

Title	Summary of Responses to the 2022 Evidence Questionnaire
Document	Prel. Doc. No 4 of April 2024 – <i>provisional edition, pending the completion of the French and Spanish versions</i>
Author	PB
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Action to be Taken	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input checked="" type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
Annexes	Annex: Compilation of responses (questionnaire for Contracting Parties) – responses have been compiled in the language in which they were received
Related Documents	Prel. Doc. No 3 of December 2022 – questionnaire relating to the <i>Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters</i> (Evidence Convention)

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Summary of Responses to the 2022 Evidence Questionnaire

I. Introduction

- 1 Pursuant to the mandate of the Council on General Affairs and Policy (CGAP) at its 2021 and 2022 meetings,¹ in December 2022 the Permanent Bureau (PB) circulated two questionnaires on the practical operation of the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention or Convention). One questionnaire sought information from Contracting Parties to the Convention² and the second questionnaire sought information from non-Contracting Parties.
- 2 The questionnaire for Contracting Parties covered a range of topics including the scope and operation of the Convention, the use of information technology in the transmission and execution of Letters of Request for the taking of evidence, potential issues to discuss at the upcoming meeting of the Special Commission (SC), and data and statistics relating to the Convention. The information received from Contracting Parties, in response to this questionnaire, will help inform the agenda for the meeting of the SC. Responses were also taken into account in making updates to the *Practical Handbook on the Operation of the Evidence Convention* (Practical Handbook). The questionnaire for non-Contracting Parties was aimed at discovering whether these States had considered, or were considering, joining the Evidence Convention.
- 3 The questionnaires were circulated to all HCCH Members and respective Contracting Parties to the Evidence Convention, with a deadline for responses of 31 March 2023. In light of CGAP's decision to postpone the meeting of the SC to Financial Year 2024-2025,³ the PB extended the deadline for responses to 9 June 2023 and continued to accept responses after this date. This Summary includes all responses received up to 30 November 2023.
- 4 At the time the questionnaires were circulated, the Evidence Convention had 64 Contracting Parties.⁴ The PB received 45 responses to the questionnaires in total, including 42⁵ responses from 40 Contracting Parties.⁶ This means that out of 64 Contracting Parties to the Convention, approximately 63% have responded to the questionnaire. Three responses were received from non-Contracting Parties.⁷ The PB is very grateful to these respondents for the time and effort they have devoted to answering the questionnaires.
- 5 This document only summarises the responses to the questionnaire from Contracting Parties. Responses received from non-Contracting Parties will be used for ongoing promotional and bilateral engagement efforts and are therefore not included for analysis in this document.
- 6 The Summary has been prepared using available information in the responses provided. Where answers to the questions were not clear, they have not been considered for the purposes of this Summary. Similarly, where respondents did not answer certain questions, the PB did not take these responses into account when calculating the indicative percentages of responses. All in all, the

¹ C&D No 36 of CGAP 2021; C&D No 32 of CGAP 2022.

² "Questionnaire relating to the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (Evidence Convention)*" Prel. Doc. No 3 of December 2022 (hereinafter, the "2022 Evidence questionnaire").

³ C&D No 39 of CGAP 2023. At its meeting in March 2024, CGAP confirmed that the meeting of the SC would take place from 2 to 5 July 2024 (C&D No 46 of CGAP 2024).

⁴ At the time of publication of this Prel. Doc. the Evidence Convention had 66 Contracting Parties.

⁵ The People's Republic of China (China) Hong Kong Special Administrative Region (SAR) and Macao SAR submitted individual responses to the questionnaire in addition to China (Mainland). These two responses were separately counted and analysed despite these responses all belonging to the same Contracting Party. Where appropriate these responses are considered as individual responses.

The European Union (EU) has also provided supplementary information regarding the EU law in the area of taking evidence abroad.

⁶ Albania, Andorra, Argentina, Australia, Brazil, Bulgaria, China, Costa Rica, Croatia, Czech Republic, Estonia, Finland, France, Georgia, Germany, Hungary, India, Israel, Italy, Kazakhstan, Latvia, Lithuania, Mexico, Montenegro, the Netherlands, Nicaragua, Norway, Poland, Portugal, Romania, Serbia, Singapore, Slovakia, Slovenia, Sweden, Switzerland, Türkiye, the United Kingdom, the United States of America, and Viet Nam.

⁷ Belgium, Canada, and Japan.

Summary is not intended to be conclusive or comprehensive; as indicated in several responses, States' answers do not always provide complete reviews of their laws and practices.

- 7 The annex contains a compilation of Contracting Party responses to each individual question. Individual responses provided by each Contracting Party (where Contracting Parties have permitted publication) will be published on the Evidence Section of the HCCH website.⁸

II. General Feedback

- 8 The majority of respondents rated the general operation of the Evidence Convention as “good” or “excellent”.⁹ Four, out of 42 respondents, indicated that the operation of the Convention is “satisfactory”, while one respondent noted that the Convention “requires improvement”. The latter respondent reported challenges with the delay for the execution of requests.
- 9 With regard to the question concerning the useability of the Practical Handbook and the *Guide to Good Practice – the Use of Video-Link* (Video Link Guide),¹⁰ 68% of respondents answered “good”, 25% “excellent”, and 7% “satisfactory”.
- 10 Responses show that 68% of Central Authorities track incoming requests under the Evidence Convention, whereas 7% do not.¹¹ For those Central Authorities that track incoming requests, most respondents have an electronic case management register or system in place:

Electronic for incoming and outgoing requests	54%
Electronic for incoming requests only	21%
Manual for incoming and outgoing request	21%
Manual for incoming requests only	4%

For respondents that answered “other” to the question about tracking incoming requests, most responses describe some kind of case management system. Two federal States noted the existence of different practices depending on the territory.

- 11 Contracting Parties were asked whether their Central Authority has oversight of all outgoing requests.¹² Among the 31% of respondents that answered “yes”, 58% use an electronic system to track the progress of requests, while 42% use a manual register. Approximately 44% of respondents answered “no”. Most of the respondents that answered “other” noted that their Central Authority is involved in the processing of incoming requests only.
- 12 Responses show that in 2022, 40% of respondents executed incoming requests in 1 to 3 months, while another 26% did so in 3 to 6 months. Twenty per cent of respondents executed requests in 6 to 12 months, 7% did so in less than a month, and another 7% took more 12 months to execute requests.¹³

III. Scope of the Convention

- 13 Roughly 68% of respondents have not experienced difficulties in interpreting the scope of the Evidence Convention in the five-year period between 2017 and 2022.¹⁴ Twenty-four per cent of responses indicated that there have been issues regarding the interpretation of “civil or commercial matters” (Art. 1) and most of these respondents considered there to be doubts as to whether

⁸ Responses will be available on the HCCH website at www.hcch.net under “Evidence” then “Questionnaires & Responses”.

⁹ 2022 Evidence questionnaire, question 1.

¹⁰ 2022 Evidence questionnaire, question 2.

¹¹ 2022 Evidence questionnaire, question 4.

¹² 2022 Evidence questionnaire, question 5.

¹³ Data from 2022 was used in this calculation as this was the most recent data available to the PB.

¹⁴ 2022 Evidence questionnaire, question 6. Respondents could select more than one option to answer this question.

administrative matters, including social security cases, fall within the scope of the Convention. Two respondents have also experienced difficulties with the interpretation of the terms “commenced or contemplated” (Art. 1).

