

**COUNTRY PROFILE**

**TAKING OF EVIDENCE BY VIDEO-LINK UNDER THE  
HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF  
EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

**STATE NAME: ROMANIA**

**PROFILE UPDATED ON (DATE): September 2017**

**PART I: STATE**

<b>1. Contact details</b>	
<i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
<b>CHAPTER I (LETTERS OF REQUEST)</b>	
<i>As with any other Letter of Request under Chapter I of the Evidence Convention, the requesting authority should contact the Central Authority(ies) of the requested State when seeking to obtain evidence by means of a Letter of Request, whether using video-link or not.</i>	
a) Are the contact details of the Central Authority(ies) designated by YOUR STATE up-to-date on the <a href="#">Evidence Section</a> of the Hague Conference website?	<input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No. Please provide the contact details on a separate Word or PDF document for uploading on the Evidence Section of the Hague Conference website.
b) Would YOUR STATE be in favour of specifying a <b>person or department within the Central Authority(ies)</b> who would assist in processing Letters of Request where the	<input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:  <input type="checkbox"/> No. Please explain why:  <i>Comments:</i> <a href="#">The videoconference is made by the specialized Directorate functioning within the Ministry of Justice (fax 0040372041148, telephone 0040372041146, 0040372041147, razvan.craciunescu@just.ro) and by the Romanian court by using the videoconference servers of the Special Telecommunications Service. A list of the Courts which have video-link facilities is attached</a>

<p>use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?</p>	<p>hereto (Annex 1). The coordinates of these courts are available on the internet pages of the Romanian Courts portal <a href="http://portal.just.ro/SitePages/acasa.aspx">http://portal.just.ro/SitePages/acasa.aspx</a> , E-justice at <a href="https://e-justice.europa.eu/content_jurisdiction-85-ro.do">https://e-justice.europa.eu/content_jurisdiction-85-ro.do</a> and the European Judicial Atlas in civil and commercial matters at <a href="http://ec.europa.eu/justice_home/judicialatlascivil/html/cc_searchmunicipality_en.jsp#statePage0">http://ec.europa.eu/justice_home/judicialatlascivil/html/cc_searchmunicipality_en.jsp#statePage0</a></p>
<p>c) What arrangements are there for ensuring that there is a contact person with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?</p>	<p>Specialized Department of the Ministry of Justice  Information Technology Department :  fax 0040372041148,  telephone 0040372041146, 0040372041147,  <a href="mailto:razvan.craciunescu@just.ro">razvan.craciunescu@just.ro</a></p> <p>A list of the courts which have video-link facilities is attached (Annex 1). The coordinates of these courts are available on the internet pages of the Romanian Courts Portal <a href="http://portal.just.ro/SitePages/acasa.aspx">http://portal.just.ro/SitePages/acasa.aspx</a> , E-justice at <a href="https://e-justice.europa.eu/content_jurisdiction-85-ro.do">https://e-justice.europa.eu/content_jurisdiction-85-ro.do</a> and European Judicial Atlas in civil and commercial matters. <a href="http://ec.europa.eu/justice_home/judicialatlascivil/html/cc_searchmunicipality_en.jsp#statePage0">http://ec.europa.eu/justice_home/judicialatlascivil/html/cc_searchmunicipality_en.jsp#statePage0</a>. The technical test must be made at least 24 hours before the hearing.</p>

**CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)**

*Permission by a designated authority may be required to apply certain provisions under Chapter II. To know if such a permission is required for a particular State, see the practical information chart (accessible from the [Authorities](#) page) AND / OR the declarations (accessible from the [Status Table](#) page) of the relevant State available on the [Evidence Section](#) of the Hague Conference website.*

*If permission is not required, applicants should contact the diplomatic and consular mission (Arts 15/16) or the commissioner (Art. 17) to explore whether or not evidence may be obtained by video-link under this Chapter.*

*If permission is required, applicants should contact the authority that was designated to grant permission AND the relevant diplomatic and consular mission or commissioner, to explore, where necessary, whether or not evidence may be obtained by video-link under this Chapter.*

d) Would YOUR STATE be in favour of specifying **an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner**, that would assist in processing applications where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?

