

QUESTIONNAIRE ON THE USE OF INFORMATION TECHNOLOGY IN THE OPERATION OF THE EVIDENCE CONVENTION

Objectives of the Questionnaire

As its March 2019 meeting, the Council on General Affairs and Policy of the HCCH mandated the Permanent Bureau (PB) to conduct work with respect to the development of an electronic system to support and improve the operation of both the *HCCH Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (Service Convention) and the *HCCH Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention).

This Questionnaire is being circulated with a view to preparing an update for the Council at its 2020 meeting. As mandated by Council in the Conclusion & Recommendation No 40, the update will address the following issues: whether and how information technology would support and improve the operation of the Convention; current practices on the electronic transmission of requests under the Convention; legal and technological barriers to such transmission and how best to address these; and how a possible international system for electronic transmission would be financed.

The objective of this Questionnaire is therefore to collect information from Contracting Parties to the Evidence Convention relating to current laws and practices, as well as legal and technical challenges.

Instructions for completion

This Questionnaire is being sent to Central Authorities of Contracting Parties to the Evidence Convention, as well as National and Contact Organs of Members of the HCCH. For Members, National Organs are invited to coordinate with Central Authorities, if applicable. Central Authorities are also asked to coordinate as appropriate with other competent authorities. For Contracting Parties to the Convention which are not HCCH Members, Central Authorities are ultimately responsible for submitting the completed Questionnaire to the PB.

We kindly request that responses to this Questionnaire are completed at this link no later than **Friday 29 November 2019, 5.00 p.m. CET**.

This questionnaire is divided into three Parts:

Part 1 relates to the use of information technology under the Evidence Convention;

Part 2 relates to statistical information in relation to the taking of evidence abroad under both the Convention and other methods/instruments;

Part 3 relates to the Practical Information and Country Profile provided on the HCCH website, including contact details for the relevant authorities under the Evidence Convention.

States are invited to complete as many Parts of the questionnaire as possible. Even where Your State is not a Contracting Party to the Convention, you are invited to complete as much of the questionnaire as possible (e.g. Part 2), with the data available.

For your information, where a question requires an answer that is an estimated percentage, please round your estimate down. Where a question requires specific data for a given year or category, please answer providing as much data as is available, even if incomplete.

In this questionnaire, reference is made to the following terms, as defined below:

Distributed ledger technology (DLT): A database held by participants (or nodes) in a decentralised network, where transactions and records are processed, saved and replicated by each node independently and shared with the other nodes, seeking to validate the transaction by achieving consensus on its authenticity. Blockchain is perhaps one of the most well-known of the various forms of DLT.

Electronic case management system: A system that enables casework and related workflows to be followed and managed through electronic communication of information between the individuals concerned (incl. staff, as well as parties and their representatives in some cases).

The PB intends to present information collected in these responses to the Questionnaire to the Council on General Affairs and Policy at its 2020 meeting. Information collected in these responses may also be posted on the HCCH website (www.hcch.net), except where expressly asked not to do so. **Please therefore clearly identify any responses which you do not want to be made publicly available.**

Thank you for your kind co-operation as the PB prepares for future work on the use of information technology under the Evidence Convention.

Please note:

- You can save your response to this Questionnaire at any time by pressing the “resume later” button on the bottom left-hand corner of your screen. You will be asked to create a name and password which you will then need to re-enter when you wish to resume your response.
- If you wish to return to a previous question when completing this Questionnaire, you should press the ‘previous’ button at the bottom of the page and not the back button in your web browser.

Identification for follow-up only

(this information will not be published on the HCCH website):

NAME of STATE or territorial unit: [Please insert text here](#)

Name of contact person: [Please insert text here](#)

Name of Authority / Office: [Please insert text here](#)

Telephone number: [Please insert text here](#)

E-mail address: [Please insert text here](#)

