

<b>Titre</b>	Synthèse des réponses au questionnaire relatif aux preuves de 2022
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<b>Objectif</b>	Résumer les conclusions du Questionnaire de 2022 portant sur la <i>Convention du 18 mars 1970 sur l'obtention des preuves à l'étranger en matière civile ou commerciale</i> (Convention Preuves)
<b>Mesure à prendre</b>	Pour décision <input type="checkbox"/> Pour approbation <input type="checkbox"/> Pour discussion <input checked="" type="checkbox"/> Pour action / achèvement <input type="checkbox"/> Pour information <input checked="" type="checkbox"/>
<b>Annexes</b>	Annexe : Compilation des réponses (Questionnaire destiné aux Parties contractantes) – les réponses ont été compilées dans la langue dans laquelle elles ont été reçues
<b>Document(s) connexe(s)</b>	<a href="#">Doc. préél. No 3 de décembre 2022</a> – Questionnaire portant sur la <i>Convention du 18 mars 1970 sur l'obtention des preuves à l'étranger en matière civile ou commerciale</i> (Convention Preuves)

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# Synthèse des réponses au questionnaire relatif aux preuves de 2022

## I. Introduction

- 1 Conformément au mandat confié par le Conseil sur les affaires générales et la politique (CAGP) lors de ses réunions de 2021 et 2022<sup>1</sup>, le Bureau Permanent (BP) a publié en décembre 2022 deux questionnaires sur le fonctionnement pratique de la *Convention du 18 mars 1970 sur l'obtention des preuves à l'étranger en matière civile ou commerciale* (Convention Preuves ou Convention). L'un des questionnaires visait à obtenir des informations auprès des Parties contractantes à la Convention<sup>2</sup> tandis que le second visait à obtenir des informations auprès de Parties non contractantes.
- 2 Le questionnaire destiné aux Parties contractantes couvrait divers sujets, notamment le champ d'application et le fonctionnement de la Convention, l'utilisation des technologies de l'information dans la transmission et le traitement des demandes d'assistance judiciaire, les questions susceptibles d'être examinées lors de la prochaine réunion de la Commission spéciale (CS), ainsi que les données et statistiques relatives à la Convention. Les informations reçues des Parties contractantes, en réponse à ce questionnaire, aideront à établir l'ordre du jour de la réunion de la CS. Les réponses ont également été prises en compte lors de la mise à jour du *Manuel pratique sur le fonctionnement de la Convention Preuves* (Manuel pratique). Le questionnaire destiné aux Parties non contractantes visait à déterminer si ces États envisageaient de devenir Partie à la Convention Preuves.
- 3 Les questionnaires ont été envoyés à l'ensemble des Membres de la HCCH et aux Parties contractantes respectives à la Convention, avec une date limite de réponse fixée au 31 mars 2023. En raison du report de la réunion de la CS à l'EF 2024-2025 décidé par le CAGP<sup>3</sup>, le BP a reporté la date limite de réponse au 9 juin 2023 et a continué à accepter les réponses après cette date. Cette synthèse comprend toutes les réponses reçues jusqu'au 30 novembre 2023.
- 4 Au moment où les questionnaires ont été distribués, la Convention Preuves comptait 64 Parties contractantes<sup>4</sup>. Le BP a reçu au total 45 réponses aux questionnaires, dont 42<sup>5</sup> de la part de 40 Parties contractantes<sup>6</sup>. Cela signifie que sur les 64 Parties contractantes à la Convention, environ 63 % ont répondu au questionnaire. Trois réponses ont été reçues de la part de Parties non contractantes<sup>7</sup>. Le BP exprime sa gratitude envers ces trois Parties non contractantes pour le temps et les efforts qu'elles ont consacré à la préparation de leurs réponses.
- 5 Le présent document ne résume que les réponses des Parties contractantes au questionnaire. Les réponses reçues des Parties non contractantes seront utilisées dans le cadre des efforts continus de promotion et d'engagement bilatéral et ne sont donc pas incluses dans le présent document pour analyse.

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<sup>1</sup> C&D No 36 du CAGP de 2021 ; C&D No 32 du CAGP de 2022.

<sup>2</sup> Questionnaire portant sur la *Convention du 18 mars 1970 sur l'obtention des preuves à l'étranger en matière civile ou commerciale* (Convention Preuves) », Doc. Prél. No 3 de décembre 2022 (ci-après, le « questionnaire sur les preuves de 2022 »).

<sup>3</sup> C&D No 39 du CAGP de 2023. Lors de sa réunion de mars 2024, le CAGP a confirmé que la réunion de la CS se tiendrait du 2 au 5 juillet 2024 (C&D No 46 du CAGP de 2024).

<sup>4</sup> Au moment de la publication du présent Doc. pré., la Convention Preuves comptait 66 Parties contractantes.

<sup>5</sup> La région administrative spéciale (RAS) de Hong Kong et la RAS de Macao ont répondu séparément au questionnaire en plus de la Chine (continentale). Ces deux réponses ont été comptabilisées et analysées de manière distincte bien que ces réponses proviennent toutes de la même Partie contractante. Le cas échéant, ces réponses sont considérées comme des réponses individuelles.

L'Union européenne (UE) a également fourni des informations complémentaires sur la législation de l'UE en matière d'obtention de preuves à l'étranger.

<sup>6</sup> Albanie, Allemagne, Andorre, Argentine, Australie, Brésil, Bulgarie, Chine, Costa Rica, Croatie, Estonie, États-Unis d'Amérique, Finlande, France, Géorgie, Hongrie, Inde, Israël, Italie, Kazakhstan, Lettonie, Lituanie, Mexique, Monténégro, Nicaragua, Norvège, Pays-Bas, Pologne, Portugal, République tchèque, Roumanie, Royaume-Uni, Serbie, Singapour, Slovaquie, Slovénie, Suède, Suisse, Türkiye et Viet Nam.

<sup>7</sup> Belgique, Canada et Japon.

- 6 La synthèse a été élaborée à partir des informations disponibles dans les réponses fournies. Lorsque les réponses aux questions ne sont pas claires, celles-ci n'ont pas été prises en compte aux fins de la présente synthèse. De même, lorsque les répondants n'ont pas fourni d'informations à certaines questions, le BP n'a pas pris en compte ces réponses dans le calcul des pourcentages de réponses. Dans l'ensemble, la synthèse ne se veut pas définitive ou exhaustive ; comme le montrent plusieurs réponses, les réponses des États ne fournissent pas toujours un aperçu complet des lois et pratiques en vigueur dans ces États.
- 7 L'annexe comprend une compilation des réponses des Parties contractantes à chaque question. Les réponses individuelles fournies par chaque Partie contractante (lorsque les Parties contractantes ont autorisé la publication) seront publiées sur l'Espace Preuves du site web de la HCCH<sup>8</sup>.

## II. Commentaires généraux

- 8 La plupart des répondants ont qualifié le fonctionnement général de la Convention Preuves de « bon » ou d'« excellent »<sup>9</sup>. Quatre répondants sur 42 ont indiqué que le fonctionnement de la Convention était « satisfaisant », tandis qu'un répondant a indiqué que la Convention « nécessitait des améliorations ». Ce dernier a signalé des difficultés liées au retard pris dans l'exécution des demandes.
- 9 En ce qui concerne la question relative à la facilité d'utilisation du Manuel pratique et du *Guide de bonnes pratiques – L'utilisation de la liaison vidéo (Guide liaison vidéo)*<sup>10</sup>, 68 % des répondants ont répondu « bonne », 25 % « excellente » et 7 % « satisfaisante ».
- 10 Les réponses montrent que 68 % des Autorités centrales assurent le suivi des demandes reçues en vertu de la Convention Preuves, tandis que 7 % ne le font pas<sup>11</sup>. Pour les Autorités centrales qui en assurent le suivi, la plupart des répondants ont mis en place un registre ou un système électronique de gestion des dossiers :

Électronique pour les demandes reçues et envoyées	54 %
Électronique pour les demandes reçues uniquement	21 %
Manuel pour les demandes reçues et envoyées	21 %
Manuel pour les demandes reçues uniquement	4 %

Pour les répondants ayant indiqué « autre » à la question sur le suivi des demandes reçues, la plupart des réponses décrivent une sorte de système de gestion des dossiers. Deux États fédéraux ont noté l'existence de pratiques différentes selon le territoire.

- 11 Il a été demandé aux Parties contractantes si leur Autorité centrale avait un droit de regard sur toutes les demandes envoyées<sup>12</sup>. Parmi les 31 % de répondants ayant indiqué « oui », 58 % utilisent un système électronique pour suivre l'avancement des demandes, tandis que 42 % utilisent un registre manuel. Environ 44 % des répondants ont indiqué « non ». La plupart des répondants ayant indiqué « autre » ont signalé que leur Autorité centrale ne participe qu'au traitement des demandes reçues.

<sup>8</sup> Les réponses seront disponibles sur le site web de la HCCH, à l'adresse [www.hcch.net](http://www.hcch.net), sur l'Espace Preuves puis sous la rubrique « Questionnaires et Réponses ».

<sup>9</sup> Questionnaire sur les preuves de 2022, question 1.

<sup>10</sup> Questionnaire sur les preuves de 2022, question 2.

<sup>11</sup> Questionnaire sur les preuves de 2022, question 4.

<sup>12</sup> Questionnaire sur les preuves de 2022, question 5.

- 12 Les réponses montrent qu'en 2022, 40 % des répondants ont exécuté les demandes reçues dans un délai de 1 à 3 mois, tandis que 26 % les ont exécutées dans un délai de 3 à 6 mois. Vingt pour cent des répondants ont exécuté les demandes dans un délai de 6 à 12 mois, 7 % les ont exécutées en moins d'un mois, et 7 % ont mis plus de 12 mois à exécuter ces demandes<sup>13</sup>.

### III. Champ d'application de la Convention

- 13 Environ 68 % des répondants n'ont pas éprouvé de difficultés à interpréter le champ d'application de la Convention Preuves au cours de la période de cinq ans comprise entre 2017 et 2022<sup>14</sup>. Vingt-quatre pour cent des réponses ont indiqué que des problèmes se sont posés concernant l'interprétation des « matières civile ou commerciale » (art. 1) et la plupart d'entre elles ont montré que des doutes subsistaient quant à savoir si les questions administratives, y compris les affaires de sécurité sociale, relevaient du champ d'application de la Convention. Deux répondants ont également éprouvé des difficultés dans l'interprétation des termes « engagée ou future » (art. 1).
- 14 Soixante-huit pour cent des répondants considèrent la Convention comme obligatoire par nature, tandis que 32 % ne la considèrent pas comme telle<sup>15</sup>. En outre, 29 % des répondants ont adopté des « lois de blocage » ou des lois qui empêchent l'obtention de preuves sur leur territoire en vue d'une utilisation dans des procédures étrangères autres que celles prévues par la Convention Preuves (ou d'un autre instrument international)<sup>16</sup>.
- 15 Sur les 42 répondants, seuls 4 ont reçu ou soumis des demandes d'obtention de preuves dans le cadre de procédures d'arbitrage<sup>17</sup>. Il convient de noter qu'un répondant a estimé qu'une telle demande n'entraînait pas dans le champ d'application de la Convention.

### IV. Fonctionnement de la Convention

#### A. Chapitre I – Établissement, transmission et acheminement des Commissions rogatoires

- 16 En tant qu'État requérant, 62 % des répondants ont indiqué que les Commissions rogatoires étaient transmises à l'État requis par l'intermédiaire de leur Autorité centrale<sup>18</sup>. Inversement, pour 40 % des répondants, les Commissions rogatoires sont transmises directement d'une autorité judiciaire à l'Autorité centrale de l'État requis. Certains répondants ont indiqué que les deux méthodes de transmission étaient disponibles en vertu de leur législation interne.
- 17 Lors de la transmission d'une Commission rogatoire dans le cadre de la Convention Preuves, 66 % des répondants ont indiqué qu'ils utilisaient le Formulaire modèle recommandé, parmi lesquels 40 % ont indiqué qu'ils utilisaient « toujours » le Formulaire<sup>19</sup>. Dix-neuf pour cent des répondants n'utilisent pas le Formulaire modèle et 14 % ne savaient pas dans quelle mesure le Formulaire est utilisé pour la transmission des demandes. En particulier, 66 % des répondants estiment qu'il serait utile de poursuivre les travaux sur le Formulaire modèle, tandis que 34 % estiment qu'une révision n'est pas nécessaire<sup>20</sup>. La plupart des répondants ont suggéré l'inclusion de la liaison vidéo dans le Formulaire modèle et la préparation de lignes directrices décrivant les instructions pour remplir le Formulaire.
- 18 Les réponses montrent également que la plupart des autorités (74 %) n'envoient pas d'accusé de réception pour une Commission rogatoire<sup>21</sup>.

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13 Les données de 2022 ont été utilisées dans ce calcul, car il s'agissait des données les plus récentes dont disposait le BP.

14 Questionnaire sur les preuves de 2022, question 6. Les répondants avaient la possibilité de choisir plus d'une option pour répondre à cette question.

15 Questionnaire sur les preuves de 2022, question 7.

16 Questionnaire sur les preuves de 2022, question 8.

17 Questionnaire sur les preuves de 2022, questions 9 et 10.

18 Questionnaire sur les preuves de 2022, question 11.

19 Questionnaire sur les preuves de 2022, question 12.

20 Questionnaire sur les preuves de 2022, question 13.

21 Questionnaire sur les preuves de 2022, question 14.

- 19 Il a été demandé aux Parties contractantes si, au cours de la période de cinq ans comprise entre 2017 et 2022, elles avaient reçu une Commission rogatoire non conforme<sup>22</sup>. Alors que 12 % des répondants ne connaissaient pas la réponse, la plupart des répondants (64 %) ont confirmé ce fait et ont indiqué les raisons suivantes pour expliquer la non-conformité des demandes<sup>23</sup> :

La matière n'était pas « civile ou commerciale »	52 %
La demande n'a pas été émise par une autorité judiciaire	56 %
La demande ne concernait pas une procédure judiciaire	36 %
La procédure à laquelle elle se rapportait n'était pas « engagée ou future »	8 %
La demande portait sur un acte judiciaire exclu du champ d'application	24 %
La demande ne répondait pas aux exigences de contenu prévues à l'article 3	64 %
La demande ne répondait pas aux exigences de traduction prévues à l'article 4	72 %
Autre	28 %

Vingt-huit pour cent des répondants ont choisi « autre » pour expliquer la non-conformité des demandes. Cela inclut les points suivants : i) manque de temps pour obtenir des preuves ; ii) adresse incorrecte ou incomplète du témoin ; iii) manque de clarté quant à l'objet des preuves et à leur lien avec la procédure sous-jacente ; iv) absence de liste de questions ou d'informations suffisantes pour permettre à l'examineur de poser des questions ; et v) manque d'informations sur la nature de la procédure dans l'État requérant.

- 20 Du point de vue des États requis, les réponses ont été réparties presque de manière égale entre les répondants qui fournissent une assistance préalable aux autorités judiciaires étrangères pour établir une Commission rogatoire (50 %) et ceux qui ne fournissent pas une telle assistance préalable (45 %)<sup>24</sup>. Les répondants ont précisé que l'assistance préalable comprend la fourniture de renseignements sur les exigences formelles et substantielles des Commissions rogatoires, ainsi que de renseignements sur les pratiques internes et l'exécution des demandes.
- 21 Quarante pour cent des répondants fournissent la même assistance préalable aux représentants légaux des parties<sup>25</sup>. Un répondant a fait observer que son Autorité centrale ne fournit cette assistance que lorsque les représentants légaux sont qualifiés d'autorités expéditrices en vertu de la législation de l'État requérant concerné.
- 22 Vingt et un pour cent des répondants ont indiqué que les autorités judiciaires de leur État reformulaient, réordonnaient et / ou supprimaient les questions choquantes ou les passages offensants lorsqu'elles exécutaient une Commission rogatoire (cette pratique est également appelée « révision »)<sup>26</sup>. Alors que 19 % des répondants n'ont pas fourni de réponse, 60 % d'entre eux ont indiqué que leurs autorités judiciaires ne disposaient pas de cette pratique. Selon un répondant, son Autorité centrale révisé et restructure la demande ou la renvoie partiellement exécutée à l'État requérant.

<sup>22</sup> Questionnaire sur les preuves de 2022, question 15.

<sup>23</sup> Questionnaire sur les preuves de 2022, question 15.1. Les répondants avaient la possibilité de choisir plus d'une option pour répondre à cette question.

<sup>24</sup> Questionnaire sur les preuves de 2022, question 16.

<sup>25</sup> Questionnaire sur les preuves de 2022, question 17.

<sup>26</sup> Questionnaire sur les preuves de 2022, question 18.

- 23 Il a été demandé aux Parties contractantes si l'exécution et l'envoi d'une Commission rogatoire pouvaient être contestés dans leur ressort<sup>27</sup>. Environ 44 % des répondants ont confirmé ce fait, tandis que 37 % des répondants ont indiqué qu'un tel défi n'était pas disponible et / ou autorisé. Un certain nombre de répondants (20 %) n'ont pas fourni de réponse. De plus, dans presque toutes les réponses indiquant que des contestations sont possibles (80 %), les répondants ont mentionné que l'autorité requérante ou la partie intéressée est autorisée à répondre à la contestation.
- 24 Quant à la question de savoir si leur État permet de contester l'envoi d'une Commission rogatoire à l'étranger<sup>28</sup>, les réponses sont également partagées : 49 % des répondants ont confirmé ce fait et 51 % l'ont réfuté.
- 25 La moitié des répondants ont noté que l'Autorité centrale est généralement chargée d'informer l'autorité requérante de l'heure et du lieu d'exécution de la Commission rogatoire (art. 7)<sup>29</sup>. Pour les autres répondants, cette fonction est généralement assurée par l'autorité judiciaire compétente pour exécuter la demande.
- 26 En tant qu'États requis, 33 % des répondants n'ont pas reçu de demande spécifiant une méthode ou une procédure particulière pour l'obtention des preuves (art. 9(2)) au cours de la période de cinq ans comprise entre 2017 et 2022<sup>30</sup>. En revanche, 48 % des répondants ont reçu des demandes spécifiant des méthodes ou des procédures, y compris des demandes pour le prélèvement d'échantillons sanguins et d'autres échantillons biologiques, la prestation d'un serment / d'une affirmation solennelle, la transcription de témoignages oraux et l'utilisation d'une liaison vidéo.
- 27 Il a été demandé aux Parties contractantes si elles exigeaient que l'État requérant rembourse les frais occasionnés<sup>31</sup>. Alors que 41 % des répondants ne le font pas, 5 % ont répondu qu'ils ont « toujours » besoin du remboursement des frais, et 54 % ont déclaré qu'ils le faisaient « parfois ». Les circonstances dans lesquelles le remboursement est demandé varient<sup>32</sup> :

Indemnités payées aux experts et interprètes (art. 14(2))	92 %
Frais résultant de l'application d'une forme spéciale (art. 14(2))	62 %
Frais de traduction (art. 4(3))	33 %
Frais liés à l'emploi d'un examinateur (art. 14(3))	42 %
Honoraires et frais pour des raisons de droit constitutionnel (art. 26)	17 %
Autre	25 %

Vingt-cinq pour cent des répondants ont choisi « autre » pour fournir des renseignements supplémentaires sur les circonstances dans lesquelles le remboursement est demandé. Ces circonstances comprennent : les honoraires engagés pour indemniser les témoins ; la production de catégories spécifiques d'actes, tels que les dossiers de l'état civil et médicaux, et les actes établis par le tribunal. Deux répondants ont indiqué que le remboursement est normalement exigé lorsque les coûts associés à l'obtention des preuves sont « extraordinaires » ou vont « au-delà de ceux des demandes ordinaires ».

<sup>27</sup> Questionnaire sur les preuves de 2022, question 19.

<sup>28</sup> Questionnaire sur les preuves de 2022, question 20.

<sup>29</sup> Questionnaire sur les preuves de 2022, question 21.

<sup>30</sup> Questionnaire sur les preuves de 2022, question 22.

<sup>31</sup> Questionnaire sur les preuves de 2022, question 23.

<sup>32</sup> Questionnaire sur les preuves de 2022, question 23.1. Les répondants avaient la possibilité de choisir plus d'une option pour répondre à cette question.



- 28 Quatre-vingt-trois pour cent des répondants ont indiqué que seule l'autorité requérante pouvait demander le retrait d'une Commission rogatoire<sup>33</sup>. Trois répondants ont fait remarquer que les représentants des parties peuvent également présenter une telle demande. Pour trois autres répondants, les parties à la procédure peuvent également présenter une telle demande, en plus de leurs représentants et de l'autorité requérante.
- 29 Il a été demandé aux Parties contractantes si leur Autorité centrale rejeterait une Commission rogatoire trop large. Vingt-cinq pour cent des répondants ont confirmé ce fait, et 32 % des répondants ont déclaré le contraire. Les autres répondants n'ont pas fourni d'informations à cette question car ils ont fait une déclaration conformément à l'article 23 de la Convention.

## B. Chapitre I – Exécution d'une Commission rogatoire – Audition des témoins

- 30 Presque tous les répondants (95 %) ont indiqué que les audiences pour l'obtention de preuves en vertu du chapitre I de la Convention se déroulaient devant un juge, un magistrat, un expert judiciaire nommé par le juge (*special master*) ou un autre fonctionnaire attaché au tribunal<sup>34</sup>. Quatre répondants ont fait remarquer que les audiences se déroulaient également devant un huissier de justice, et deux autres ont déclaré que les audiences se déroulaient devant un examinateur privé. Comme indiqué dans les réponses, les autres autorités compétentes sont les avocats du ministère de la justice, les avocats agréés choisis par les parties et approuvés par le tribunal et d'autres personnes désignées par le tribunal pour recueillir des preuves.
- 31 Les réponses ont été réparties de manière égale entre les répondants qui ont besoin qu'une Commission rogatoire inclut des questions spécifiques à utiliser lors de l'obtention de preuves (50 %) et ceux qui n'ont pas besoin d'inclure des questions spécifiques (50 %)<sup>35</sup>.
- 32 À l'exception de trois répondants, la plupart d'entre eux ont indiqué que les audiences étaient publiques, sauf ordonnance contraire d'un juge ou en vertu du droit interne (par ex., dans le cas d'audiences relatives à des questions de droit de la famille)<sup>36</sup>. Quelques répondants ont noté qu'aucune audience officielle n'était tenue pour obtenir des preuves de la part des témoins.
- 33 Comme indiqué dans 60 % des réponses, un témoin ne reçoit pas de copie des questions / sujets figurant dans la Commission rogatoire avant l'audience<sup>37</sup>. Vingt-deux pour cent des répondants ont indiqué qu'un témoin reçoit « toujours » une telle copie, tandis que 17 % ont indiqué qu'ils en reçoivent « parfois ».
- 34 Il a été demandé aux Parties contractantes quelles étaient les conditions dans leur État pour que les documents soient présentés à un témoin<sup>38</sup>. Vingt pour cent des répondants ont déclaré qu'il n'y avait pas d'exigences, tandis que les autres ont énuméré les exigences suivantes :

Tout document présenté à un témoin doit être joint à la Commission rogatoire	75 %
Tout document présenté à un témoin doit être approuvé par l'autorité chargée de recueillir les preuves	38 %
Autre	28 %

Vingt-huit pour cent des répondants ont choisi « autre » pour répondre aux exigences supplémentaires suivantes : la traduction du document pertinent dans une langue parlée par le

<sup>33</sup> Questionnaire sur les preuves de 2022, question 24. Les répondants avaient la possibilité de choisir plus d'une option pour répondre à cette question.

<sup>34</sup> Questionnaire sur les preuves de 2022, question 26. Les répondants avaient la possibilité de choisir plus d'une option pour répondre à cette question.

<sup>35</sup> Questionnaire sur les preuves de 2022, question 27.

<sup>36</sup> Questionnaire sur les preuves de 2022, question 28.

<sup>37</sup> Questionnaire sur les preuves de 2022, question 29.

<sup>38</sup> Questionnaire sur les preuves de 2022, question 30. Les répondants avaient la possibilité de choisir plus d'une option pour répondre à cette question.



témoin (exigence la plus couramment citée) ; la nécessité pour le document de respecter les lois et règlements internes de l'État requis; et que les pièces doivent être fournies à l'avance au témoin.