14 Sixty-eight per cent of respondents consider the Convention mandatory in nature while 32% do not.¹⁵ Moreover, 29% of respondents have adopted “blocking statutes” or laws which prevent evidence being taken in their territory for use in foreign proceedings other than under the Evidence Convention (or another international instrument).¹⁶

15 Out of 42 respondents, only 4 have received or submitted requests for the taking of evidence in connection with arbitration proceedings.¹⁷ Importantly, one respondent considered such a request to fall outside the scope of the Convention.

IV. Operation of the Convention

A. Chapter I – Preparing, Transmitting and Progressing Letters of Request

16 As the requesting State, 62% of respondents indicated that Letters of Request are transmitted via their Central Authority to the requested State.¹⁸ Conversely, for 40% of respondents, Letters of Request are forwarded directly from a judicial authority to the Central Authority of the requested State. Some respondents noted that both methods of transmission are available under their national laws.

17 When transmitting a Letter of Request under the Evidence Convention, 66% of respondents advised that they use the recommended Model Form, among which, 40% of respondents indicated that they “always” use the Form.¹⁹ Nineteen per cent of respondents do not use the Model Form, and 14% did not know whether the Form is used for the transmission of requests. Notably, 66% of respondents consider that further work on the Model Form would be beneficial, whereas 34% consider that revision is not required.²⁰ Most respondents suggested the inclusion of video-link to the Model Form and the preparation of guidelines outlining the instructions for the completion of the Form.

18 Responses also show that the majority of authorities (74%) do not send an acknowledgment of receipt for a Letter of Request.²¹

19 Contracting Parties were asked whether, during the five-year period between 2017 and 2022, they had received a Letter of Request that was non-compliant.²² While 12% of respondents did not know the answer, most respondents (64%) answered affirmatively and indicated the following reasons as to why the requests were non-compliant:²³

¹⁵ 2022 Evidence questionnaire, question 7.

¹⁶ 2022 Evidence questionnaire, question 8.

¹⁷ 2022 Evidence questionnaire, questions 9 and 10.

¹⁸ 2022 Evidence questionnaire, question 11.

¹⁹ 2022 Evidence questionnaire, question 12.

²⁰ 2022 Evidence questionnaire, question 13.

²¹ 2022 Evidence questionnaire, question 14.

²² 2022 Evidence questionnaire, question 15.

²³ 2022 Evidence questionnaire, question 15.1. Respondents could select more than one option to answer this question.

The matter was not “civil or commercial”	52%
The request was not issued by a judicial authority	56%
The request did not relate to judicial proceedings	36%
The matter to which it related was not “commenced or contemplated”	8%
The request related to a judicial act that is excluded from scope	24%
The request did not comply with the content requirements under Article 3	64%
The request did not comply with the translation requirements under Article 4	72%
Other	28%

Twenty-eight per cent of respondents selected “other” to provide reasons as to why requests were non-compliant. These include: (i) insufficient time to obtain evidence; (ii) incorrect or incomplete address of the witness; (iii) lack of clarity about the purpose of the evidence and its relationship to the underlying proceedings; (iv) absence of a list of questions or sufficient information to enable the examiner to ask questions; and (v) insufficient information about the nature of the proceedings in the requesting State.

- 20 From the perspective of requested States, responses were almost evenly divided between those respondents that provide advance assistance to foreign judicial authorities to prepare a Letter of Request (50%), and those that do not (45%) provide such advance assistance.²⁴ The respondents clarified that the advance assistance includes providing information on formal and substantive requirements for the Letters of Request, as well as information on internal practices and the execution of requests.
- 21 Forty per cent of the respondents provide the same advance assistance to legal representatives of the parties.²⁵ One respondent noted that its Central Authority will provide such assistance only when legal representatives are qualified as forwarding authorities under the law of the relevant requesting State.
- 22 Twenty-one per cent of respondents reported that judicial authorities in their State rephrase, restructure, and / or strike out objectionable questions or offensive wording when executing a Letter of Request (practice also known as “blue-pencilling”).²⁶ While 19% of respondents did not know the answer, 60% of them indicated that their judicial authorities do not have this practice. According to one respondent, their Central Authority either revises and restructures the request or returns it to the requesting State partially executed.
- 23 Contracting Parties were asked whether the execution and sending of a Letter of Request can be challenged in their jurisdiction.²⁷ Approximately 44% of respondents answered affirmatively, whereas 37% of respondents indicated that such a challenge is not available and / or permitted. A number of respondents (20%) did not know the answer. Additionally, in almost all responses indicating that challenges are possible (80%), respondents mentioned that the requesting authority or interested party is permitted to respond to the challenge.

²⁴ 2022 Evidence questionnaire, question 16.

²⁵ 2022 Evidence questionnaire, question 17.

²⁶ 2022 Evidence questionnaire, question 18.

²⁷ 2022 Evidence questionnaire, question 19.

- 24 As to the question whether their State allows the sending of a Letter of Request abroad to be challenged,²⁸ the responses were evenly divided: 49% of the respondents answered affirmatively, and 51% indicated a “no” to the question.
- 25 Half of the respondents noted that the Central Authority is generally responsible for informing the requesting authority of the time and place of the execution of a Letter of Request (Art. 7).²⁹ For the remainder of respondents, this function is generally carried out by the judicial authority competent to execute the request.
- 26 As requested States, 33% of respondents have not received a request specifying a particular method or procedure for the taking of evidence (Art. 9(2)) during the five-year period between 2017 and 2022.³⁰ Whereas 48% of respondents have received requests specifying methods or procedures, including requests for the collection of blood samples and other biospecimens, the performance of an oath / affirmation, the transcription of oral testimony, and the use of video-link.
- 27 Contracting Parties were asked whether they require the requesting State to reimburse costs.³¹ While 41% of respondents do not do so, 5% answered that they “always” require the reimbursement of costs, and 54% stated that they “sometimes” do so. The circumstances in which reimbursement is sought vary:³²

Fees paid to experts and interpreters (Art. 14(2))	92%
Costs occasioned by the use of a special procedure (Art. 14(2))	62%
Fees paid for translation (Art. 4(3))	33%
Costs incurred by employing an examiner (Art. 14(3))	42%
Fees and costs due to constitutional limitations (Art. 26)	17%
Other	25%

Twenty-five per cent of respondents selected “other” to provide further information about the circumstances in which reimbursement is sought. These circumstances include: fees incurred with compensation of witnesses; production of specific categories of documents, such as vital and medical records, and documents executed by court. Two respondents reported that reimbursement is normally required when the costs associated with the taking of evidence are “extraordinary” or go “beyond those of regular requests”.

- 28 Eighty-three per cent of respondents indicated that only the requesting authority may request that a Letter of Request be withdrawn.³³ Three respondents noted that representatives of the parties may also make such a request. For three other respondents, parties in the proceedings may also make such as request, in addition to their representatives and the requesting authority.
- 29 Contracting Parties were asked whether their Central Authority would reject a Letter of Request seeking discovery if it is too broad. Twenty-five per cent of respondents answered affirmatively, and 32% of respondents stated the opposite. The remainder of respondents did not answer this question as they have made a declaration pursuant to Article 23 of the Convention.

²⁸ 2022 Evidence questionnaire, question 20.

²⁹ 2022 Evidence questionnaire, question 21.

³⁰ 2022 Evidence questionnaire, question 22.

³¹ 2022 Evidence questionnaire, question 23.

³² 2022 Evidence questionnaire, question 23.1. Respondents could select more than one option to answer this question.