PART 1: USE OF TECHNOLOGY UNDER THE EVIDENCE CONVENTION

General	
1.1 To what extent is Your State in favour of the use of information technology to facilitate the operation of the Evidence Convention?	<input type="checkbox"/> Strongly in favour <input type="checkbox"/> Somewhat in favour <input type="checkbox"/> Neutral <input type="checkbox"/> Somewhat against <input type="checkbox"/> Strongly against Comments:
1.2 Is the transmission by electronic means of requests for the taking of evidence possible under the internal law of Your State?	<input type="checkbox"/> Yes Please provide the specific provision/s: <input type="checkbox"/> No Comments:
1.3 Is the execution by electronic means of requests for the taking of evidence possible under the internal law of Your State?	<input type="checkbox"/> Yes Please provide the specific provision/s: <input type="checkbox"/> No Comments:
1.4 Is Your State party to any bilateral or multilateral agreements, other than the Evidence Convention, which provide for the use of electronic means in the transmission or execution of requests for the taking of evidence?	<input type="checkbox"/> Yes Please provide the specific provision/s: <input type="checkbox"/> No Comments:
1.5 Has Your State encountered any challenges regarding the use of information technology to facilitate the operation of the Evidence Convention? (Please select all that apply)	<input type="checkbox"/> No <input type="checkbox"/> Yes: <input type="checkbox"/> Internal law limitations <input type="checkbox"/> Judicial or administrative structures

	<input type="checkbox"/> Implementation challenges (<i>e.g.</i> lack of resources) <input type="checkbox"/> Costs <input type="checkbox"/> Selection of the appropriate technology <input type="checkbox"/> System interoperability / compatibility <input type="checkbox"/> Security concerns <input type="checkbox"/> Cooperation with other Contracting Parties <input type="checkbox"/> Other challenges Please specify:
1.6 To what extent would Your State be in favour of a common electronic platform to be used by all Contracting Parties for the operation of the Evidence Convention?	<input type="checkbox"/> Strongly in favour <input type="checkbox"/> Somewhat in favour <input type="checkbox"/> Neutral <input type="checkbox"/> Somewhat against <input type="checkbox"/> Strongly against Please explain your reasoning, if possible:
1.7 What, if any, particular challenges does Your State envisage in relation to the possible use of a common electronic platform to be used by all Contracting Parties in the operation of the Evidence Convention? (Please select all that apply)	<input type="checkbox"/> Internal law limitations <input type="checkbox"/> Judicial or administrative structures <input type="checkbox"/> Implementation challenges (<i>e.g.</i> lack of resources) <input type="checkbox"/> Costs <input type="checkbox"/> Selection of the appropriate technology <input type="checkbox"/> System interoperability / compatibility <input type="checkbox"/> Security concerns <input type="checkbox"/> Cooperation with other Contracting Parties <input type="checkbox"/> Other challenges Please specify:

Evidence (Chapter I): Transmission of Letters of Request	
<p>1.8 What is the status of the use of information technology in Your State for the transmission of Letters of Request under the Evidence Convention?</p>	<input type="checkbox"/> Fully implemented and operational <input type="checkbox"/> Final stages of implementation <input type="checkbox"/> Implementation in progress <input type="checkbox"/> Under consideration <input type="checkbox"/> Not (yet) under consideration
<p>1.9 What type of <u>electronic transmission</u> does Your State use, or would consider using for Letters of Request under the Evidence Convention?</p> <p>Distributed ledger technology (DLT): <i>A database held by participants (or nodes) in a decentralised network, where transactions and records are processed, saved and replicated by each node independently and shared with the other nodes, seeking to validate the transaction by achieving consensus on its authenticity. Blockchain is perhaps one of the most well-known of the various forms of DLT.</i></p>	<input type="checkbox"/> E-mail (regular) <input type="checkbox"/> E-mail (secured/encrypted) <input type="checkbox"/> Electronic transmission platform administered by a public/State authority Please provide details: <input type="checkbox"/> Electronic transmission platform administered by a private service provider Please provide details: <input type="checkbox"/> Electronic transmission using distributed ledger technology Please provide details: <input type="checkbox"/> Other Please provide details:
<p>1.10 On average, approximately what percentage of Letters of Request transmitted electronically by other Contracting Parties does Your State accept?</p> <p>(Please round the estimated percentage down, if applicable)</p>	<input type="checkbox"/> 100% <input type="checkbox"/> 75% <input type="checkbox"/> 50% <input type="checkbox"/> 25% <input type="checkbox"/> 0% <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable
<p>1.11 Since 2014, on average, approximately what percentage of Letters of Request received by Your State were <u>transmitted electronically</u> by authorities of other Contracting Parties?</p> <p>(Please round the estimated percentage down, if applicable)</p>	<input type="checkbox"/> 100% <input type="checkbox"/> 75% <input type="checkbox"/> 50% <input type="checkbox"/> 25% <input type="checkbox"/> 0% <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable If possible, please provide the number of Letters of Request transmitted electronically that were received per year, and the name(s) of the main Contracting Parties from which these were received: 2014: ; most received from: 2015: ; most received from: 2016: ; most received from:

	2017: ; most received from: 2018: ; most received from:
1.12 If the Central Authority of Your State has received Letters of Request <u>transmitted electronically</u> under the Evidence Convention, on average, approximately what percentage of these Letters of Request are subsequently forwarded electronically to the competent judicial authority for execution? (Please round the estimated percentage down, if applicable)	<input type="checkbox"/> 100% <input type="checkbox"/> 75% <input type="checkbox"/> 50% <input type="checkbox"/> 25% <input type="checkbox"/> 0% <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable If possible, please provide details as to how the documents establishing execution are forwarded:
1.13 What is the status of the implementation an electronic case management system in Your State for incoming and outgoing Letters of Request issued pursuant to the Evidence Convention? <i>Electronic case management system: A system that enables casework and related workflows to be followed and managed through electronic communication of information between the individuals concerned (incl. staff, as well as parties and their representatives in some cases).</i>	<input type="checkbox"/> Fully implemented and operational <input type="checkbox"/> Final stages of implementation <input type="checkbox"/> Implementation in progress <input type="checkbox"/> Under consideration <input type="checkbox"/> Not (yet) under consideration
1.14 What type of electronic case management system does Your State use, or would consider using for incoming and outgoing Letters of Request issued pursuant to the Evidence Convention? <i>Electronic case management system: A system that enables casework and related workflows to be followed and managed through electronic communication of information between the individuals concerned (incl. staff, as well as parties and their representatives in some cases).</i> <i>Distributed ledger technology (DLT): A database held by participants (or nodes) in a decentralised network, where transactions and records are processed, saved and replicated by each node independently and shared with the other nodes, seeking to validate the transaction by achieving consensus on its authenticity. Blockchain is</i>	<input type="checkbox"/> Case management system administered by a public/State authority Please provide details: <input type="checkbox"/> Case management system administered by a private service provider Please provide details: <input type="checkbox"/> Case management system using distributed ledger technology Please provide details: <input type="checkbox"/> Other Please provide details:

<p><i>perhaps one of the most well-known of the various forms of DLT.</i></p>	
<p>1.15 If Your State uses an electronic case management system for incoming and outgoing Letters of Request issued pursuant to the Evidence Convention, which of the following best describes the system?</p> <p><i>Electronic case management system: A system that enables casework and related workflows to be followed and managed through electronic communication of information between the individuals concerned (incl. staff, as well as parties and their representatives in some cases).</i></p>	<p><input type="checkbox"/> Fully electronic system (Letters of Request stored electronically, electronic display of the progress of the forwarded or received Letter of Request etc.)</p> <p><input type="checkbox"/> Part of the procedure for issuance or execution of Letters of Request is done electronically</p> <p><input type="checkbox"/> Electronic database of mainly paper Letters of Request and related procedures</p> <p><input type="checkbox"/> Not applicable</p> <p>Additional comments:</p>

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Evidence (Chapter I): Execution of Letters of Request

1.16 In 2018, on average, approximately what percentage of Letters of Request received by Your State under the Evidence Convention were **executed** using information technology?

(Please round the estimated percentage down, if applicable)

- 100%
- 75%
- 50%
- 25%
- 0%
- Unknown
- Not applicable

1.17 When competent authorities of Your State execute Letters of Request transmitted electronically by another Contracting Party under the Evidence Convention, on average, in approximately what percentage of such instances are **documents establishing the execution** of the Letter of Request returned electronically to the requested authority (Art. 13)?

(Please round the estimated percentage down, if applicable)

- 100%
- 75%
- 50%
- 25%
- 0%
- Unknown
- Not applicable

If possible, please provide details as to how the documents establishing execution are returned:

1.18 In 2018, what was the approximate percentage (on average) of Letters of Request **received** by Your State in which the use of information technology was requested in the taking of evidence under the Evidence Convention?