- 35 Soixante-huit pour cent des répondants ont indiqué que les pièces produites par le témoin lors de l'obtention de preuves ne sont pas authentifiées par le tribunal ou une autre autorité, comparativement à 32 % des répondants qui ont indiqué que ces documents sont authentifiés<sup>39</sup>.
- 36 Soixante et un pour cent des répondants ont indiqué que, dans leur État, les représentants des parties qui assistent à l'audition des témoins sont autorisés à poser des questions supplémentaires et / ou à procéder à une audition contradictoire (*cross examination*) du témoin<sup>40</sup>. Pour le reste des répondants, cette pratique n'est pas autorisée / disponible. En outre, 88 % des répondants ont déclaré que la déposition d'un témoin est faite sous serment ou avec affirmation<sup>41</sup>.
- 37 Il convient de noter que près de 85 % des répondants ont déclaré qu'un témoin peut être à nouveau entendu, comparativement à un faible nombre de répondants (15 %), qui ont indiqué que cette pratique n'était pas permise<sup>42</sup>. Parmi les répondants qui permettent un examen plus approfondi, 84 % exigent une deuxième Commission rogatoire. Pour les 16 % restants, la première Commission rogatoire peut être invoquée à nouveau.
- 38 Quatre-vingt-trois pour cent des répondants prévoient des sanctions en cas de non-comparution d'un témoin, tandis que 17 % n'en prévoient pas<sup>43</sup>. Pour la plupart des répondants, le témoin est passible d'une amende disciplinaire et / ou des frais causés par son manquement à se conformer et à témoigner, ainsi que la comparution obligatoire devant le tribunal.
- 39 Il a été demandé aux Parties contractantes si, au cours de la période de cinq ans allant de 2017 à 2022, elles avaient connaissance d'une situation dans laquelle une personne appelée à témoigner avait invoqué une dispense ou une interdiction de déposer au titre de l'article 11 de la Convention<sup>44</sup>. Plus de la moitié des répondants (54 %) ne savaient pas si cela s'était produit et 34 % ont répondu que « non ». Parmi les autres répondants, trois ont indiqué qu'une dispense avait été invoquée en vertu de leur droit interne (art. 11 a)), tandis que deux autres ont indiqué qu'une dispense avait été invoquée en vertu de la loi de l'État d'origine (art. 11 b)).
- 40 Soixante-treize pour cent des répondants ont indiqué qu'ils exigent que les interprètes soient accrédités pour recueillir des preuves, tandis que 27 % n'ont pas de telles exigences<sup>45</sup>.
- 41 En outre, comme le montrent les réponses, la façon dont les témoignages sont transcrits varie d'une Partie contractante à l'autre<sup>46</sup> :

Enregistrement verbatim par le biais d'un audio	37 %
Enregistrement verbatim par écrit	22 %
Résumé des procès-verbaux	15 %
Témoignage écrit et signé	34 %
Autre	17 %

Sur les 17 % des répondants qui ont choisi « autre » pour fournir des informations supplémentaires, la plupart des réponses décrivent l'utilisation de l'enregistrement audio et vidéo dans la transcription des dépositions de témoins dans l'ensemble des Parties contractantes.

<sup>39</sup> Questionnaire sur les preuves de 2022, question 31.

<sup>40</sup> Questionnaire sur les preuves de 2022, question 32.

<sup>41</sup> Questionnaire sur les preuves de 2022, question 33.

<sup>42</sup> Questionnaire sur les preuves de 2022, question 34.

<sup>43</sup> Questionnaire sur les preuves de 2022, question 35.

<sup>44</sup> Questionnaire sur les preuves de 2022, question 36.

<sup>45</sup> Questionnaire sur les preuves de 2022, question 37.

<sup>46</sup> Questionnaire sur les preuves de 2022, question 38. Les répondants avaient la possibilité de choisir plus d'une option pour répondre à cette question.

## V. Utilisation des technologies de l'information

- 42 Les réponses ont été réparties de manière égale entre les répondants qui ont adopté de nouvelles mesures informatiques pour faciliter le fonctionnement de la Convention (49 %) et ceux qui ne l'ont pas encore fait (51 %)47. Les répondants ont signalé un certain nombre de faits nouveaux à cet égard, notamment la mise en place de plateformes et de systèmes en ligne pour la réception et la transmission des demandes, et la communication avec les autorités étrangères. Il convient de noter qu'un certain nombre de répondants ont observé une augmentation de l'utilisation de la liaison vidéo pour recueillir des preuves.
- 43 Cinquante-cinq pour cent des répondants ont indiqué que leur Autorité centrale acceptait les Commissions rogatoires transmises par voie électronique, contre 45 % des répondants qui n'acceptaient pas une telle méthode de transmission48. En particulier, 76 % des répondants autorisent l'obtention de preuves par liaison vidéo en vertu du chapitre I de la Convention, tandis que 12 % n'autorisent pas cette pratique et 12 % n'ont pas fourni de réponse49. De même, la majorité des répondants autorisent l'obtention de preuves par liaison vidéo en vertu du chapitre II de la Convention, tandis que 20 % n'autorisent pas cette pratique et 20 % n'ont pas fourni de réponse50.
- 44 Soixante et un pour cent des répondants n'utilisent pas le Formulaire modèle dans le cadre des preuves par liaison vidéo, tandis que 39 % des répondants l'utilisent51.
- 45 Il a été demandé aux Parties contractantes quelles difficultés, le cas échéant, elles rencontraient en ce qui concerne l'utilisation des technologies de l'information dans le cadre de la Convention Preuves52. Vingt-sept pour cent des répondants estiment que l'utilisation des technologies de l'information ne pose aucun problème. Les autres répondants sont toutefois confrontés à des difficultés de mise en œuvre, à des problèmes d'interopérabilité / compatibilité des systèmes, à des préoccupations en matière de sécurité et à des limites de droit interne et ont choisi l'une des options suivantes :

Limites du droit interne	33 %
Structures judiciaires ou administratives	23 %
Difficultés liées à la mise en œuvre (par ex., le manque de ressources, le manque d'infrastructures)	63 %
Coût	30 %
Interopérabilité / compatibilité des systèmes	53 %
Préoccupations en matière de sécurité	33 %
Autre	10 %

Un répondant a souligné les difficultés à transmettre la preuve demandée par voie électronique lorsque les dossiers sont très volumineux. Un autre répondant a également indiqué les difficultés liées aux différences de fuseau horaire.

47 Questionnaire sur les preuves de 2022, question 44.

48 Questionnaire sur les preuves de 2022, question 39.

49 Questionnaire sur les preuves de 2022, question 40.

50 Questionnaire sur les preuves de 2022, question 41.

51 Questionnaire sur les preuves de 2022, question 42.

52 Questionnaire sur les preuves de 2022, question 43. Les répondants avaient la possibilité de choisir plus d'une option pour répondre à cette question.

## VI. Données et statistiques des Parties contractantes\*

### A. Demandes reçues (chapitre I)

46 Nombre de Commissions rogatoires pour l'obtention de preuves reçues en vertu du chapitre I<sup>53</sup> :

Répondant	2017	2018	2019	2020	2021	2022	Inconnu
Argentine	143	126	105	( <sup>54</sup> )	75	135	S.O.
Australie	-	-	53	48	68	56	Sans objet ( <sup>55</sup> )
Brésil	35	50	33	32	62	46	S.O.
Bulgarie	21	28	57	38	57	85	S.O.
Chine	16	21	27	19	38	30	S.O.
Croatie	-	2	0	3	2	1	S.O.
République tchèque	4	5	21	13	16	4	S.O.
France	-	-	176	124	201	225	( <sup>56</sup> )
Géorgie	0	0	0	0	1	0	S.O.
Allemagne	672	717	719	456	730	1335	S.O. ( <sup>57</sup> )
RAS de Hong Kong	23	11	11	11	12	22	S.O.
Hongrie	1	0	1	2	1	1	S.O.
Israël	62	76	45	50	39	12	S.O.
Kazakhstan	1	1	1	0	1	2	S.O.
Lettonie	1	0	1	1	4	5	S.O.
Lituanie	1	1	0	0	1	3	S.O.
Mexique	24	31	22	19	13	20	S.O.
Monténégro	0	2	4	2	5	12	S.O.
Pays-Bas	140	120	130	111	185	191	S.O.
Nicaragua	-	-	0	0	0	0	S.O.
Pologne	-	-	-	-	-	-	( <sup>58</sup> )
Portugal	56	42	58	34	33	31	S.O.
Serbie	12	19	19	16	30	21	S.O.
Singapour	8	11	5	11	19	13	S.O.
Slovaquie	-	-	-	-	-	-	( <sup>59</sup> )
Slovénie	1	2	1	2	0	2	S.O.

\* Les réponses ont été fournies en anglais puis traduites en français par le Bureau Permanent, à l'exception des réponses de la France.

<sup>53</sup> Les données et statistiques communiquées dans cette section ne reflètent que les chiffres indiqués par les Parties contractantes qui ont autorisé la publication de leurs réponses sur le site web la HCCH.

<sup>54</sup> Selon la réponse de l'Argentine au questionnaire, les informations requises ne sont pas disponibles en raison de la pandémie de COVID-19.

<sup>55</sup> Selon la réponse de l'Australie au questionnaire, les chiffres sont approximatifs et ne couvrent que les demandes reçues par l'Autorité centrale ; les demandes rejetées et les demandes envoyées directement aux états et territoires australiens ne sont pas prises en compte. Les données n'ont été fournies qu'à partir de 2019, car la base de données électronique utilisée pour enregistrer et gérer les demandes reçues par l'Autorité centrale n'a été mise en œuvre qu'en 2018.

<sup>56</sup> Selon la réponse de la France au questionnaire, les données de 2017 et 2018 sont inconnues.

<sup>57</sup> Selon la réponse de l'Allemagne au questionnaire, à titre préliminaire, il convient de préciser qu'en Allemagne, il n'existe pas de statistiques officielles sur le nombre et le contenu des demandes d'assistance mutuelle en vertu de la Convention Preuves, ni sur les délais requis pour les traiter. Les ministères de la Justice des Länder, qui désignent les Autorités centrales pour leur domaine de compétence, disposent d'une vue d'ensemble informelle, mais ne peuvent fournir que des informations limitées sur les aspects des commissions rogatoires liés au contenu et sur le temps nécessaire pour les traiter. Certaines des informations suivantes sont basées sur leurs dossiers. Il n'a qu'une valeur informative limitée.

<sup>58</sup> Selon la réponse de la Pologne au questionnaire, aucune donnée complète provient des tribunaux et aucun système d'enregistrement et informatique uniforme dans les tribunaux et l'Autorité centrale.

<sup>59</sup> Selon la réponse de la Slovaquie au questionnaire, le système de gestion des dossiers ne permet pas de suivre de telles statistiques.

<b>Suède</b>	68	55	62	39	61	79	S.O.
<b>Royaume-Uni (60)</b>	543 (61)	543 (62)	432	591	775	693	S.O.
<b>États-Unis d'Amérique</b>	392	350	419	281	325	444	S.O.
<b>Vietnam</b>	-	-	-	0	0	2	S.O.
<b>TOTAL :</b>	2224	2213	2402	1903	1979	3470	-

## 47 Délai (en mois) d'exécution des Commissions rogatoires reçues :

Répondant	2017	2018	2019	2020	2021	2022	Inconnu
<b>Argentine</b>	-	-	-	-	6-12	6-12	S.O.
<b>Australie</b>	-	-	> 12	> 12	> 12	> 12	S.O. (63)
<b>Brésil</b>	6-12	6-12	6-12	6-12	6-12	6-12	S.O.
<b>Bulgarie</b>	1-3	1-3	1-3	1 / 3	1 / 3	< 1	S.O.
<b>Chine</b>	6-12	6-12	6-12	6-12	6-12	-	S.O.
<b>Croatie</b>	3-6	3-6	3-6	3-6	3-6	3-6	S.O.
<b>République tchèque</b>	3-6	3-6	3-6	1-3	3-6	3-6	S.O.
<b>France</b>	-	-	-	-	-	-	64
<b>Géorgie</b>	-	-	-	-	< 1	-	S.O.
<b>Allemagne</b>	-	-	-	-	-	-	X(65)
<b>RAS de Hong Kong</b>	-	-	-	-	-	-	(66)
<b>Hongrie</b>	-	-	-	-	-	-	X
<b>Israël</b>	-	-	-	-	-	-	X(67)
<b>Kazakhstan</b>	6-12	6-12	6-12	6-12	6-12	6-12	S.O.
<b>Lettonie</b>	1-3	1-3	1-3	1-3	1-3	1-3	S.O.
<b>Lituanie</b>	1-3	1-3	1-3	1-3	1-3	1-3	S.O.
<b>Mexique</b>	3-6	3-6	3-6	6-12	6-12	3-6	S.O.
<b>Monténégro</b>	1-3	1-3	1-3	1-3	1-3	1-3	S.O.
<b>Pays-Bas</b>	-	-	-	-	-	-	S.O.
<b>Nicaragua</b>	-	-	-	-	-	-	X(68)
<b>Pologne</b>	-	-	-	-	-	-	X(69)
<b>Portugal</b>	-	-	-	-	-	-	X(70)
<b>Serbie</b>	1-3	1-3	1-3	1-3	1-3	1-3	S.O.
<b>Singapour</b>	-	-	3-6	-	-	-	S.O.

60 Ces chiffres tiennent compte des commissions rogatoires reçues en Irlande du Nord et en Écosse, ainsi qu'en Angleterre et au pays de Galles.

61 D'après la réponse du Royaume-Uni au questionnaire, et en ce qui concerne l'Angleterre et le pays de Galles, il n'y a pas de données exactes pour 2017 et 2018, mais la moyenne annuelle approximative était de 540 pour l'Angleterre et le pays de Galles, 3 pour l'Irlande du Nord et inconnu pour l'Écosse.

62 D'après la réponse du Royaume-Uni au questionnaire, et en ce qui concerne l'Angleterre et le pays de Galles, il n'y a pas de données exactes pour 2017 et 2018, mais la moyenne annuelle approximative était de 540 pour l'Angleterre et le pays de Galles, 2 pour l'Irlande du Nord et 1 pour l'Écosse.

63 Voir la réponse de l'Australie au questionnaire (note 55).

64 Selon la réponse de la France, l'applicatif de l'Autorité centrale française ne permet pas de suivre cette donnée.

65 Selon la réponse de l'Allemagne au questionnaire, aucune statistique ou registre officiel n'est conservé.

66 Selon la réponse de la RAS de Hong Kong au questionnaire, la répartition détaillée du délai de traitement n'est pas facilement disponible.

67 Selon la réponse d'Israël au questionnaire, chaque demande est examinée sur le fond. La demande est portée devant le tribunal et l'exécution dépend du calendrier du tribunal.

68 Selon la réponse du Nicaragua au questionnaire, à ce jour, aucune demande n'a été reçue.

69 Voir la réponse de la Pologne au questionnaire (note 58).

70 Selon la réponse du Portugal au questionnaire, les demandes sont envoyées à l'autorité requérante directement par l'autorité compétente portugaise, sans intervention de l'Autorité centrale portugaise.

<b>Slovaquie</b>	-	-	-	-	-	-	X <sup>(71)</sup>
<b>Slovénie</b>	3-6	1-3	3-6	6-12	-	1-3	S.O.
<b>Suède</b>	-	-	-	-	-	-	X <sup>(72)</sup>
<b>Royaume-Uni</b>	3-6	3-6	3-6	3-6	3-6	3-6	S.O. <sup>(73)</sup>
<b>États-Unis d'Amérique</b>	1-3	1-3	1-3	1-3	1-3	1-3	S.O.
<b>Vietnam</b>	-	-	-	-	-	-	X

## 48 Nombre de Commissions rogatoires pour l'obtention de preuves reçues par voie électronique :

Répondant	2017	2018	2019	2020	2021	2022	Inconnu
<b>Argentine</b>	-	-	-	-	-	<sup>(74)</sup>	X
<b>Australie</b>	-	-	-	-	-	-	X <sup>(75)</sup>
<b>Brésil</b>	0	0	5	13	23	14	S.O.
<b>Bulgarie</b>	0	0	0	0	0	0	S.O.
<b>Chine</b>	0	0	0	4	15	3	S.O.
<b>Croatie</b>	-	0	0	0	0	0	S.O.
<b>République tchèque</b>	0	0	0	0	2	0	S.O.
<b>France</b>	-	-	-	-	-	-	X <sup>(76)</sup>
<b>Géorgie</b>	0	0	0	0	1	0	S.O.
<b>Allemagne</b>	0	0	0	0	0	0	X <sup>(77)</sup>
<b>RAS de Hong Kong</b>	-	-	-	-	-	-	X <sup>(78)</sup>
<b>Hongrie</b>	0	0	0	0	0	0	X
<b>Israël</b>	-	-	-	-	-	-	X <sup>(79)</sup>
<b>Kazakhstan</b>	-	-	-	-	-	-	X <sup>(80)</sup>
<b>Lettonie</b>	-	-	-	-	-	-	X <sup>(81)</sup>
<b>Lituanie</b>	-	-	-	-	-	-	X
<b>Mexique</b>	0	0	0	0	1	3	S.O.
<b>Monténégro</b>	0	0	0	0	0	0	S.O.
<b>Pays-Bas</b>	-	-	-	-	-	-	S.O.
<b>Nicaragua</b>	-	-	0	0	0	0	S.O. <sup>(82)</sup>
<b>Pologne</b>	-	-	-	-	-	-	X <sup>(83)</sup>
<b>Portugal</b>	32	36	37	30	25	23	S.O.

<sup>71</sup> Voir la réponse de la Slovaquie au questionnaire (note 59).

<sup>72</sup> Selon la réponse de la Suède au questionnaire, les données ne sont pas disponibles dans le système de gestion des dossiers.

<sup>73</sup> Selon la réponse du Royaume-Uni et en ce qui concerne l'Angleterre et le pays de Galles, le délai est le même que pour l'Irlande du Nord (3-6 mois en moyenne), à l'exception de l'année 2020 où la moyenne était de 6-12 mois.

<sup>74</sup> Selon la réponse de l'Argentine au questionnaire, la plupart des demandes sont reçues par voie électronique.

<sup>75</sup> Selon la réponse de l'Australie au questionnaire, l'Autorité centrale australienne n'enregistre actuellement pas ces données.

<sup>76</sup> Selon la réponse de la France au questionnaire, ce critère n'est pas quantifié par l'Autorité centrale française.

<sup>77</sup> Selon la réponse de l'Allemagne au questionnaire, il n'est pas encore possible d'envoyer une commission rogatoire par voie électronique. Dans le cas de commissions rogatoires reçues, une signature et un sceau officiel ou un cachet sont requis. Il n'existe pas encore de signature électronique transfrontière permettant d'identifier l'origine et l'authenticité de la commission rogatoire de demande au niveau mondial.

<sup>78</sup> Selon la réponse de la RAS de Hong Kong au questionnaire, la transmission électronique n'est pas acceptée, et la RAS de Hong Kong ne dispose pas de statistiques pertinentes.

<sup>79</sup> Selon la réponse d'Israël au questionnaire, Israël n'est pas en mesure de fournir ces données.

<sup>80</sup> Selon la réponse du Kazakhstan au questionnaire, aucune commission rogatoire a été reçue par voie électronique.

<sup>81</sup> D'après la réponse de la Lettonie au questionnaire, la comptabilisation annuelle n'est pas réalisée.

<sup>82</sup> Voir la réponse du Nicaragua au questionnaire (note 8).

<sup>83</sup> Voir la réponse de la Pologne au questionnaire (note 58).

<b>Serbie</b>	-	-	-	-	-	-	X <sup>(84)</sup>
<b>Singapour</b>	0	0	0	0	1	1	S.O.
<b>Slovaquie</b>	-	-	-	-	-	-	X
<b>Slovénie</b>	0	0	0	0	0	0	S.O.
<b>Suède</b>	-	-	-	-	-	-	X <sup>(85)</sup>
<b>Royaume-Uni</b>	0	0	0	0	0	0	S.O. <sup>(86)</sup>
<b>États-Unis d'Amérique</b>	0	0	3	48	87	142	S.O.
<b>Vietnam</b>	-	-	-	0	0	0	S.O.
<b>TOTAL :</b>	32	36	45	95	155	186	-

## B. Demandes envoyées (chapitre I)

49 Nombre de Commissions rogatoires pour l'obtention de preuves envoyées au titre du chapitre I :

Répondant	2017	2018	2019	2020	2021	2022	Inconnu
<b>Argentine</b>	40	40	40	<sup>(87)</sup>	75	135	S.O.
<b>Australie</b>	-	-	-	-	-	-	X <sup>(88)</sup>
<b>Brésil</b>	23	56	31	40	86	72	S.O.
<b>Bulgarie</b>	12	13	36	3	22	39	S.O.
<b>Chine</b>	0	0	0	0	0	2	S.O. <sup>(89)</sup>
<b>Croatie</b>	-	4	5	2	8	6	S.O.
<b>République tchèque <sup>(90)</sup></b>	8	9	11	10	4	7	S.O. <sup>(91)</sup>
<b>France</b>	-	-	-	-	-	-	X <sup>(92)</sup>
<b>Géorgie</b>	0	0	0	0	0	2	S.O.
<b>Allemagne</b>	254	234	299	231	243	57 <sup>(93)</sup>	S.O.
<b>RAS de Hong Kong</b>	0	9	0	0	1	0	S.O.
<b>Hongrie</b>	11	6	4	8	24	15	S.O.
<b>Israël</b>	1	4	3	3	2	4	S.O.
<b>Kazakhstan</b>	0	0	1	1	4	2	S.O.
<b>Lettonie</b>	7	0	1	3	14	18	S.O.

<sup>84</sup> Selon la réponse de la Serbie au questionnaire, le programme utilisé pour traiter les dossiers ne permet pas de séparer les demandes électroniques des autres (toutes les demandes sont saisies dans le programme de la même manière – envoyées ou reçues), par conséquent, la Serbie n'est pas en mesure d'effectuer la vérification demandée ».

<sup>85</sup> Voir la réponse de la Suède au questionnaire (note 72).

<sup>86</sup> Selon la réponse du Royaume-Uni et en ce qui concerne l'Angleterre et le pays de Galles, des copies papier sont demandées.

<sup>87</sup> Voir la réponse de l'Argentine au questionnaire (note 54).

<sup>88</sup> Selon la réponse de l'Australie au questionnaire, l'Autorité centrale australienne n'exerce aucun contrôle sur les demandes envoyées.

<sup>89</sup> Selon la réponse de la Chine au questionnaire, les demandes envoyées ne passent généralement pas par les Autorités centrales chinoises.

<sup>90</sup> Selon la réponse de la République tchèque au questionnaire, ces chiffres ne tiennent compte que des commissions rogatoires pour l'obtention de preuves envoyées par l'intermédiaire de l'Autorité centrale tchèque.

<sup>91</sup> Selon la réponse de la République tchèque au questionnaire, les commissions rogatoires sont généralement transmises directement par une autorité judiciaire à l'Autorité centrale de l'État requis. Dans de rares cas, les demandes sont envoyées par l'intermédiaire de l'Autorité centrale tchèque. Quoiqu'il en soit, il n'y a pas de règle spéciale pour les tribunaux tchèques qui tiennent des registres des affaires dans lesquelles la Convention Preuves a été appliquée.

<sup>92</sup> Selon la réponse de la France au questionnaire, les commissions rogatoires émises par les juridictions françaises sont adressées directement à l'Autorité centrale de l'État requis.

<sup>93</sup> D'après la réponse de l'Allemagne au questionnaire, certaines des données de Länder ne sont pas encore disponibles.

Lituanie	-	-	-	-	-	-	X <sup>(94)</sup>
Mexique	78	74	64	46	69	96	S.O.
Monténégro	-	-	-	-	-	-	X
Pays-Bas	-	-	-	-	-	-	X <sup>(95)</sup>
Nicaragua	-	-	0	0	1	4	S.O.
Pologne	-	-	-	-	-	-	X <sup>(96)</sup>
Portugal	-	-	-	-	-	-	X <sup>(97)</sup>
Serbie	-	-	-	-	-	-	X <sup>(98)</sup>
Singapour	-	0	1	1	0	2	S.O.
Slovaquie	-	-	-	-	-	-	X <sup>(99)</sup>
Slovénie	-	-	-	-	-	-	X <sup>(100)</sup>
Suède	24	29	21	51	66	64	S.O.
Royaume-Uni	13 ( <sup>101</sup> )	13	17	22	53	46	S.O. ( <sup>102</sup> )
États-Unis d'Amérique	-	-	-	-	-	-	X <sup>(103)</sup>
Vietnam	-	-	-	0	12	17	S.O.
<b>TOTAL</b>	<b>471</b>	<b>491</b>	<b>534</b>	<b>421</b>	<b>684</b>	<b>588</b>	<b>-</b>

## 50 Nombre de demandes d'obtention de preuves envoyées en vertu du chapitre I :

Répondant	2017	2018	2019	2020	2021	2022	Inconnu
Argentine	-	-	-	-	-	( <sup>104</sup> )	X
Australie	-	-	-	-	-	-	X <sup>(105)</sup>
Brésil	0	0	5	15	20	16	S.O.
Bulgarie	0	0	0	0	0	0	S.O.
Chine	-	-	-	-	-	-	X
Croatie	-	0	0	0	0	0	S.O.
République tchèque	-	-	-	-	-	-	S.O. ( <sup>106</sup> )
France	-	-	-	-	-	-	X <sup>(107)</sup>

<sup>94</sup> Selon la réponse de la Lituanie au questionnaire, les tribunaux de la République de Lituanie (en tant qu'autorités requérantes) traitent les données relatives aux affaires dans le système d'information judiciaire lituanien (LITEKO). La génération automatisée de statistiques de LITEKO fonctionne sur la base de classifications de catégories d'affaires et de décisions de procédure judiciaire. Malheureusement, il n'existe pas de code distinct pour les dossiers relatifs à la Convention Preuves. Par conséquent, il n'est pas possible de fournir des données précises sur les demandes envoyées.

<sup>95</sup> Selon la réponse des Pays-Bas au questionnaire, l'Autorité centrale n'exerce aucun contrôle sur les demandes envoyées.

<sup>96</sup> Voir la réponse de la Pologne au questionnaire (note 58).

<sup>97</sup> Selon la réponse du Portugal au questionnaire, la plupart des demandes sont envoyées directement à l'Autorité centrale requise sans l'intermédiaire de l'Autorité centrale portugaise.