³³ 2022 Evidence questionnaire, question 24. Respondents could select more than one option to answer this question.

B. Chapter I – Execution of a Letter of Request – Witness Examination

- 30 Nearly all respondents (95%) advised that hearings for the taking of evidence under Chapter I of the Convention are conducted before a judge, magistrate, Special Master, or other court official.³⁴ Four respondents noted that hearings are also conducted before a judicial officer, and two other respondents stated that hearings are conducted before a private examiner. As indicated in the responses, other competent authorities include attorneys of the Department of Justice, certified lawyers chosen by the parties and approved by the court, and other persons appointed by the court for the purpose of taking evidence.
- 31 Responses were evenly divided between those respondents which require a Letter of Request to include specific questions to be used during the taking of evidence (50%), and those that do not require specific questions to be included (50%).³⁵
- 32 With the exception of three respondents, the majority of respondents reported that hearings are public unless otherwise ordered by a judge or established by domestic law (such as in hearings pertaining to family law matters).³⁶ A small number of respondents noted that no formal court hearings are held to obtain evidence from witnesses.
- 33 As stated in 60% of responses, a witness is not provided with a copy of questions / matters contained in the Letter of Request in advance of a hearing.³⁷ Twenty-two per cent of respondents indicated that a witness is “always” provided with such a copy, while 17% reported that they “sometimes” do so.
- 34 Contracting Parties were asked what the requirements are in their State for documents to be presented to a witness.³⁸ Twenty per cent of the respondents stated that there are no requirements, whereas the remainder of the respondents listed the following requirements:

Any document presented to a witness must be attached to the Letter of Request	75%
Any document presented to a witness must be approved by the authority taking the evidence	38%
Other	28%

Twenty-eight per cent of respondents selected “other” to provide additional requirements as follows: the translation of the relevant document into a language spoken by the witness (the most commonly cited requirement); the need for the document to comply with internal laws and regulations of the requested State; and that the documents are to be provided in advance to the witness.

- 35 Sixty-eight per cent of respondents indicated that documents produced by the witness during the taking of evidence are not authenticated by the court or other authority, compared to 32% of respondents which advised that such documents are authenticated.³⁹
- 36 Sixty-one per cent of respondents reported that, in their State, representatives of the parties who attend the taking of evidence are allowed to ask additional questions and / or cross-examine the witness.⁴⁰ For the remainder of respondents, this practice is not permitted / available. Additionally, 88% of respondents stated that an oath or affirmation is administered to the witness before the taking of evidence.⁴¹

³⁴ 2022 Evidence questionnaire, question 26. Respondents could select more than one option to answer this question.

³⁵ 2022 Evidence questionnaire, question 27.

³⁶ 2022 Evidence questionnaire, question 28.

³⁷ 2022 Evidence questionnaire, question 29.

³⁸ 2022 Evidence questionnaire, question 30. Respondents could select more than one option to answer this question.

³⁹ 2022 Evidence questionnaire, question 31.

⁴⁰ 2022 Evidence questionnaire, question 32.

⁴¹ 2022 Evidence questionnaire, question 33.

- 37 Importantly, nearly 85% of respondents stated that a witness can be subject to further examination, compared to a small number of respondents (15%) which noted that this is not allowed.⁴² Among the respondents which permit further examination, 84% require a second Letter of Request. For the other 16%, the first Letter of Request may be re-invoked.
- 38 Eight-three per cent of respondents have sanctions for the non-appearance of a witness, while 17% do not.⁴³ For most respondents, the witness is subject to a disciplinary fine and / or the costs caused by their failure to comply and give evidence, as well as compulsory appearance before the court.
- 39 Contracting Parties were asked whether, in the five-year period between 2017 and 2022, they were aware of a situation where a person requested to give evidence had invoked a privilege or duty under Article 11 of the Convention.⁴⁴ More than half of the respondents (54%) did not know whether this had happened, and 34% answered “no”. Among the remaining respondents, three noted that a privilege had been invoked under their internal laws (Art. 11(a)), while another two reported that a privilege had been invoked under the law of the State of origin (Art. 11(b)).
- 40 Seventy-three per cent of respondents indicated they require interpreters in the taking of evidence to be certified, while 27% do not have such requirements.⁴⁵
- 41 In addition, as shown in the responses, the way by which witness testimony is transcribed across Contracting Parties varies:⁴⁶

Verbatim recording through audio	37%
Verbatim recording through written	22%
Summary minutes	15%
Written and signed testimony	34%
Other	17%

Of the 17% of respondents that selected “other” in order to provide additional information, the majority of responses describe the use of audio and video recording in the transcription of witness testimony across Contracting Parties.

V. Use of Information Technology (IT)

- 42 Responses were evenly divided between those respondents which have adopted new IT measures to facilitate the operation of the Convention (49%) and those which have not done so (51%).⁴⁷ Respondents reported a number of developments in this regard, including the implementation of online platforms and systems for the reception and transmission of requests, and the communication with foreign authorities. Importantly, a number of respondents observed an increase in the use of video-link to take evidence.
- 43 Fifty-five per cent of respondents noted that their Central Authority accepts Letters of Request transmitted electronically, compared to 45% of respondents which do not accept such a method of transmission.⁴⁸ Notably, 76% of respondents allow the taking of evidence by video-link under Chapter I of the Convention, while 12% do not allow this practice and another 12% do not know the answer.⁴⁹ Similarly, the majority of respondents allow the taking of evidence by video-link under

⁴² 2022 Evidence questionnaire, question 34.

⁴³ 2022 Evidence questionnaire, question 35.

⁴⁴ 2022 Evidence questionnaire, question 36.

⁴⁵ 2022 Evidence questionnaire, question 37.

⁴⁶ 2022 Evidence questionnaire, question 38. Respondents could select more than one option to answer this question.

⁴⁷ 2022 Evidence questionnaire, question 44.

⁴⁸ 2022 Evidence questionnaire, question 39.

⁴⁹ 2022 Evidence questionnaire, question 40.

Chapter II of the Convention, while 20% do not allow this practice and another 20% do not know the answer.⁵⁰

44 Sixty-one per cent of respondents do not use the Model Form for video-link evidence, whereas 39% of respondents do use the Form.⁵¹

45 Contracting Parties were asked which challenges, if any, they face regarding the use of IT under the Evidence Convention.⁵² Twenty-seven per cent of respondents consider there to be no challenges with the use of IT. The remainder of respondents do, however, face implementation challenges, issues with system interoperability / compatibility, security concerns and internal law limitations and selected from the following options:

Internal law limitations	33%
Judicial or administrative structures	23%
Implementation challenges (e.g., lack of resources, lack of infrastructure)	63%
Cost	30%
System interoperability / compatibility	53%
Security concerns	33%
Other	10%

One respondent noted the difficulties in transmitting the requested evidence electronically when the files are very large. Another respondent also indicated the challenges with time zone differences.

⁵⁰ 2022 Evidence questionnaire, question 41.

⁵¹ 2022 Evidence questionnaire, question 42.

⁵² 2022 Evidence questionnaire, question 43. Respondents could select more than one option to answer this question.