(Please round the estimated percentage down, if applicable)

- 100%
- 75%
- 50%
- 25%
- 0%
- Unknown
- Not applicable

If possible, please provide the following details:

Number of such requests:

Main Contracting Parties from which such requests were received:

Technology(ies) requested:

- Teleconferencing / audio-link
- Videoconferencing / video-link
- Electronic transmission of digital evidence
- Presenting physical evidence by electronic means

Please provide details:

- Other

Please Specify:

<p>1.19 Please indicate whether Your State would accept Letters of Request under the Evidence Convention seeking the use of information technology in each of the following instances.</p>	<p>Teleconferencing / audio-link <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable Videoconferencing / video-link <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable Electronic transmission of digital evidence <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable Presenting physical evidence by electronic means <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable Other (Please Specify: _____)</p>
<p>1.20 If Your State refuses requests from other Contracting Parties to use information technology in the taking of evidence in your territory, what is/are the main reason/s for such a refusal? (Please select all that apply)</p>	<p><input type="checkbox"/> Use of technology is prohibited by internal law <input type="checkbox"/> Use of technology is not provided for in internal law <input type="checkbox"/> Use of technology is not possible as there is no compatible system in Your State <input type="checkbox"/> Use of technology is too resource-intensive <input type="checkbox"/> The authority/ies lacks familiarity with the use of the requested technology <input type="checkbox"/> Other Please Specify: _____ <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable</p>
<p>1.21 If Your State uses information technology in the taking of evidence, what type of technology is used? (Please select all that apply)</p>	<p><input checked="" type="checkbox"/> Teleconferencing / audio-link <input type="checkbox"/> Videoconferencing / video-link <input type="checkbox"/> Electronic transmission of digital evidence <input type="checkbox"/> Presenting physical evidence by electronic means <input type="checkbox"/> Other Please Specify: _____ <input type="checkbox"/> Unknown. <input type="checkbox"/> Not applicable. If possible, please provide additional information, e.g. including the methods used, relevant security standards and acknowledgement of receipt mechanisms:</p>
<p>1.22 In 2018, what was, on average, the approximate percentage of Letters of Request sent by Your State in which the use of information technology was requested in the taking of evidence under the Evidence Convention? (Please round the estimated percentage down, if applicable)</p>	<p><input type="checkbox"/> 100% <input type="checkbox"/> 75% <input type="checkbox"/> 50% <input type="checkbox"/> 25% <input type="checkbox"/> 0% <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable</p>

	<p>If possible, please provide the following details:</p> <p>Number of such requests:</p> <p>Main Contracting Parties to which such requests were sent:</p> <p>Technology(ies) requested:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Teleconferencing / audio-link <input type="checkbox"/> Videoconferencing / video-link <input type="checkbox"/> Electronic transmission of digital evidence <input type="checkbox"/> Presenting physical evidence by electronic means <p>Please provide details:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Other <p>Please provide details:</p>
<p>1.23 If Letters of Request sent by Your State seeking the use of technology have been refused by other Contracting Parties, what was/were the main reason/s given for such a refusal?</p> <p>(Please select all that apply)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Use of technology is prohibited by internal law <input type="checkbox"/> Use of technology is not provided for in internal law <input type="checkbox"/> Use of technology is not possible as there is no compatible system in Your State <input type="checkbox"/> Use of technology is too resource-intensive <input type="checkbox"/> The authority/ies lacks familiarity with the use of the requested technology <input type="checkbox"/> Other <p>Please Specify:</p>

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Evidence (Chapter II): Consular and Diplomatic Channels

1.24 In approximately what percentage of instances does Your State use information technology to facilitate the taking of evidence under Chapter II of the Convention?

(Please round the estimated percentage down, if applicable)

- 100%
- 75%
- 50%
- 25%
- 0%
- Unknown
- Not applicable

Please provide details (including the type of technology used):

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PART 2: STATISTICAL DATA AND OVERALL EFFICIENCY OF THE EVIDENCE CONVENTION

General Satisfaction	
<p>2.1 How does Your State rate the general operation of the Evidence Convention?</p>	<p> <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Satisfactory <input type="checkbox"/> Somewhat unsatisfactory <input type="checkbox"/> Completely unsatisfactory <input type="checkbox"/> Not applicable </p> <p>Comments:</p>
Outside of the Evidence Convention	
<p>2.2 Outside the Evidence Convention, what is the applicable procedure if an interested person from another jurisdiction wishes to obtain assistance in the taking of evidence located in the territory of Your State?</p> <p>(Please select all that apply)</p>	<p> <input type="checkbox"/> Procedure provided by internal law Please provide details (including full reference to the applicable legislation or caselaw): </p> <p> <input type="checkbox"/> Procedure provided by bilateral agreement(s) Please provide details (including full reference to the applicable agreement/s): </p> <p> <input type="checkbox"/> Procedure provided by multilateral agreement(s) Please provide details (including full reference to the applicable agreement): </p> <p> <input type="checkbox"/> Other procedure (such as consular channels) Please provide details: </p>