<sup>98</sup> Voir la réponse de la Serbie au questionnaire (note 84).

<sup>99</sup> Voir la réponse de la Slovaquie au questionnaire (note 59).

<sup>100</sup> Selon la réponse de la Slovénie au questionnaire, les autorités slovènes ne tiennent pas de registres et ne disposent pas de données pour les demandes envoyées qui ont été envoyées aux Autorités centrales d'autres États conformément à la Convention Preuves.

<sup>101</sup> Selon la réponse du Royaume-Uni et en ce qui concerne l'Angleterre et le pays de Galles, il n'y a pas de données exactes pour 2017 et 2018, mais la moyenne annuelle approximative était de 13.

<sup>102</sup> Selon la réponse du Royaume-Uni et en ce qui concerne l'Angleterre et le pays de Galles, les chiffres pour l'Irlande du Nord sont de 0. Pour l'Écosse, les chiffres sont 0 parce que l'Autorité centrale ne traite pas les demandes envoyées.

<sup>103</sup> Selon la réponse des États-Unis d'Amérique au questionnaire, l'Autorité centrale des États-Unis n'exerce aucun contrôle sur les commissions rogatoires envoyées et, par conséquent, aucune donnée ne peut être fournie.

<sup>104</sup> Voir la réponse de l'Argentine au questionnaire (note 74).

<sup>105</sup> Voir la réponse de l'Australie au questionnaire (note 88).

<sup>106</sup> Voir la réponse de la République tchèque au questionnaire (note 91).

<sup>107</sup> Voir la réponse de la France au questionnaire (note 56).



Géorgie	-	-	-	-	-	-	X <sup>(108)</sup>
Allemagne	0	0	0	0	0	0	X <sup>(109)</sup>
RAS de Hong Kong	0	0	0	0	0	0	S.O.
Hongrie	0	0	0	0	0	0	S.O.
Israël	-	-	-	-	-	-	X <sup>(110)</sup>
Kazakhstan	-	-	-	-	-	-	X <sup>(111)</sup>
Lettonie	-	-	-	-	-	-	X <sup>(112)</sup>
Lituanie	-	-	-	-	-	-	X <sup>(113)</sup>
Mexique	0	0	0	0	0	0	S.O.
Monténégro	-	-	-	-	-	-	X
Pays-Bas	-	-	-	-	-	-	X
Nicaragua	-	-	0	0	0	0	S.O.
Pologne	-	-	-	-	-	-	X <sup>(114)</sup>
Portugal	-	-	-	-	-	-	X <sup>(115)</sup>
Serbie	-	-	-	-	-	-	X <sup>(116)</sup>
Singapour	0	0	0	0	0	0	S.O.
Slovaquie	-	-	-	-	-	-	X
Slovénie	-	-	-	-	-	-	S.O.
Suède	-	-	-	-	-	-	X <sup>(117)</sup>
Royaume-Uni	0	0	0	0	0	0	S.O. <sup>(118)</sup>
États-Unis d'Amérique	-	-	-	-	-	-	X <sup>(119)</sup>
Vietnam	-	-	-	0	1	2	S.O.
TOTAL	0	0	5	15	21	18	-

### C. Liaison vidéo

- 51 Nombre de Commissions rogatoires pour l'obtention de preuves reçues et exécutées en vertu du chapitre I :

Répondant	2017	2018	2019	2020	2021	2022	Inconnu
Argentine	-	-	-	-	-	-	X
Australie	-	-	-	-	-	-	X <sup>(120)</sup>
B Brésil	-	-	-	-	-	-	X <sup>(121)</sup>
Bulgarie	20	25	45	36	48	77	S.O.

<sup>108</sup> Selon la réponse de la Géorgie au questionnaire, l'Autorité centrale de Géorgie ne traite pas ces données. Toutes les demandes reçues sont intégrées dans un système électronique unifié.

<sup>109</sup> Selon la réponse de l'Allemagne au questionnaire, pour les commissions rogatoires envoyées, le règlement allemand sur l'entraide judiciaire en matière civile (ZRHO) prévoit qu'elles doivent être signées par un juge et revêtues d'un cachet officiel ou d'un sceau officiel. Outre le règlement (UE) No 910/2014 (Règlement eIDAS), il n'existe pas encore de signature électronique transfrontière permettant d'identifier l'origine et l'authenticité de la commission rogatoire au niveau mondial.

<sup>110</sup> Selon la réponse d'Israël au questionnaire, toutes les demandes sont envoyées à l'Autorité centrale à l'étranger par courrier électronique et sur papier, par l'intermédiaire de la *Israel postal Company Ltd.*

<sup>111</sup> Voir la réponse du Kazakhstan au questionnaire (note 80).

<sup>112</sup> Voir la réponse de la Lettonie au questionnaire (note 81).

<sup>113</sup> Voir la réponse de la Lituanie au questionnaire (note 94).

<sup>114</sup> Voir la réponse de la Pologne au questionnaire (note 58).

<sup>115</sup> Voir la réponse du Portugal au questionnaire (note 97).

<sup>116</sup> Voir la réponse de la Serbie au questionnaire (note 84).

<sup>117</sup> Voir la réponse de la Suède au questionnaire (note 72).

<sup>118</sup> Selon la réponse du Royaume-Uni et en relation avec l'Angleterre et le pays de Galles, tout se fait par voie postale ou par voie diplomatique.

<sup>119</sup> Voir la réponse des États-Unis d'Amérique au questionnaire (note 103).

<sup>120</sup> Voir la réponse de l'Australie au questionnaire (note 75).

<sup>121</sup> Selon la réponse du Brésil au questionnaire, le Brésil ne dispose pas de ces informations spécifiques.

Chine	0	0	0	0	0	0	S.O.
Croatie	-	4	5	2	8	6	S.O.
République tchèque	0	0	0	0	0	0	S.O.
France	0	0	0	0	10	4	S.O.
Géorgie	0	0	0	0	1	0	S.O.
Allemagne	0	0	0	0	0	0	X <sup>(122)</sup>
RAS de Hong Kong	-	-	-	-	-	-	X <sup>(123)</sup>
Hongrie	0	0	0	0	0	0	S.O.
Israël	-	-	-	-	-	-	X <sup>(124)</sup>
Kazakhstan	0	0	1	1	4	2	S.O.
Lettonie	-	-	-	-	-	-	X <sup>(125)</sup>
Lituanie	2	1	-	-	-	4	S.O.
Mexique	0	0	0	0	0	0	S.O.
Monténégro	0	0	0	0	0	0	S.O.
Pays-Bas	-	-	-	-	1	-	S.O.
Nicaragua	-	-	0	0	0	0	S.O.
Pologne	-	-	-	-	-	-	X <sup>(126)</sup>
Portugal	0	0	0	0	0	0	S.O.
Serbie	12	19	19	16	30	21	S.O.
Singapour	-	-	-	-	-	-	X <sup>(127)</sup>
Slovaquie	-	-	-	-	-	-	X <sup>(128)</sup>
Slovénie	0	0	0	0	0	0	X <sup>(129)</sup>
Suède	-	-	-	-	-	-	X <sup>(130)</sup>
Royaume-Uni	-	-	14	34	2	10	S.O.
États-Unis d'Amérique	2	0	0	0	3	5	S.O.
Vietnam	-	-	-	0	0	0	S.O.
<b>TOTAL</b>	<b>46</b>	<b>49</b>	<b>84</b>	<b>89</b>	<b>107</b>	<b>129</b>	<b>-</b>

52 Nombre de Commissions rogatoires pour l'obtention de preuves reçues et exécutées en vertu du chapitre I

Répondant	2017	2018	2019	2020	2021	2022	Inconnu
Argentine	-	-	-	-	-	-	X
Australie	-	-	-	-	-	-	X <sup>(131)</sup>
Brésil	-	-	-	-	-	-	X <sup>(132)</sup>
Bulgarie	15	6	14	10	3	12	S.O.
Chine	0	0	0	0	0	-	S.O.

<sup>122</sup> Selon la réponse de l'Allemagne au questionnaire, la collecte de preuves par liaison vidéo au titre du chapitre I n'est pas autorisée, en tant qu'obtention directe de preuves.

<sup>123</sup> Selon la réponse de la RAS de Hong Kong au questionnaire, la RAS de Hong Kong ne conserve pas de chiffres relatifs aux commissions rogatoires pour l'obtention de preuves par liaison vidéo.

<sup>124</sup> Voir la réponse de Israël au questionnaire (note 79).

<sup>125</sup> Voir la réponse de la Lettonie au questionnaire (note 81).

<sup>126</sup> Voir la réponse de la Pologne au questionnaire (note 58).

<sup>127</sup> Selon la réponse de Singapour au questionnaire, sans objet. Singapour ne considère pas que la collecte de preuves par liaison vidéo soit disponible au titre du chapitre I de la Convention.

<sup>128</sup> Voir la réponse de la Slovaquie au questionnaire (note 59).

<sup>129</sup> Selon la réponse de la Slovénie au questionnaire, l'Autorité centrale n'a reçu aucune demande d'obtention de preuves par liaison vidéo conformément à la Convention Preuves.

<sup>130</sup> Voir la réponse de la Suède au questionnaire (note 72).

<sup>131</sup> Voir la réponse de l'Australie au questionnaire (note 75).

<sup>132</sup> Selon la réponse du Brésil au questionnaire, le chapitre II n'est pas applicable.

<b>Croatie</b>	-	0	0	0	0	0	S.O.
<b>République tchèque</b>	-	-	-	-	-	-	X <sup>(133)</sup>
<b>France</b>	11	6	10	4	18	4	S.O.
<b>Géorgie</b>	0	0	0	0	0	0	S.O.
<b>Allemagne</b>	0	0	0	0	6	2	S.O.
<b>RAS de Hong Kong</b>	0	0	0	0	0	0	S.O.
<b>Hongrie</b>	0	0	0	0	0	0	S.O.
<b>Israël</b>	-	-	-	-	-	-	X
<b>Kazakhstan</b>	-	-	-	-	-	-	X <sup>(134)</sup>
<b>Lettonie</b>	-	-	-	-	-	-	X <sup>(135)</sup>
<b>Lituanie</b>	1	-	-	-	-	-	S.O.
<b>Mexique</b>	0	0	0	0	0	0	S.O.
<b>Monténégro</b>	0	0	0	0	0	0	S.O.
<b>Pays-Bas</b>	-	-	-	-	-	-	S.O.
<b>Nicaragua</b>	-	-	0	0	0	0	S.O.
<b>Pologne</b>	-	-	-	-	-	-	X <sup>(136)</sup>
<b>Portugal</b>	0	0	2	1	3	1	S.O.
<b>Serbie</b>	-	-	-	-	-	-	X <sup>(137)</sup>
<b>Singapour</b>	-	-	-	-	-	-	X <sup>(138)</sup>
<b>Slovaquie</b>	-	-	-	-	-	-	X <sup>(139)</sup>
<b>Slovénie</b>	-	-	-	-	-	-	X <sup>(140)</sup>
<b>Suède</b>	-	-	-	-	-	-	X <sup>(141)</sup>
<b>Royaume-Uni</b>	-	-	-	-	-	-	X <sup>(142)</sup>
<b>États-Unis d'Amérique</b>	-	-	-	-	-	-	X <sup>(143)</sup>
<b>Vietnam</b>	-	-	-	-	-	-	X
<b>TOTAL</b>	27	12	26	15	29	19	-

<sup>133</sup> Selon la réponse de la République tchèque au questionnaire, le chapitre II n'est pas applicable.

<sup>134</sup> D'après la réponse du Kazakhstan au questionnaire, aucune commission rogatoire n'a été formulée en vertu du chapitre 2.

<sup>135</sup> Voir la réponse de la Lettonie au questionnaire (note 81).

<sup>136</sup> Voir la réponse de la Pologne au questionnaire (note 58).

<sup>137</sup> Selon la réponse de la Serbie au questionnaire, la Serbie ne dispose pas des données demandées.

<sup>138</sup> Selon la réponse de Singapour au questionnaire, sans objet. Singapour a émis une réserve sur le chapitre II de la Convention Preuves.

<sup>139</sup> Voir la réponse de la Slovaquie au questionnaire (note 59).

<sup>140</sup> Selon la réponse de la Slovénie au questionnaire, l'Autorité centrale n'a reçu aucune demande d'obtention de preuves en vertu du chapitre II.

<sup>141</sup> Voir la réponse de la Suède au questionnaire (note 72).

<sup>142</sup> Selon la réponse du Royaume-Uni et en ce qui concerne l'Angleterre et le pays de Galles, les registres distincts ne sont pas conservés pour les demandes présentées en vertu du chapitre II, mais ils auraient été très peu nombreux.

<sup>143</sup> Selon la réponse des États-Unis d'Amérique au questionnaire, l'Autorité centrale des États-Unis autorise l'obtention directe de preuves par liaison vidéo sur une base volontaire en vertu du chapitre II de la Convention, mais ces arrangements doivent être conclus en privé et ne pas impliquer l'Autorité centrale des États-Unis. Par conséquent, aucune donnée ne peut être fournie.

## **ANNEXE**

## Annex I: Compilation of Responses (questionnaire for Contracting Parties)

### I. General Feedback

(1) How does your State rate the general operation of the Evidence Convention?	
Argentina	Good
Australia	Satisfactory
Brazil	Good
Bulgaria	Excellent
China	Good
Croatia	Excellent
Czech Republic	Good
France	Bon
Georgia	Satisfactory
Germany	Good
Hong Kong SAR	Good
Hungary	Good
Israel	Good
Kazakhstan	Good
Latvia	Good
Lithuania	Good
Mexico	Satisfactory
Montenegro	Good
Netherlands	Good
Nicaragua	Requires Improvement - "It is necessary to improve the response time to requests".
Norway	Good
Poland	Good
Portugal	Good
Romania	Good
Serbia	Excellent
Singapore	Good
Slovakia	Good
Slovenia	Excellent
Sweden	Good
United Kingdom	Good
United States of America	Good
Viet Nam	Satisfactory

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(2) How does your State rate the useability of the HCCH publications developed to assist users of the Evidence Convention (the Practical Handbook on the Operation of the Evidence Convention (Evidence Handbook) and Guide to Good Practice – The Use of Video-Link)?	
Argentina	Satisfactory
Australia	Good
Brazil	Good - "The need for use of such publications has not arisen in the recent years".
Bulgaria	Good
China	Good

<b>Croatia</b>	Excellent
<b>Czech Republic</b>	Good
<b>France</b>	Bonne
<b>Georgia</b>	Good – “We do not have particular suggestions so far”.
<b>Germany</b>	Good – “An answer to this question is also given by the European Union”.
<b>Hong Kong SAR</b>	Good
<b>Hungary</b>	Good
<b>Israel</b>	Excellent – “We make frequent use of the handbook”.
<b>Kazakhstan</b>	Good – “We had no video-link before, the following convention is rare to use in our country”.
<b>Latvia</b>	Excellent
<b>Lithuania</b>	Good – “Very few cases; trends in use of video link, however still a lot questions arise on how to proceed properly according to the Convention (bearing in mind provisions of direct taking of evidence and the permission for such measure to be obtained, whether assistance from the court of the requested state is essential, etc.)”.
<b>Mexico</b>	Excellent
<b>Montenegro</b>	Good
<b>Netherlands</b>	Good
<b>Nicaragua</b>	Good
<b>Norway</b>	Excellent
<b>Poland</b>	Good
<b>Portugal</b>	Good
<b>Serbia</b>	Excellent
<b>Singapore</b>	Excellent – “These publications are an excellent resource. The issues that a Contracting Party is likely to face in implementing the Evidence Convention are set out clearly. It is useful to know how other Contracting Parties approach these issues”.
<b>Slovakia</b>	Good – “We refer to the relevant part of the European Union reply”.
<b>Slovenia</b>	Excellent – “All the available information is very useful, we often direct Slovenian Courts to the Guide to Good Practice - the Use of Video-Link and the Evidence Handbook”.
<b>Sweden</b>	Good
<b>United Kingdom</b>	Excellent
<b>United States of America</b>	Good
<b>Viet Nam</b>	Good

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(3) What work could be carried out by the PB to facilitate the acceptance of accessions to the Evidence Convention (e.g., providing additional information or facilitating direct communication between your Central Authority and new Contracting Parties)?

<b>Australia</b>	“Australia considers this primarily to be an issue that Contracting Parties should be more proactive in resolving. Subject to available resources, the PB could consider sending periodic reminders (perhaps annually) to each Contracting Party or National Organ, with a summary of the accessions not yet accepted by that particular country”.
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<b>Brazil</b>	“The PB could always exhort contracting parties to accept accessions as soon as a new country ratifies the Convention, as well as periodically do so for as long as they have not done so”.
<b>Czech Republic</b>	“There is still space to promote the benefits of the Convention”.
<b>France</b>	“Il pourrait être envisagé l’organisation de séminaire(s) en format hybride, afin de permettre au plus grand nombre de participer, et dont l’objectif serait de présenter du fonctionnement de la convention de La Haye du 18 mars 1970. Un tel événement pourrait permettre aux Etats parties d’échanger avec les Etats qui envisagent d’adhérer à la convention”.
<b>Georgia</b>	“We do not have particular suggestions so far”.
<b>Israel</b>	“Encouraging new Contracting Parties to actively seek acceptance from existing Contracting Parties. Issuing timely reminders by the PB to Contracting Parties with a list of accessions that have not been accepted by them to date”.
<b>Kazakhstan</b>	“Providing additional offline workshop”.
<b>Latvia</b>	“Latvia do not require such necessity (but it could be inner decision of each country)”.
<b>Lithuania</b>	“Regular reminder (e. g. yearly) from the Permanent Bureau to the Contracting States on the accessions pending for acceptance”.
<b>Montenegro</b>	“No suggestions”.
<b>Netherlands</b>	“[F]acilitating direct communication between the court answering the request for collecting evidence and the requesting court”.
<b>Nicaragua</b>	“More divulgation and invite other countries to learn about the practice and results during the application of the Convention”.
<b>Poland</b>	“Providing additional information”.
<b>Portugal</b>	“Contact between central authorities and new contracting states should be considered useful”.
<b>Romania</b>	“Inviting the Contracting States to accept the accession of the new Contracting States”.
<b>Serbia</b>	“Our opinion is that both of the above examples, providing additional information and facilitating direct communication between our Central Authority and new Contracting Parties, can serve excellently in terms of ways of approaching the states, which are potential acceding parties, in order to bring the practice of acting according to the convention closer to them, and all the facilities it provides”.
<b>Singapore</b>	“Nil”
<b>Slovenia</b>	“PB could promote the acceptance of accession as the accession has effect only as regards the relations between the acceding State and such Contracting States as they have declared their acceptance of the accession (Art. 39)”.
<b>Sweden</b>	“Existing order works fine”.
<b>United Kingdom</b>	“England and Wales suggests facilitating direct communications between our Central Authority and the Central /Competent Authorities of other contracting states”.
<b>United States of America</b>	“Organize workshops and trainings for contracting states who recently joined the Convention with existing members in order to share best practices and lessons learned. Continue to work with contracting states on updating and completing Practical Information pages as this is one of the major obstacles to successful application and implementation of the Convention for existing and new contracting states”.
<b>Viet Nam</b>	“Facilitating direct communication between Central authority and new Contracting Parties (especially when new Contracting Parties have not provided



	their contact details yet - Sending reminder routinely (e.g: every 2 years) to Member States which have not accepted the accession of new Contracting Parties”.
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(4) Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Evidence Convention?	
<b>Argentina</b>	Yes – electronic for incoming and outgoing
<b>Australia</b>	Yes – electronic for incoming only
<b>Brazil</b>	Yes – electronic for incoming and outgoing
<b>Bulgaria</b>	Yes – electronic for incoming and outgoing
<b>China</b>	Yes – electronic for incoming only
<b>Croatia</b>	Yes – electronic for incoming and outgoing
<b>Czech Republic</b>	Other – “The CA The CA maintains an electronic file service (a case management) in which incoming/some outgoing requests for legal aid are registered. The case management enables to monitor the status of their processing”.
<b>France</b>	Oui - électronique pour les demandes reçues et envoyées
<b>Georgia</b>	Yes – manual for incoming and outgoing
<b>Germany</b>	Other – “There are no federal registers used throughout Germany; some of the Länder use case management registers, some of them electronic registers, some manual registers or other means to track incoming requests. As a remark to questions 4. and 5. as well as preliminary to questions concerning data and statistics it must be underlined that in Germany, no official statistics are kept on the content of requests for mutual assistance pursuant to the Evidence Convention or on the time required to process them. The Ministries of Justice of the Länder, which appoint the Central Authorities for their area of competence, have an informal overview, but are only able to provide limited information on content-related aspects of Letters of Request and the time required to process them. Some of the following information is based on their records. It is only of limited informative value. An answer to this question is also given by the European Union”.
<b>Hong Kong SAR</b>	Yes – manual for incoming and outgoing.
<b>Hungary</b>	Other – “The general electronic register system of the Ministry of Justice is used for cases relating to the Service Convention. This system stores basic data of the cases for identification purposes, therefore more detailed information is kept in the paper based files”.
<b>Israel</b>	Yes – electronic for incoming and outgoing
<b>Kazakhstan</b>	Yes – electronic for incoming and outgoing
<b>Latvia</b>	Other – “Yes – incoming both (electronic and manual, depends on Instrument) Yes – outgoing only electronic”
<b>Lithuania</b>	Yes – electronic for incoming and outgoing
<b>Mexico</b>	Yes – electronic for incoming and outgoing
<b>Montenegro</b>	Yes – electronic for incoming only
<b>Netherlands</b>	Yes – electronic for incoming only
<b>Nicaragua</b>	Yes – manual for incoming and outgoing
<b>Norway</b>	Yes – electronic for incoming only
<b>Poland</b>	No
<b>Portugal</b>	Yes – electronic for incoming and outgoing

<b>Serbia</b>	Yes – electronic for incoming and outgoing
<b>Singapore</b>	Yes – manual for incoming and outgoing
<b>Slovakia</b>	Other – “We refer to the relevant part of the European Union reply”
<b>Slovenia</b>	No
<b>Sweden</b>	Other – “Yes, electronic for incoming and outgoing. See also response of the EU”.
<b>United Kingdom</b>	Yes - manual for incoming only.
<b>United States of America</b>	Yes – electronic for incoming only.
<b>Viet Nam</b>	Other: “The Ministry of Justice of Viet Nam uses Mutual Legal Assistance Request Management Software for both incoming and outgoing requests. However, this software mainly focuses on following up the work done by the Ministry of Justice. Thus, the input are based on requests or results of the requests received by the MOJ”

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(5) If your State's Central Authority has oversight for outgoing requests, please indicate if there is a system used to track the progress of these.

<b>Argentina</b>	No
<b>Australia</b>	Other – “The Australian Central Authority does not have oversight of outgoing requests”.
<b>Brazil</b>	Yes – electronic.
<b>Bulgaria</b>	No
<b>China</b>	No
<b>Croatia</b>	Yes – electronic.
<b>Czech Republic</b>	Other – “Letters of Request are usually transmitted directly from a judicial authority to the CA of the requested State. However, there are Contracted Parties that have not designated their CA, or that do not have a direct postal connection with the Czech Republic. In that case, the Letters of Request are transmitted via diplomatic channels. In these cases, Letters of Request are registered by means of electronic case management. The case management enables to monitor the status of their processing”.
<b>France</b>	Non
<b>Georgia</b>	Yes – manual.
<b>Germany</b>	No
<b>Hong Kong SAR</b>	Yes – manual.
<b>Hungary</b>	Other – “See response to question No. 4. All incoming and outgoing correspondance is registered in the case register electronically but the substance can only be known from the file”.
<b>Israel</b>	Yes – electronic.
<b>Kazakhstan</b>	Yes – electronic.
<b>Latvia</b>	No – “If requesting State has interest in progress of the case, our Central Authority starts to clarify the progress”.
<b>Lithuania</b>	Other – “Lithuanian Central Authority does not have oversight for outgoing requests”.
<b>Mexico</b>	No
<b>Montenegro</b>	No

<b>Netherlands</b>	Other - "District court The Hague has no oversight for outgoing requests. District court The Hague is not the Central Authority for outgoing letters of requests".
<b>Nicaragua</b>	Yes - manual.
<b>Norway</b>	No
<b>Portugal</b>	Other - "The requests sent through the Central Authority are overseen by the case Management System, but as general principle requests are sent directly without the intervention of the Central Authority"
<b>Serbia</b>	Yes - electronic.
<b>Singapore</b>	No
<b>Slovakia</b>	Other - "We refer to the relevant part of the European Union reply".
<b>Slovenia</b>	Other - "As the outgoing requests are handled case by case on courts or by the judges individually, the Central authority has no oversight for outgoing requests. Courts sending out requests in accordance with the Evidence Convention have no management register for such requests".
<b>Sweden</b>	Yes - electronic - "See also response of the EU".
<b>United Kingdom</b>	Yes - manual.
<b>United States of America</b>	Other - "The U.S. Central Authority does not have oversight for outgoing requests".
<b>Viet Nam</b>	Other - "The Mutual Legal Assistance Request Management Software has some functions such as reminding and alerting when there is no reply for outgoing requests which were sent after a specific time (usually more than 6 months)".