VI. Data and Statistics for Contracting Parties

A. Incoming Requests (Chapter I)

46 Number of incoming Letters of Request for the taking of evidence received under Chapter I:⁵³

Respondent	2017	2018	2019	2020	2021	2022	Unknown
Argentina	143	126	105	(⁵⁴)	75	135	N/A
Australia	-	-	53	48	68	56	N/A(⁵⁵)
Brazil	35	50	33	32	62	46	N/A
Bulgaria	21	28	57	38	57	85	N/A
China	16	21	27	19	38	30	N/A
Croatia	-	2	0	3	2	1	N/A
Czech Republic	4	5	21	13	16	4	N/A
France	-	-	176	124	201	225	(⁵⁶)
Georgia	0	0	0	0	1	0	N/A
Germany	672	717	719	456	730	1335	N/A(⁵⁷)
Hong Kong SAR	23	11	11	11	12	22	N/A
Hungary	1	0	1	2	1	1	N/A
Israel	62	76	45	50	39	12	N/A
Kazakhstan	1	1	1	0	1	2	N/A
Latvia	1	0	1	1	4	5	N/A
Lithuania	1	1	0	0	1	3	N/A
Mexico	24	31	22	19	13	20	N/A
Montenegro	0	2	4	2	5	12	N/A
Netherlands	140	120	130	111	185	191	N/A
Nicaragua	-	-	0	0	0	0	N/A
Poland	-	-	-	-	-	-	(⁵⁸)
Portugal	56	42	58	34	33	31	N/A
Serbia	12	19	19	16	30	21	N/A
Singapore	8	11	5	11	19	13	N/A
Slovakia	-	-	-	-	-	-	(⁵⁹)
Slovenia	1	2	1	2	0	2	N/A
Sweden	68	55	62	39	61	79	N/A
United Kingdom	543	543	432	591	775	693	N/A

⁵³ The data and statistics reported in this section only reflect the figures as indicated by the Contracting Parties which authorised the publication of their responses on the HCCH website.

⁵⁴ According to Argentina's response to the questionnaire, "[t]he required information is not available due to the COVID-19 pandemic".

⁵⁵ According to Australia's response to the questionnaire, "[t]hese figures are approximate and cover only those requests received by the Central Authority; rejected requests and requests sent directly to Australian State and Territories are not captured. Data has only been provided from 2019, as the electronic database used to record and manage requests received by the Central Authority was only implemented in 2018".

⁵⁶ According to France's response to the questionnaire, 2017 and 2018 data are unknown.

⁵⁷ According to Germany's response to the questionnaire, "[a]s preliminary remark it must be said that in Germany, no official statistics are kept on the number and content of requests for mutual assistance pursuant to the Evidence Convention or on the times required to process them. The judicial departments of the Länder, which appoint the Central Authorities for their area of responsibility, 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".

⁵⁸ According to Poland's response to the questionnaire, "[n]o complete data from the courts and lack of a uniform registration and IT system in the courts and the central authority".

⁵⁹ According to Slovakia's response to the questionnaire, "[o]ur case management system does not provide us with such statistics".

(60)	(61)	(62)					
United States of America	392	350	419	281	325	444	N/A
Viet Nam	-	-	-	0	0	2	N/A
TOTAL	2224	2213	2402	1903	1979	3470	-

47 Time required (in months) to execute incoming Letters of Request:

Respondent	2017	2018	2019	2020	2021	2022	Unknown
Argentina	-	-	-	-	6-12	6-12	N/A
Australia	-	-	> 12	> 12	> 12	> 12	N/A ⁽⁶³⁾
Brazil	6-12	6-12	6-12	6-12	6-12	6-12	N/A
Bulgaria	1-3	1-3	1-3	1-3	1-3	< 1	N/A
China	6-12	6-12	6-12	6-12	6-12	-	N/A
Croatia	3-6	3-6	3-6	3-6	3-6	3-6	N/A
Czech Republic	3-6	3-6	3-6	1-3	3-6	3-6	N/A
France	-	-	-	-	-	-	X ⁽⁶⁴⁾
Georgia	-	-	-	-	<1	-	N/A
Germany	-	-	-	-	-	-	X ⁽⁶⁵⁾
Hong Kong SAR	-	-	-	-	-	-	⁽⁶⁶⁾
Hungary	-	-	-	-	-	-	X
Israel	-	-	-	-	-	-	X ⁽⁶⁷⁾
Kazakhstan	6-12	6-12	6-12	6-12	6-12	6-12	N/A
Latvia	1-3	1-3	1-3	1-3	1-3	1-3	N/A
Lithuania	1-3	1-3	1-3	1-3	1-3	1-3	N/A
Mexico	3-6	3-6	3-6	6-12	6-12	3-6	N/A
Montenegro	1-3	1-3	1-3	1-3	1-3	1-3	N/A
Netherlands	-	-	-	-	-	-	N/A
Nicaragua	-	-	-	-	-	-	X ⁽⁶⁸⁾
Poland	-	-	-	-	-	-	X ⁽⁶⁹⁾
Portugal	-	-	-	-	-	-	X ⁽⁷⁰⁾
Serbia	1-3	1-3	1-3	1-3	1-3	1-3	N/A
Singapore	-	-	3-6	-	-	-	N/A
Slovakia	-	-	-	-	-	-	X ⁽⁷¹⁾

⁶⁰ These figures take into account Letters of Request for the taking of evidence received in Northern Ireland and Scotland, in addition to England and Wales.

⁶¹ According to the United Kingdom's response to the questionnaire, and in connection with England and Wales, "[w]e do not have exact records for 2017 and 2018 but the approximate average per annum was 540 Northern Ireland - 3 Scotland - Unknown".

⁶² According to the United Kingdom's response to the questionnaire, and in connection with England and Wales, "[w]e do not have exact records for 2017 and 2018 but the approximate average per annum was 540 Northern Ireland - 2 Scotland - 1".

⁶³ See Australia's response to the questionnaire (note 55).

⁶⁴ According to France's response, "[t]he French Central Authority's application does not allow this data to be tracked" [Response received in French and translated by the PB].

⁶⁵ According to Germany's response to the questionnaire "[n]o official statistics or records are kept".

⁶⁶ According to Hong Kong SAR's response to the questionnaire, "[d]etailed breakdown of processing time is not readily available".

⁶⁷ According to Israel's response to the questionnaire, "[e]ach request is examined on its merits. The request is brought before the court and the execution depends on the court's schedule".

⁶⁸ According to Nicaragua's response to the questionnaire, "[a]t this time, we have not received any request".

⁶⁹ See Poland's response to the questionnaire (note 58).

⁷⁰ According to Portugal's response to the questionnaire, "[r]equests are sent to the requesting authority directly by the competent authority in Portugal, without intervention of the Portuguese Central Authority".

⁷¹ See Slovakia's response to the questionnaire (note 59).