2.3 Statistical Data

2.3.1 Evidence Convention - Chapter I

	Incoming Requests Number (exact or average)	Incoming Requests Average Timeframe for Execution (months)	Incoming Requests Top 3 Forwarding Contracting Parties	Outgoing Requests Number (exact or average)	Outgoing Requests Average Timeframe for Execution (months)	Outgoing Requests Top 3 Requested States
2013						
2014						
2015						
2016						
2017						
2018						

2.3.2 Internal Law

	Incoming Requests Number (exact or average)	Incoming Requests Average Timeframe for Execution (months)	Incoming Requests Top 3 Forwarding Contracting Parties	Outgoing Requests Number (exact or average)	Outgoing Requests Average Timeframe for Execution (months)	Outgoing Requests Top 3 Requested States
2013						
2014						
2015						
2016						
2017						
2018						

2.3.3 Bilateral Agreement(s)

	Incoming Requests Number (exact or average)	Incoming Requests Average Timeframe for Execution (months)	Incoming Requests Top 3 Forwarding Contracting Parties	Outgoing Requests Number (exact or average)	Outgoing Requests Average Timeframe for Execution (months)	Outgoing Requests Top 3 Requested States
2013						
2014						
2015						
2016						
2017						
2018						

2.3.4 Multilateral Agreement(s) (Other than the HCCH Conventions)

	Incoming Requests Number (exact or average)	Incoming Requests Average Timeframe for Execution (months)	Incoming Requests Top 3 Forwarding Contracting Parties	Outgoing Requests Number (exact or average)	Outgoing Requests Average Timeframe for Execution (months)	Outgoing Requests Top 3 Requested States
2013						
2014						
2015						
2016						
2017						
2018						

2.3.5 Other Procedure (such as consular channels)

	Incoming Requests Number (exact or average)	Incoming Requests Average Timeframe for Execution (months)	Incoming Requests Top 3 Forwarding Contracting Parties	Outgoing Requests Number (exact or average)	Outgoing Requests Average Timeframe for Execution (months)	Outgoing Requests Top 3 Requested States
2013						
2014						
2015						
2016						
2017						
2018						

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PART 3: PRACTICAL INFORMATION AND COUNTRY PROFILE

Contact details <i>(the contact details provided in this section will be published on the HCCH website)</i>																	
<p>3.1 Is Your State a Contracting Party to the Evidence Convention?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No																
<p>3.2 If Your State is a Contracting Party, are the contact details of the Central and competent Authority(ies) designated by Your State up to date on the Evidence Section of the HCCH website?</p> <p><i>See Conclusion & Recommendation No 4 of the 2014 meeting of Special Commission.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please provide the contact details below: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Central Authority/ies:</td> <td></td> </tr> <tr> <td>Address:</td> <td></td> </tr> <tr> <td>Telephone:</td> <td></td> </tr> <tr> <td>Fax:</td> <td></td> </tr> <tr> <td>E-mail:</td> <td></td> </tr> <tr> <td>General website:</td> <td></td> </tr> <tr> <td>Contact person:</td> <td></td> </tr> <tr> <td>Languages spoken by staff:</td> <td></td> </tr> </table>	Central Authority/ies:		Address:		Telephone:		Fax:		E-mail:		General website:		Contact person:		Languages spoken by staff:	
Central Authority/ies:																	
Address:																	
Telephone:																	
Fax:																	
E-mail:																	
General website:																	
Contact person:																	
Languages spoken by staff:																	
<p>3.3 If Your State is a Contracting Party, is the practical information chart available on the Evidence Section of the HCCH website up to date?</p> <p><i>See Conclusion & Recommendation No 4 of the 2014 meeting of Special Commission.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please provide the updates to the chart using the template available here . <input type="checkbox"/> There is no practical information chart for Your State Please complete one using the template available here . <input type="checkbox"/> Not applicable																
<p>3.4 If Your State is a Contracting Party, is the Country Profile in relation to the taking of evidence by video-link under the Evidence Convention up to date?</p> <p><i>See Conclusion & Recommendation No 4 of the 2017 meeting of Council on General Affairs and Policy.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please provide the updates using the Country Profile available here . <input type="checkbox"/> There is no Country Profile for Your State Please complete the Country Profile, available here . <input type="checkbox"/> Not applicable																