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## II. Scope of the Convention

(6) In the previous five years, has your State experienced any difficulties in interpreting the scope of the Evidence Convention?	
<b>Argentina</b>	Yes, regarding the interpretation of "civil or commercial matters" (Art. 1); regarding the interpretation of "commenced or contemplated" (Art. 1).
<b>Australia</b>	Yes, Other - "One jurisdiction reported difficulties in considering whether depositions in the US were akin to pre-trial discovery in Australia - see Washington v Johnson & Johnson and Ors (2021) TASSC 65".
<b>Brazil</b>	No
<b>Bulgaria</b>	No
<b>China</b>	No
<b>Croatia</b>	No
<b>Czech Republic</b>	Yes, regarding the interpretation of "civil or commercial matters" (Art. 1) - "Some Contracted Parties sent Letters of Request in administrative matters".
<b>France</b>	Oui, concernant l'interprétation de l'expression « matière civile ou commerciale » (art. 1) - "L'Autorité centrale française a eu des échanges avec des Etats parties concernant l'interprétation de l'expression « matière civile ou commerciale » et des contentieux qui pouvaient être inclus dans ce champ d'application matériel".
<b>Georgia</b>	No
<b>Germany</b>	Yes, regarding the interpretation of "civil or commercial matters" (Art. 1) - "Distinction between private and public law matters especially where proceedings are brought by a State or a State is a party to the proceedings, and

	other - Distinction between obtaining evidence and performing other judicial act”.
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	No
<b>Israel</b>	Yes, regarding the interpretation of “civil or commercial matters” (Art. 1) – “Does the convention apply to cases in patent courts; Does the convention apply to civil investigation proceedings by State authorities, such as Securities or Antitrust Authorities”
<b>Kazakhstan</b>	No
<b>Latvia</b>	Other – “In cases with Russia regarding video link (Our Central Authority could not apply Convention with Russia, because there were no conditions in Russia to realize the requirements of the Convention regarding video link, therefore our Central Authority had to use other Instrument)”
<b>Lithuania</b>	No
<b>Mexico</b>	No
<b>Montenegro</b>	No
<b>Netherlands</b>	No
<b>Nicaragua</b>	No
<b>Norway</b>	No
<b>Poland</b>	No
<b>Portugal</b>	No
<b>Romania</b>	No
<b>Serbia</b>	No
<b>Singapore</b>	No
<b>Slovakia</b>	No
<b>Slovenia</b>	No
<b>Sweden</b>	Yes, regarding the interpretation of “civil or commercial matters” (Art. 1) – “It is sometimes difficult to distinguish administrative cases from civil and commercial matters”.
<b>United Kingdom</b>	No
<b>United States of America</b>	No
<b>Viet Nam</b>	Yes, regarding the interpretation of “commenced or contemplated” (Art. 1) – “The criteria to ascertain the contemplation are unclear. Therefore, the taking of evidence might be exploited for other purposes rather than being used in judicial proceedings. Moreover, there is no measure to secure that the evidence obtained for contemplated judicial proceedings is not used for other purposes”.

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(7) Does your State consider the Evidence Convention mandatory or non-mandatory?	
<b>Argentina</b>	Mandatory
<b>Australia</b>	Non-mandatory
<b>Brazil</b>	Mandatory
<b>China</b>	Mandatory
<b>Croatia</b>	Mandatory
<b>Czech Republic</b>	Mandatory
<b>France</b>	Obligatoire
<b>Georgia</b>	Mandatory
<b>Hong Kong SAR</b>	Non-mandatory

<b>Hungary</b>	Mandatory
<b>Israel</b>	Non-mandatory
<b>Kazakhstan</b>	Mandatory
<b>Latvia</b>	Non-mandatory
<b>Lithuania</b>	Mandatory
<b>Mexico</b>	Mandatory
<b>Montenegro</b>	Mandatory
<b>Netherlands</b>	Non-mandatory
<b>Nicaragua</b>	Non-mandatory
<b>Poland</b>	Non-mandatory
<b>Portugal</b>	Mandatory
<b>Serbia</b>	Mandatory
<b>Singapore</b>	Non-mandatory
<b>Slovakia</b>	Mandatory
<b>Slovenia</b>	Mandatory
<b>Sweden</b>	Mandatory
<b>United Kingdom</b>	Non-mandatory
<b>United States of America</b>	Non-mandatory
<b>Viet Nam</b>	Non-mandatory

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(8) Has your State adopted “blocking statutes” or laws which are known by any other description, which prevent evidence being taken in the territory of your State for use in foreign proceedings other than under the Evidence Convention (or other international instrument)?

<b>Argentina</b>	No
<b>Australia</b>	No
<b>Brazil</b>	No
<b>China</b>	Yes (i) The provisions or implementing legislation, and the date of entry into force – “Article 284(3) of Civil Procedure Law of the People’s Republic of China, which entered into force on April 9, 1991 and revised on December 24, 2021”
<b>Croatia</b>	No
<b>Czech Republic</b>	No
<b>France</b>	Oui – “Il existe deux instruments européens de cette nature : - Règlement (CE) n° 2271/96 du Conseil du 22 novembre 1996 portant protection contre les effets de l’application extraterritoriale d’une législation adoptée par un pays tiers, ainsi que des actions fondées sur elle ou en découlant (voir, art. 5(1)). - Directive 95/46/CE du Parlement européen et du Conseil, du 24 octobre 1995, relative à la protection des personnes physiques à l’égard du traitement des données à caractère personnel et à la libre circulation de ces données (voir, art. 25(1)). Un arrêt Bank Mellî, C-124/20 a été rendu le 21 décembre 2021, dans lequel la Cour de justice de l’Union européenne a interprété le règlement de blocage de 1996 pour la première fois. En outre, deux articles de la loi n° 68-678 du 26 juillet 1968 (les articles 1 et 1 bis) - introduits par une loi du 16 juillet 1980 - font obstacle aux « demandes d’obtention de preuve sauvages », émises hors les circuits d’entraide judiciaire.

	<p>Les dispositions de l'article 1er de cette loi tendent , « Sous réserve des traités ou accords internationaux », à interdire la communication à des autorités publiques étrangères de documents ou renseignements d'ordre économique, commercial, industriel, financier ou technique dont la communication est de nature à porter atteinte à la souveraineté, à la sécurité, aux intérêts économiques essentiels de la France ou à l'ordre public, précisés par l'autorité administrative en tant que de besoin.</p> <p>L'article 1 prévoit : « Sous réserve des traités ou accords internationaux et des lois et règlements en vigueur, il est interdit à toute personne de demander, de rechercher ou de communiquer, par écrit, oralement ou sous toute autre forme, des documents ou renseignements d'ordre économique, commercial, industriel, financier ou technique tendant à la constitution de preuves en vue de procédures judiciaires ou administratives étrangères ou dans le cadre de celles-ci. »</p> <p>La prohibition qui en résulte est particulièrement large. Elle s'applique en effet :</p> <ul style="list-style-type: none"> <li>- même si la communication du document ou du renseignement n'est pas de nature à porter atteinte à la souveraineté, à la sécurité, à l'ordre public ou aux intérêts essentiels économiques de la France,</li> <li>- même si cette recherche n'est pas suivie d'effet,</li> <li>- et même si la personne poursuivie n'est ni française ni résidente française.</li> </ul> <p>Par un arrêt du 28 mars 2007, la cour d'appel de Paris (9ème chambre B), infirmant un jugement de relaxe prononcé par le tribunal correctionnel de Paris le 1er juin 2006, a déclaré un avocat coupable du délit de communication de renseignements économique, commercial, industriel, financier ou technique tendant à la constitution de preuves pour une procédure étrangère, et l'a condamné à une peine de 10 000 euros d'amende. La Cour de cassation a confirmé cet arrêt. Par arrêt en date du 12 décembre 2007, la Cour de cassation (chambre criminelle) a rejeté un pourvoi formé contre la décision de la cour d'appel de Paris”.</p>
<b>Georgia</b>	No
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	Yes – “Please see response by the European Union”.
<b>Israel</b>	No
<b>Kazakhstan</b>	No
<b>Latvia</b>	No
<b>Lithuania</b>	No
<b>Mexico</b>	No
<b>Montenegro</b>	No
<b>Netherlands</b>	Yes – “See Practical Information”
<b>Nicaragua</b>	No
<b>Norway</b>	No
<b>Poland</b>	Yes – <a href="#">“Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (see, Article 5(1)); Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (See, Art. 25(1)).1”</a>
<b>Portugal</b>	No
<b>Serbia</b>	No
<b>Singapore</b>	No
<b>Slovakia</b>	Yes – “We refer to the relevant part of the European Union reply”.

<b>Slovenia</b>	Yes - "European legislation applies in the territory of the Republic of Slovenia (for ex.: Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data etc)".
<b>Sweden</b>	Yes - "Council Regulation No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country and actions based thereon or resulting therefrom, which entered into force 29 November 1996 (see also response of the EU). - Law 1997:825) on the EC Regulation on protection against the extra-territorial legislation adopted by a third country, which entered into force 1 January 1998"
<b>United Kingdom</b>	No
<b>United States of America</b>	No
<b>Viet Nam</b>	Yes - "(i) The provisions or implementing legislation, and the date of entry into force: The provision of information relating to state secret is limited and must be authorized by the competent authorities (Article 16 Law on State Secrets Protection 2018- entered into force on 1/7/2020). In addition, the provision of information relating to work secret of governmental entities or organizations is also limited. The provision of the above-mentioned information without permission may face administrative fines (E.g: Decree no. 144/2021/ND-CP dated 31/12/2021 entered into force on 1/1/2022) or contribute to crimes in the Penal Code 2015 (entered into force on 1/1/2018) (E.g: Article 337 Deliberate disclosure of classified information; appropriation, trading, destruction of classified documents; Article 361 Deliberate revelation of work secrets; appropriation, trading, destruction of work secret documents; Article 404 . Deliberate disclosure of military secrets, Article 405 Appropriation, trading, or destruction of military secret documents Article 110 Espionage, Article 289 Illegal infiltration into the computer network, telecommunications network, or electronic device of another person)."

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(9) Has your State received or submitted requests for the taking of evidence in connection with arbitration proceedings?	
<b>Argentina</b>	No
<b>Australia</b>	No
<b>Brazil</b>	No
<b>Bulgaria</b>	Yes
<b>China</b>	No
<b>Croatia</b>	No
<b>Czech Republic</b>	No
<b>France</b>	No
<b>Georgia</b>	No
<b>Germany</b>	No
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	No
<b>Israel</b>	No
<b>Kazakhstan</b>	No



Latvia	Yes
Lithuania	No
Mexico	No
Montenegro	No
Netherlands	No
Nicaragua	No
Norway	No
Poland	No
Portugal	No
Romania	No
Serbia	No
Singapore	Yes - "We have only received one such request to date, and considered it to fall outside the scope of Article 1 of the Evidence Convention".
Slovakia	No
Slovenia	No
Sweden	No
United Kingdom	No
United States of America	No
Viet Nam	No

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(10) Have any decisions relating to the use of the Evidence Convention in arbitration proceedings been rendered by the judicial authorities of your State?	
Argentina	No
Australia	No
Brazil	No
Bulgaria	Yes
China	No
Croatia	No
Czech Republic	No
France	Non
Georgia	No
Germany	No
Hong Kong SAR	No
Hungary	No
Israel	No
Kazakhstan	No
Latvia	No
Lithuania	No
Mexico	No
Montenegro	No
Netherlands	No
Nicaragua	No
Norway	No
Poland	No
Portugal	No
Romania	No
Serbia	No

<b>Singapore</b>	No
<b>Slovakia</b>	No
<b>Slovenia</b>	No
<b>Sweden</b>	No
<b>United Kingdom</b>	No
<b>United States of America</b>	No
<b>Viet Nam</b>	No

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(11) As the requesting State, how are Letters of Request transmitted?	
<b>Argentina</b>	Via de Central Authority to the Central Authority of the requested State.
<b>Australia</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Brazil</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Bulgaria</b>	Via the Central Authority to the Central Authority of the requested State.
<b>China</b>	Other - "A and B" - Via de Central Authority to the Central Authority of the requested State // Directly from a judicial authority to the Central Authority of the requested State.
<b>Croatia</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Czech Republic</b>	Other: "Letters of Request are usually transmitted directly from a judicial authority to the CA of the requested State. However, there are Contracted Parties that have not designated their CA, or that do not have a direct postal connection with the Czech Republic. In that case, the Letters of Request are transmitted via diplomatic channels".
<b>France</b>	Directement d'une autorité judiciaire à l'Autorité centrale de l'État requis.
<b>Georgia</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Germany</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Hong Kong SAR</b>	Other: "Requests from the Hong Kong Special Administrative Region of the People's Republic of China ("Hong Kong SAR, China") are transmitted via the Chief Secretary for Administration's Office, which is a competent forwarding authority, to Central Authorities of the requested States".
<b>Hungary</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Israel</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Kazakhstan</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Latvia</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Lithuania</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Mexico</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Montenegro</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Netherlands</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Nicaragua</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Norway</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Poland</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Portugal</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Romania</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Serbia</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Singapore</b>	Via the Central Authority to the Central Authority of the requested State.
<b>Slovakia</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Slovenia</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Sweden</b>	Via the Central Authority to the Central Authority of the requested State.

<b>United Kingdom</b>	Via the Central Authority to the Central Authority of the requested State.
<b>United States of America</b>	Directly from a judicial authority to the Central Authority of the requested State.
<b>Viet Nam</b>	Via the Central Authority to the Central Authority of the requested State.

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(12) As the requesting State, do the authorities of your State use the recommended Model Form?	
<b>Argentina</b>	Yes, sometimes
<b>Australia</b>	Unknown
<b>Brazil</b>	Yes, sometimes
<b>Bulgaria</b>	Yes, sometimes
<b>China</b>	Yes, always
<b>Croatia</b>	No
<b>Czech Republic</b>	Yes, always
<b>France</b>	Oui, parfois
<b>Georgia</b>	Yes, always
<b>Germany</b>	Yes, sometimes
<b>Hong Kong SAR</b>	No – “The form is prescribed pursuant to local law, specifically Order 39 rule 3 (see Form 35, High Court Form, Cap. 4A ( <a href="https://www.elegislation.gov.hk/hk/cap4A">https://www.elegislation.gov.hk/hk/cap4A</a> ))”
<b>Hungary</b>	Yes, sometimes
<b>Israel</b>	Yes, always
<b>Kazakhstan</b>	Yes, always
<b>Latvia</b>	No – “Authorities refers to the Convention only”.
<b>Lithuania</b>	Yes, always
<b>Mexico</b>	No
<b>Montenegro</b>	Unknown
<b>Netherlands</b>	Unknown
<b>Nicaragua</b>	No – “Requests are sent through a note in accordance with article 3 of the Convention, however we could also send them using the form”.
<b>Norway</b>	Unknown
<b>Poland</b>	Unknown
<b>Portugal</b>	Yes, always
<b>Romania</b>	Yes, always
<b>Serbia</b>	Yes, always
<b>Singapore</b>	Yes, always
<b>Slovakia</b>	Yes, always
<b>Slovenia</b>	Yes, sometimes
<b>Sweden</b>	Yes, sometimes
<b>United Kingdom</b>	Yes, always
<b>United States of America</b>	Unknown
<b>Viet Nam</b>	No – “The judicial authorities of Viet Nam use national form which is basically similar to the recommended Model Form”.

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(13) Does your State consider further work on the Model Form would be beneficial? For example, a review of the Model Form with a view to including video-link and the preparation of guidelines outlining how to complete the Model Form.	
<b>Argentina</b>	Yes
<b>Australia</b>	Yes – “A review of the Model Form to incorporate references to modern technologies could be useful; links to relevant Convention Articles (for reference) could also be useful”.
<b>Brazil</b>	Yes – “The suggestions presented in the question are good. Also, the current Portuguese version of the form (which apparently is not official, but is used at least in Portugal and Brazil) requires an improvement in that many requesting parties confuse the field "Summary of the complaint" for a summary of the requested measure itself (because the translation of the field into Portuguese is "Summary of the demand"), and then they repeat the requested measure in the "Evidence to be obtained" field, resulting in a situation where there is no explanation about the judicial proceedings, and the evidence sought is described twice”.
<b>Bulgaria</b>	Revision is not required
<b>China</b>	Yes
<b>Croatia</b>	Yes
<b>Czech Republic</b>	Revision is not required
<b>France</b>	Oui – “L’Autorité centrale française estime qu’il pourrait être opportun d’inclure la liaison vidéo dans le formulaire modèle publié dans l’espace Preuves du site HCCH.  En outre, il pourrait être opportun de donner davantage de visibilité aux modalités relatives aux demandes de liaison vidéo et des modalités prévues dans chaque Etat partie autorisant ce mode de preuves. En effet, l’Autorité centrale française reçoit de nombreuses demandes d’information de la part de juridictions et d’avocats concernant”.
<b>Georgia</b>	Revision is not required
<b>Germany</b>	Yes – “Guidelines outlining how to complete the Model Form are considered beneficial”.
<b>Hungary</b>	Revision is not required
<b>Israel</b>	Yes – “Including within the Model Form specific reference for requesting the taking of evidence via video-link; preparation of guidelines outlining how to complete the Model Form”.
<b>Kazakhstan</b>	Yes – “[w]e need the Model Form become official document as the Certificate of the 1965 Convention”.
<b>Latvia</b>	Yes – “Further work is not required by our Country at this time. Also, in cases regarding video-link, our Competent Authorities provides a detailed request in text”.
<b>Lithuania</b>	Revision is not required
<b>Mexico</b>	Yes
<b>Montenegro</b>	Yes
<b>Netherlands</b>	Revision is not required
<b>Nicaragua</b>	Yes
<b>Norway</b>	Revision is not required
<b>Poland</b>	Yes – “It is worth considering creating a model online form”
<b>Portugal</b>	Revision is not required
<b>Romania</b>	Yes

<b>Serbia</b>	Revision is not required
<b>Singapore</b>	Revision is not required
<b>Slovakia</b>	Yes – “A review of the Model Form with a view to including video-link and the preparation of guidelines outlining how to complete the Model Form would be beneficial”.
<b>Slovenia</b>	Yes – “[S]ome improvements could be made, such as including the possibility/suggestion of taking evidence via video-link”.
<b>Sweden</b>	Yes – “Provide Model Form in more languages”.
<b>United Kingdom</b>	Yes
<b>United States of America</b>	Yes – “Recommended further work can focus on including a section on video-link testimony. The Model Form should also be available in additional languages”.
<b>Viet Nam</b>	Revision is not required

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(14) As the requested State, do the authorities of your State send an acknowledgement of receipt for a Letter of Request	
<b>Argentina</b>	No
<b>Australia</b>	No
<b>Brazil</b>	No
<b>Bulgaria</b>	No
<b>China</b>	No
<b>Croatia</b>	No
<b>Czech Republic</b>	No
<b>France</b>	Yes
<b>Georgia</b>	Yes
<b>Germany</b>	No
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	No
<b>Israel</b>	Yes
<b>Kazakhstan</b>	No
<b>Latvia</b>	No
<b>Lithuania</b>	Yes
<b>Mexico</b>	Yes
<b>Montenegro</b>	No
<b>Netherlands</b>	Yes
<b>Nicaragua</b>	No
<b>Norway</b>	No
<b>Poland</b>	Yes
<b>Portugal</b>	No
<b>Romania</b>	No
<b>Serbia</b>	Yes
<b>Singapore</b>	Yes
<b>Slovakia</b>	No
<b>Slovenia</b>	No
<b>Sweden</b>	No
<b>United Kingdom</b>	Yes
<b>United States of America</b>	Yes

Viet Nam	No
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(15) During the past five years, as the requested State, has your State received a Letter of Request that is non compliant?	
Argentina	Unknown
Australia	Yes
Brazil	Yes
Bulgaria	Yes
China	Yes
Croatia	No
Czech Republic	Yes
France	Oui
Georgia	No
Germany	Yes
Hong Kong SAR	Yes
Hungary	No
Israel	Yes
Kazakhstan	No
Latvia	Yes
Lithuania	No
Mexico	Yes
Montenegro	No
Netherlands	Yes
Nicaragua	No
Norway	Yes
Poland	Unknown
Portugal	Yes
Romania	No
Serbia	Yes
Singapore	Yes
Slovakia	Unknown
Slovenia	Yes
Sweden	No
United Kingdom	Yes
United States of America	Yes
Viet Nam	Yes

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(15.1.) If the answer to Q15 above is “yes”, why was the request non-compliant?	
Australia	(1) The matter was not “civil or commercial”; (2) The request was not issued by a judicial authority; (3) The request did not relate to judicial proceedings; (4) The request related to a judicial act that is excluded from scope; (5) The request did not comply with the content requirements under Article 3; (6) The request did not comply with the translation requirements under Article 4.

<b>Brazil</b>	(1) The request did not comply with the content requirements under Article 3; (2) The request did not comply with the translation requirements under Article 4; (3) Other: "Sometimes we are forced to refuse requests involving deadlines (video-link participation of a witness in a hearing, for example) because the procedure for complying with letters of request in Brazil, including the mandatory judicial phase under Brazilian law, usually takes at least 180 days. Therefore, when the request is received less than 180 days prior to the deadline, we return it to the requesting party indicating the need for amendment".
<b>Bulgaria</b>	(1) The request was not issued by a judicial authority; (2) The request did not comply with the translation requirements under Article 4.
<b>China</b>	(1) The matter was not "civil or commercial"; (2) The request was not issued by a judicial authority; (3) The request did not relate to judicial proceedings; (4) The request did not comply with the content requirements under Article 3; (5) The request did not comply with the translation requirements under Article 4.
<b>Czech Republic</b>	(1) The matter was not "civil or commercial"; (2) The request was not issued by a judicial authority; (3) The request did not relate to judicial proceedings. (4) The request did not comply with the content requirements under Article 3.
<b>France</b>	(1) La matière n'était pas « civile ou commerciale » ; (2) La demande n'a pas été émise par une autorité judiciaire ; (3) La demande ne concernait pas une procédure judiciaire ; (4) La demande portait sur un acte judiciaire qui est exclu du champ d'application ; (5) La demande ne répondait pas aux exigences de contenu prévues à l'article 3 ; (6) La demande ne répondait pas aux exigences de traduction prévues à l'article 4.
<b>Germany</b>	(1) The matter was not "civil or commercial"; (2) The request was not issued by a judicial authority; (3) The request did not relate to judicial proceedings; (4) The matter to which it related was not "commenced or contemplated"; (5) The request related to a judicial act that is excluded from scope; (6) The request did not comply with the content requirements under Article 3; (7) The request did not comply with the translation requirements under Article 4.
<b>Israel</b>	(1) The request did not comply with the content requirements under Article 3; (2) The request did not comply with the translation requirements under Article 4.
<b>Latvia</b>	(1) The request was not issued by a judicial authority; (2) The request did not relate to judicial proceedings; (3) The request did not comply with the translation requirements under Article 4 (4) Other
<b>Mexico</b>	(1) The request did not relate to judicial proceedings (2) The matter to which it related was not "commenced or contemplated"
<b>Netherlands</b>	(1) The request did not comply with the content requirements under Article 3;



	(2) The request did not comply with the translation requirements under Article 4.
<b>Norway</b>	(1) The matter was not “civil or commercial”; (2) The request related to a judicial act that is excluded from scope; (3) The request did not comply with the content requirements under Article 3; (4) The request did not comply with the translation requirements under Article 4
<b>Portugal</b>	The request did not comply with the translation requirements under Article 4.
<b>Serbia</b>	(1) The matter was not “civil or commercial”; (2) The request was not issued by a judicial authority.
<b>Singapore</b>	(1) The request did not relate to judicial proceedings; (2) The request did not comply with the content requirements under Article 3; (3) The request did not comply with the translation requirements under Article 4; Other – “The requests did not comply with Articles 1 and 10. Article 1: The request related to service of judicial documents, which is not covered by the Evidence Convention. Article 10: Under Singapore’s internal law, an application for disclosure of documents sought would not have been granted”.
<b>Slovenia</b>	(1) The request did not comply with the translation requirements under Article 4; Other: “We have received requests where a request for taking of evidence and request for service of documents was joined on one request. We have also received requests without translation to one of the languages prescribed in Article 4 of the Evidence Convention”.
<b>United Kingdom</b>	(1) The request did not comply with the content requirements under Article 3; (2) The request did not comply with the translation requirements under Article 4; Other: “Common problems are: • Letter of Request completed incorrectly/incomplete; • Poor Translations; • Incorrect/incomplete address so witness unable to be served with order for examination; • Questions not listed/insufficient information provided to enable examiner to ask questions; • Witness is a child and that is not identified; • Only one copy of documents provided (2 are required)”.
<b>United States of America</b>	(1) The request was not issued by a judicial authority; (2) The request did not relate to judicial proceedings; (3) The request related to a judicial act that is excluded from scope; (4) The request did not comply with the content requirements under Article 3. (5) The request did not comply with the translation requirements under Article 4
<b>Viet Nam</b>	Other: “Unclear request : the scope of evidence was too broad and the purpose of the evidence was unclear, information of the nature of the proceedings was insufficient”.

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<b>(16) As the requested State, does your State provide advance assistance to foreign judicial authorities to prepare a Letter of Request to be sent under the Evidence Convention?</b>	
<b>Argentina</b>	Yes
<b>Australia</b>	Yes – “Our Central Authority occasionally receives enquiries from foreign authorities requesting clarifications or additional information when preparing Letters of Request”.