Slovenia	3-6	1-3	3-6	6-12	-	1-3	N/A
Sweden	-	-	-	-	-	-	X ⁽⁷²⁾
United Kingdom	3-6	3-6	3-6	3-6	3-6	3-6	N/A ⁽⁷³⁾
United States of America	1-3	1-3	1-3	1-3	1-3	1-3	N/A
Viet Nam	-	-	-	-	-	-	X

48 Number of incoming Letters of Request for the taking of evidence received via electronic transmission:

Respondent	2017	2018	2019	2020	2021	2022	Unknown
Argentina	-	-	-	-	-	(⁷⁴)	X
Australia	-	-	-	-	-	-	X ⁽⁷⁵⁾
Brazil	0	0	5	13	23	14	N/A
Bulgaria	0	0	0	0	0	0	N/A
China	0	0	0	4	15	3	N/A
Croatia	-	0	0	0	0	0	N/A
Czech Republic	0	0	0	0	2	0	N/A
France	-	-	-	-	-	-	X ⁽⁷⁶⁾
Georgia	0	0	0	0	1	0	N/A
Germany	0	0	0	0	0	0	X ⁽⁷⁷⁾
Hong Kong SAR	-	-	-	-	-	-	X ⁽⁷⁸⁾
Hungary	0	0	0	0	0	0	X
Israel	-	-	-	-	-	-	X ⁽⁷⁹⁾
Kazakhstan	-	-	-	-	-	-	X ⁽⁸⁰⁾
Latvia	-	-	-	-	-	-	X ⁽⁸¹⁾
Lithuania	-	-	-	-	-	-	X
Mexico	0	0	0	0	1	3	N/A
Montenegro	0	0	0	0	0	0	N/A
Netherlands	-	-	-	-	-	-	N/A
Nicaragua	-	-	0	0	0	0	N/A ⁽⁸²⁾
Poland	-	-	-	-	-	-	X ⁽⁸³⁾
Portugal	32	36	37	30	25	23	N/A
Serbia	-	-	-	-	-	-	X ⁽⁸⁴⁾

⁷² According to Sweden’s response to the questionnaire, “[d]ata not available in our case management system”.

⁷³ According to the United Kingdom’s response and in connection with England and Wales, “[t]his is the same for Northern Ireland (3-6 months on average) apart from the year 2020 where the average was 6-12 months”.

⁷⁴ According to Argentina’s response to the questionnaire, “[m]ostly all requests are received electronically”.

⁷⁵ According to Australia’s response to the questionnaire, “[t]he Australian Central Authority does not currently record this data”.

⁷⁶ According to France’s response to the questionnaire, “[t]his criterion is not quantified by the French Central Authority” [Response received in French and translated by the PB].

⁷⁷ According to Germany’s response to the questionnaire, “[i]t is not yet possible to send a Letter of Request via electronic means. In the case of incoming Letters of Request a signature and official seal or stamp is required. There is not yet a cross-border electronic signature to identify the origin and authenticity of the Letter of Request on a global level”.

⁷⁸ According to Hong Kong SAR’s response to the questionnaire, “[a]s electronic transmission is not accepted, we do not have relevant statistics”.

⁷⁹ According to Israel’s response to the questionnaire, “[w]e don’t have the ability to provide this data”.

⁸⁰ According to Kazakhstan’s response to the questionnaire, “[n]one of the Requests was received via electronic transmission”.

⁸¹ According to Latvia’s response to the questionnaire, “[a]nnual accounting is not carried out”.

⁸² See Nicaragua’s response to the questionnaire (note 68).

⁸³ See Poland’s response to the questionnaire (note 58).

⁸⁴ According to Serbia’s response to the questionnaire, “[t]here is no option in the program we use to process cases to separate electronic requests from others (we enter all requests in the program in an identical way - input and output), therefore we are not able to perform the requested check”.

Singapore	0	0	0	0	1	1	N/A
Slovakia	-	-	-	-	-	-	X
Slovenia	0	0	0	0	0	0	N/A
Sweden	-	-	-	-	-	-	X ⁽⁸⁵⁾
United Kingdom	0	0	0	0	0	0	N/A ⁽⁸⁶⁾
United States of America	0	0	3	48	87	142	N/A
Viet Nam	-	-	-	0	0	0	N/A
TOTAL	32	36	45	95	155	186	-

B. Outgoing Requests (Chapter I)

49 Number of outgoing Letters of Request for the taking of evidence made under Chapter I:

Respondent	2017	2018	2019	2020	2021	2022	Unknown
Argentina	40	40	40	⁽⁸⁷⁾	75	135	N/A
Australia	-	-	-	-	-	-	X ⁽⁸⁸⁾
Brazil	23	56	31	40	86	72	N/A
Bulgaria	12	13	36	3	22	39	N/A
China	0	0	0	0	0	2	N/A ⁽⁸⁹⁾
Croatia	-	4	5	2	8	6	N/A
Czech Republic (⁹⁰)	8	9	11	10	4	7	N/A ⁽⁹¹⁾
France	-	-	-	-	-	-	X ⁽⁹²⁾
Georgia	0	0	0	0	0	2	N/A
Germany	254	234	299	231	243	57 ⁽⁹³⁾	N/A
Hong Kong SAR	0	9	0	0	1	0	N/A
Hungary	11	6	4	8	24	15	N/A
Israel	1	4	3	3	2	4	N/A
Kazakhstan	0	0	1	1	4	2	N/A
Latvia	7	0	1	3	14	18	N/A
Lithuania	-	-	-	-	-	-	X ⁽⁹⁴⁾
Mexico	78	74	64	46	69	96	N/A
Montenegro	-	-	-	-	-	-	X

⁸⁵ See Sweden's response to the questionnaire (note 72).

⁸⁶ According to the United Kingdom's response and in connection with England and Wales, "[h]ard Copies are requested".

⁸⁷ See Argentina's response to the questionnaire (note 54).

⁸⁸ According to Australia's response to the questionnaire, "[t]he Australian Central Authority does not have oversight of outgoing requests".

⁸⁹ According to China's response to the questionnaire, "[o]utgoing requests usually do not go via Chinese Central Authorities".

⁹⁰ According to the Czech Republic's response to the questionnaire, "these figures take into account only Letters of Request for the taking of evidence received sent through Czech CA."

⁹¹ According to the Czech Republic's response to the questionnaire, "Letters of Request are usually transmitted directly from a judicial authority to the CA of the requested State. Only in rare cases are Requests sent through Czech CA. Anyway, there is no special rule for the Czech courts to keep records of cases where the Evidence Convention was applied".

⁹² According to France's response to the questionnaire, "[t]he Letters of Request issued by the French courts are sent directly to the Central Authority of the requested State" [Response received in French and translated by the PB].

⁹³ According to Germany's response to the questionnaire, "[i]n some of the Länder data is not yet available"

⁹⁴ According to Lithuania's response to the questionnaire, "[t]he courts of the Republic of Lithuania (as requesting authorities) process data on cases in the Lithuanian Courts Information System (LITEKO). LITEKO's automated statistical generation works on the basis of classifications of categories of cases and court procedural decisions. Unfortunately, there is no separate code for files relating to the Evidence Convention. Therefore, it is not possible to provide accurate data on the outgoing requests."

Netherlands	-	-	-	-	-	-	X ⁽⁹⁵⁾
Nicaragua	-	-	0	0	1	4	N/A
Poland	-	-	-	-	-	-	X ⁽⁹⁶⁾
Portugal	-	-	-	-	-	-	X ⁽⁹⁷⁾
Serbia	-	-	-	-	-	-	X ⁽⁹⁸⁾
Singapore	-	0	1	1	0	2	N/A
Slovakia	-	-	-	-	-	-	X ⁽⁹⁹⁾
Slovenia	-	-	-	-	-	-	X ⁽¹⁰⁰⁾
Sweden	24	29	21	51	66	64	N/A
United Kingdom	13 (¹⁰¹)	13	17	22	53	46	N/A ⁽¹⁰²⁾
United States of America	-	-	-	-	-	-	X ⁽¹⁰³⁾
Viet Nam	-	-	-	0	12	17	N/A
TOTAL	471	491	534	421	684	588	-

50 Number of outgoing requests for the taking of evidence made via electronic transmission under Chapter I:

Respondent	2017	2018	2019	2020	2021	2022	Unknown
Argentina	-	-	-	-	-	(¹⁰⁴)	X
Australia	-	-	-	-	-	-	X ⁽¹⁰⁵⁾
Brazil	0	0	5	15	20	16	N/A
Bulgaria	0	0	0	0	0	0	N/A
China	-	-	-	-	-	-	X
Croatia	-	0	0	0	0	0	N/A
Czech Republic	-	-	-	-	-	-	N/A ⁽¹⁰⁶⁾
France	-	-	-	-	-	-	X ⁽¹⁰⁷⁾
Georgia	-	-	-	-	-	-	X ⁽¹⁰⁸⁾
Germany	0	0	0	0	0	0	X ⁽¹⁰⁹⁾
Hong Kong SAR	0	0	0	0	0	0	N/A

⁹⁵ According to the Netherlands' response to the questionnaire, "[t]he central authority has no oversight for outgoing requests".

