

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: Republic of Poland

PROFILE UPDATED ON (DATE): 15.05.2017

PART I: STATE

1. Contact details	
<i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
CHAPTER I (LETTERS OF REQUEST)	
<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 Evidence Section 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 person or department within the Central Authority(ies) 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: Assistance is provided by the Central Authority, which liaises between the requesting court and the IT specialist at the requested court.</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>Every court, that possesses equipment to arrange a video-link, employs a person trained to operate it and agree upon the suitable time and other details for the specific connection in a given case. If there are any problems, the Polish Central Authority may be contacted to restore communication between the requesting authority and Polish court.</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.

d) Would YOUR STATE be in favour of specifying **an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner**, 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)?

Yes.
If YOUR STATE has already done so, please specify the contact details:

No.
Please explain why:

Comments:

Not applicable: Poland does not require permission for incoming requests under Art. 15. Except for Art. 15, Poland does not apply other provisions of Chapter II. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II.

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)?

Not applicable: Except for Art. 15, Poland does not apply other provisions of Chapter II.

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:</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>Art. 235 § 2, 1131 § 6 and 1135(2) § 4 of the Civil Proceedings Code (kodeks postępowania cywilnego);</p> <p>Regulation of the Minister of Justice on the devices and technical means enabling taking of evidence from the distance in civil proceedings – issued on basis of Art. 235 of the Civil Proceedings Code;</p> <p>Regulation of the Minister of Justice on the detailed actions of courts in cases falling in the scope of international civil and criminal proceedings in international relations.</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>
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></p> <p>Detailed information is available at IT departments of courts. All Regional Courts (sąd okręgowy, being the 2nd instance in most cases) and some District Courts (sąd rejonowy, being the 1st instance in most cases) have such facilities.</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> There is not a single software standard for all courts. They use software included in video equipment.</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): Video codecs: H261, H263+, H.264. Audio codecs: G.711, G. 722, G.728, MPEG-4. ISDN TRANSMISSION SPEED TO 384 K. IP TRANSMISSION SPEED TO 2 Mbps.</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): High Resultution and below.</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): ISDN, IP.</p> <p>Type of encryption for signals in secure transmissions: Equipment encryptions.</p> <p>Split screen capability:</p> <p>Document cameras: For example: LUMENS and other type.</p> <p>Multipoint connections: It is possible but not in all courts.</p> <p>Additional specifications or capabilities:</p> <p>Protocols or other practices:</p> <p><i>Comments:</i></p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> We prefer sufficiently secured connections established individually between the requesting and requested authority. However, if the requesting court demands connection via a commercial provider, it may be organized.</p>
<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>

	Following arrangement through e-mail correspondence.
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 type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i> However, such requirements apply to all hearings, if they are being recorded: §7 of the Regulation of the Minister of Justice on the sound or sound and vision recording from public hearings in civil proceedings, issued on basis of Art. 158 of the Civil Proceedings Code, provides, that the testifying person should be visible and audible in the recording, which uses the viewpoint of the judge. For recordings taken outside of the courtroom, portable recording devices can be used.

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 type="checkbox"/> Yes. Please specify: <input checked="" 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 type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i> Video-links cannot be used for taking of evidence, if its character is incompatible with this form of evidence.
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 checked="" type="checkbox"/> Yes, there are specific restrictions. Please specify: Regulation of the Minister of Justice on the devices and technical means enabling taking of evidence from the distance in civil proceedings – issued on basis of Art. 235 of the Civil Proceedings Code. <input 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 type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>conf. Art. 151 § 2 of the Civil Proceedings Code.</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:</p> <p>Applicable only under Chapter I: arrest up to 1 week or fine up to 3000 Polish zloty for unjustified absence of witness or his or her rejection to testify (Art. 276 in connection with Art. 163 of the Civil Proceedings Code);</p> <p>Applicable only under Chapter I: fine for unjustified absence, delay in producing or rejection to produce the expert opinion (Art. 287 of the Civil Proceedings Code) or file the requested document (Art. 251 of the Civil Proceedings Code).</p> <p><input type="checkbox"/> No. Please explain:</p> <p><i>Comments:</i></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: Pursuant to Art. 149 § 2 of the Civil Proceedings Code, the summoned witness or expert should be notified of the hearing at least 1 week prior to the hearing. In urgent cases, this term may be shortened to 3 days advance. He or she is being notified of the rights and duties, including seeking reimbursement of lost income and travel costs as well fines for non-compliance (Art. 262 of the Civil Proceedings Code).</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> <p><input checked="" 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> <p>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"/> The law of another State. Please specify:</p> <p><i>Comments:</i></p> <p>Not applicable - pursuant to the reservation authorised by Article 33, Poland applies only Art. 15.</p>