<b>Brazil</b>	Yes – “Whenever foreign judicial authorities send us questions on that matter (usually by email), we give them orientation and are happy to do so”.
<b>Bulgaria</b>	No
<b>China</b>	Yes, sometimes
<b>Croatia</b>	Unknown
<b>Czech Republic</b>	No
<b>France</b>	Oui – “Lorsqu’elle est sollicitée, l’Autorité centrale française fournit de premiers éléments de réponse sur le fonctionnement de la convention et ses modalités d’application sur le territoire français. Il est également renvoyé aux informations pratiques et à l’espace spécialisé sur le site internet de la HCCH. Toutefois, l’Autorité centrale française n’a pas vocation à assister les autorités étrangères dans la rédaction de la commission rogatoire et/ou à pré-valider un projet de commission rogatoire”.
<b>Georgia</b>	Yes – “Central Authority of State provides assistance to foreign judicial authorities to prepare a Letter of Request to be sent under the Evidence Convention: offers consultations, provides information about the details of a Letter of Request”
<b>Germany</b>	Yes – “Examples: Information on the permissibility of cross-examination, information on lawyers’ right to interrogate witnesses, explanations of the formal requirements to be fulfilled by a Letter of Request”.
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	Yes – “We have never been requested but we would provide assistance if such request is sent”.
<b>Israel</b>	Yes
<b>Kazakhstan</b>	No
<b>Latvia</b>	No
<b>Lithuania</b>	Yes – “Foreign judicial authorities (attorneys at law) ask on how interview by direct video link should be carried on, what form for permission should be used”.
<b>Mexico</b>	No
<b>Montenegro</b>	Yes – “By giving answers from inquires from emails”.
<b>Netherlands</b>	No
<b>Nicaragua</b>	No
<b>Norway</b>	No
<b>Poland</b>	No
<b>Portugal</b>	Yes – “Telling them where to find the recommended form and about the requirements needed (eg. Language)”.
<b>Romania</b>	No
<b>Serbia</b>	No
<b>Singapore</b>	No
<b>Slovakia</b>	No
<b>Slovenia</b>	Yes – “[F]oreign judicial authorities have not requested for such an assistance, but we would provide advance assistance if a foreign judicial authority should request for such assistance”.
<b>Sweden</b>	No
<b>United Kingdom</b>	Yes – “When contacted by email or telephone we provide as much information as we can, including a template letter of request and draft order”.
<b>United States of America</b>	Yes – “The U.S. Central Authority has comprehensive guidance on its website and the Practical Information page on how to submit a proper Letter of Request, what information is need in order to execute a Letter of Request, and the types

	of evidence the U.S. Central Authority can and cannot obtain. More information is available here: <a href="https://www.justice.gov/civil/evidence-requests">https://www.justice.gov/civil/evidence-requests</a> . The U.S. Central Authority will answer inquiries from foreign judicial authorities by phone or email”.
<b>Viet Nam</b>	Yes – “The Ministry of Justice of Viet Nam can review the Letter of Request sent via email and require amendments or supplements (if necessary) before the paper Request sent via post”.

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(17) As the requested State, does your State provide advance assistance to legal representatives to prepare a Letter of Request to be sent under the Evidence Convention?	
<b>Argentina</b>	Yes
<b>Australia</b>	Yes – “Our Central Authority occasionally receives enquiries from foreign authorities requesting clarifications or additional information when preparing Letters of Request”.
<b>Brazil</b>	Yes – “We do, but only if those legal representatives are authorized forwarding authorities designated by the contracting party in question under the Convention (we check that on the respective country profile on the Convention website)”.
<b>Bulgaria</b>	No
<b>China</b>	Yes, sometimes
<b>Croatia</b>	No
<b>Czech Republic</b>	No
<b>France</b>	Oui – “Cf. réponse Q16”.
<b>Georgia</b>	Yes – “Central Authority of State provides assistance to legal representatives to prepare a Letter of Request to be sent under the Evidence Convention: offers consultations, provides information about the details of a Letter of Request (language, terms of a Letter of Request, obligations under the Evidence Convention)”.
<b>Germany</b>	No
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	No
<b>Israel</b>	No
<b>Kazakhstan</b>	No
<b>Latvia</b>	No
<b>Lithuania</b>	Yes – “Only by consulting by email and sharing useful links or templates”.
<b>Mexico</b>	No
<b>Montenegro</b>	Yes – “By giving answers from inquiries from emails”.
<b>Netherlands</b>	No
<b>Nicaragua</b>	No
<b>Norway</b>	No
<b>Poland</b>	No
<b>Portugal</b>	Yes – “Telling them where to find the recommended form and about the requirements needed (eg. Language)”.
<b>Romania</b>	No
<b>Serbia</b>	No
<b>Singapore</b>	No
<b>Slovakia</b>	No
<b>Slovenia</b>	No

<b>Sweden</b>	No
<b>United Kingdom</b>	Yes - "We frequently receive requests for assistance from solicitors or local authorities who are unfamiliar with the process and provide assistance and templates".
<b>United States of America</b>	Yes - "The U.S. Central Authority has comprehensive guidance on its website and the Practical Information page on how to submit a proper Letter of Request, what information is need in order to execute a Letter of Request, and the types of evidence the U.S. Central Authority can and cannot obtain. More information is available here: <a href="https://www.justice.gov/civil/evidence-requests">https://www.justice.gov/civil/evidence-requests</a> . The U.S. Central Authority will answer inquiries from legal representatives by phone or email".
<b>Viet Nam</b>	Yes - "The Ministry of Justice of Viet Nam can review the Letter of Request sent via email and require amendments or supplements (if necessary) before the paper Request sent via post".

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(18) Once your State has received a Letter of Request, do your State's judicial authorities rephrase, restructure, and / or strike out objectionable questions or offensive wording in order to execute a Letter of Request (also known as "blue-pencilling")?

<b>Argentina</b>	No
<b>Australia</b>	Yes - "The Court has discretion to rephrase questions in instances where it is possible to do so without altering the substance of the request to give effect to the Letter of Request".
<b>Brazil</b>	No
<b>Bulgaria</b>	No
<b>China</b>	No
<b>Croatia</b>	Unknown
<b>Czech Republic</b>	Unknown
<b>France</b>	Oui - "L'Autorité centrale française a connaissance d'un cas où l'autorité judiciaire française requise a supprimé une partie des questions, en raison de leur caractère inquisitorial et du non-respect de l'égalité homme-femme".
<b>Georgia</b>	Yes - "State's judicial authorities rephrase, restructure and / or strike out offensive wording in order to execute a Letter of Request".
<b>Germany</b>	No
<b>Hong Kong SAR</b>	Yes - "Rephrase, restructure and/or strike out. As explained in O.70/1/24-15 of the 'Hong Kong Civil Procedure 2023'".
<b>Hungary</b>	Unknown
<b>Israel</b>	No
<b>Kazakhstan</b>	No
<b>Latvia</b>	No
<b>Lithuania</b>	No
<b>Mexico</b>	No
<b>Montenegro</b>	Unknown
<b>Netherlands</b>	No
<b>Nicaragua</b>	No
<b>Norway</b>	No
<b>Poland</b>	No
<b>Portugal</b>	No

<b>Romania</b>	Yes – “If the court finds that the question set aside cannot lead to the resolution of the trial, is offensive or tends to prove a fact whose proof is prohibited by law, it will not approve it”.
<b>Serbia</b>	Unknown
<b>Singapore</b>	No
<b>Slovakia</b>	No
<b>Slovenia</b>	Unknown
<b>Sweden</b>	No
<b>United Kingdom</b>	Yes – “Only on rare occasions where there is a contested hearing between the applicant and the witness(es), and the court considers that it could give effect to the letter of request if some “blue pencilling” were carried out. But re-drafting is not permitted. In Northern Ireland and Scotland, this is not done”.
<b>United States of America</b>	Yes – “The U.S. Central Authority reviews each Letter of Request and attempts to execute the Request in full. The U.S. Central Authority either revises and restructures the Letter of Request as necessary or returns without execution parts of the Request which are not executable”.
<b>Viet Nam</b>	No

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<b>(19) As the requested State, can the execution of a Letter of Request that has been received be challenged?</b>	
<b>Argentina</b>	No
<b>Australia</b>	Yes – “For example, in some jurisdictions a person who can establish standing (i.e. because they will be affected by the orders sought) can seek leave from the Court to intervene in the matter and challenge the orders sought; in some jurisdictions, reasons for challenging a Letter of Request are included in legislation (see, e.g. Evidence Act 1977 (Qld) and Supreme Court Rules 2000 (SA))”.
<b>Brazil</b>	Yes – “Any interested parties can challenge letters of request before the Brazilian Superior Court of Justice, but only on procedural (including due application of the Convention) or “public order” grounds. They cannot do it in relation to the merit (the judicial content) of the foreign judicial proceedings”.
<b>Bulgaria</b>	No
<b>China</b>	Yes – “If the requesting State believes that the results of our evidence do not meet their domestic needs for handling the case, they can continue to make additional requests and we will also cooperate in continuing taking evidence”.
<b>Croatia</b>	Unknown
<b>Czech Republic</b>	Yes – “[I]n accordance with Art. 12(b) of the Convention”.
<b>France</b>	Oui – “L’article 743 du code de procédure civile française prévoit que « Le juge commis peut refuser, d’office ou à la demande de toute personne intéressée, l’exécution d’une commission rogatoire s’il estime qu’elle ne rentre pas dans ses attributions. Il doit la refuser si elle est de nature à porter atteinte à la souveraineté ou à la sécurité de l’Etat français. Les personnes intéressées peuvent également, dans ces mêmes cas, demander au juge commis de rapporter les mesures qu’il a déjà prises et d’annuler les actes constatant l’exécution de la commission rogatoire. » En outre, en vertu de l’article 744 du code de procédure civile français : «Le ministère public doit s’assurer du respect des principes directeurs du procès dans l’exécution des commissions rogatoires.

	En cas de violation de ces principes, le ministère public ou la partie intéressée peut demander au juge commis de rapporter les mesures qu'il a prises ou d'annuler les actes constatant l'exécution de la commission rogatoire.”.
<b>Georgia</b>	No
<b>Germany</b>	Yes – “The Letter of Request is dealt with in the form defined by the Central Authority of the requested State; the judicial actions may for instance violate rights of the persons involved in proceedings”.
<b>Hong Kong SAR</b>	Yes – “As a general principle, Courts of the Hong Kong SAR, China would give effect to a request so far as is permissible under local law. In dealing with a request, however, Courts of the Hong Kong SAR, China will first decide whether it has jurisdiction to make an order to give effect to the request (i.e. whether the request complies with the applicable requirements to enable execution), and if so, whether as a matter of discretion it ought to make or refuse such an order. It is also explained in O.70/2/1-4 of the ‘Hong Kong Civil Procedure 2023’”.
<b>Hungary</b>	No
<b>Israel</b>	Yes – “A party can challenge the execution of the Letter of Request in the competent court”.
<b>Kazakhstan</b>	No
<b>Latvia</b>	Unknown
<b>Lithuania</b>	Unknown
<b>Mexico</b>	Yes
<b>Montenegro</b>	No
<b>Nicaragua</b>	Yes – “[I]t can be challenged if the request is against our legislation”.
<b>Norway</b>	Unknown
<b>Poland</b>	No
<b>Portugal</b>	Yes – “If the evidence is subject, for instance, to confidentiality”.
<b>Romania</b>	No
<b>Serbia</b>	No
<b>Singapore</b>	Yes – “A challenge can be raised, for example, on grounds of privilege (for example, the witness concerned would invoke his privilege against self-incrimination in response to all questions asked and it would be a waste of time and costs to insist on an examination), or if the application is not made by a person duly authorised to make the application on behalf of the court or tribunal in question”.
<b>Slovakia</b>	No
<b>Slovenia</b>	Unknown
<b>Sweden</b>	No
<b>United Kingdom</b>	Yes – “A witness can make an application to set aside or vary an order for examination, and the court will have a hearing to determine such application”.
<b>United States of America</b>	Yes – “A witness or an interested party, such as counsel or a foreign litigant, could raise challenges or object to the Request. If challenges are raised that would impact the U.S. Central Authority’s ability to obtain the evidence, our office may seek guidance or clarification from the foreign judicial authority prior to executing the Request”.
<b>Viet Nam</b>	No

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(19.1.) If the answer to Q19 above is “yes”, is the requesting authority or the interested party permitted to respond to the challenge?

<b>Australia</b>	Yes – “As the requesting authority is not a party to the proceedings, it will be for the Court to consider whether leave should be granted for the requesting authority to respond”.
<b>Brazil</b>	No
<b>China</b>	Yes
<b>Czech Republic</b>	Yes – “The requesting authority may send the clarification and specify its intentions regarding the execution of their request”.
<b>France</b>	Oui – “L’article 746 du code de procédure civile dispose que « La décision par laquelle le juge refuse d’exécuter une commission rogatoire, annule les actes constatant son exécution, rapporte les mesures qu’il a prises ou refuse de les rapporter doit être motivée. Les parties et le ministère public peuvent interjeter appel de la décision. Le délai d’appel est de quinze jours ; il n’est pas augmenté en raison des distances”.
<b>Germany</b>	No
<b>Israel</b>	Yes – “It’s usually the interested party that would respond to the challenge”.
<b>Mexico</b>	Yes
<b>Nicaragua</b>	Yes
<b>Portugal</b>	Yes – “The requesting authority is informed, and can respond to the court”.
<b>United Kingdom</b>	Yes – “The witness is entitled to apply to set aside, vary or stay the order for the witness to provide evidence”.
<b>United States of America</b>	Yes – “If a Request is challenged, the U.S. Central Authority will likely require clarification or guidance from the foreign judicial authority before executing the Request. This is especially true where a witness challenges the Request and will not comply voluntarily. In such cases, the U.S. Central Authority will require additional information from the foreign judicial authority before seeking a U.S. court order pursuant to 28 U.S.C. § 1782 to compel the witness’s response. While an interested party, such as counsel or a foreign litigant, is free to respond to the challenge, if the U.S. Central Authority needs to seek clarification in order to respond to the challenge, the additional information must be provided directly by the foreign judicial authority”.

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(20) As the requesting State, can the sending of a Letter of Request abroad be challenged?	
<b>Argentina</b>	No
<b>Australia</b>	Yes – “Each Australian jurisdiction has its own procedures for challenging a decision to send a Letter of Request, either through legislation or judicial review”.
<b>Brazil</b>	Yes – “Parties in the judicial proceedings can challenge letters of requests before the courts that issue them or before appeal courts”.
<b>Bulgaria</b>	No
<b>China</b>	Yes
<b>Croatia</b>	No
<b>Czech Republic</b>	Yes – “For the reasons stated in Art. 12 of the Convention”.
<b>France</b>	Oui – “Dans le cadre de l’instance en France, devant le juge saisi du litige”.
<b>Georgia</b>	No
<b>Germany</b>	Yes – “In Germany, the implementation of international mutual assistance in civil proceedings is categorised as judicial administration. Anyone asserting that his rights have been violated by a legal act by the judicial administration may appeal to the competent court under Sections 23 ff of the Introductory Act



	to the Judicature Act (Einführungsgesetz zum Gerichtsverfassungsgesetz - EGGVG)".
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	Yes – “Only in the appeal against the judgment on the merits of the case”.
<b>Israel</b>	Yes – “A party can challenge the sending of a Letter of Request in the competent court”.
<b>Kazakhstan</b>	No
<b>Latvia</b>	No
<b>Lithuania</b>	No
<b>Mexico</b>	No
<b>Montenegro</b>	No
<b>Nicaragua</b>	Yes – “[I]t can be challenged if the request is against our legislation”.
<b>Norway</b>	Yes – “The Norwegian Courts decide if a request in accordance with the Evidence Convention is to be sent, cf. The Courts of Justice Act section 46. This decision can be appealed, in accordance with The Norwegian Dispute Act section 29-2 ( "an appeal may be brought against judgments, interlocutory orders and decisions".).”.
<b>Poland</b>	No
<b>Portugal</b>	No
<b>Romania</b>	No
<b>Serbia</b>	No
<b>Singapore</b>	Yes – “A party applying for a Letter of Request to be issued abroad for evidence to be taken must make a formal application to the Court within the proceedings for which the evidence is needed. The application may be challenged by an opposing party in the proceedings if it does not agree to the request for evidence to be taken in the manner proposed”.
<b>Slovakia</b>	No
<b>Slovenia</b>	No
<b>United Kingdom</b>	No
<b>United States of America</b>	Yes – “While the U.S. Central Authority does not have oversight for outgoing requests, U.S. law does not prohibit litigants or counsel from challenging a Letter of Request”.
<b>Viet Nam</b>	No

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(21) As the requested State, which authority is generally responsible for informing the requesting authority of the time and place of the execution of a Letter of Request (Art. 7)?

<b>Argentina</b>	Central Authority
<b>Australia</b>	Judicial authority competent to execute the request
<b>Brazil</b>	Central Authority
<b>Bulgaria</b>	Central Authority
<b>China</b>	Central Authority
<b>Croatia</b>	Judicial authority competent to execute the request
<b>Czech Republic</b>	Judicial authority competent to execute the request
<b>France</b>	L'Autorité centrale // L'Autorité judiciaire compétente pour exécuter la commission rogatoire
<b>Georgia</b>	Judicial authority competent to execute the request
<b>Germany</b>	Judicial authority competent to execute the request

<b>Hong Kong SAR</b>	Other - "Private agent of the parties or, in the absence of private agent, Law Officer (International Law) of the Hong Kong SAR, China and/or Judicial authority competent to execute the request"
<b>Hungary</b>	Central Authority
<b>Israel</b>	Central Authority
<b>Kazakhstan</b>	Central Authority
<b>Latvia</b>	Judicial authority competent to execute the request
<b>Lithuania</b>	Judicial authority competent to execute the request
<b>Mexico</b>	Private representative
<b>Montenegro</b>	Judicial authority competent to execute the request
<b>Netherlands</b>	Judicial authority competent to execute the request
<b>Nicaragua</b>	Central Authority
<b>Norway</b>	Judicial authority competent to execute the request
<b>Poland</b>	Judicial authority competent to execute the request
<b>Portugal</b>	Judicial authority competent to execute the request
<b>Romania</b>	Central Authority
<b>Serbia</b>	Central Authority
<b>Singapore</b>	Other - "Attorney-General's Chambers."
<b>Slovakia</b>	Judicial authority competent to execute the request
<b>Slovenia</b>	Other - "[U] usually it is up to the Central Authority (also competent to receive incoming requests) to inform the requesting authority, but it depends on the subject and the time management of the case. It is also possible for a judicial authority competent to execute the request to inform the requesting authority of the time and place of the execution of a Letter of request, specially when the requesting authority requests so."
<b>Sweden</b>	Judicial authority competent to execute the request
<b>United Kingdom</b>	Central Authority
<b>United States of America</b>	Central Authority
<b>Viet Nam</b>	Central Authority

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(22) During the past five years, as the requested State, has your State received a request specifying a particular method or procedure for taking of evidence (e.g., how witnesses are to be examined)? (Art. 9(2))

<b>Argentina</b>	Yes
<b>Australia</b>	Yes - "These have included requests in relation to oaths/affirmations, methods for taking a deposition, requests to undergo medical tests".
<b>Brazil</b>	Yes - "Under that category, the most common requests we receive are those aiming for the collection of DNA samples".
<b>Bulgaria</b>	No
<b>China</b>	Yes
<b>Croatia</b>	Unknown
<b>Czech Republic</b>	Yes - "DNA examination and Expert opinion".
<b>France</b>	Oui - "Audition par vidéoconférence, cross-examination, présence d'un sténotypiste et d'un vidéographe pour enregistrer l'audition de témoin(s), prélèvements AND".
<b>Georgia</b>	Yes - "The request provided detailed information about the particular procedure for taking of evidence: specific questions, according to which the

	witness was examined, particular method of examination. The Requesting State's competent authority executed the procedure for taking of evidence via electronic means".
<b>Germany</b>	Yes – "Procedure of taking and wording of the oath".
<b>Hong Kong SAR</b>	Yes – "There were requests with specific requirements on the method, for instance taking of evidence via video-link, or the procedures, for instance the administering of oath or affirmation or requiring the witnesses to confirm their understanding of the rights and obligations under the requesting jurisdictions before taking of evidence, etc".
<b>Hungary</b>	No
<b>Israel</b>	No
<b>Kazakhstan</b>	Yes – "[R]equesting state asks to provide an protocol of interrogation".
<b>Latvia</b>	No
<b>Lithuania</b>	Unknown
<b>Mexico</b>	Yes
<b>Montenegro</b>	No
<b>Netherlands</b>	Yes
<b>Nicaragua</b>	No
<b>Norway</b>	Unknown
<b>Poland</b>	No
<b>Portugal</b>	No
<b>Romania</b>	Yes
<b>Serbia</b>	Unknown
<b>Singapore</b>	Yes – "By way of deposition for the evidence from the witness to be recorded down in a transcript".
<b>Slovakia</b>	Unknown
<b>Slovenia</b>	No
<b>Sweden</b>	Yes – "Requesting state have for example asked the witness to give evidence under their national oath".
<b>United Kingdom</b>	Yes – "In England and Wales, requesting parties often ask for the procedure of the law of the requesting state to be applied to the examination".
<b>United States of America</b>	Yes – "The U.S. Central Authority received Requests seeking oral testimony from witnesses to be transcribed verbatim by a court reporter, also described as depositions. The U.S. Central Authority received Requests asking that the witness attest to a specific oath provided by the foreign judicial authority in the Letter of Request prior to providing their testimony".
<b>Viet Nam</b>	No

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(23) As the requested State, does your State require the requesting State to reimburse costs?	
<b>Argentina</b>	Yes, sometimes
<b>Australia</b>	Yes, sometimes
<b>Brazil</b>	Yes, sometimes
<b>Bulgaria</b>	Yes, sometimes
<b>China</b>	Yes, sometimes
<b>Croatia</b>	No
<b>Czech Republic</b>	Yes, sometimes
<b>France</b>	Oui, toujours

<b>Georgia</b>	Yes, sometimes
<b>Germany</b>	Yes, sometimes
<b>Hong Kong SAR</b>	Yes, sometimes
<b>Hungary</b>	Yes, sometimes
<b>Israel</b>	No
<b>Kazakhstan</b>	No
<b>Latvia</b>	No
<b>Lithuania</b>	No
<b>Mexico</b>	No
<b>Montenegro</b>	No
<b>Netherlands</b>	Yes, sometimes
<b>Nicaragua</b>	No
<b>Norway</b>	No
<b>Poland</b>	No
<b>Portugal</b>	Yes, sometimes
<b>Romania</b>	Yes, sometimes
<b>Serbia</b>	No
<b>Singapore</b>	Yes, always
<b>Slovakia</b>	Yes, sometimes
<b>Slovenia</b>	Yes, sometimes
<b>Sweden</b>	Yes, sometimes
<b>United Kingdom</b>	No
<b>United States of America</b>	Yes, sometimes
<b>Viet Nam</b>	Yes, sometimes

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(23.1.) If the answer to Q23 above is “yes”, please indicate circumstances where reimbursement is sought.	
<b>Argentina</b>	Fees paid to experts and interpreters (Art. 14(2)).
<b>Australia</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)); (3) Fees paid for translation (Art. 4(3)); Other – “Please note that not all Australian jurisdictions require reimbursement in the above-listed circumstances. In addition, some jurisdictions also require reimbursement where there are costs incurred that go beyond those of a regular request”.
<b>Brazil</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)); (3) Costs incurred by employing an examiner (Art. 14(3)).
<b>Bulgaria</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs incurred by employing an examiner (Art. 14(3)).
<b>China</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)); (3) Fees paid for translation (Art. 4(3)); (4) Costs incurred by employing an examiner (Art. 14(3)).
<b>Czech Republic</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)).
<b>France</b>	(1) Indemnités payées aux experts et interprètes (art. 14(2)) ;

	(2) Frais résultant de l'application d'une forme spéciale (art. 14(2)) ; (3) Frais de traduction (art. 4(3)).
<b>Georgia</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)); (3) Costs incurred by employing an examiner (Art. 14(3)); (4) Fees and costs due to constitutional limitations (Art. 26).
<b>Germany</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Fees paid for translation (Art. 4(3)); Other – “Costs incurred by compensation of witnesses”.
<b>Hong Kong SAR</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)); (3) Fees paid for translation (Art. 4(3)); (4) Costs incurred by employing an examiner (Art. 14(3)); Other: “Reimbursement will be required where costs of a non-recurrent nature or extraordinary amount are incurred, e.g. Costs incurred for renting private premises for conducting examination”.
<b>Hungary</b>	Fees paid to experts and interpreters (Art. 14(2)).
<b>Netherlands</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); Other – “[S]ee Practical Information”.
<b>Portugal</b>	Costs incurred by employing an examiner (Art. 14(3)).
<b>Romania</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)); (3) Fees paid for translation (Art. 4(3)); (4) Costs incurred by employing an examiner (Art. 14(3)).
<b>Singapore</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)); (3) Fees paid for translation (Art. 4(3)); (4) Costs incurred by employing an examiner (Art. 14(3)); (5) Fees and costs due to constitutional limitations (Art. 26); Other – “Disbursements for the filing of the relevant court papers, affidavits, and the extraction of the court order; as well as fees for the audio recording of the examination”.
<b>Slovakia</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs incurred by employing an examiner (Art. 14(3)).
<b>Slovenia</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)).
<b>Sweden</b>	Fees paid to experts and interpreters (Art. 14(2)).
<b>United States of America</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)); (3) Fees and costs due to constitutional limitations (Art. 26); Other: “Costs for production of certain specific categories of documents, such as vital records or medical records”.
<b>Viet Nam</b>	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)).