⁹⁶ See Poland's response to the questionnaire (note 58).

⁹⁷ According to Portugal's response to the questionnaire, "[m]ost of the requests are sent directly to the requested Central Authority without intermediation of the Portuguese Central Authority".

⁹⁸ See Serbia's response to the questionnaire (note 84).

⁹⁹ See Slovakia's response to the questionnaire (note 59).

¹⁰⁰ According to Slovenia's response to the questionnaire, "[j]udicial authorities of Slovenia do not keep records and do not have data for outgoing request that were sent to Central Authorities of other States in accordance with Evidence Conventions".

¹⁰¹ According to the United Kingdom's response and in connection with England and Wales, "[w]e do not have exact records for 2017 and 2018 but the approximate average per annum was 13".

¹⁰² According to the United Kingdom's response and in connection with England and Wales, "[t]he numbers for Northern Ireland are 0. For Scotland the numbers are 0 because the Central Authority do not deal with outgoing requests".

¹⁰³ According to the United States of America's response to the questionnaire, "[t]he U.S. Central Authority does not have oversight for outgoing Letters of Request and therefore no data can be provided".

¹⁰⁴ See Argentina's response to the questionnaire (note 54).

¹⁰⁵ See Australia's response to the questionnaire (note 55).

¹⁰⁶ See the Czech Republic's response to the questionnaire (note 91).

¹⁰⁷ See France's response to the questionnaire (note 56).

¹⁰⁸ According to Georgia's response to the questionnaire, "[t]he Central Authority of Georgia does not process such data. All incoming requests are integrated in unified electronic system".

¹⁰⁹ According to Germany's response to the questionnaire, "[f]or outgoing Letters of Request, the German domestic Regulation on Judicial Assistance in Civil Matters (ZRHO) prescribes that they are to be signed by a judge and stamped with an official stamp or with an official seal. Besides the Regulation (EU) No. 910/2014 (eIDAS-Regulation) there is not yet a cross-border electronic signature to identify the origin and authenticity of the Letter of Request on a global level".

Hungary	0	0	0	0	0	0	0	N/A
Israel	-	-	-	-	-	-	-	X ⁽¹¹⁰⁾
Kazakhstan	-	-	-	-	-	-	-	X ⁽¹¹¹⁾
Latvia	-	-	-	-	-	-	-	X ⁽¹¹²⁾
Lithuania	-	-	-	-	-	-	-	X ⁽¹¹³⁾
Mexico	0	0	0	0	0	0	0	N/A
Montenegro	-	-	-	-	-	-	-	X
Netherlands	-	-	-	-	-	-	-	X
Nicaragua	-	-	0	0	0	0	0	N/A
Poland	-	-	-	-	-	-	-	X ⁽¹¹⁴⁾
Portugal	-	-	-	-	-	-	-	X ⁽¹¹⁵⁾
Serbia	-	-	-	-	-	-	-	X ⁽¹¹⁶⁾
Singapore	0	0	0	0	0	0	0	N/A
Slovakia	-	-	-	-	-	-	-	X
Slovenia	-	-	-	-	-	-	-	N/A
Sweden	-	-	-	-	-	-	-	X ⁽¹¹⁷⁾
United Kingdom	0	0	0	0	0	0	0	N/A ⁽¹¹⁸⁾
United States of America	-	-	-	-	-	-	-	X ⁽¹¹⁹⁾
Viet Nam	-	-	-	0	1	2	2	N/A
TOTAL	0	0	5	15	21	18	18	-

C. Video-Link

51 Number of incoming Letters of Request for the taking of evidence executed under Chapter I:

Respondent	2017	2018	2019	2020	2021	2022	Unknown
Argentina	-	-	-	-	-	-	X
Australia	-	-	-	-	-	-	X ⁽¹²⁰⁾
Brazil	-	-	-	-	-	-	X ⁽¹²¹⁾
Bulgaria	20	25	45	36	48	77	N/A
China	0	0	0	0	0	0	N/A
Croatia	-	4	5	2	8	6	N/A
Czech Republic	0	0	0	0	0	0	N/A
France	0	0	0	0	10	4	N/A
Georgia	0	0	0	0	1	0	N/A
Germany	0	0	0	0	0	0	X ⁽¹²²⁾

¹¹⁰ According to Israel's response to the questionnaire, "[a]ll requests are sent to the central authority abroad by email and by hard copy, via The Israel Postal Company Ltd".

¹¹¹ See Kazakhstan's response to the questionnaire (note 80).

¹¹² See Latvia's response to the questionnaire (note 81).

¹¹³ See Lithuania's response to the questionnaire (note 94).

¹¹⁴ See Poland's response to the questionnaire (note 58).

¹¹⁵ See Portugal's response to the questionnaire (note 97).

¹¹⁶ See Serbia's response to the questionnaire (note 84).

¹¹⁷ See Sweden's response to the questionnaire (note 72).

¹¹⁸ According to the United Kingdom's response and in connection with England & Wales, "[a]ll done via post or diplomatic channels".

¹¹⁹ See the United States of America's response to the questionnaire (note 103).

¹²⁰ See Australia's response to the questionnaire (note 55).

¹²¹ According to Brazil's response to the questionnaire, they "do not have this specific information readily available".

¹²² According to Germany's response to the questionnaire, "[t]aking of evidence by videolinks under Chapter I is – as direct taking of evidence - not permitted".

Hong Kong SAR	-	-	-	-	-	-	X ⁽¹²³⁾
Hungary	0	0	0	0	0	0	N/A
Israel	-	-	-	-	-	-	X ⁽¹²⁴⁾
Kazakhstan	0	0	1	1	4	2	N/A
Latvia	-	-	-	-	-	-	X ⁽¹²⁵⁾
Lithuania	2	1	-	-	-	4	N/A
Mexico	0	0	0	0	0	0	N/A
Montenegro	0	0	0	0	0	0	N/A
Netherlands	-	-	-	-	1	-	N/A
Nicaragua	-	-	0	0	0	0	N/A
Poland	-	-	-	-	-	-	X ⁽¹²⁶⁾
Portugal	0	0	0	0	0	0	N/A
Serbia	12	19	19	16	30	21	N/A
Singapore	-	-	-	-	-	-	X ⁽¹²⁷⁾
Slovakia	-	-	-	-	-	-	X ⁽¹²⁸⁾
Slovenia	0	0	0	0	0	0	X ⁽¹²⁹⁾
Sweden	-	-	-	-	-	-	X ⁽¹³⁰⁾
United Kingdom	-	-	14	34	2	10	N/A
United States of America	2	0	0	0	3	5	N/A
Viet Nam	-	-	-	0	0	0	N/A
TOTAL	46	49	84	89	107	129	-