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&R No 55 of the 2009 SC and C&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: Permission of the Polish Ministry of Justice is required.</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 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>
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>No specific rules for taking of evidence via video-link apply. Generally, hearing of witnesses should take place in Polish. Appearing persons have the right to request assistance of a professional lawyer. They are informed of the right to refuse testifying for reasons named in Art. 261 of the Civil Proceedings Code and the responsibility for false testimony (Art. 266). Special safeguards are guaranteed in case of hearing minor witnesses.</p>
Presence	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

<p>single location the same for when evidence is taken via video-link? <i>See Article 7 of the Convention</i></p>	<p>actively participate: Yes. <input type="checkbox"/> No.</p> <p><i>Comments:</i></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 type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The Polish legal system does not provide for an institution of "cross-examination". Taking of evidence is performed by the judge. Parties and their representatives are allowed to ask questions.</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: Yes, permission of the Polish Ministry of Justice is required.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

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>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</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 Evidence Section 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&R No 55 of the 2009 SC and C&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: According to Polish consular services there is no possibility of processing outgoing requests under Chapter II.</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: Poland does not require permission for incoming requests under Art. 15. Except for Art. 15, Poland does not apply other provisions of Chapter II.</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 type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</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: No information available.</p> <p>Dealing with perjury and contempt: No information available.</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 type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: No information available.</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

<p>possible to use video-link to obtain evidence under Chapter II of the Convention?</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>No information available.</p>
<p>Presence</p>	
<p>g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by diplomatic and consular agents?</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> Not applicable. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II.</p>
<p>h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by commissioners?</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> No information or practice available.</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> No information available.</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> No information available.</p>

PART VII PRACTICAL CONSIDERATIONS

COMMON TO BOTH CHAPTERS	
Notice	
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: 2 months (depending on the availability of relevant equipment at given court and schedules of interested persons).</p> <p>Chapter II: Not applicable. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II.</p>
Interpretation services	
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: This issue is not regulated by Polish law. The requesting and requested court can make agreements that suit them best from case to case.</p> <p>Chapter II: Not applicable. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II.</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: The list of competent Polish court interpreters (tłumacz przysięgły), compiled by the Minister of Justice, is available at www.ms.gov.pl/pl/lista-tlumaczy-przysieglych/search.html The Polish court may also assign an interpreter ad hoc.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</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>This issue is not regulated by Polish law. In common practice – consecutive.</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 checked="" 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>Comments:</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>This issue is not regulated by Polish law. The above answer reflects current practice. Depending on the circumstances, the Polish court may allow different arrangements.</p>
<p>Reporting and recording</p>	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify by whom: Applicable only under Chapter I: By the Polish court. Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report: Art. 157, 158 §2 and §4-of the Civil Proceedings Code; Regulation of the Minister of Justice on the sound or sound and vision recording from public hearings in civil proceedings, issued on basis of Art. 158 of the Civil Proceedings Code.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<p><input checked="" type="checkbox"/> Yes, with audio and video. <input type="checkbox"/> Yes, only with video. <input 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: Regulation of the Minister of Justice on the sound or sound and vision recording from public hearings in civil proceedings.</p> <p><input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.</p> <p><i>Comments:</i> Parties may also apply to be allowed private recording of audio and video on basis of Art. 162(1) of the Civil Proceedings Code.</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>This issue is not regulated by Polish law specifically for video-links. Generally, the documents presented during court hearings should be translated into Polish and legible when presented to the judge, conf. Art. 243 (1)- 257 of the Civil Proceedings Code;</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>§7.2 and §7.3.c. of Regulation of the Minister of Justice on the sound or sound and vision recording from public hearings in civil proceedings, provide, that the testifying person should be visible and can be heard in the recording.</p>
--	---