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

No.  
Please explain why: [When submitting the instrument of joining the Convention, Romania made a reservation based on art. 33, paragraph 1, according to which Romania shall not apply the provisions of articles 16, 17 and 18 of the 2nd Chapter II of the Convention. At the same time, Romania declared that art. 19 and 21 become inapplicable to the extent that they refer to art. 16, 17 and 18 to which the reservation was made.](#)

*Comments:*

[Counting from the date when the Convention came into effect for Romania, according to the records of the Ministry of Foreign Affairs, Romania's diplomatic and consular agents have not performed any procedural acts based on art. 15 of the Convention. The resort to modern technical means for taking evidence by video-link can be achieved, from the perspective of the application of the provisions of art. 15 by Romanian diplomatic and consular agents provided the necessary infrastructure is set in place at the level of diplomatic and consular missions and a secure video-link connectivity with the beneficiaries of such evidence-taking is granted.](#)

e) What arrangements are there for ensuring that there is a contact person with whom the Court of Origin can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?

**PART II: RELEVANT LEGISLATION AND COURT SYSTEM**

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (<i>i.e.</i> internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Yes. The law applicable in this case is Law No. 189/2003 regarding the international legal assistance in civil and commercial matters, namely art. 25, paragraphs 1 and 3 and art. 35, paragraph 3.</p> <p>The requested Romanian judicial authority requested may consider, upon request submitted by the requesting judicial authority, to use a special procedure, provided that such procedure does not contravene the Romanian law. The Romanian court will inform the requesting judicial authority on the date and venue where the letter rogatory is to be made and it may allow, upon request, participation thereto of foreign magistrates. Based on art. 3, paragraph 3 of the Council's Regulations (CE) No. 1206/2001 of May 28th, 2001, the Ministry of Justice is the authority that has to make a decision as regards the requests submitted based on art. 17 of the aforementioned regulations.</p> <p>The videoconference should take place in the presence of the Judge from the Court within whose territorial range of competence the evidence is to be taken, assisted, as the case may be, by an interpreter. The said judge must verify the identity of the person heard and has the obligation to see that the fundamental principles of the Romanian law are duly observed.</p> <p><input type="checkbox"/> No. Please specify:</p> <p><i>Comments:</i></p>
<p>b) Please indicate the legal basis or applicable protocols (<i>i.e.</i>, relevant laws, regulations, practice, etc.) for the use of video-links in the taking of evidence in YOUR STATE, either under the Convention or independent of the Convention (see, <i>e.g.</i> Art. 27 (b) and (c)):</p> <p><i>Please also attach a copy of, or provide a link to, the relevant provisions, where possible in English or French.</i></p>	<p>The Code of civil procedure; Law No. 189/2003 republished on international legal assistance in civil and commercial matters; the Council Regulation (CE) No. 1.206/2001 of May 28th, 2001 on cooperation between the courts of the member states in the taking of evidence in civil and commercial matters.</p>

<p>c) Does YOUR STATE have any agreements with other Contracting States that derogate from the Convention when taking evidence by video-link (see Art. 28 and Art. 32)?</p>	<p><input type="checkbox"/> Yes. Please attach a copy of, or provide a link to, the relevant provisions, where possible in English or French:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p><b>Court system</b></p>	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p><input type="checkbox"/> All courts.</p> <p><input checked="" type="checkbox"/> All courts of a specific type / level. Please specify: <a href="#">The High Court of cassation and Justice has video-link facilities. All the 15 Courts of Appeal and all the 42 County Courts have video-link facilities. As of the courts of first instance, 86 out of the total number of 176 of such courts have video-link facilities. See Annex 1.</a></p> <p><a href="#">The technical test must be made at least 24 hours before the hearing.</a></p> <p><input type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list:</p> <p><input type="checkbox"/> None.</p> <p><i>Comments:</i></p>

**PART III: TECHNICAL AND SECURITY ASPECTS (APPLICABLE TO BOTH CHAPTERS)**

<p>a) Does YOUR STATE use licensed software (which ensures support for technical and security matters) for the taking of evidence by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">See the Annex 2.</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>b) What are the specifications of the video-link technology in use in YOUR STATE, including, if any, the minimum standards or mechanisms used to secure the communications and any recordings made?</p> <p><i>States are encouraged to provide as much information as possible when responding to this question. As such, it may be useful to consider liaising with the relevant IT experts.</i></p>	<p>Codec (<i>i.e.</i>, manufacturer, model, transmission speed, bandwidth):</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.):</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.):</p> <p>Type of encryption for signals in secure transmissions:</p> <p>Split screen capability:</p> <p>Document cameras:</p> <p>Multipoint connections:</p> <p>Additional specifications or capabilities:</p> <p>Protocols or other practices:</p> <p><i>Comments:</i> <a href="#">See the Annex 2.</a></p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> <a href="#">The technical test must be made at least 24 hours before the hearing.</a></p>
<p>e) Does YOUR STATE have any requirements as to the hearing room, <i>e.g.</i>, should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>

