

**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:** UKRAINE

**PROFILE UPDATED ON (DATE):** 13.11.2019

**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>	
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?	<input type="checkbox"/> Yes. <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.
b) Would YOUR STATE be in favour of specifying <b>a 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)?	<input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: <a href="#">The execution of functions of the Central Authority of Ukraine under the 1970 Hague Taking Evidence Convention entrusts to the relevant division of Department on International Legal Assistance of the Directorate for International Law of the Ministry of Justice of Ukraine</a>  <input type="checkbox"/> No. Please explain why:  <i>Comments:</i>
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)?	<a href="#">There is a booking system, where a person accept orders for videoconferencing. A participant of a case should submit to the court, which considers the case, a petition on participation in the court hearing via videoconferencing outside the courthouse not</a>

	<p>later than 5 days before the court hearing. A petition on participation in the court hearing via videoconferencing in the courthouse should be submitted not later than 5 days before the court hearing, where it must be pointed the name of the court, where the video-link should be held.</p>
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**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>not applicable, the diplomatie and consular agents have no technical facilities</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>it is not applicable</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: According to the Instruction on the Procedure of the Implementation of International Treaties on the Provision of the Legal Assistance in Civil Matters in Respect of the Service of Documents, the Obtainment of Evidence, and the Recognition and the Execution of Judicial Decisions (27.06.2008 No. 1092/5/54) only the Central Authority of Ukraine undertakes to receive Letters of Request coming from a judicial authority of another Contracting State and to transmit them to the authority competent to execute them.</p> <p>In commercial matters, please, be aware that according to Article 369 of the Commercial Procedural Code of Ukraine a court executes requests of foreign courts, transmitted to it in order, established by an International Treaty. Ukraine has not made declaration to Article 27 (a) that Letters of Request may be transmitted to its judicial authorities through channels other than those provided for in Article 2. Thus, according to Article 2 of the 1970 Hague Taking Evidence Convention Letters of Request shall be sent to the Central Authority of Ukraine, which undertakes to transmit them to the authority competent to execute them.</p> <p><i>Comments:</i> The information should be provided only in written form.</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>Requests for videoconferencing are executed in accordance with the legislation of Ukraine.</p> <p>The participation of a person in a court hearing via video-link is foreseen by Article Article 212 of the Civil Procedural Code of Ukraine, Article 197 of the Commercial Procedural Code of Ukraine, Article 195 of the Code on Administrative Justice of Ukraine.</p> <p>The Ministry of Justice of Ukraine jointly with the State Judicial Administration of Ukraine approved the Instruction on the Procedure of Execution of International Agreements for Legal Assistance in Civil Matters concerning Serving Documents, Taking Evidence, Recognition and</p>

	<p style="text-align: center;"><a href="#">Enforcement of Court Decisions, dated 27.06.2008 № 1092/5/54.</a></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><b>Court system</b></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><a href="#">Participation of a person in a court hearing via videoconference is possible during consideration of a case by courts of first instance, appeal and cassation courts and retrial by the Supreme Court.</a></p> <p><a href="#">One may find an information about online videoconferencing in courts on the official web-site of the Court Power: <a href="https://court.gov.ua/reystri-ta-sistemi/videoconference/">https://court.gov.ua/reystri-ta-sistemi/videoconference/</a></a></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="#">software application for videoconferencing</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="#">Model/Manufacturer "TrueConf"</a></p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): <a href="#">Video standards are EQ HQ HD;</a> <a href="#">Audio standards are J723 H323</a></p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): <a href="#">IP</a></p> <p>Type of encryption for signals in secure transmissions: <a href="#">AES(SSL)</a></p> <p>Split screen capability: <a href="#">Available</a></p> <p>Document cameras: <a href="#">Possible using</a></p> <p>Multipoint connections: <a href="#">Available</a></p> <p>Additional specifications or capabilities: <a href="#">Centralized recording of conferences on a server, transfer of graphic documents</a></p> <p>Protocols or other practices: <a href="#">SIP or H323 protocole</a></p> <p><i>Comments:</i> <a href="#">Techniques and technologies, used during court hearings, should provide the appropriate quality of image and sound. Persons, who participate in the court proceedings, should be provided with the possibility to hear and to see the process of the court hearing, to ask questions and to receive answers, to realize other procedural rights and exercise procedural obligations, granted to them.</a></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="#">by Skype</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="#">According to the Instruction on Procedure for working with</a></p>