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

PRACTICAL CONSIDERATIONS UNDER CHAPTER I	
Practical obstacles	
<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:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> Quality of transmission, compatibility of systems.</p>
Identification of all relevant actors	
<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>Relevant actors participating in the video-link are being identified on basis of valid and up to date identification documents.</p>
Standard Forms	
<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 Model Form 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><i>Comments:</i></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 checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Such information is not required by law, but it would be highly appreciated to include:</p> <ol style="list-style-type: none"> 1. the proposed date and time of the video-link, with substitute proposals or information on method to establish such date and time (including periods of equipment booking, availability of judges, witnesses, parties, official public holidays in requesting country etc.); 2. contact details of the IT support and technical staff; 3. contact details of the court, allowing immediate communication; 4. technical specifications of equipment and connection; 5. proposed language of video-link and testimony; 6. information, whether the requesting court will provide for interpretation; 7. expected length of video-link and time for specific witnesses or experts to appear; 8. list of summoned persons, including information on the place they are

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

	<p>expected be present at (requested court, requesting court);</p> <p>9. proposal for arrangements with regard to recording or preparing of the written minutes.</p>
<p>Costs</p>	
<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: If any costs are expected, the requesting authority will be notified in advance</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE? <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> <p><i>Comments:</i> Art. 1135(1) § 3 of the Civil Proceedings Code.</p>
<p>o) 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>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>In general -the requesting authority (in the requesting State).</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

PRACTICAL CONSIDERATIONS UNDER CHAPTER II	
Only for States that have not excluded in whole the application of Chapter II	
Practical obstacles	
<p>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?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Not applicable. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II. Except for Art. 15, Poland does not apply other provisions of Chapter II.</p>
Identification of all relevant actors	
<p>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?</p>	<p>Not applicable. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II. Except for Art. 15, Poland does not apply other provisions of Chapter II.</p>
Standard Forms	
<p>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?</p> <p><i>Although the use of the Model Form 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></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 type="checkbox"/> No standardised form is used.</p> <p><i>Comments:</i> Not applicable. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II. Except for Art. 15, Poland does not apply other provisions of Chapter II.</p>
Assistance and facilities	
<p>t) Are the Embassies and Consulates of YOUR STATE (acting as the State of Execution) able to assist applicants in arranging a video-link?</p>	<p><input type="checkbox"/> Yes. Please specify how, e.g., via a booking system:</p> <p><input type="checkbox"/> No. Please specify who else would assist, if anyone:</p> <p><i>Comments:</i> Not applicable. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II.</p>
<p>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?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

	Not applicable. According to Polish consular services there is no possibility of processing outgoing requests under Chapter II.
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 checked="" type="checkbox"/> No. <i>Comments:</i> Not applicable: Poland does not require permission for incoming requests under Art. 15.
Costs	
w) Are there any costs associated with the taking of evidence via video-link under Chapter II in YOUR STATE?	<input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs: <input checked="" type="checkbox"/> No. <i>Comments:</i> We are not aware of costs associated with authorised taking evidence via video-link by foreign diplomatic officers or consular agents (Art. 15).
x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?	<input type="checkbox"/> The moving party (requesting the use of video-link). <input type="checkbox"/> The State of Origin <input type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution. <input type="checkbox"/> The commissioner <input type="checkbox"/> Other. Please specify: <i>Comments:</i> We are not aware of costs associated with authorised taking evidence via video-link by foreign diplomatic officers or consular agents (Art. 15).
y) 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> We are not aware of costs associated with authorised taking evidence via video-link by foreign diplomatic officers or consular agents (Art. 15).
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?	We are not aware of costs associated with authorised taking evidence via video-link by foreign diplomatic officers or consular agents (Art. 15).