52 Number of incoming Letters of Request for the taking of evidence executed under Chapter II:

Respondent	2017	2018	2019	2020	2021	2022	Unknown
Argentina	-	-	-	-	-	-	X
Australia	-	-	-	-	-	-	X ⁽¹³¹⁾
Brazil	-	-	-	-	-	-	X ⁽¹³²⁾
Bulgaria	15	6	14	10	3	12	N/A
China	0	0	0	0	0	-	N/A
Croatia	-	0	0	0	0	0	N/A
Czech Republic	-	-	-	-	-	-	X ⁽¹³³⁾
France	11	6	10	4	18	4	N/A
Georgia	0	0	0	0	0	0	N/A
Germany	0	0	0	0	6	2	N/A
Hong Kong SAR	0	0	0	0	0	0	N/A
Hungary	0	0	0	0	0	0	N/A
Israel	-	-	-	-	-	-	X

¹²³ According to Hong Kong SAR's response to the questionnaire, "[w]e do not keep figures in relation to Letter of Request for taking of evidence via video-link".

¹²⁴ See Israel's response to the questionnaire (note 79).

¹²⁵ See Latvia's response to the questionnaire (note 81).

¹²⁶ See Poland's response to the questionnaire (note 58).

¹²⁷ According to Singapore's response to the questionnaire, "[n]ot applicable. Singapore does not consider the taking of video link evidence to be available under Chapter I of the Convention".

¹²⁸ See Slovakia's response to the questionnaire (note 59).

¹²⁹ According to Slovenia's response to the questionnaire, "[t]he Central Authority has not received any request for taking of evidence via video-link in accordance with the Evidence Convention".

¹³⁰ See Sweden's response to the questionnaire (note 72).

¹³¹ See Australia's response to the questionnaire (note 55).

¹³² According to Brazil's response to the questionnaire, Chapter II is "[n]ot applicable".

¹³³ According to the Czech Republic's response to the questionnaire, Chapter II is "[n]ot applicable".

Kazakhstan	-	-	-	-	-	-	X ⁽¹³⁴⁾
Latvia	-	-	-	-	-	-	X ⁽¹³⁵⁾
Lithuania	1	-	-	-	-	-	N/A
Mexico	0	0	0	0	0	0	N/A
Montenegro	0	0	0	0	0	0	N/A
Netherlands	-	-	-	-	-	-	N/A
Nicaragua	-	-	0	0	0	0	N/A
Poland	-	-	-	-	-	-	X ⁽¹³⁶⁾
Portugal	0	0	2	1	3	1	N/A
Serbia	-	-	-	-	-	-	X ⁽¹³⁷⁾
Singapore	-	-	-	-	-	-	X ⁽¹³⁸⁾
Slovakia	-	-	-	-	-	-	X ⁽¹³⁹⁾
Slovenia	-	-	-	-	-	-	X ⁽¹⁴⁰⁾
Sweden	-	-	-	-	-	-	X ⁽¹⁴¹⁾
United Kingdom	-	-	-	-	-	-	X ⁽¹⁴²⁾
United States of America	-	-	-	-	-	-	X ⁽¹⁴³⁾
Viet Nam	-	-	-	-	-	-	X
TOTAL	27	12	26	15	29	19	-

¹³⁴ According to Kazakhstan’s response to the questionnaire, “[n]one of the Requests was made under chapter 2”.

¹³⁵ See Latvia’s response to the questionnaire (note 81).

¹³⁶ See Poland’s response to the questionnaire (note 58).

¹³⁷ According to Serbia’s response to the questionnaire, they “do not have the requested data”.

¹³⁸ According to Singapore’s response to the questionnaire, “[n]ot applicable. Singapore has made a reservation to Chapter II of the Evidence Convention”.

¹³⁹ See Slovakia’s response to the questionnaire (note 59).

¹⁴⁰ According to Slovenia’s response to the questionnaire, “[t]he Central Authority has not received any request for taking of evidence under Chapter II”.

¹⁴¹ See Sweden’s response to the questionnaire (note 72).

¹⁴² According to the United Kingdom’s response and in connection with England and Wales, “[s]eparate records are not kept for Chapter II requests, but it would have been very few”.

¹⁴³ According to the United States of America’s response to the questionnaire, “[t]he U.S. Central Authority permits the direct taking of evidence by video-link on a voluntary basis under Chapter II of the Convention, but such arrangements must be agreed upon privately and do not involve the U.S. Central Authority. Therefore, no data can be provided”.

ANNEX

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
Croatia	Excellent
Czech Republic	Good
France	Bonne
Georgia	Good – “We do not have particular suggestions so far”.
Germany	Good – “An answer to this question is also given by the European Union”.
Hong Kong SAR	Good
Hungary	Good
Israel	Excellent – “We make frequent use of the handbook”.
Kazakhstan	Good – “We had no video-link before, the following convention is rare to use in our country”.
Latvia	Excellent
Lithuania	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.)”.
Mexico	Excellent
Montenegro	Good
Netherlands	Good
Nicaragua	Good
Norway	Excellent
Poland	Good
Portugal	Good
Serbia	Excellent
Singapore	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”.
Slovakia	Good – “We refer to the relevant part of the European Union reply”.
Slovenia	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”.
Sweden	Good
United Kingdom	Excellent
United States of America	Good
Viet Nam	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)?	
Australia	“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”.

Brazil	“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”.
Czech Republic	“There is still space to promote the benefits of the Convention”.
France	“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”.
Georgia	“We do not have particular suggestions so far”.
Israel	“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”.
Kazakhstan	“Providing additional offline workshop”.
Latvia	“Latvia do not require such necessity (but it could be inner decision of each country)”.
Lithuania	“Regular reminder (e. g. yearly) from the Permanent Bureau to the Contracting States on the accessions pending for acceptance”.
Montenegro	“No suggestions”.
Netherlands	“[F]acilitating direct communication between the court answering the request for collecting evidence and the requesting court”.
Nicaragua	“More divulgation and invite other countries to learn about the practice and results during the application of the Convention”.
Poland	“Providing additional information”.
Portugal	“Contact between central authorities and new contracting states should be considered useful”.
Romania	“Inviting the Contracting States to accept the accession of the new Contracting States”.
Serbia	“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”.
Singapore	“Nil”
Slovenia	“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)”.
Sweden	“Existing order works fine”.
United Kingdom	“England and Wales suggests facilitating direct communications between our Central Authority and the Central /Competent Authorities of other contracting states”.
United States of America	“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”.
Viet Nam	“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?	
Argentina	Yes – electronic for incoming and outgoing
Australia	Yes – electronic for incoming only
Brazil	Yes – electronic for incoming and outgoing
Bulgaria	Yes – electronic for incoming and outgoing
China	Yes – electronic for incoming only
Croatia	Yes – electronic for incoming and outgoing
Czech Republic	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”.
France	Oui - électronique pour les demandes reçues et envoyées
Georgia	Yes – manual for incoming and outgoing
Germany	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”.
Hong Kong SAR	Yes – manual for incoming and outgoing.
Hungary	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”.
Israel	Yes – electronic for incoming and outgoing
Kazakhstan	Yes – electronic for incoming and outgoing
Latvia	Other – “Yes – incoming both (electronic and manual, depends on Instrument) Yes – outgoing only electronic”
Lithuania	Yes – electronic for incoming and outgoing
Mexico	Yes – electronic for incoming and outgoing
Montenegro	Yes – electronic for incoming only
Netherlands	Yes – electronic for incoming only
Nicaragua	Yes – manual for incoming and outgoing
Norway	Yes – electronic for incoming only
Poland	No
Portugal	Yes – electronic for incoming and outgoing

Serbia	Yes – electronic for incoming and outgoing
Singapore	Yes – manual for incoming and outgoing
Slovakia	Other – “We refer to the relevant part of the European Union reply”
Slovenia	No
Sweden	Other – “Yes, electronic for incoming and outgoing. See also response of the EU”.
United Kingdom	Yes - manual for incoming only.
United States of America	Yes – electronic for incoming only.
Viet Nam	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.