	<p>technical equipment of videorecording of a process and results of procedural actions via videoconferencing during the court hearing, approved by Order of the State Judicial Administration of Ukraine of November 15, 2012, № 155, the courtroom secretary before the beginning of a court hearing, during which the videoconferencing will be used, is obliged:</p> <ul style="list-style-type: none"> <li>- to activate the video equipment, to do registration in the system;</li> <li>- to check the availability of free space on the internal video recorder (not less than 10Gb);</li> <li>- to check the performance of video equipment, as well as to test devices (microphones, camera etc.), to make sure that all means work normally and that videoconferencing and its recording is done correctly.</li> </ul> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>e) Does YOUR STATE have any requirements as to the hearing room, e.g., 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: Parties of a case have a right to participate in a court hearing via videoconferencing out of the courthouse in case the court has a relevant technical possibility, what should be noted by the court in a ruling on opening the court proceedings, except when party is obliged by the court to be present personally in the courtroom during the court hearing (Article 212 para 1 of the Civil Procedural Code of Ukraine, Article 197 para 1 of the Commercial Procedural Code of Ukraine, Article 195 para 1 of the Code on Administrative Justice of Ukraine).</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

**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 checked="" type="checkbox"/> Yes. Please specify: According to Article 212 of the Civil Procedural Code of Ukraine, Article 197 of the Commercial Procedural Code of Ukraine, Article 195 of the Code on Administrative Justice of Ukraine, a court delivers a ruling on participation of a party of the case via videoconferencing. This ruling should be sent immediately to a court, obliged to organise such video-link and to a party of a case, who will take participation in the court hearing via videoconferencing.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> No limitations or particularities of taking evidence via video-link are foreseen</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 type="checkbox"/> Yes, there are specific restrictions. Please specify:</p> <p><input checked="" type="checkbox"/> No, the normal rules for evidence apply.</p> <p><i>Comments:</i> The course and outcome of proceedings, conducted via video-link are fixed by a court, which considers a case, through the video technique means. The videoconference video records is an annex to a court hearing register and should be attached to the case file after the court hearing.</p>
<p>d) Are there any restrictions on the type of person who may be examined by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> All of the participants of a case may be examined by video-link, except when the personal presence of a party during the hearing is recognized by the court as obligatory.</p>



PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<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> <p><i>Comments:</i> The participants in the case have a right to participate in a court hearing by video-link outside of a courthouse, in case a court has an appropriate technical means, which a court indicates in the decision on open of the court proceedings, except when the appearance of this participant in the case in a court hearing is recognized by the court as obligatory.</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 participant files a motion for participation in a court hearing by video-link outside the court no later than five days before the court hearing. A copy of the motion is sent to other participants of the case within the same term. The participants of a case participate in the court hearing by video-link outside of a courthouse using their own technical means and electronic digital signature in accordance with the provisions of the Unified Judicial Information and Telecommunication System. The risks of the technical inability to participate by video-link outside the courthouse, interruptions of communication, etc. are the party to the case that filed the relevant motion. The court may deliver the ruling on the participation of a participant in a court hearing by video-link mode in a court room determined by a court.</p> <p>A witness, translator, specialist, expert may participate in a court hearing by video-link exclusively in the courtroom (parts 2-6 of Article 212 of the Civil Procedural Code of Ukraine).</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input type="checkbox"/> Yes. If so, please specify what coercive measures may be used:</p> <p><input type="checkbox"/> No. Please explain:</p> <p><i>Comments:</i> This issue is not regulated by a law but it is possible under the procedure foreseen by the procedural legislation in general.</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="#">The Ministry of Justice of Ukraine as the CA of Ukraine under bilateral or multilateral agreements applied between contracting states receives and transmits a requests to the relevant court through main territorial departments of justice on serving the summons or taking evidence.</a></p> <p><a href="#">Courts of Ukraine fulfill of the foreign requests and consideration of the foreign requests according to the international agreements of Ukraine, the Civil Procedural Code of Ukraine, the Commercial Procedural Code of Ukraine and other acts of legislation of Ukraine.</a></p> <p>Chapter II: <a href="#">Article 15 is applied.</a> <a href="#">Articles 16, 17, 18 are not applied.</a></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 type="checkbox"/> The law of the Requesting State.</p> <p><input checked="" type="checkbox"/> The law of the Requested State.</p> <p><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.</p> <p><input checked="" type="checkbox"/> The law of the State of Execution.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p><i>Comments:</i></p> <p><a href="#">In Chapter II of Article 15 is to be applied under the law however in the Consular or Diplomatic missions of Ukraine there are no technique means for such purpose</a></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&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 requesting State (i.e., 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 checked="" type="checkbox"/> Art. 9(1) – The judicial authority of the requested State obtains evidence (e.g., 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 (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p><b>In the absence of objections of the participants in the case, the witness may participate in the court hearing by video-link. The court may allow a witness to participate in a court hearing by video-link, regardless of the objections of the participants in the case, if the witness can not appear to court due to illness, elderly age, disability or for other essential reasons.</b></p> <p><b>In case of impossibility of coming to a court and participate in a court hearing by video-link by a summons of a court, a witness must notify the court in advance.</b></p> <p><b>A witness shall have a right to give a testimony in his/her native language or the language in which he/she know, to use written records, to refuse to testify in matters</b></p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<p>established by a law, and for the reimbursement of expenses incurred in connection with a summons to a court (Article 69 of the Civil Procedural Code).</p>
<p>Presence</p>	
<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?  <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 type="checkbox"/> No.</p> <p><i>Comments:</i> it is does not regulated by the law but it is possible under request of the court</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 presiding judge and other judges may ask the questions to a witness at any time during his/her interrogation.</p> <p>The presiding judge and other judges have a right to ascertain the essence of the witness's response to the questions of the participants in the case, as well as to raise the question to the witness after the interrogation of the participants of the case (Part 8, 9 of Article 230 of the Civil Procedural Code of Ukraine).</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 are not allowed to actively participate in the court hearing</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> In accordance with the declaration of Ukraine, made to Article 8 of the Convention during the accession to the 1970 Hague Evidence Convention, the representative of the Court Power of the Requesting Authority of Contracting State may be present during the execution of the court request if the possibility of such presence is approved by the consent of the Ministry of Justice of Ukraine;</p> <p>In case a request contains a motion on presence of the representatives of the requested court of another Contracting State during the execution of the request, a court of</p>

*PART V - LEGAL CONSIDERATIONS (CHAPTER I)*

	<p>Ukraine informs the Ministry of Justice of Ukraine about time and place of execution of the request and express its opinion concerning possibility for giving consent for such presence. The Ministry of Justice of Ukraine in accordance with Article 8 of the 1970 Hague Evidence Convention considers the issue of satisfaction of the mentioned motion and informs a court of Ukraine and the requesting court about its decision (Chapter VII para 7 part 3 of Instruction, mentioned in Part II para b) of this Questionnaire).</p>
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**PART VI: USE OF VIDEO-LINKS UNDER CHAPTER II (BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS) – LEGAL CONSIDERATIONS**

**The questions in this Part are only for States that have not wholly excluded the application of Chapter II**

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.

Legal obstacles and legal framework	
<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: Under the law it is possible, but in the fact there is no technical equipment in Embassies and Consulates of Ukraine to take evidence in such way</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 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: Taking of evidence by diplomatique officers, consular agents is allowed only from nationals of the requested states</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: <a href="#">diplomatique officers, consular agents, proceeding with a request</a></p> <p>Dealing with perjury and contempt: <a href="#">law-enforcement</a></p>
Direct and indirect taking of evidence	
<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: <a href="#">with regard to its own nationals</a></p> <p><input type="checkbox"/> No.</p>

*PART VI - LEGAL CONSIDERATIONS (CHAPTER II)*

possible to use video-link to obtain evidence under Chapter II of the Convention?	<i>Comments:</i>
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PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

Legal safeguards for witness / expert	
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.)?	similar to those who provide evidence in a court
Presence	
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> ?  <i>Please tick all that apply.</i>	<input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify:  <i>Comments:</i> No legal provisions. Thus the issue may be considered for every case.
h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>commissioners</b> ?  <i>Please tick all that apply.</i>	<input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify:  <i>Comments:</i> not applicable
Applicable law	
i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?	<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:  <i>Comments:</i>
j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?	<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:  <i>Comments:</i> no commissioner allowed



