</i>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<p> <input type="checkbox"/> Yes, with audio and video.  <input type="checkbox"/> Yes, only with video.  <input checked="" type="checkbox"/> Yes, only with audio.  <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> <p> <input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.         </p> <p><i>Comments:</i>  <a href="#">Hearings by videoconference are always recorded by the court's audio recording system, in accordance with the provisions of Article 155 of the Portuguese Code of Civil Procedure</a> </p>
<p>Documents and exhibits</p>	
<p>h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?</p>	<p><a href="#">Either they are sent to the requested court or exhibited electronically during the hearing</a></p>



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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" 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>The person to be examined may be requested by the Court to present his/her identification before giving testimony.</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 checked="" type="checkbox"/> The standardised form used makes no reference to video-link.</p> <p><input 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 type="checkbox"/> Yes. Please specify:</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 type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments: No costs are charged for the use of videoconferencing</p>
<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE?</p> <p><i>See Art. 14(2) of the Evidence Convention</i></p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input checked="" type="checkbox"/> The requesting authority (in the requesting State).</p> <p><input type="checkbox"/> The requested authority (in the requested State).</p> <p><input type="checkbox"/> Other. Please specify:</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

	<i>Comments:</i>
o) How are these costs generally expected to be paid and/or reimbursed?	<input type="checkbox"/> Payment in cash <input type="checkbox"/> Payment by (credit) card <input type="checkbox"/> Electronic/wire transfer <input type="checkbox"/> Other. Please specify: <i>Comments:</i>
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?	

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?	
<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 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 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>
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 type="checkbox"/> Yes. Please specify: <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 type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</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 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 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>	