	<p>Comments: There are no restrictions as regards the venue where a person is to be heard by videoconference.</p> <p>However, in accordance with the provisions of art. 16, art. 261 paragraph 1 and art. 314 of the New Code of Civil Procedure, the evidence is to be taken by the Court in which the case is pending.</p> <p>If for objective reasons the taking of evidence is only possible outside the town/city in which the respective court's venue is located, the procedure may be performed, by letter rogatory, by a court of the same degree or of a lesser degree if there is no court of a similar degree in the respective town/city.</p> <p>The Court assigned by letter rogatory shall proceed to the taking of evidence in the presence of the parties, or even in their absence, if they have been duly summoned, having the same competences as the court that the case was referred to, as regards the procedure to be followed. Furthermore, a witness prevented from attending the hearing by illness or by other serious circumstance may be heard on his current location, the parties being duly summoned accordingly</p>
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**PART IV: USE OF VIDEO-LINKS UNDER BOTH CHAPTERS – LEGAL CONSIDERATIONS**

Restrictions	
<p>a) Must a court order directing the use of video-links first be obtained from the requesting State (Chapter I) / State of Origin (Chapter II)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">decision by which the court approves the taking of evidence by international letter rogatory and use of a modern technical method of communication.</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> <a href="#">There is no express restriction as regards the type of evidence. In accordance with the provisions of art. 17 of Law No. 189/2003 on the international legal assistance in civil and commercial matters, an authority entrusted with a letter rogatory may: hear witnesses or other parties involved, obtain documents, make expert examinations, achieve enquiries or obtain some other documents or information necessary for a court to rule on a specific case. However, considering this technical method, it is obvious that the videoconference may be used in most situations to hear witnesses, experts, parties in or other participants to the trial.</a></p>
<p>c) Are there any specific restrictions on how evidence gathered via video-link can be handled and distributed, or do the usual rules for evidence obtained in person apply?</p>	<p><input type="checkbox"/> Yes, there are specific restrictions. Please specify:</p> <p><input checked="" type="checkbox"/> No, the normal rules for evidence apply.</p> <p><i>Comments:</i></p>
<p>d) Are there any restrictions on the type of person who may be examined by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">Letter rogatory rules allow that witnesses or other persons involved be heard (art. 17 of Law No. 189/2003 on the international legal assistance in civil or commercial matters).</a></p> <p><a href="#">However, in accordance with the provisions of art. 26 paragraph 2 of Law No. 189/2003 on the international legal assistance in civil and commercial matters, a letter rogatory may be refused if the person to be heard cannot testify because of certain</a></p>



PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>interdictions prescribed by the Romanian law or when the documents to be transmitted or analyzed by experts cannot be circulated.</p> <p>At the same time, in accordance with the provisions of art. 315, art. 316 and art. 317 of the New Code of Civil Procedure, the following persons cannot be heard as witnesses: relatives and in-laws up to the third degree included; the spouse or the ex spouse, the fiancée or the civil partner; the persons being at enmity or in connection of interests with any of the parties; persons placed under interdiction by court order; persons convicted for perjury. However, the parties may agree, expressly or tacitly, that the persons mentioned hereinafter be heard as witnesses: relatives and in-laws up to the third degree included; the spouse or the ex spouse, the fiancée or the civil partner; the persons being at enmity or in connection of interests with any of the parties.</p> <p>In lawsuits regarding parentage, divorce and other family relationships, it is possible for the relatives and in-laws up to the third degree included, except for the descendants.</p> <p>The persons excused from testifying are: 1. ministers of religious cults, doctors/physicians, pharmacists, lawyers, notaries public, court-order enforcement officers, mediators, midwives and nurses, as well as any other professional under law-imposed obligation to keep the professional secret as regards the facts that have become knowledgeable in their line of work or while performing their professional tasks, even after their activity has come to an end; 2. judges, prosecutors and public servants, even after they no longer hold these positions, as regards the secret circumstances they have become knowledgeable of while holding that position; 3. Those who by their answers would expose themselves or their relatives or in-laws up to the third degree included or their spouse or ex spouse, their fiancé or civil partner to a penal punishment or to public contempt. These persons (except ministries of religious cults) would nevertheless be entitled to testify if they have been discharged from the obligation to keep the professional secret by the party interested in keeping the confidentiality thereof, unless the law provides otherwise. It will be also possible for judges, prosecutors</p>
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PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>and public servants to testify if the authority or institution within which they work or have worked, whichever of the two situations is applicable, gives them permission to do so.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>e) Is it necessary to seek the consent of the parties to use video-link to take evidence?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link: <a href="#">See the answer provided hereinabove</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>f) Are there any restrictions on the location where the person should be examined (e.g. in a courtroom, on the premises of an Embassy or diplomatic mission)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">See the answer provided hereinabove</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify what coercive measures may be used: <a href="#">The Court may sanction by application of a judicial fine the failure of a witness to appear or his refusal to testify. A warrant for the witness to be brought in under escort may be issued against the witness who fails to appear after having received the first summons. In case of emergencies, the court may direct that witnesses be brought in under escort even from the first hearing.</a></p> <p><a href="#">If the party refuses to answer the questions of fails to appear, the Court may deem that such circumstances have the value of a full testimony or only as an initial element of evidence to the benefit of the one who proposed the hearing).</a></p> <p><input type="checkbox"/> No. Please explain:</p> <p><i>Comments:</i></p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert to give evidence by video-link, including any references to relevant laws, regulations or</p>	<p>Chapter I: <a href="#">According to art. 311 of the Code of civil procedure, when the Court approved that testimonial evidence be taken, it will order that witnesses be summoned and heard. Procedure applicable for fixing the</a></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>practice.</p> <p><i>Please also include, where applicable, the differences between notifying or summoning a willing witness / expert and notifying or summoning a witness / expert that is to be compelled.</i></p>	<p>hearing and for notifying the person to be heard of the date and venue thereof. The time interval that should be granted when the date of the hearing is established making it possible for the respective person to be notified in due time is at least 1 month – 3 months.</p> <p>The law applied in this case is Law No. 189/2003 on the legal assistance in civil and commercial matter, namely the provisions of art. 25, paragraph 3. The Romanian court shall inform the requesting judicial authority on the date and place where the letter rogatory is to be achieved. In accordance with the provisions of art. 261, paragraph 4 of the New Code of civil procedure, the Court entrusted by letter rogatory shall proceed to evidence taking in the presence of the parties or even in their absence, if they had been duly summoned, having the same competences as the court to which the case was referred as regards the proceedings to be followed.</p> <p>However, considering the existence of the procedures in the relationships with foreign legal institutions (notification procedure within the procedure of evidence –taking, we believe that the minimum term to be granted should be, in practice, of 1-3 months, within the margins of those prescribed for:</p> <ul style="list-style-type: none"><li>- the completion of notification requests prescribed by the applicable EU Instrument (EC) Regulation No. 1393/2007 of the European Parliament and of the Council of November 13th, 2007 on the on the notification of judicial and extrajudicial documents in civil matters () or international (Hague conventions or bilateral treaties), respectively to include at least a 1-3 month period necessary for the notification request to be completed effectively or for the notification by registered letter with confirmation of receipt.</li><li>- the obligations of the requesting court to comply with the requests of the requested court as regards the provision of additional information or the payment of the down payment/deposit etc. Stipulated by the (EC) Regulation No. 1206/2001 of May 28th, 2001 on the cooperation between courts of member states in taking evidence in civil or commercial matters.</li></ul>
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PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>The reasons would be those concerning the time to be allotted for any possible translations to be made of the correspondence with the requested court or with the witness, as well as the mailing time needed for the expedition abroad, the large amount of files, and, last but not least, the timetable of scheduled videoconferences.</p> <p>The procedures followed in summoning witnesses, experts, translators, interpreters or any other participants in the trial, as well as, when necessary, the notification of procedural acts addresses to any of the aforementioned persons shall be conducted in accordance with the common law provisions (art. 173 of the Code of civil procedure).</p> <p>Last but not least, according to art. 312 of the Code of civil procedure, it is possible for witnesses to be heard on the very day when this means of evidence was approved. On the date fixed for the evidence to be taken, the party may bring the witnesses approved even if such witnesses have not been summoned officially. If a party undertakes the obligation to present the witness on the date of the trial without being summoned, but for reasons he is responsible for he fails to fulfil this obligation, the court shall order that the witness be summoned for a new hearing.</p> <p>Chapter II: -</p> <p><i>Comments:</i></p>
<p>i) The law of which State governs the use of privileges?</p> <p><i>Please tick all that apply.</i></p> <p><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter I:</p> <p><input checked="" type="checkbox"/> The law of the Requesting State.</p> <p><input checked="" type="checkbox"/> The law of the Requested State.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p>Chapter II:</p> <p><input type="checkbox"/> The law of the State of Origin.</p> <p><input type="checkbox"/> The law of the State of Execution.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p><i>Comments:</i></p>