**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: It is desirable the request to arrive to the requested Central Authority at least 1 month prior to the date of the hearing or to contain a reserve date</p> <p>Chapter II: There is no technical means in Embassies and Consulates</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: A requesting court</p> <p>Chapter II: Not applicable</p>
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> There no accreditation exists. Any person may be a translator in case he/she fluent in a language, used during the civil proceedings, and other language, necessary for oral or written translation from one language into another, as well as a person, who has technique of communication with deaf, mute or deaf-mute persons and herein the law does not require this person having special education, documents confirming his/her qualification or else similar except the documents confirm of the qualification of the translator who has technique of communication with deaf, mute or deaf-mute persons.</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?	Is not defined by the legislation
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 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 checked="" type="checkbox"/> Other. Please specify: A translator must be present in a court during the interrogation of a witness/expert via video-link.</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p><i>Comments:</i> Normally in the Requesting State, but requesting and requested court may agree otherwise</p>
<p><b>Reporting and recording</b></p>	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<p><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:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The course and outcome of proceedings, conducted by video-link are fixed by a court, which considers a case, through the video technique means. The video and sound records added to a court hearing register and should be attached to the case file after the court hearing. Simultaneously with the fixation of procedural actions a secretary of a court hearing makes records in the court hearing register and signs it without delay after the court hearing and attaches it to the case file.</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:</p> <p><input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.</p> <p><i>Comments:</i> The video-link video recorder is an annex to a court hearing register and should be attached to the case file after the court hearing.</p>
<p><b>Documents and exhibits</b></p>	

*PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)*

h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?	no requirements
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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>A court establishes the identity of those, who appeared in a court hearing. During establishing the persons, who participate in a court proceedings, the court should, based on the data of a passport, service certificate or other identification document, to determine their surname, name and patronymic name, date of birth, occupation and place of residence. The establishment of other information or powers of certain participants of the court proceedings (for example, a representative of a legal entity, a witness, an expert, a specialist) is carried out on the basis of separate norms of procedural legislation in order to ensure the establishment of the presence/absence of circumstances that exclude the possibility of participation in the proceedings or family and other relationships with the parties, that affects the assessment of evidence.</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 checked="" type="checkbox"/> Yes. Please specify: <b>there are no technique means in the Consular or Diplomatic premises</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 type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

	<input checked="" type="checkbox"/> No.  <i>Comments:</i> in case of using of the equipments of the court no cost reimbursement is required
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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).</p> <p><input type="checkbox"/> The requesting authority (in the requesting State).</p> <p><input type="checkbox"/> The requested authority (in the requested State).</p> <p><input checked="" type="checkbox"/> Other. Please specify: A court of Ukraine, which executes a foreign request, covers all expenses arising from the execution of the request, unless otherwise provided by an international agreement of Ukraine.</p> <p>If the execution of an order requires significant or extraordinary expenses (including a special method of execution or use of paid services), the court of Ukraine should to inform directly or through a main territorial department of justice and the Ministry of Justice of Ukraine the foreign competent authority, which has transmitted the request, about the amount of such expenses and to provide preliminary calculations. Execution of the request is continued after the payment procedure has been agreed or other conditions for execution have been determined.</p> <p>Expenses for travel, food and accommodation, compensation for lost earnings of a witness, victim or expert, which is called by a foreign competent authority, shall be covered by a foreign competent authority, unless otherwise provided by an international agreement of Ukraine. The expert, moreover, has the right to remuneration for conducting an examination.</p> <p>Comments:</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>Comments:</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>A requesting court (the judicial costs related are normally covered by the party why requested examination of the witness).</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>	
<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 checked="" type="checkbox"/> Yes. Please specify: <b>There is no technical equipment in Embassies and Consulates of Ukraine</b></p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<b>Identification of all relevant actors</b>	
<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>similar to the court</p>
<b>Standard Forms</b>	
<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 <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></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>Comments: not applicable</p>
<b>Assistance and facilities</b>	
<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 checked="" type="checkbox"/> No. Please specify who else would assist, if anyone:</p> <p>Comments:</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 checked="" type="checkbox"/> No.</p> <p>Comments:</p>
<p>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,</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

*PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)*

stenographers, or recording devices)	not applicable
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PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

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>
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>
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>
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?	