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(24) As the requested State, who may make a request for a Letter of Request to be withdrawn?

<b>Argentina</b>	Requesting authority
<b>Australia</b>	Requesting authority

<b>Brazil</b>	Requesting authority
<b>Bulgaria</b>	Requesting authority
<b>China</b>	Requesting authority // Representative of the parties // Parties
<b>Croatia</b>	Requesting authority
<b>Czech Republic</b>	Requesting authority
<b>France</b>	Requesting authority
<b>Georgia</b>	Requesting authority
<b>Germany</b>	Requesting authority
<b>Hong Kong SAR</b>	Other - "There is no express local legal provision in this regard. As a logical assumption, the requesting authority may make such withdrawal".
<b>Hungary</b>	Requesting authority
<b>Israel</b>	Requesting authority // Representative of the parties // Parties
<b>Kazakhstan</b>	Requesting authority
<b>Latvia</b>	Requesting authority
<b>Lithuania</b>	Requesting authority // Representative of the parties // Parties
<b>Mexico</b>	Requesting authority
<b>Montenegro</b>	Requesting authority
<b>Netherlands</b>	Requesting authority
<b>Nicaragua</b>	Requesting authority
<b>Norway</b>	Requesting authority
<b>Poland</b>	Requesting authority
<b>Portugal</b>	Requesting authority
<b>Romania</b>	Requesting authority // Representative of the parties
<b>Serbia</b>	Requesting authority // Representative of the parties // Parties
<b>Singapore</b>	Requesting authority
<b>Slovakia</b>	Requesting authority
<b>Slovenia</b>	Requesting authority
<b>Sweden</b>	Requesting authority
<b>United Kingdom</b>	Requesting authority // Representative of the parties // Parties
<b>United States of America</b>	Requesting authority
<b>Viet Nam</b>	Requesting authority

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<b>(25) As the requested State, does your State reject a Letter of Request seeking discovery if it is too broad?</b>	
<b>Argentina</b>	No
<b>Australia</b>	Not applicable, Article 23 declaration
<b>Brazil</b>	Not applicable, Article 23 declaration
<b>Bulgaria</b>	No
<b>China</b>	Not applicable, Article 23 declaration
<b>Croatia</b>	Not applicable, Article 23 declaration
<b>Czech Republic</b>	Yes - "E.g. a request to ascertain all assets of a person/legal entity without specifying the location of such assets would be denied".
<b>France</b>	Oui - "Les documents demandés sont limitativement énumérés dans la commission rogatoire et ont un lien direct et précis avec l'objet du litige. Dans un arrêt du 18 septembre 2003, la cour d'appel de Paris a interprété cette dernière exigence. Elle a estimé que l'énumération des documents était limitative dès lors que ces derniers étaient identifiés avec un degré raisonnable

	de spécificité en fonction d'un certain nombre de critères tels que leur date, leur nature, leur auteur et que la communication des pièces pouvait valablement être demandée pour une période excédant celle des faits sur lesquels portaient le procès et correspondant à l'opération litigieuse”.
<b>Georgia</b>	No
<b>Germany</b>	Yes – “This very much depends on the individual case and cannot be answered in general terms. According to Article 3 (f) of the Convention the Letter of Request is required to contain specific questions to the person to be questioned or to specify precisely the facts on which they are to be questioned. Whereas a list of questions is not necessarily required by Germany, a list of matters to be addressed would suffice if it is not intended to seek disclosure by an adversary of facts supporting a case”.
<b>Hong Kong SAR</b>	Not applicable, Article 23 declaration
<b>Hungary</b>	Yes – “See declaration by Hungary regarding Article 23. If the Letter of Request does not clearly identify the document that must be made available by its holder and this document is not directly connected to the objective of the procedure, the request would be rejected”.
<b>Israel</b>	No
<b>Kazakhstan</b>	No
<b>Latvia</b>	Yes
<b>Lithuania</b>	Not applicable, Article 23 declaration
<b>Mexico</b>	Yes
<b>Montenegro</b>	No
<b>Nicaragua</b>	No
<b>Norway</b>	Not applicable, Article 23 declaration
<b>Poland</b>	Not applicable, Article 23 declaration
<b>Portugal</b>	Not applicable, Article 23 declaration
<b>Romania</b>	No
<b>Serbia</b>	No
<b>Singapore</b>	Yes – “Documents requested (a) are not particularised as individual documents and (b) are not actual documents which are shown by evidence to exist (or at least have existed) and to likely be in the target person’s possession, custody or power (as opposed to conjectural documents which may or may not exist)”.
<b>Slovakia</b>	No
<b>Slovenia</b>	No
<b>Sweden</b>	Not applicable, Article 23 declaration
<b>United Kingdom</b>	Not applicable, Article 23 declaration
<b>United States of America</b>	Yes – “A Letter of Request may be rejected for being overly broad and burdensome if it seeks responses to an unreasonable number of questions or seeks extensive documentation. If the witness is unwilling to comply voluntarily, the U.S. Central Authority must proceed with filing an application pursuant to 28 U.S.C. § 1782(a) to compel their response. Under § 1782(a), U.S. district courts have wide discretion to grant, deny or limit discovery requests in foreign litigation matters. Moreover, the United States Supreme Court held “unduly intrusive or burdensome requests may be rejected or trimmed.” Intel Corp v. Advanced Micro Devices, Inc., 542 U.S. 241, 265 (2004) citing In re Application of Esses, 101 F.3d 873, 876 (2d Cir. 1996) and In re Bayer AG, 146 F.3d 188, 196 (3d Cir. 1998). In determining whether a request is burdensome, the U.S. court looks to the Federal Rules of Civil Procedure (FRCP). Mees v. Buiter, 793 F.3d 291, 302 (2d Cir. 2015) (“Rather, a district court evaluating a § 1782



	discovery request should assess whether the discovery sought is overbroad or unduly burdensome by applying the familiar standards of Rule 26 of the [FRCP]."); In re Edelman, 295 F.3d 171, 179 (2d Cir. 2002) ("Limits may be proscribed on discovery or an existing order may be quashed under [FRCP] 26(c)."). See also 28 U.S.C. § 1782(a) ("To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the [FRCP]."). The FRCP allow for extensive discovery; however, limitations on discovery do exist. See Fed. R. Civ. P. 26(b). With regard to the breadth of interrogatories, the general rule under the FRCP limits the number of written interrogatories to "no more than 25 written interrogatories, including all discrete subparts." Fed. R. Civ. P. 33(a)(1). While Courts may grant requests for additional interrogatories, such questions must be consistent with Rule 26(b)(1) and (2). Under Rule 34, a party can be required "to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control," such as writings, data compilations, etc.; however, the Rules do not require that parties produce "reports" compiling requested information. Fed. R. Civ. P. 34(a). Additionally, "A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost." Fed. R. Civ. P. 26(b)(2)(B). Generally, a request for testimony which includes over 100 questions per witness would be considered overly burdensome. A request for documents spanning several decades would also likely be too broad and overly burdensome".
<b>Viet Nam</b>	Not applicable, Article 23 declaration

### III. Chapter I – Execution of a Letter of Request – Witness Examination

(26)	As the requested State, how is a hearing conducted for Chapter I requests?
<b>Argentina</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Australia</b>	Before a Judge, Magistrate, Special Master, or other court official By a judicial officer Other - "In some jurisdictions, the Court may also make an order for the examination of a witness before any fit and proper person nominated by the requesting authority or such other qualified person as the Court appoints"
<b>Brazil</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Bulgaria</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>China</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Croatia</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Czech Republic</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>France</b>	Devant un juge, un magistrat, un expert judiciaire nommé par le juge (special master) ou un autre fonctionnaire attaché au tribunal
<b>Georgia</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Germany</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Hong Kong SAR</b>	Before a Judge, Magistrate, Special Master, or other court official By a private examiner
<b>Hungary</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Israel</b>	Before a Judge, Magistrate, Special Master, or other court official Other - "Before a certified lawyer that is agreed upon by the parties, as approved by the court"

<b>Kazakhstan</b>	Other – “hearing inducted by the court”
<b>Latvia</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Lithuania</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Mexico</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Montenegro</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Netherlands</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Nicaragua</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Norway</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Poland</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Portugal</b>	Before a Judge, Magistrate, Special Master, or other court official By a judicial officer
<b>Romania</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Serbia</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>Singapore</b>	Before a Judge, Magistrate, Special Master, or other court official By a judicial officer Other – “The examination may be taken before any fit and proper person nominated by the person applying for the order or before the Registrar or before such other qualified person as the Court deems fit”
<b>Slovakia</b>	Before a Judge, Magistrate, Special Master, or other court official By a judicial officer
<b>Slovenia</b>	Before a Judge, Magistrate, Special Master, or other court official By a judicial officer
<b>Sweden</b>	Before a Judge, Magistrate, Special Master, or other court official
<b>United Kingdom</b>	Before a Judge, Magistrate, Special Master, or other court official By a private examiner
<b>United States of America</b>	Other – “U.S. Department of Justice attorneys obtain the evidence in response to a Letter of Request and formal court hearings in front of U.S. judges are not held to obtain evidence from witnesses pursuant to the Convention”
<b>Viet Nam</b>	Before a Judge, Magistrate, Special Master, or other court official Other – “There is no official hearing for taking of evidence. The appointment for taking of evidence can be held at the courthouse or other places when the witness cannot appear at the courthouse due to legitimate reasons. (Article 99 (1) Civil Procedure Code)”

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(27) Does your State require the Letter of Request to include specific questions to be used during the taking of evidence?	
<b>Argentina</b>	Yes
<b>Australia</b>	No
<b>Brazil</b>	No
<b>Bulgaria</b>	No
<b>China</b>	No
<b>Croatia</b>	No
<b>Czech Republic</b>	No
<b>France</b>	Non – “Le droit interne français n’a pas d’exigence spécifique à cet égard”
<b>Georgia</b>	Yes
<b>Germany</b>	No
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	Yes

Israel	Yes
Kazakhstan	Yes
Latvia	No
Lithuania	No
Mexico	Yes
Montenegro	Yes
Netherlands	No
Nicaragua	Yes
Norway	No
Poland	No
Portugal	No
Romania	Yes
Serbia	Yes
Singapore	Yes
Slovakia	Yes
Slovenia	No
Sweden	No
United Kingdom	No
United States of America	Yes
Viet Nam	Yes

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(28) In your State, are hearings public or private?	
Argentina	Private
Australia	Public, unless otherwise ordered by a judge
Brazil	Private
Bulgaria	Public, unless otherwise ordered by a judge
China	Public, unless otherwise ordered by a judge
Croatia	Public, unless otherwise ordered by a judge
Czech Republic	Other – “The hearings are public, unless otherwise stipulated by law, e.g. if it would endanger secret information protected by the law, trade secret, morality, important interest of a party, etc”
France	Publiques, sauf ordonnance contraire d'un juge
Georgia	Public, unless otherwise ordered by a judge
Germany	Other – “Public, unless the proceedings are such from which, as an exception, the public is excluded in Germany, for example in family matters or for the purpose of protecting minors. The judge himself may also ask certain individuals to leave the courtroom for reasons of misconduct or other current importance”
Hong Kong SAR	Private
Hungary	Public, unless otherwise ordered by a judge
Israel	Public, “unless the law or the judge orders otherwise”
Kazakhstan	Public, unless otherwise ordered by a judge
Latvia	Other
Lithuania	Public, unless otherwise ordered by a judge
Mexico	Public, unless otherwise ordered by a judge
Montenegro	Public, unless otherwise ordered by a judge

<b>Netherlands</b>	Other – “Public, unless otherwise ordered by a judge. Private in personal- and family matters, unless otherwise ordered by a judge”
<b>Nicaragua</b>	Public, unless otherwise ordered by a judge
<b>Norway</b>	Public, unless otherwise ordered by a judge
<b>Poland</b>	Public, unless otherwise ordered by a judge
<b>Portugal</b>	Public, unless otherwise ordered by a judge
<b>Romania</b>	Public, unless otherwise ordered by a judge
<b>Serbia</b>	Public, unless otherwise ordered by a judge
<b>Singapore</b>	Other – “The hearing for an examination of a witness would be held in chambers, unless the court otherwise orders. Such hearings are not conducted as a trial but only as an examination of a witness”
<b>Slovakia</b>	Public, unless otherwise ordered by a judge
<b>Slovenia</b>	Public, unless otherwise ordered by a judge
<b>Sweden</b>	Public, unless otherwise ordered by a judge
<b>United Kingdom</b>	Public, unless otherwise ordered by a judge
<b>United States of America</b>	Other – “U.S. Department of Justice attorneys obtain the evidence in response to a Letter of Request and formal court hearings in front of U.S. judges are not held to obtain evidence from witnesses. When a witness will not comply voluntarily with a Letter of Request, the evidence may be compelled pursuant to 28 U.S.C. § 1782(a). Under § 1782(a), a U.S. Department of Justice attorney is appointed commissioner by a U.S. judge solely through written briefings. In the typical proceeding, there is no hearing before a U.S. judge and U.S. judges are not directly involved in the taking of evidence pursuant to the Convention”
<b>Viet Nam</b>	Other – “As stipulated above, the appointment for taking of evidence is not a hearing. It is not considered as relevant to other person than the witness. Thus, the Civil Procedure Code does not require the judge or the court to inform relevant persons or the public to participate in the appointment”

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(29) In your State, is a witness provided with a copy of questions / matters contained in the Letter of Request in advance of a hearing?*	
<b>Argentina</b>	No
<b>Australia</b>	Yes, always
<b>Brazil</b>	No
<b>Bulgaria</b>	No
<b>China</b>	Yes, sometimes
<b>Croatia</b>	Yes, always
<b>Czech Republic</b>	No
<b>Georgia</b>	No
<b>Germany</b>	No
<b>Hong Kong SAR</b>	Yes, always
<b>Hungary</b>	No
<b>Israel</b>	Yes, sometimes
<b>Kazakhstan</b>	No
<b>Latvia</b>	Yes, sometimes
<b>Lithuania</b>	No
<b>Mexico</b>	No
<b>Montenegro</b>	No
<b>Netherlands</b>	Yes, sometimes

Nicaragua	No
Norway	No
Poland	No
Portugal	No
Romania	No
Serbia	No
Singapore	Yes, always
Slovakia	Yes, sometimes – “Exceptionally, for reasons of economic efficiency, a court may provide witness with a copy of questions and order him/her to answer the questions in writing”
Slovenia	No
Sweden	No
United Kingdom	Yes, always
United States of America	Yes, always
Viet Nam	No

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(30) In your State, what are the requirements for documents that are to be presented to a witness?	
Argentina	Any document presented to a witness must be attached to the Letter of Request
Australia	(1) Any document presented to a witness must be attached to the Letter of Request; (2) Any document presented to a witness must be approved by the authority taking evidence; Other – “Please note the above are not specific requirements in all jurisdictions, but are generally considered good practice”
Brazil	No requirements
Bulgaria	No requirements
China	(1) Any document presented to a witness must be attached to the Letter of Request; (2) Any document presented to a witness must be approved by the authority taking evidence
Croatia	No requirements
Czech Republic	Other – “There are no specific requirements for the documents other than the formalities. A witness must be informed of his rights”
France	Autre – “Le juge n’a pas l’obligation de transmettre au témoin une liste des questions/sujets faisant l’objet de la commission rogatoire, mais il n’existe pas d’interdiction pour autant. En revanche, en application de l’article 212 du code de procédure civile, ‘Les témoins ne peuvent lire aucun projet’.”
Georgia	No requirements
Germany	Any document presented to a witness must be attached to the Letter of Request; Other – “Documents presented to a witness must be either attached to the Letter of Request or must be mentioned and their content described in the Letter of Request and they must be written in or translated into German. In case of their submission, the judge is required to examine them. It depends on the individual case whether authentication or similar formality is required”

<b>Hong Kong SAR</b>	Any document presented to a witness must be attached to the Letter of Request; Other – “Any document presented to a witness shall not contain information that is in breach of the laws or regulations of the Hong Kong SAR”
<b>Hungary</b>	No requirements
<b>Israel</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Kazakhstan</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Latvia</b>	No requirements
<b>Lithuania</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Mexico</b>	(1) Any document presented to a witness must be attached to the Letter of Request (2) Any document presented to a witness must be approved by the authority taking evidence
<b>Montenegro</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Netherlands</b>	Other – “[t]he witness and the (possible) other party have to receive the documents allowing enough time to be able to prepare their statement/case. The amount of time depends on a case to case assessment”
<b>Nicaragua</b>	(1) Any document presented to a witness must be attached to the Letter of Request; (2) Any document presented to a witness must be approved by the authority taking evidence
<b>Poland</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Portugal</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Romania</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Serbia</b>	(1) Any document presented to a witness must be attached to the Letter of Request; (2) Any document presented to a witness must be approved by the authority taking evidence
<b>Singapore</b>	No requirements
<b>Slovakia</b>	(1) Any document presented to a witness must be attached to the Letter of Request; (2) Any document presented to a witness must be approved by the authority taking evidence
<b>Slovenia</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Sweden</b>	No requirements
<b>United Kingdom</b>	Any document presented to a witness must be attached to the Letter of Request
<b>United States of America</b>	Any document presented to a witness must be attached to the Letter of Request
<b>Viet Nam</b>	Other – “The judge may provide the witness the Letter of Request and other related documents (if attached). All documents including the Letter of requests must be translated into Vietnamese language. If the witness is not a

	Vietnamese citizen, in addition to the Vietnamese translation, the documents should be written or translated into the language that the witness can understand”
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(31) In your State, are documents produced by the witness during the taking of evidence authenticated by the court or authority?	
Argentina	No
Brazil	No
Bulgaria	Yes
China	No
Croatia	No
Czech Republic	No
France	Non
Georgia	Yes
Germany	No
Hong Kong SAR	No
Hungary	No
Israel	No
Kazakhstan	Yes
Latvia	No
Lithuania	Yes
Mexico	No
Montenegro	Yes
Netherlands	No
Nicaragua	Yes
Norway	No
Poland	No
Portugal	No
Romania	Yes
Serbia	No
Singapore	No
Slovakia	Yes
Slovenia	No
Sweden	No
United Kingdom	No
United States of America	No
Viet Nam	No

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(32) In your State, can representatives of the parties who attend the taking of evidence ask additional questions and / or cross examine the witness?	
Argentina	Yes
Australia	Yes – “Conditions depend on the jurisdiction and rules applicable to the requested authority”
Brazil	No
Bulgaria	Yes – “According to the provisions of the Civil Procedure Code”



<b>China</b>	No
<b>Croatia</b>	Yes – “Parties in the case can be present at the court when hearing is conducted”
<b>Czech Republic</b>	Yes – “The presiding judge, board members, participants and experts enjoy the right to ask questions gradually”
<b>France</b>	Oui – “L’article 740 du code de procédure civile dispose que « Les parties et leurs défenseurs, même s’ils sont étrangers, peuvent, sur autorisation du juge, poser des questions ; celles-ci doivent être formulées ou traduites en langue française ; il en est de même des réponses qui leur sont faites »”
<b>Georgia</b>	Yes – “The party at whose initiative the witness or the party’s representative is called shall be the first to put questions, then – the opposite party or his/her representative. The court shall decide whether or not a particular question is admissible”
<b>Germany</b>	Yes – “According to the German Code of Civil Procedure (ZPO) the parties’ right to ask questions begins pursuant to Section 397 when the court has fulfilled its duty to examine the witness. According to Section 397 (2) of the German Code of Civil Procedure (ZPO), it is primarily the parties’ lawyers who have the right to directly question witnesses. The party may also be permitted by the court to interrogate the witness directly. A limit is placed on the parties’ right to ask questions, however, when the question no longer serves the purpose of interrogation or of exhausting the subject on which evidence is to be given. Thus, for example, exploratory questioning and questions that have as their subject not the witness’s actual perceptions but his value judgements are inadmissible. Cross-examination is unknown in German civil proceedings”
<b>Hong Kong SAR</b>	Yes – “Provided that the parties’ legal representatives are legal practitioners in the Hong Kong SAR, China, except for cases involving examination by video-link or examination conducted in private premises outside the court’s precinct as the court may sanction. The relevant local law provision is Order 70 rule 4(3) of the Rules of the High Court (Chapter 4A of the Laws of the Hong Kong SAR, China)”
<b>Hungary</b>	Yes – “Provided that the judge conducting the hearing gives permission”
<b>Israel</b>	Yes
<b>Kazakhstan</b>	No
<b>Latvia</b>	Yes – “Article 105 (2., 4.) of the Civil Procedure Law states that upon a request to examine a witness, a participant in the case shall indicate what circumstances relevant to the case may be affirmed by the witness. A witness may only be questioned regarding facts relevant to the instant case”
<b>Lithuania</b>	No
<b>Mexico</b>	Yes
<b>Montenegro</b>	No
<b>Netherlands</b>	Yes
<b>Nicaragua</b>	No
<b>Norway</b>	Yes – “Unknown how this is done in the Courts”
<b>Poland</b>	No
<b>Portugal</b>	Yes
<b>Romania</b>	Yes – “The witness will first answer the questions asked by the judge, and then also the questions asked, with his approval, by the party that proposed him, as well as by the opposing party”
<b>Serbia</b>	No
<b>Singapore</b>	No

<b>Slovakia</b>	Yes – “According to §202, par. 2 of the Slovak Civil Proceedings Code, some limitations may apply. The witness may not be asked questions that lead to an answer, deceptive questions, questions not related to the subject of the proceedings or questions that would contain facts that should only be ascertained from his testimony”
<b>Slovenia</b>	Yes – “After general questions, the witness shall be ordered to tell everything known to him/her in respect of the facts on which he/she is testifying. Thereupon, the witness may be asked questions to check, complete and clarify his/hers testimony. Witnesses shall not be asked leading questions. (Art.239 of the Civil Procedure Code)”
<b>Sweden</b>	Yes – “The party or the representative of the party who has requested the witness start asking questions and then can the other party or parties or judge ask questions”
<b>United Kingdom</b>	No
<b>United States of America</b>	Yes – “In limited circumstances, where a foreign judicial authority has specifically asked for a deposition, which involves taking oral testimony with a verbatim transcript by a court reporter and has agreed to pay the cost for the use of a court reporter, representatives may attend the deposition. In such situations, the Department of Justice attorney asks the witness the questions that are provided in the Letter of Request. A representative present at the deposition from the requesting authority or representatives of the parties would only be permitted to ask clarifying or follow-up questions based on those submitted in the Letter of Request. If the U.S. Central Authority is taking the deposition by video-link, the parties’ representatives may participate in the deposition virtually”
<b>Viet Nam</b>	No

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(33) In your State, is an oath or affirmation administered to the witness before the taking of evidence?	
<b>Argentina</b>	Yes
<b>Australia</b>	Yes
<b>Brazil</b>	Yes
<b>Bulgaria</b>	Yes
<b>China</b>	Yes
<b>Croatia</b>	No
<b>Czech Republic</b>	Yes
<b>France</b>	Oui
<b>Georgia</b>	Yes
<b>Germany</b>	No
<b>Hong Kong SAR</b>	Yes
<b>Hungary</b>	No
<b>Israel</b>	Yes
<b>Kazakhstan</b>	Yes
<b>Latvia</b>	Yes
<b>Lithuania</b>	Yes
<b>Mexico</b>	Yes
<b>Montenegro</b>	Yes
<b>Netherlands</b>	Yes

Nicaragua	Yes
Norway	Yes
Poland	Yes
Portugal	Yes
Romania	Yes
Serbia	Yes
Singapore	Yes
Slovakia	No
Slovenia	Yes
Sweden	Yes
United Kingdom	Yes
United States of America	Yes
Viet Nam	Yes

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(34) In your State, can the witness be subject to further examination?	
Argentina	Yes
Australia	Yes
Brazil	Yes
Bulgaria	Yes
China	No
Croatia	No
Czech Republic	Yes
France	Oui
Georgia	Yes
Germany	Yes
Hong Kong SAR	Yes
Hungary	Yes
Israel	Yes
Kazakhstan	Yes
Latvia	Yes
Lithuania	Yes
Mexico	Yes
Montenegro	Yes
Netherlands	Yes
Nicaragua	No
Norway	Yes
Poland	Yes
Portugal	Yes
Romania	No
Serbia	Yes
Slovakia	Yes
Slovenia	Yes
Sweden	Yes
United Kingdom	Yes
United States of America	Yes
Viet Nam	Yes

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(34.1.) If the answer to Q34 above is "yes", is a second Letter of Request required?	
Australia	Yes
Brazil	Yes
Bulgaria	Yes
Czech Republic	Yes
France	Oui
Georgia	Yes
Germany	Yes
Hong Kong SAR	Yes
Hungary	Yes
Israel	No, the first Request may be re-invoked
Kazakhstan	Yes
Latvia	Yes
Lithuania	No, the first Request may be re-invoked
Mexico	Yes
Montenegro	Yes
Netherlands	Yes
Norway	No, the first Request may be re-invoked
Poland	Yes
Portugal	Yes
Serbia	No, the first Request may be re-invoked
Slovakia	Yes
Slovenia	Yes
Sweden	No, the first Request may be re-invoked
United Kingdom	Yes
United States of America	Yes
Viet Nam	Yes