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

Legal obstacles	
<p>a) Does YOUR STATE consider that there are legal obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (see C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
Direct and indirect taking of evidence	
<p>b) Under Chapter I of the Convention, does YOUR STATE allow for the direct taking of evidence by judicial personnel of the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p>Comments: <a href="#">See the answer from II a) hereinabove</a></p>
<p>c) Under which provisions of Chapter I of the Convention is indirect taking of evidence by video-link possible in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Art. 9(1) – The judicial authority of the requested State obtains evidence (<i>e.g.</i>, a witness / expert examination) which is located in a (distant) location within its own State.</p> <p><input checked="" type="checkbox"/> Art. 9(2) - As a special method or procedure. Please also outline whether any specific conditions must be satisfied:</p> <p><i>See also questions on presence.</i></p> <p>Comments:</p>
Legal safeguards for witness / expert	
<p>d) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter I (<i>e.g.</i> protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p><a href="#">The witness is entitled to be reimbursed travel, accommodation and meals expenses if he/she is from another town/city, as well as to compensations to cover the revenues that he would have obtained in his regular business/at his regular workplace if had not been summoned to appear as a witness, compensations that shall be determined based on his profession and on the effective duration of his absence thereof. Such financial compensations shall be covered by the party who proposed the witness and shall be determined, upon request, by the court, who shall issue an enforcement order in this respect (art. 326 of the Code of Civil Procedure). The expert has the same rights as the witness as regards the</a></p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<p>travel, accommodation and board expenses (art. 339, paragraph 3 of the Code of civil procedure).</p>
<p>Presence</p>	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a single location the same for when evidence is taken via video-link? <i>See Article 7 of the Convention</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: Each witness shall be heard separately, the ones who have not been heard yet being not entitled to assist. The witness shall answer first the president's questions, and then, the questions asked after being previously approved by the president, by the party who proposed the said witness as well as by the opposing party (art. 321, paragraphs 1 and 3 of the Code of civil procedure).</p> <p>The person appearing in person shall be asked by the president questions regarding each separate act. Subject to the approval of the president, each judge of the panel, the prosecutor – when he attends the trial -, as well as the opposing party may ask directly questions addressed to the person called to be heard (art. 352 of the Code of civil procedure).</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>f) Under Chapter I of the Convention, does YOUR STATE allow for the cross-examination of a witness / expert by video-link by the representatives located in the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p>Comments:</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link? <i>See Article 8 of the Convention</i> <i>Please note that a declaration may be made under this provision.</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: See the answer from Chapter II a).</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

**PART VI : USE OF VIDEO-LINKS UNDER CHAPTER II (BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS) – LEGAL CONSIDERATIONS**

<p><b>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</b></p> <p>Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, available on the <a href="#">Evidence Section</a> of the Hague Conference website.</p>	
<p>Legal obstacles and legal framework</p>	
<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">See the answer from Chapter II d).</a></p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>b) Under which provisions of Chapter II of the Convention is taking of evidence by video-link possible in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Art. 15 <input type="checkbox"/> Art. 16 <input type="checkbox"/> Art. 17</p> <p>Comments: <a href="#">See the answer from Chapter II d).</a></p>
<p>c) Is prior permission from YOUR STATE required when taking evidence under Chapter II of the Convention on the territory of YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>d) Please indicate who administers the oath or affirmation and how perjury and contempt are dealt with when evidence is taken under Chapter II of the Convention on the territory of YOUR STATE.</p>	<p>Administration of the oath or affirmation:</p> <p>Dealing with perjury and contempt:</p>
<p>Direct and indirect taking of evidence</p>	
<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighbouring country or in a place distant from the Embassy or Consulate. In these circumstances, does YOUR STATE consider it possible to use video-link to obtain evidence under Chapter II of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments: <a href="#">See the answer from Chapter II d).</a> <a href="#">The Romanian diplomatic or consular agent may also conduct procedural acts in the field regulated by the Convention outside the</a></p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

	<p>premises of the said diplomatic/consular mission but within the range of his consular jurisdiction, provided this does not contravene to the regulations of the state of residence. Furthermore, according to art. 7 of the Vienna Convention of 1963 on consular relationships, "The requesting State may, after having duly notified the interested states, if neither of the said states manifested their express opposition thereto, to appoint a consular post from a certain country to assume the exercise of consular functions in another country".</p>
<p><b>Legal safeguards for witness / expert</b></p>	
<p>f) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter II (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	
<p><b>Presence</b></p>	
<p>g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>diplomatic and consular agents</b>?</p> <p><i>Please tick all that apply.</i></p>	<p><input type="checkbox"/> The parties.  <input type="checkbox"/> The parties' representatives.  <input type="checkbox"/> Judicial personnel.  <input type="checkbox"/> Someone else.  Please specify:</p> <p><i>Comments:</i></p>
<p>h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>commissioners</b>?</p> <p><i>Please tick all that apply.</i></p>	<p><input type="checkbox"/> The parties.  <input type="checkbox"/> The parties' representatives.  <input type="checkbox"/> Judicial personnel.  <input type="checkbox"/> Someone else.  Please specify:</p> <p><i>Comments:</i></p>
<p><b>Applicable law</b></p>	
<p>i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?</p>	<p><input type="checkbox"/> The law of the State of Origin  <input type="checkbox"/> The law of the State of Execution  <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner.  Please specify:</p> <p><i>Comments:</i></p>
<p>j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?</p>	<p><input type="checkbox"/> The law of the State of Origin  <input type="checkbox"/> The law of the State of Execution</p>



PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

	<input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify:  <i>Comments:</i>
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**PART VII PRACTICAL CONSIDERATIONS**

<b>COMMON TO BOTH CHAPTERS</b>	
<b>Notice</b>	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	Chapter I:  Chapter II:
<b>Interpretation services</b>	
b) Who is responsible, under Chapter I and Chapter II, for the use of interpretation services and who arranges these services in YOUR STATE when video-link is used?	Chapter I: <a href="#">The requesting Court is responsible to provide the interpreters in accordance with the provisions of art. 27 of Law No. 189/2003 of the international legal assistance in civil and commercial matters. The requested Romanian court may offer its support, as the case may be, in obtaining an interpreter in Romania, by providing the court with a list of official interpreters.</a>  Chapter II:
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input checked="" type="checkbox"/> Yes. Please specify: <a href="#">When one of the parties or persons who are to be heard does not speak Romanian, the court will use an accredited translator or interpreter. If the parties so agree, the judge or the clerk may perform the role of an interpreter or translator. The translator and interpreter must be a duly accredited professional. In case there is no interpreter and translator for a specific language, it is possible to resort to the services of reliable persons who can speak the respective language (art. 225 and art. 150 of the Code of civil procedure).</a>  <input type="checkbox"/> No.  <i>Comments:</i> <a href="#">the list of accredited translators and interpreters authorized by the Ministry of Justice is available at http://old.just.ro/MeniuStanga/Listapersoanelorautorizate/Traducatori/tabid/129/Default.aspx and on the site E-Justice la https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-ro-ro.do?member=1</a>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