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(35) Does your State have sanctions for the non-appearance of a witness?	
Argentina	Yes
Australia	Yes – "Depending on the nature of the request, some jurisdictions may issue a subpoena to require the person to give evidence. If a subpoena is issued, failure to comply may result in the witness being ordered to pay costs or fines for failing to attend. Failure to comply without a reasonable excuse could also result in a warrant being issued for the arrest of the witness for being in contempt of Court"
Brazil	Yes – "Witness may be forcefully taken to testify, and be fined regarding the costs of delaying the procedure"
Bulgaria	Yes – "The judge can impose a fine if the witness is summoned and does not appear at the hearing"
China	No
Croatia	Yes – "All sanctions for not responding to court's summons for hearing are prescribed in Civil procedure act of Republic of Croatia"
Czech Republic	Yes – "If the summoned person does not appear in the examination, the chairman of the panel may bring him or her forward by force if the person was

	previously warned and fails to appear without an excuse (§ 52 Czech Civil Procedural Code). It is also possible to fine the person for not appearing in court without any serious excuse (§ 53 Czech Civil Procedural Code)”
<b>France</b>	Oui – “L’article 207 du code de procédure civile prévoit que « Les témoins défaillants et ceux qui, sans motif légitime, refusent de déposer ou de prêter serment peuvent être condamnés à une amende civile d’un maximum de 3 000 euros. »”
<b>Georgia</b>	Yes – “A person summoned as a witness shall be obliged to appear in a court and give accurate testimony. If a witness fails to appear in a court with an inexcusable cause, he/she will be penalised. A court may order that the witness be brought to court by force. A witness who refuses to testify or gives a deliberately inaccurate testimony may be subject to criminal liability”
<b>Germany</b>	Yes – “The sanctions are provided for in Section 380 of the German Code of Civil Procedure (ZPO). The witness may be charged for the costs caused by his failure to attend. A disciplinary fine may also be imposed on him and in such case as the payment of this fine cannot be enforced, confinement for contempt of court may be imposed . In the event of a witness failing to appear in several instances the forcible production of a witness may be ordered”
<b>Hong Kong SAR</b>	Yes – “A witness who refuses or fails to comply with the order for examination may be liable to pay the costs occasioned by his refusal or failure, and committal for contempt of court. See relevant local law provision at Order 39 rule 5, as applied by Order 70 rule 4(2), of the Rules of the High Court”
<b>Hungary</b>	Yes – “See Section 272 of the Code of civil procedure: Section 272 [Coercive measures against contributors] (1) If a contributor violates his obligation without requesting excuse in advance on a valid ground, also substantiating that ground, the court a) shall oblige the contributor to reimburse the costs caused, b) may impose a fine on the contributor, c) may order the contributor’s forced appearance, d) may reduce the contributor’s remuneration, e) may inform the superior, supervisor or employer of the contributor of his omission. (2) The court may apply the coercive measures specified in paragraph (1) jointly. (3) Coercive measures shall not be applied against a minor below the age of fourteen, but paragraph (1) a) and b) may be applied against his statutory representative. (4) The court shall oblige, in an order, the person specified in the order on forced appearance to pay the costs of the forced appearance referred to in paragraph (1) c). The person obliged to pay the costs of the forced appearance may file a separate appeal against the order”.
<b>Israel</b>	Yes – “Refusal to testify in court or non-appearance can be a violation of Israeli law. Sanctions may include, under certain conditions, fine or imprisonment”
<b>Kazakhstan</b>	Yes – “[F]orced drive”
<b>Latvia</b>	Yes – “Article 109 (1., 2.) of Civil Procedure Law states that for a refusal to testify for reasons which the court has found unjustified, and for intentionally providing false testimony, a witness is liable in accordance with The Criminal Law. If a witness, without a justified cause, fails to attend pursuant to a summons by a court or a judge, the court may impose on him or her a fine of up to EUR 60 or have them brought to court by forced conveyance. But each situation is being decided individually. In addition, there must be request from Requesting Authority that our Country can apply our sanctions in this matter”
<b>Lithuania</b>	Yes – “Article 248 of the Code of civil procedure of the Republic of Lithuania: Consequences of failure to appear at the court hearing by witnesses, experts or interpreters/translators 1. In case of failure by witnesses, experts or interpreters/translators to appear at the hearing, the court shall ask for the

	opinion of the persons participating in the proceeding as to possibility to consider the case in the absence of the witnesses, experts or interpreters/translators and pass a ruling to continue or defer the case hearing. 2. If a summoned witness, expert or interpreter/translator fails to appear in the court without a relevant reason, he may be ordered a fine in the amount of one thousand litas and the witness may also be brought to the court on the basis of a court ruling”
<b>Mexico</b>	Yes
<b>Montenegro</b>	Yes – “The witness can be fined or brought under compulsion”
<b>Netherlands</b>	Yes – “[S]ee Practical Information”
<b>Nicaragua</b>	No
<b>Norway</b>	Yes – “The court can decide that a witness who does not appear, and who does not have a valid reason for not appearing, shall be brought to the same or a subsequent court meeting. Furthermore, the Court may impose a fine”
<b>Poland</b>	Yes – “According to article 274 of the Polish Code of Civil Procedure, the court shall fine the witness for an unjustified non-appearance, then it shall summon him again and, in the event of repeated non-appearance, it shall fine him again and may order him to be brought forcibly to the court”
<b>Portugal</b>	Yes – “Judicial custody or a fine”
<b>Romania</b>	Yes – “The court can issue a summon”
<b>Serbia</b>	No
<b>Singapore</b>	Yes – “If an order for the attendance and examination of a witness granted under Order 55 of the Rules of Court 2021 is breached, committal proceedings for the contempt of court can be taken out”
<b>Slovakia</b>	Yes – “According to § 102 of the Slovak Civil Proceedings Code, a court can impose a procedural fine on the person who complicates the procedure”
<b>Slovenia</b>	Yes – “The summons for the witness also state a warning as to the consequences of unjustified non-appearance (Article 241 of the Civil Procedure Code), and the right to refunding of costs (Article 242 of the civil Procedure Code). If a witness who has been duly summoned fails to appear without justifying his/hers non-appearance, or if he/she leaves the place of appearance without a permission or other justified reasons, he/she may be subjected to a compulsory appearance, ordered to pay the costs of production, and/or imposed a fine in the amount not exceeding 1.300,00 euros. If a witness appears but, being warned on the consequences, refuses to testify or to answer particular questions for reasons considered unjustified, he/she may be subject to a fine in the amount not exceeding 1.300,00 euros. if, thereupon, the witness still refuses to testify, he/she may be detained. The detention shall last until the witness becomes willing to testify or until his testimony is rendered unnecessary, but not longer than one month. (Article 241 of the Civil Procedure Code)”
<b>Sweden</b>	Yes – “[I]mposition of a conditional fine”
<b>United Kingdom</b>	Yes – “In England and Wales, if the witness does not comply, they are given a further opportunity to do so on a later specified date. If they again fail to comply they are ordered to attend before a judge who may impose a sanction for failure to comply, such as a fine or ultimately imprisonment”
<b>United States of America</b>	Yes – “In rare and limited circumstances, a witness who does not comply with the subpoena issued pursuant to 28 U.S.C. § 1782(a) could be compelled to appear before a U.S. judge and be subject to civil penalties if the witness repeatedly ignores the judge’s orders”.

<b>Viet Nam</b>	Yes – “In a case brought before Vietnamese court, the witness duly summoned by the Court but does deliberately not appear at the meeting or trial without legitimate reasons and their non-appearance obstructs the taking or verifying of the evidence or solving the case, they will be imposed administrative fine (Article 490 Civil Procedure Code 2015, entered into force on 1/7/2016, Ordinance on Administrative Sanctioning of Acts Obstructing Proceedings 2022, entered into force on 1/9/2022). However, it is unclear whether these provisions apply to the procedure of taking of evidence based on request of foreign courts”
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(36) During the past five years*, as the requested State, is your State aware of a person requested to give evidence invoking privilege?	
<b>Argentina</b>	Unknown
<b>Australia</b>	No
<b>Brazil</b>	No
<b>Bulgaria</b>	No
<b>China</b>	No
<b>Croatia</b>	Unknown
<b>Czech Republic</b>	Unknown
<b>France</b>	Non
<b>Georgia</b>	No
<b>Germany</b>	Unknown
<b>Hong Kong SAR</b>	Unknown
<b>Hungary</b>	Unknown
<b>Israel</b>	Unknown
<b>Kazakhstan</b>	Yes, under your State laws (Art. 11(a)) – “diplomatic officers”
<b>Latvia</b>	(a) Yes, under your State laws (Art. 11(a)) – “Requests where person is subject to sanctions” (b) Yes, under the law of the State of origin (Art. 11(b))
<b>Lithuania</b>	Unknown
<b>Mexico</b>	No
<b>Montenegro</b>	Unknown
<b>Netherlands</b>	Unknown
<b>Nicaragua</b>	No
<b>Norway</b>	Unknown
<b>Poland</b>	Unknown
<b>Portugal</b>	Unknown
<b>Romania</b>	No
<b>Serbia</b>	Unknown
<b>Singapore</b>	No
<b>Slovakia</b>	Unknown
<b>Slovenia</b>	Unknown
<b>Sweden</b>	Unknown
<b>United Kingdom</b>	Yes, under the law of the State of origin (Art. 11(b)) – “In a case in England and Wales, a witness has relied on privilege under US law. There may be other occasions where a witness has relied on privilege that this court has not been informed of”



<b>United States of America</b>	Yes, under the law of the State of origin (Art. 11(b)) – “Privilege under Turkish and Polish law that a witness can refuse to testify where the witness is the adult or minor child of the litigating parties. Also attorney client privilege”
<b>Viet Nam</b>	No

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(37) Does your State require interpreters in the taking of evidence to be certified?	
<b>Argentina</b>	Yes
<b>Australia</b>	Yes
<b>Brazil</b>	Yes
<b>Bulgaria</b>	Yes
<b>China</b>	No
<b>Croatia</b>	Yes
<b>Czech Republic</b>	Yes
<b>France</b>	Non
<b>Georgia</b>	Yes
<b>Germany</b>	Yes
<b>Hong Kong SAR</b>	Yes
<b>Hungary</b>	Yes
<b>Israel</b>	Yes
<b>Kazakhstan</b>	Yes
<b>Latvia</b>	No
<b>Lithuania</b>	Yes
<b>Mexico</b>	Yes
<b>Montenegro</b>	Yes
<b>Netherlands</b>	Yes
<b>Nicaragua</b>	Yes
<b>Norway</b>	No
<b>Poland</b>	Yes
<b>Portugal</b>	No
<b>Romania</b>	Yes
<b>Serbia</b>	Yes
<b>Singapore</b>	Yes
<b>Slovakia</b>	Yes
<b>Slovenia</b>	Yes
<b>Sweden</b>	Yes
<b>United Kingdom</b>	Yes
<b>United States of America</b>	No
<b>Viet Nam</b>	No

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(38) In your State, how is witness testimony transcribed?	
<b>Argentina</b>	Written and signed testimony
<b>Australia</b>	Other – “Verbatim audio/video recording as well as a verbatim written transcript”
<b>Brazil</b>	Other – “Each judicial unit responsible for taking the testimonies does it their own way. Mostly they do so by recording through video and sending back a CD.



	We have been asking them to do it in writing, in order to make it easier for the foreign authorities to translate the contents”
<b>Bulgaria</b>	Verbatim recording through written
<b>China</b>	Verbatim recording through written
<b>Croatia</b>	Summary minutes
<b>Czech Republic</b>	Other – “a) Verbatim recording through audio. b) Verbatim recording through written”
<b>France</b>	Autre – “En vertu de l’article des articles 219 et suivants du code de procédure civile, les dépositions des témoins sont consignées dans un procès-verbal daté et signé par le juge, ainsi que par le greffier qui l’a établi”
<b>Georgia</b>	Verbatim recording through audio
<b>Germany</b>	Other – “Summary minutes: a record shall be made of the taking of evidence. Further details are regulated by Sections 159 ff of the German Code of Civil Procedure (ZPO)”
<b>Hong Kong SAR</b>	Other – “Verbatim recording through written, written and signed testimony and deposition”
<b>Hungary</b>	Other – “See Section 159 of the Code of civil procedure: Section 159 [Methods of making minutes; making a continuous recording of procedural acts] (1) The court shall make minutes of the court hearings, other interviews carried out outside the hearing and other events as specified by an Act. (2) The chair shall determine the procedural acts for which a keeper of the minutes is used. (3) If a keeper of the minutes is not used, the court, with a view to recording the content of the minutes and at the same time as performing a procedural act, shall make a sound recording summarising the content of the minutes and shall produce the minutes in writing by transcribing that sound recording subsequently, with the exception specified in paragraph (4). (4) If it is requested so by any party before the commencement of a procedural act during the main hearing phase of the proceedings, the court shall order the minutes to be made by producing a continuous audio and video recording (hereinafter “continuous recording”) of the hearing, if the necessary technical means are available. The court may also order ex officio a continuous recording to be made during the main hearing phase of the proceedings. (5) If a continuous recording is made, this recording shall contain the material of the procedural act. A continuous recording certified in a manner specified by law shall be deemed minutes. If a continuous recording is made and the court uses a keeper of the minutes, a written extract of the minutes shall be produced at the time when the procedural act is performed. If a keeper of the minutes is not used, the court shall subsequently produce a written extract of the minutes on the basis of the recording. (6) A continuous recording shall record all events that take place during a procedural act without interruption, with the exceptions specified in paragraph (7). (7) The making of a continuous recording shall be interrupted for the period when the court adopts its decision on the merits of the case, and may be interrupted for the period of making any other decision. If the court interrupts a procedural act for an important reason for a short period, the continuous recording may also be interrupted for the same period. (8) If a continuous recording is made, the parties shall be informed of the time and place they may watch or listen to the recording. The provisions pertaining to the inspection and making of copies of documents shall also apply to continuous recordings. Provisions of this Act prescribing that a circumstance or statement is to be recorded or indicated in the minutes shall be construed to also mean that its continuous recording is required”

<b>Israel</b>	Other – “(a) Verbatim recording through audio. (b) Verbatim recording through written”
<b>Kazakhstan</b>	Verbatim recording through audio
<b>Latvia</b>	Other – “(a) Verbatim recording through audio. (c) Summary minutes”
<b>Lithuania</b>	Other – “A and C”
<b>Mexico</b>	Written and signed testimony
<b>Montenegro</b>	Summary minutes
<b>Netherlands</b>	Other – “[T]he court makes a record of the court session and the testimony”
<b>Nicaragua</b>	Written and signed testimony
<b>Norway</b>	Written and signed testimony
<b>Poland</b>	Written and signed testimony
<b>Portugal</b>	Verbatim recording through audio
<b>Romania</b>	Written and signed testimony
<b>Serbia</b>	Summary minutes
<b>Singapore</b>	Verbatim recording through audio
<b>Slovakia</b>	Other – “More options apply: - Verbatim recording through audio. - Verbatim recording through written. - Written and signed testimony”
<b>Slovenia</b>	Other – “The presiding judge may order the record to be drawn up by means of technical devices or written in shorthand. If a record is not drawn up in writing, the copy of the record shall be made in five days. (Article 125 of the Civil Procedure Code) The presiding judge has the right to order audio or visual recording of the hearing. The parties and other participants in the hearing are informed of any such order. (Article 125a of the Civil Procedure Code) In practice: for mutual legal cases minutes of the hearing of the witness are usually made in writing directly when hearing takes place and the witness signs such minutes”
<b>Sweden</b>	Verbatim recording through audio
<b>United Kingdom</b>	Written and signed testimony
<b>United States of America</b>	Written and signed testimony
<b>Viet Nam</b>	Other – “The formal way of obtaining witness testimony is verbatim recording through written ( Article. 99 and 98 of Civil Procedure Code). The judge asks questions and he himself or has the court clerk to write down the answer of the witness on a minute. The minute must be seen by or read to the witness and the witness must sign or put his fingerprint on the minute. The minute must have the signatures of the judge and court clerk and the seal of the court. If the minute contains several pages, each page must bear the signatures and an affixed seal at the joining edges of pages is required. If the taking of evidence is outside courthouse, it must also bear the signature of person witnessing the taking of evidence or the affirmation of ward People’s Committee or ward Police or organization where the minute was made. There is an informal way of obtaining witness testimony based on the request of foreign judicial authorities. The judge may provide the witness the questionnaires of the foreign court and the written affidavit of the witness – written and signed testimony may be accepted for this purpose”

#### IV. Use of Information Technology

(39) Does your State’s Central Authority accept Letters of Request to be transmitted electronically?

<b>Argentina</b>	Yes
<b>Australia</b>	Yes
<b>Brazil</b>	No
<b>Bulgaria</b>	No
<b>China</b>	Yes
<b>Croatia</b>	No
<b>Czech Republic</b>	No
<b>France</b>	Oui
<b>Georgia</b>	Yes
<b>Germany</b>	No
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	Yes
<b>Israel</b>	Yes
<b>Kazakhstan</b>	No
<b>Latvia</b>	Yes
<b>Lithuania</b>	Yes
<b>Mexico</b>	Yes
<b>Montenegro</b>	Yes
<b>Netherlands</b>	Yes
<b>Nicaragua</b>	Yes
<b>Norway</b>	No
<b>Poland</b>	No
<b>Portugal</b>	No
<b>Romania</b>	No
<b>Serbia</b>	Yes
<b>Singapore</b>	Yes
<b>Slovakia</b>	No
<b>Slovenia</b>	Yes
<b>Sweden</b>	Yes
<b>United Kingdom</b>	No
<b>United States of America</b>	Yes
<b>Viet Nam</b>	Yes

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(40) Does your State allow the taking of evidence by video-link under Chapter I?	
<b>Argentina</b>	Unknown
<b>Australia</b>	Yes
<b>Brazil</b>	Yes
<b>Bulgaria</b>	Unknown
<b>China</b>	No
<b>Croatia</b>	Yes
<b>Czech Republic</b>	Yes
<b>France</b>	Oui
<b>Georgia</b>	Yes
<b>Germany</b>	No
<b>Hong Kong SAR</b>	Yes
<b>Hungary</b>	Yes
<b>Israel</b>	Yes

<b>Kazakhstan</b>	Yes
<b>Latvia</b>	Yes
<b>Lithuania</b>	No
<b>Mexico</b>	Yes
<b>Montenegro</b>	Yes
<b>Netherlands</b>	Yes
<b>Nicaragua</b>	Yes
<b>Norway</b>	Yes
<b>Poland</b>	Yes
<b>Portugal</b>	Yes
<b>Romania</b>	Yes
<b>Serbia</b>	Unknown
<b>Singapore</b>	No
<b>Slovakia</b>	Yes
<b>Slovenia</b>	Yes
<b>Sweden</b>	Yes
<b>United Kingdom</b>	Yes
<b>United States of America</b>	No
<b>Viet Nam</b>	Yes

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(41) Does your State allow the taking of evidence by video-link under Chapter II?	
<b>Argentina</b>	Not applicable
<b>Australia</b>	No
<b>Brazil</b>	Not applicable
<b>Bulgaria</b>	No
<b>China</b>	Not applicable
<b>Croatia</b>	Not applicable
<b>Czech Republic</b>	Not applicable
<b>France</b>	Oui
<b>Georgia</b>	Yes
<b>Germany</b>	Yes
<b>Hong Kong SAR</b>	Unknown
<b>Hungary</b>	Yes
<b>Israel</b>	No
<b>Kazakhstan</b>	No
<b>Latvia</b>	Unknown
<b>Lithuania</b>	Yes
<b>Mexico</b>	No
<b>Montenegro</b>	No
<b>Netherlands</b>	Unknown
<b>Nicaragua</b>	Not applicable
<b>Norway</b>	Yes
<b>Poland</b>	Yes
<b>Portugal</b>	Yes
<b>Romania</b>	No
<b>Serbia</b>	Unknown
<b>Singapore</b>	Not applicable

<b>Slovakia</b>	Yes
<b>Slovenia</b>	Unknown
<b>Sweden</b>	Yes
<b>United Kingdom</b>	Yes
<b>United States of America</b>	Yes
<b>Viet Nam</b>	Not applicable

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<b>(42) Does your State use the Model Form for video-link evidence?</b>	
<b>Argentina</b>	No
<b>Australia</b>	No
<b>Brazil</b>	No
<b>Bulgaria</b>	No
<b>China</b>	No
<b>Croatia</b>	No
<b>Czech Republic</b>	Yes
<b>France</b>	Oui
<b>Georgia</b>	Yes
<b>Germany</b>	No
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	No
<b>Israel</b>	Yes
<b>Kazakhstan</b>	Yes
<b>Latvia</b>	No
<b>Lithuania</b>	Yes
<b>Mexico</b>	No
<b>Montenegro</b>	No
<b>Nicaragua</b>	No
<b>Norway</b>	No
<b>Poland</b>	Yes
<b>Portugal</b>	No
<b>Romania</b>	Yes
<b>Serbia</b>	Yes
<b>Singapore</b>	No
<b>Slovakia</b>	No
<b>Slovenia</b>	Yes
<b>Sweden</b>	Yes
<b>United Kingdom</b>	Yes
<b>United States of America</b>	Yes
<b>Viet Nam</b>	No

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<b>(43) What challenges has your State faced regarding the use of information technology under the Evidence Convention?</b>	
<b>Argentina</b>	(1) Internal law limitations; (2) Judicial or administrative structures;

	(3) Implementations challenges (e.g. lack of resources, lack of infrastructure); (4) Security concerns.
<b>Australia</b>	None
<b>Brazil</b>	None
<b>Bulgaria</b>	(1) Judicial or administrative structures; (2) Implementation challenges (e.g., lack of resources, lack of infrastructure); (3) System interoperability / compatibility
<b>China</b>	Internal law limitations
<b>Croatia</b>	None
<b>Czech Republic</b>	(1) Judicial or administrative structures (2) Implementation challenges (e.g., lack of resources, lack of infrastructure); (3) System interoperability / compatibility; Other - "Time zone difference"
<b>France</b>	(1) Difficultés liées à la mise en œuvre (par ex., le manque de ressources, le manque d'infrastructures) ; (2) Interopérabilité / compatibilité des systèmes
<b>Georgia</b>	None
<b>Germany</b>	(1) Internal law limitations; (2) Judicial or administrative structures; (3) Implementations challenges (e.g. lack of resources, lack of infrastructure); (4) System interoperability / compatibility; (5) Security concerns
<b>Hong Kong SAR</b>	Other
<b>Hungary</b>	Implementation challenges (e.g., lack of resources, lack of infrastructure)
<b>Israel</b>	None
<b>Kazakhstan</b>	Internal law limitations
<b>Latvia</b>	System interoperability / compatibility
<b>Lithuania</b>	(1) Implementation challenges (e.g., lack of resources, lack of infrastructure); (2) Cost; (3) System interoperability / compatibility
<b>Mexico</b>	(1) Internal law limitations (2) Implementation challenges (e.g., lack of resources, lack of infrastructure)
<b>Montenegro</b>	Implementation challenges (e.g., lack of resources, lack of infrastructure)
<b>Netherlands</b>	None
<b>Nicaragua</b>	(1) Implementation challenges (e.g., lack of resources, lack of infrastructure); (2) Cost
<b>Norway</b>	Internal law limitations
<b>Poland</b>	(1) Judicial or administrative structures; (2) Implementation challenges (e.g., lack of resources, lack of infrastructure) (3) System interoperability / compatibility; (3) Security concerns
<b>Portugal</b>	(1) System interoperability / compatibility; (2) Security concerns
<b>Romania</b>	None
<b>Serbia</b>	(1) Implementation challenges (e.g., lack of resources, lack of infrastructure); (2) Cost
<b>Singapore</b>	None
<b>Slovakia</b>	(1) Implementation challenges (e.g. lack of resources, lack of infrastructure); (2) System interoperability / compatibility; Security concerns
<b>Slovenia</b>	(1) Judicial or administrative structures;

	(2) Implementation challenges (e.g., lack of resources, lack of infrastructure); (3) System interoperability / compatibility; (4) Security concerns
<b>Sweden</b>	None
<b>United Kingdom</b>	None
<b>United States of America</b>	Other – “Files providing the requested evidence or initial Letters of Request are too large to transmit electronically by email and there is no alternative way to transmit files electronically”
<b>Viet Nam</b>	(1) Internal law limitations; (2) Implementation challenges (e.g., lack of resources, lack of infrastructure); (3) Cost; (4) System interoperability / compatibility (5) Security concerns

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(44) Has your State adopted any new information technology measures to facilitate the operation of the Evidence Convention, particularly in response to the COVID 19 pandemic?	
<b>Argentina</b>	Yes
<b>Australia</b>	Yes – “Increasing acceptance of requests received electronically; in urgent cases transmitting requests electronically between the Central Authority and relevant Australian jurisdiction; clarification that Australian jurisdictions do not object to the use of video-link to take evidence for foreign proceedings from a willing witness; encouraging electronic means of communication with foreign authorities”
<b>Brazil</b>	Yes – “Among the measures adopted by courts (not specifically adopted to facilitate to the operation of the Convention, but that end up helping it) are the notification of parties via email or WhatsApp and the widespread use of online hearings (video conference using Zoom, Teams, Google Meets, etc.)”
<b>Bulgaria</b>	No
<b>China</b>	Yes – “We have established a system: <a href="#">link</a> ”
<b>Croatia</b>	No
<b>Czech Republic</b>	Yes – “For the time being, the Czech Republic does not use an electronic way for transmission of requests. However, the electronic path is used for any other communication”
<b>France</b>	Non
<b>Georgia</b>	Yes – “Electronic means of communication between the authorities of the State were improved”
<b>Germany</b>	No
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	No
<b>Israel</b>	Yes – “Since the Covid-19 pandemic, Israel’s Central Authority accepts incoming requests via e-mail”
<b>Kazakhstan</b>	Yes – “[E]veryone worked from home and one officer worked from the office”
<b>Latvia</b>	No
<b>Lithuania</b>	No
<b>Mexico</b>	No
<b>Montenegro</b>	No



<b>Netherlands</b>	Yes – “During Covid 19 hearings by videolink have been made possible in a Covic-law. These possibilities are now used with the consent of all parties an will receive a legal basis in the future in cases where not all parties agree”
<b>Nicaragua</b>	Yes
<b>Norway</b>	No
<b>Poland</b>	No
<b>Portugal</b>	Yes – “The use of information technology other than video conferencing”
<b>Serbia</b>	No
<b>Singapore</b>	No
<b>Slovakia</b>	Yes – “We refer to the relevant part of the European Union reply”
<b>Slovenia</b>	Yes – “[T]here was more teleworking for all Judicial Authorities and Public Authorities, more information can be found here: <a href="#">link</a> ”
<b>Sweden</b>	Yes – “Please see response of the EU”
<b>United Kingdom</b>	Yes – “Evidence can be given by video link from the witness’s own device, provided that the witness is giving evidence voluntarily”
<b>United States of America</b>	Yes – “During the COVID-19 pandemic, the U.S. Central Authority shifted the majority of its processes online and relied mostly on electronic transmission of Letters of Request, correspondence, and documents. The U.S. Central Authority strongly encourages electronic submission of Letters of Request from foreign judicial authorities. When a Request is received by email, receipt of the Request is acknowledged solely by email. Upon execution of the Request, evidence obtained is transmitted electronically by email (so long the file size permits email transmittal) and by FedEx. When possible, Requests are transmitted electronically to witnesses, and the U.S. Central Authority asks that evidence be returned by email to facilitate expeditious handling of Requests. If Requests are executed with the assistance of U.S. Attorney’s Offices (USAO), the Request is referred to the USAO electronically. In addition, the U.S. Central Authority introduced a tracking feature to its internal database to account for Requests received by email”
<b>Viet Nam</b>	Yes – “The Central Authority of Viet Nam can accept the Letter of Request sent via official emails of the foreign Central Authorities rather than the paper Request”

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(45) In your State’s opinion, what topics could the PB explore further (e.g., for the purposes of training, seminars, or conferences) in relation to the use of information technology under the Evidence Convention?

<b>Australia</b>	“Australia appreciates the work done by the PB to promote the use of video-link under the Evidence Convention, but we would also be interested in other ways that technology might facilitate the execution of requests”
<b>Brazil</b>	“We think the first and foremost measure in that realm would be to exhort contracting parties to accept electronic transmission of requests to begin with. Measures to facilitate the use of evidence in the requesting state (e.g. sending the testimonies in writing to facilitate translation) should also be encouraged”
<b>China</b>	“It is recommended that legislation and practice on issues related to obtaining evidence by video means be extensively collected by contracting States and more seminars relating to the use of technology in evidence-taking”
<b>Georgia</b>	“We do not have such suggestions so far”
<b>Germany</b>	“Trainings and seminars (online) as well as guidance on how to use information technology are considered as useful tools for practitioners”

<b>Israel</b>	“Based on Covid-19 experiences, the PB should consider initiating a discussion on the question of voluntary taking of evidence by video-link without the need to receive approval from the State where the witness is located”
<b>Kazakhstan</b>	“[W]e need experience exchange with other countries, such as Turkey, China and Germany. we have some challenges during the article 39 of the Convention, for example, there is no information that the UK recognized our state”
<b>Latvia</b>	“We support all the topics”
<b>Lithuania</b>	“Challenges arising from differences between common law and continental law systems (e. g. private v. public hearing)”
<b>Mexico</b>	“Share experiences of other states who have been using technology in the relief of evidence”
<b>Montenegro</b>	“No suggestions”
<b>Nicaragua</b>	“Provide or have a common platform with the contracting countries, for questions or feedback”
<b>Poland</b>	“Identification of the programs and IT systems used by the executing authorities”
<b>Portugal</b>	“To update the information about the acceptance of video conferencing, and gather information if the states oppose for the direct taking of evidence without prior request, if no intervention of the competent authority is needed (voluntary taking of evidence)”
<b>Singapore</b>	“(1) Acceptance of letters of request transmitted electronically, without the need for hard copies. (2) Dispensing with the requirements for prior permission for the taking of voluntary evidence by the requesting State via video-link from a witness in the requested State”
<b>Slovenia</b>	“[T]aking evidence via video-link, interoperability of systems, new information technologies”
<b>Sweden</b>	None
<b>United Kingdom</b>	“England and Wales would like encouragement to contracting states to permit direct video link evidence given by witnesses voluntarily to be permitted without requiring a letter of request. This is because it often takes a long time for most contracting states to respond to a letter of request, so that it is often not possible to obtain agreement from a contracting state before trial”
<b>United States of America</b>	“Promoting a shift to a purely electronic procedure for the entirety of the process for executing Letters of Request, starting with a focus on electronic transmission of Letters of Request. Switching the Practical Information pages to a portal that allows Central Authorities to directly update and edit their information”
<b>Viet Nam</b>	“Legal value/ Legitimacy of the evidence taken by the use of information technology under the Evidence Convention”

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(46) In your State’s opinion, what further work could the PB do on the use of information technology under the Evidence Convention?	
<b>Argentina</b>	None
<b>Australia</b>	Other – “Australia would welcome additional guidance on developments in relation to digital evidence and good practices around transmitting and retaining large amounts of data electronically”
<b>Brazil</b>	Other – “See above”
<b>Bulgaria</b>	None

<b>China</b>	None
<b>Czech Republic</b>	None
<b>France</b>	Autre - "A l'instar du tableau récapitulatif réalisé pour le chapitre II de la convention, il pourrait être envisagé de créer un tableau récapitulatif recensant les Etats ayant déclaré qu'il est possible d'utiliser la convention pour la liaison vidéo et les modalités pratiques prévues dans le droit de l'Etat requis"
<b>Georgia</b>	Other - "Development of a Guide to Good Practice"
<b>Germany</b>	None
<b>Hong Kong SAR</b>	None
<b>Hungary</b>	None
<b>Israel</b>	Other - "Based on Covid-19 experiences, the PB should consider initiating a discussion on the question of voluntary taking of evidence by video-link without the need to receive approval from the State where the witness is located"
<b>Kazakhstan</b>	None
<b>Latvia</b>	None
<b>Lithuania</b>	Other - "Training, seminars"
<b>Mexico</b>	None
<b>Montenegro</b>	None
<b>Netherlands</b>	None
<b>Nicaragua</b>	None
<b>Poland</b>	None
<b>Portugal</b>	None
<b>Serbia</b>	None
<b>Singapore</b>	Other - "There could be further work, depending on the outcome of exploratory studies of the topics referred to above at Q45"
<b>Slovakia</b>	None
<b>Slovenia</b>	Other - "[H]ow to promote use of new technologies (taking of evidence takes less time if conducted in such manner); how to ensure security if evidence is taken via video-link"
<b>Sweden</b>	None
<b>United Kingdom</b>	Other - "See answer to Q 46"
<b>United States of America</b>	Other - "Continue to encourage electronic transmission of Letters of Request and continue to encourage all contracting states to complete the Questionnaire on Taking of Evidence by Video-link"
<b>Viet Nam</b>	Other - "Model Law on taking of evidence abroad via videoconference"

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<b>(47) In addition to the Evidence Convention, is your State party to any bilateral, regional, or multilateral agreements that provide rules for the taking of evidence abroad?</b>	
<b>Argentina</b>	Yes - "Cooperation and Judicial Assistance Agreement in civil, commercial, labor and administrative matters of Mercosur"
<b>Australia</b>	Yes - "Bilateral treaties with New Zealand, the Kingdom of Thailand, and the Republic Korea. Australia is also a party to a number of bilateral treaties between the UK and some European countries. These treaties were then extended to Australia due to its place in the Commonwealth of Nations"
<b>Brazil</b>	"Yes, there are many of them. Most commonly used are the Interamerican Convention on Rogatory Letters, the Mercosur 1992 and 2002 Agreements, and bilateral treaties with China, Costa Rica, France, Italy and Spain. The Hague 2007 Convention is also used for that matter sometimes, through requests for

	<p>specific measures (usually to obtain a person’s address or financial/assets information)”</p>
<p><b>Bulgaria</b></p>	<p>Yes – “Within the EU, the matter is governed by the Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast); -Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Azerbaijan (Sofia, 29 June 1995; EIF 26 September 1997) - Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Albania (Sofia, 17 November 2003; EIF: 19 January 2006) - Treaty on judicial and legal assistance in civil, commercial, family and criminal matters between the People’s Republic of Bulgaria and the People’s Democratic Republic of Algeria (Algeria, 20 December 1975; EIF: 1 April 1985) - Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Armenia (Sofia, 10 April 1995; EIF: 7 December 1997) - Treaty on legal assistance in civil, family and criminal matters between the People’s Republic of Bulgaria and the Socialist Republic of Vietnam; (Sofia, 3 October 1986; EIF: 5 July1987) - Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Georgia (Sofia, 19 January 1995; EIF: 6 June 1996) - Treaty between the People’s Republic of Bulgaria and the People’s Democratic Republic of Yemen on legal assistance in civil and criminal matters; (Sofia, 13 May 1988; EIF: 22 January1989) - Treaty between the Republic of Bulgaria and the People’s Republic of China on judicial assistance in civil matters; (Beijing, 2 June 1993; EIF: 30 June 1995) - Treaty between the People’s Republic of Bulgaria and the Democratic People’s Republic of Korea on rendering of mutual legal assistance in civil, family and criminal matters (Pyongyang, 17 May 1989; EIF: 15 February1990) - Treaty between the People’s Republic of Bulgaria and the State of Kuwait on legal and judicial assistance in civil and criminal matters; (Kuwait, 26 December 1988; EIF: 6 July 1989) - Treaty between the People’s Republic of Bulgaria and the Republic of Cuba on legal in civil, family and criminal matters (Havana, 11 April 1979; EIF: 25 July1980) - Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon on legal assistance in civil matters (Beirut, 20 March 2001; EIF: 10 April 2004) - Treaty between the People’s Republic of Bulgaria and the Socialist People’s Libyan Arab Jamahiriya on legal assistance (Tripoliq, 8 March 1984; EIF: 5 August 1985) - Treaty on legal assistance in civil matters between the Republic of Bulgaria and the Republic of Macedonia; (Skopje, 15 May 2000; EIF: 7 April 2002) - Treaty the People’s Republic of Bulgaria and the People’s Republic of Mongolia on rendering of mutual legal assistance in civil, family and criminal matters; (Sofia, 27 November 1968; EIF: 10 April 1969) - Treaty between the People’s Republic of Bulgaria and the Syrian Arab Republic on legal assistance in family, civil and criminal matters; (Damascus, 16 August 1976; EIF: 5 December 1977) - Treaty between the People’s Republic of Bulgaria and the Union of Soviet Socialist Republics on legal assistance in civil, family and criminal matters; (Moscow, 19 February 1975; EIF: 18 January 1976) - Treaty between the People’s Republic of Bulgaria and the Federal People’s Republic of Yugoslavia on mutual legal assistance (Sofia, 23 March 1956; EIF: 26 January 1957) - Treaty on legal assistance in civil and criminal matters between the People’s Republic of Bulgaria and the Republic of Turkey (Ankara, 2 September 1975; EIF: 27 October 1978) - Treaty on legal assistance in civil matters between the Republic</p>

	of Bulgaria and the Ukraine (Kiev, 21 May 2004; EIF: 29 December 2005) - Treaty between the Republic of Bulgaria and the Republic of Uzbekistan on legal assistance in civil matters. (Sofia, 24 November 2003; EIF: 11 November 2004) - Treaty between the Republic of Bulgaria and the Republic of Belarus on legal assistance in civil matters”
<b>China</b>	“Yes – Bilateral MLA treaties in civil and commercial matters with foreign countries”
<b>Croatia</b>	Yes
<b>Czech Republic</b>	“Yes - • bilateral agreements on legal aid in civil matters • the Convention of 1 March 1954 on Civil Procedure • the Vienna Convention on Consular Relations from 1963 • the Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence)”
<b>France</b>	<p>“Oui - - Des accords additionnels à la Convention du premier mars 1954 ont été conclus avec : Allemagne (1961), Autriche (1979), Bosnie (1969), Croatie (1969), L'ex-République yougoslave de Macédoine (1969), Pologne (1967), Serbie (1969), Slovénie (1969).</p> <p>- Conventions bilatérales d'entraide judiciaire: Algérie (1962), Australie (1922), Bahamas (1922), Belgique (1956), Bénin (1975), Brésil (1996), Bulgarie (1989), Burkina Faso (1961), Cameroun (1974), Canada (1922 et Entente franco-québécoise du 9 septembre 1977), Chine (1987), Congo, Côte d'Ivoire (1961), Djibouti (1986), Égypte (1982), Émirats arabes unis (1991), Fédération de Russie (1936), Gabon (1963), Hongrie, Italie (1955), Lituanie (1928), Luxembourg (1870), Madagascar (1973), Mali (1962), Maroc (1957), Mauritanie (1961), Monaco (1949), Mongolie (1994), Niger (1977), Nouvelle-Zélande (1922), République centrafricaine (1965), République démocratique populaire lao (1956), République tchèque (1984), République-Unie de Tanzanie (1922), Roumanie (1974), Saint-Marin (1967), Sénégal (1974), Slovaquie (1984), Suisse (1913), Tchad (1976), Togo ( 1976), Tunisie (1972), Uruguay (1991), Vietnam (1999).</p> <p>Depuis le 1er juillet 2022, le règlement (UE) 2020/1783 du 25 novembre 2020 relatif à la coopération entre les juridictions des États membres dans le domaine de l'obtention des preuves en matière civile ou commerciale (obtention des preuves) (refonte), qui remplace le règlement (CE) n° 1206/2001 du Conseil du 28 mai 2001 relatif à la coopération entre les juridictions des États membres dans le domaine de l'obtention des preuves en matière civile ou commerciale”</p>
<b>Georgia</b>	“Yes - Multilateral Agreement: Convention on Mutual Assistance and Legal Relations in Civil Family and Criminal Matters from 1993 Bilateral Agreements: Agreement between Georgia and the Republic of Turkey on Mutual Assistance in Civil, Commercial and Criminal Matters from 1996; Agreement between Georgia and the Hellenic Republic on Judicial Assistance in Civil and Criminal Matters from 1999; Agreement between Georgia and the Republic of Bulgaria on Legal Assistance on Civil Matters from 1995; Agreement between Georgia and Ukraine on Mutual Assistance and Legal Relations on Criminal and Civil Matters from 1995; Agreement between Georgia and the Republic of Azerbaijan on Mutual Assistance and Legal Relations in Civil Family and Criminal Matters from 1996; Agreement between Georgia and the Republic of Armenia on Legal Assistance in Civil Matters from 1996; Agreement between Georgia and Turkmenistan on Legal Assistance in Civil and Criminal Matters



	from 1996; Agreement between Georgia and the Republic of Kazakhstan on Mutual Assistance in Civil and Criminal Matters from 1996; Agreement between Georgia and Uzbekistan Mutual Assistance and Legal Relations in Civil Family and Criminal Matters from 1996; Treaty between Czechoslovak Socialist Republic and the Union of Soviet Socialist Republics on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters from 1982 (remains valid in mutual relations between Georgia and the Czech Republic); Treaty between the Republic of Cyprus and the Union of Socialist Republics on Legal Assistance in Civil and Criminal Matters from 1984 (remains valid in mutual relations between Georgia and the Republic of Cyprus)”
<b>Germany</b>	“Yes - 1. Supplementary agreements to the Hague Convention of 17 July 1905 and/or of 1 March 1954 were concluded with: Norway (1977) and Switzerland (1910). 2. Bilateral conventions on judicial co-operation: United Kingdom (1928) which now also applies to States other than the United Kingdom e.g., Australia, the Bahamas, Canada, Malaysia and New Zealand; Morocco (1985), Tunisia (1966). 3. Within the EU, Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters has been replaced by Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast). An answer to this question is also given by the European Union”
<b>Hong Kong SAR</b>	No
<b>Hungary</b>	“Yes - Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast) - Bilateral conventions on judicial co-operation: Albania, Algeria, Australia, Belarus, Bosnia and Herzegovina, Canada, China, Croatia, Cuba, Democratic People’s Republic of Korea, Egypt, Fiji, Kenya, Kosovo, Lesotho, Mongolia, New Zealand, Northern Macedonia, Russian Federation, Syria, Tonga, Tunisia, Turkey, Ukraine, and Viet Nam”
<b>Israel</b>	“Yes - Bilateral treaty between Isreal and Austria for the implementation of the 1954 Convention on civil procedure (signed on 21.7.75, entered into force on 22.6.82)”
<b>Kazakhstan</b>	“Yes, Minsk and Kishinev Conventions and bilateral agreements with Pakistan, China, Turkey and others”
<b>Latvia</b>	Yes
<b>Lithuania</b>	“Yes - Bilateral conventions on judicial co-operation: Armenia, Azerbaijan, Belarus, China, Estonia, Kazakhstan, Poland, Republic of Moldova, the Russian Federation, Türkiye, Ukraine, Uzbekistan. EU Evidence Regulation 2020/1783 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast)”
<b>Mexico</b>	Yes
<b>Montenegro</b>	“Yes – Evidence is processed in accordance with the national legislation of the contracting parties”
<b>Netherlands</b>	“Yes - Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 november 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast)”
<b>Nicaragua</b>	No

<b>Norway</b>	“Yes - Agreement between Norway and Austria on simplification of legal aid pursuant to the Agreement on Civil Procedure of 01-03-1954 - Agreement between Norway and Germany on further simplification of mutual legal assistance following the Agreement on Civil Procedure of 01-03-1954 - Agreement between Norway and the United Kingdom regarding legal proceedings in civil and commercial matters 30-01-1931”
<b>Poland</b>	“Yes - Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. Bilateral conventions on judicial co-operation: Australia, Belarus, Bulgaria, China, Cyprus, Czech Republic, Estonia, Finland, France, Latvia, Lithuania, Germany, Romania, Russian Federation, Slovakia, Slovenia and Ukraine”
<b>Portugal</b>	“Yes - Bilateral agreements with Angola; Mozambique; Cape Verde; São Tomé and Príncipe; Guinea-Bissau; Algeria; Regulation 2020/1783”
<b>Serbia</b>	No
<b>Singapore</b>	“Yes - 1. Agreement between the Federal Republic of Germany and the Republic of Singapore on the Continued Application of the Convention between the United Kingdom and Germany regarding Legal Proceedings in Civil and Commercial Matters 2. Agreement between the Republic of Austria and the Republic of Singapore on the Continued Application of the Convention between the Republic of Austria and United Kingdom regarding Legal Proceedings in Civil and Commercial Matters 3. Agreement between the Republic of Italy and the Republic of Singapore on the Continued Application of the Convention between the United Kingdom and Italy regarding Legal Proceedings in Civil and Commercial Matters 4. Treaty on Judicial Assistance in Civil and Commercial Matters between the Republic of Singapore and the People’s Republic of China”
<b>Slovakia</b>	Yes – “We refer to the relevant part of the European Union reply”
<b>Slovenia</b>	“Yes - Regulation (EU) 2020/1783 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence)(recast) Several bilateral agreements on judicial co-operation: Bosnia and Herzegovina (21 September 2009); Croatia (7 February 1994); Republic of North Macedonia (6 February 1996); ; Russian federation (24 February 1962); Turkey (3 July 1934); United Kingdom (27 February 1936 - applicability extended to Australia, the Bahamas, Barbados, Bermuda, Borneo, Sri Lanka, Honduras, Fiji, Falkland Islands, Gambia, Gibraltar, Hong Kong, Jamaica, Canada, Kenya, Malta, Mauritius, Nigeria, Papua New Guinea, New Zealand, Uganda, Tonga, Somalia, Seychelles)”
<b>Sweden</b>	“Yes - EU Regulation 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil och commercial matters - The Nordic agreement on mutual legal assistance for service and taking of evidence”
<b>United Kingdom</b>	Yes
<b>United States of America</b>	“Yes - Bilateral Consular Conventions: <a href="https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/intl-treaties/Bilateral-Consular-Conventions.html">https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/intl-treaties/Bilateral-Consular-Conventions.html</a> ”
<b>Viet Nam</b>	“Yes - Viet Nam has signed 18 bilateral Agreements on mutual legal assistance in civil matters with the following countries: Slovensko - Czech and Slovakia succeed (12 October 1982); Cuba (30 November 1984); Bulgaria (03 October 1986); Poland (22 March 1993); Lao PDR (06 July 1998 - newly signed on



	11/1/2023 –not yet into force); Russia (25 August 1998); People’s Republic of China (19 October 1998); France (24 February 1999); Ukraine (06 April 2000); Mongolia(17 April 2000); Belarus (14 September 2000); North Korea (3 May 2002); Chinese Taipei (12 April 2010); Kazakhstan (31 October 2011); Kingdom of Cambodia (21 January 2013); Hungary (10 September 2018), Thailand (16 November 2022 – not yet into force)”
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(47.1) Do any of these agreements provide for the use of electronic means to assist in the taking of evidence (e.g., video-link)?	
<b>Australia</b>	Yes – “Although they do not expressly provide for the use of electronic means, there is also nothing to prohibit their use”
<b>Brazil</b>	Yes – “They do not mention it specifically, but do not preclude it either”
<b>Bulgaria</b>	Yes – “The Taking of Evidence Recast Regulation and its implementing Regulation oblige Member States to start using a decentralised IT system for transmission of requests and communication related to the taking of evidence at the latest by 1 May 2025”
<b>China</b>	No
<b>Croatia</b>	Yes
<b>Czech Republic</b>	Yes – “As regards the Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence), see the coordinated answer of the EU. As regards the other bilateral or multilateral agreements stated above, these agreements do not provide for the use of electronic means explicitly, but in our opinion, they can be considered technology neutral as to the means of communication”
<b>France</b>	Oui – “Le règlement (UE) 2020/1783 du 25 novembre 2020 relatif à la coopération entre les juridictions des États membres dans le domaine de l’obtention des preuves en matière civile ou commerciale (obtention des preuves) (refonte)”
<b>Georgia</b>	No
<b>Germany</b>	Yes – “Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence). An answer to this question is also given by the European Union”
<b>Hungary</b>	No
<b>Israel</b>	No
<b>Kazakhstan</b>	No
<b>Latvia</b>	Yes – “Use of electronic means is not specifically provided, but it is not prohibited either”
<b>Lithuania</b>	Yes – “EU Evidence Regulation 2020/1783”
<b>Mexico</b>	No
<b>Montenegro</b>	No
<b>Netherlands</b>	Yes
<b>Norway</b>	No
<b>Poland</b>	No
<b>Portugal</b>	Yes – “Regulation 2020/1783”
<b>Slovakia</b>	Yes – “We refer to the relevant part of the European Union reply”
<b>Slovenia</b>	Yes – “[U]se of decentralised IT system in accordance with the Regulation (EU) 2020/1783 on cooperation between the courts of the Member States in the

	taking of evidence in civil or commercial matters (taking of evidence)(recast) (applicable from May 1, 2025)”
<b>Sweden</b>	Yes – “Please see EU’s response on question 44”
<b>United States of America</b>	No
<b>Viet Nam</b>	No

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(47.2) If yes, what electronic means or information technology does your State use in the taking of evidence?	
<b>Australia</b>	(1) Electronic transmission via online platform administered by the government; (2) Video conference
<b>Brazil</b>	(1) Video conference; (2) Other – “All the Brazilian Federal Justice courts use electronic proceedings, and many of the state courts too, so it is very common that the providers of the evidence send it through electronic platforms/systems (when providing documents, for example)”
<b>Bulgaria</b>	(1) Electronic transmission via online platform administered by the government; (2) Video conference
<b>Croatia</b>	(1) Electronic transmission via online platform administered by the government; (2) Video conference
<b>Czech Republic</b>	(1) Electronic transmission via online platform administered by the government; (2) Video conference; Other – “Within the EU, as regards the Regulation EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence), see the coordinated answer of the EU”
<b>France</b>	(1) Transmission électronique via une plateforme en ligne administrée par le gouvernement ; (2) Vidéo conférence
<b>Germany</b>	Video conference; Other – “An answer to this question is given by the European Union”
<b>Latvia</b>	Video conference
<b>Lithuania</b>	Video conference
<b>Portugal</b>	Video conference
<b>Slovakia</b>	(1) Electronic transmission via online platform administered by the government; (2) Video conference; Other – “We refer to the relevant part of the European Union reply”
<b>Slovenia</b>	(1) Electronic transmission via online platform administered by the government; (2) Video conference
<b>Sweden</b>	(1) Electronic transmission via online platform administered by the government; (2) Video conference;

	Other - "Please see EU's response on question 44"
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