<p>d) Under the law of YOUR STATE, is interpretation to be <i>simultaneous</i> or <i>consecutive</i> when a witness / expert is examined via video-link?</p>	<p>Both interpretations are possible:</p> <ul style="list-style-type: none"> <li>- consecutive (the translator is next to the speaker and translates approximately after each phrase or sentence), and</li> <li>- simultaneous (translation made relatively synchronically with the translated text).</li> </ul>
<p>e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i></p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> In the room with the witness / expert.</li> <li><input checked="" type="checkbox"/> In the room with those conducting the examination.</li> <li><input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II).</li> <li><input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II).</li> <li><input type="checkbox"/> In a third State.</li> <li><input type="checkbox"/> Other. Please specify:</li> </ul> <p><i>Comments:</i></p>
<p><b>Reporting and recording</b></p>	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Yes. Please specify by whom: <b>The testimony or hearing thus made is recorded in the end-of-session report by the court clerk</b></li> </ul> <p>Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report: <b>The clerk participating to the hearing has the obligation to take notes on the hearing, which will be then endorsed by the president of the court panel. The parties may require that such notes be read out and, if necessary, that corrections be made therein. After the end of the court session, each of the participants to the trial are entitled to receive, upon request, a copy of the clerk's notes. Any contestation against the clerk's notes may be filed no later than the next trial date. Court sessions will be recorded by the court. Upon request, and on their own expense, the parties may obtain a digital copy of the court session recording as regards their case. (art. 231 of the Code of civil procedure).</b></p> <p><b>The statement made by the witness shall be set down in writing by the court clerk, after dictation made by the president or by the delegated judge, and it shall be signed on each page and at its end by the judge, court clerk and witness, after the last one has been duly advised on the contents thereof (art. 323 of the Code of civil procedure).</b></p> <p><b>If experts are able to express their opinion forthwith, they will be heard and their opinion will be recorded in a report, the provisions of art. 323 being applied accordingly (art. 334 of the Code of civil procedure).</b></p> <p><b>As to the findings and to the measures taken on the spot, the court shall draw up a report in which the parties' arguments or objections will be</b></p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>recorded, report which shall be signed by those present. Drawings, plans, sketches or photographs made/taken of the spot shall be attached to the said report and shall be signed by the parties attending the hearing (art. 347 of the Code of civil procedure).</p> <p>Answers to the interrogatory shall be recorded on the same sheet of paper containing the questions. The interrogatory shall be signed on each page by the president, court clerk, the persons who proposed them as well as by the party who answered them after having been informed on the contents thereof (art. 354 of the Code of civil procedure).</p> <p>The court may approve that the hearing take place at the residence of the person summoned to be heard, conducted by a delegated judge, if there are well-grounded reasons preventing the respective person to appear in court. In this case, the answers to the questions shall be recorded in the presence of the opposite party or in her absence, if such party has been summoned but failed to appear. A party whose residence is situated within the jurisdiction of another court shall be heard by virtue of letter rogatory (art. 357 of the Code of civil procedure).</p> <p>An accurate record of the testimony shall be made by a person agreed upon by the parties, record which will be signed on each page and at its end by the parties' lawyers, by its author as well as by the witness, after he has been duly advised on the contents thereof. If the testimony has been recorded in short-hand, it shall be transcribed. Both the short-hand version and the transcription thereof shall be signed and entered in the file.</p> <p>If the testimony has been recorded by audio-video means, it may be then transcribed upon request of an interested party, in accordance with the legal provisions. The transcription of such recorded material shall be signed and entered in the file (art. 377 of the Code of civil procedure).</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> There is no videoconference report from a technical point of view</p>
<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<p><input checked="" type="checkbox"/> Yes, with audio and video.  <input type="checkbox"/> Yes, only with video.  <input type="checkbox"/> Yes, only with audio.  <input type="checkbox"/> No, but the recording of hearings/testimonies is permitted.</p> <p>If a recording is produced, please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the recording:</p> <p><input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.</p> <p><i>Comments:</i></p>
<p>Documents and exhibits</p>	
<p>h) What arrangement</p>	<p>See the answer to VII f) hereinabove.</p>

*PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)*

<p>s are to be made for showing or referring to documents or exhibits when taking evidence by video-link?</p>	
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PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER I</b>	
<b>Practical obstacles</b>	
<p>i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<b>Identification of all relevant actors</b>	
<p>j) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter I?</p>	<p>In accordance with the provisions of art. 318 of the Code of civil procedure, before the statement is made the president shall ask the witness to state his surname, forename(s), profession, residential address and age; if he is a relative or in-law of any of the parties and the degree of such relationship; if he is in the service of any of the parties. The president shall next advise the witness on the duty to take an oath and on the significance of the oath.</p>
<b>Standard Forms</b>	
<p>k) Do the authorities of YOUR STATE use a standardised request form under Chapter I that makes specific reference to the use of video-links?</p> <p><i>The use of the <a href="#">Model Form</a> of the Evidence Convention is recommended when taking evidence under Chapter I.</i></p> <p><i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> The standardised form used makes no reference to video-link.</p> <p><input type="checkbox"/> No standardised form is used.</p> <p><i>Comments:</i></p> <p>There is no standardised form in use. The form used is the one recommended by the Hague Conference on Private International Law</p>
<p>l) Does YOUR STATE require the inclusion of any particular practical or technical information from the requesting State in the request in order to conduct / arrange a witness / expert examination by video-link under Chapter I? (e.g. contact details for IT support, technical specifications, etc)</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: the coordinates of the courts involved; the court that initiated the request; the date and time of the hearing; equipment model; IP/ISDN; the coordinates of the person responsible from a technical point of view (IT); phone number of the person responsible from a technical point of view (IT); e-mail of the person responsible from a technical point of view.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<b>Costs</b>	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs: Costs cannot be estimated as they vary depending on the time needed and on the</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

	<p>country. They should be paid by bank transfer, to the account of the court of appeal, as a secondary credit release authority or in the account of the municipal court, as a tertiary credit release authority.</p> <p>The costs associated with the achievement of the video-link, those for making such connection available in the requesting state, the remuneration of interpreters and the indemnities paid to witnesses and experts, as well as travel expenses incurred by travelling to the requested state shall be reimbursed by the requesting foreign court to the requested Romanian court.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE? <i>See Art. 14(2) of the Evidence Convention</i></p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input checked="" type="checkbox"/> The requesting authority (in the requesting State).</p> <p><input type="checkbox"/> The requested authority (in the requested State).</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash</p> <p><input type="checkbox"/> Payment by (credit) card</p> <p><input checked="" type="checkbox"/> Electronic/wire transfer</p> <p><input type="checkbox"/> Other. Please specify: <a href="#">See the answer from VII m) hereinabove.</a></p> <p><i>Comments:</i></p>
<p>p) Who pays for the interpretation services under Chapter I in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	<p><a href="#">See the answer from VII m) hereinabove.</a></p>

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER II</b>	
<b>Only for States that have not excluded in whole the application of Chapter II</b>	
<b>Practical obstacles</b>	
<p>q) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter II of the Convention?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">See the answer from Chapter II d).</a></p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<b>Identification of all relevant actors</b>	
<p>r) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter II?</p>	
<b>Standard Forms</b>	
<p>s) Do the authorities of YOUR STATE use a standardised request form under Chapter II that makes specific reference to the use of video-links?</p> <p><i>Although the use of the <a href="#">Model Form</a> of the Evidence Convention is recommended when taking evidence under Chapter I, it may also be used, with the necessary amendments when applying for permission to take evidence under Chapter II.</i></p> <p><i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> The standardised form used makes no reference to video-link.</p> <p><input type="checkbox"/> No standardised form is used.</p> <p>Comments:</p>
<b>Assistance and facilities</b>	
<p>t) Are the Embassies and Consulates of YOUR STATE (acting as the State of Execution) able to assist applicants in arranging a video-link?</p>	<p><input type="checkbox"/> Yes. Please specify how, e.g., via a booking system:</p> <p><input type="checkbox"/> No. Please specify who else would assist, if anyone:</p> <p>Comments:</p>
<p>u) Is it possible to hold a video-link session requested under the Convention at the premises of the Embassies or Consulates of YOUR STATE abroad?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>v) Does YOUR STATE require the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link under Chapter II? (e.g. the use of interpreters, stenographers, or recording devices)</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>



PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

Costs	
<p>w) Are there any costs associated with the taking of evidence via video-link under Chapter II in YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?</p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input type="checkbox"/> The State of Origin</p> <p><input type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution.</p> <p><input type="checkbox"/> The commissioner</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>y) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash</p> <p><input type="checkbox"/> Payment by (credit) card</p> <p><input type="checkbox"/> Electronic/wire transfer</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>z) Who pays for the interpretation services under Chapter II in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	