Argentina	No
Australia	Other – “The Australian Central Authority does not have oversight of outgoing requests”.
Brazil	Yes – electronic.
Bulgaria	No
China	No
Croatia	Yes – electronic.
Czech Republic	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”.
France	Non
Georgia	Yes – manual.
Germany	No
Hong Kong SAR	Yes – manual.
Hungary	Other – “See response to question No. 4. All incoming and outgoing correspondence is registered in the case register electronically but the substance can only be known from the file”.
Israel	Yes – electronic.
Kazakhstan	Yes – electronic.
Latvia	No – “If requesting State has interest in progress of the case, our Central Authority starts to clarify the progress”.
Lithuania	Other – “Lithuanian Central Authority does not have oversight for outgoing requests”.
Mexico	No
Montenegro	No

Netherlands	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”.
Nicaragua	Yes – manual.
Norway	No
Portugal	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”
Serbia	Yes – electronic.
Singapore	No
Slovakia	Other – “We refer to the relevant part of the European Union reply”.
Slovenia	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”.
Sweden	Yes - electronic - “See also response of the EU”.
United Kingdom	Yes - manual.
United States of America	Other – “The U.S. Central Authority does not have oversight for outgoing requests”.
Viet Nam	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?	
Argentina	Yes, regarding the interpretation of “civil or commercial matters” (Art. 1); regarding the interpretation of “commenced or contemplated” (Art. 1).
Australia	Yes, Other – “One jurisdiction reported difficulties in considering whether depositions in the US were akin to pre-trial discovery in Australia – see <i>Washington v Johnson & Johnson</i> and <i>Ors (2021) TASSC 65</i> ”.
Brazil	No
Bulgaria	No
China	No
Croatia	No
Czech Republic	Yes, regarding the interpretation of “civil or commercial matters” (Art. 1) – “Some Contracted Parties sent Letters of Request in administrative matters”.
France	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”.
Georgia	No
Germany	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”.
Hong Kong SAR	No
Hungary	No
Israel	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”
Kazakhstan	No
Latvia	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)”
Lithuania	No
Mexico	No
Montenegro	No
Netherlands	No
Nicaragua	No
Norway	No
Poland	No
Portugal	No
Romania	No
Serbia	No
Singapore	No
Slovakia	No
Slovenia	No
Sweden	Yes, regarding the interpretation of “civil or commercial matters” (Art. 1) – “It is sometimes difficult to distinguish administrative cases from civil and commercial matters”.
United Kingdom	No
United States of America	No
Viet Nam	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?	
Argentina	Mandatory
Australia	Non-mandatory
Brazil	Mandatory
China	Mandatory
Croatia	Mandatory
Czech Republic	Mandatory
France	Obligatoire
Georgia	Mandatory
Hong Kong SAR	Non-mandatory

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

Argentina	No
Australia	No
Brazil	No
China	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”
Croatia	No
Czech Republic	No
France	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"> - 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, - même si cette recherche n'est pas suivie d'effet, - et même si la personne poursuivie n'est ni française ni résidente française. <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>
Georgia	No
Hong Kong SAR	No
Hungary	Yes – “Please see response by the European Union”.
Israel	No
Kazakhstan	No
Latvia	No
Lithuania	No
Mexico	No
Montenegro	No
Netherlands	Yes – “See Practical Information”
Nicaragua	No
Norway	No
Poland	Yes – “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”
Portugal	No
Serbia	No
Singapore	No
Slovakia	Yes – “We refer to the relevant part of the European Union reply”.

Slovenia	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)”.
Sweden	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”
United Kingdom	No
United States of America	No
Viet Nam	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?	
Argentina	No
Australia	No
Brazil	No
Bulgaria	Yes
China	No
Croatia	No
Czech Republic	No
France	No
Georgia	No
Germany	No
Hong Kong SAR	No
Hungary	No
Israel	No
Kazakhstan	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

Singapore	No
Slovakia	No
Slovenia	No
Sweden	No
United Kingdom	No
United States of America	No
Viet Nam	No

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(11) As the requesting State, how are Letters of Request transmitted?	
Argentina	Via de Central Authority to the Central Authority of the requested State.
Australia	Directly from a judicial authority to the Central Authority of the requested State.
Brazil	Via the Central Authority to the Central Authority of the requested State.
Bulgaria	Via the Central Authority to the Central Authority of the requested State.
China	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.
Croatia	Via the Central Authority to the Central Authority of the requested State.
Czech Republic	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".
France	Directement d'une autorité judiciaire à l'Autorité centrale de l'État requis.
Georgia	Via the Central Authority to the Central Authority of the requested State.
Germany	Directly from a judicial authority to the Central Authority of the requested State.
Hong Kong SAR	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".
Hungary	Via the Central Authority to the Central Authority of the requested State.
Israel	Via the Central Authority to the Central Authority of the requested State.
Kazakhstan	Directly from a judicial authority to the Central Authority of the requested State.
Latvia	Via the Central Authority to the Central Authority of the requested State.
Lithuania	Directly from a judicial authority to the Central Authority of the requested State.
Mexico	Via the Central Authority to the Central Authority of the requested State.
Montenegro	Directly from a judicial authority to the Central Authority of the requested State.
Netherlands	Directly from a judicial authority to the Central Authority of the requested State.
Nicaragua	Via the Central Authority to the Central Authority of the requested State.
Norway	Directly from a judicial authority to the Central Authority of the requested State.
Poland	Directly from a judicial authority to the Central Authority of the requested State.
Portugal	Directly from a judicial authority to the Central Authority of the requested State.
Romania	Via the Central Authority to the Central Authority of the requested State.
Serbia	Directly from a judicial authority to the Central Authority of the requested State.
Singapore	Via the Central Authority to the Central Authority of the requested State.
Slovakia	Directly from a judicial authority to the Central Authority of the requested State.
Slovenia	Directly from a judicial authority to the Central Authority of the requested State.
Sweden	Via the Central Authority to the Central Authority of the requested State.

United Kingdom	Via the Central Authority to the Central Authority of the requested State.
United States of America	Directly from a judicial authority to the Central Authority of the requested State.
Viet Nam	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?	
Argentina	Yes, sometimes
Australia	Unknown
Brazil	Yes, sometimes
Bulgaria	Yes, sometimes
China	Yes, always
Croatia	No
Czech Republic	Yes, always
France	Oui, parfois
Georgia	Yes, always
Germany	Yes, sometimes
Hong Kong SAR	No – “The form is prescribed pursuant to local law, specifically Order 39 rule 3 (see Form 35, High Court Form, Cap. 4A (https://www.elegislation.gov.hk/hk/cap4A))”
Hungary	Yes, sometimes
Israel	Yes, always
Kazakhstan	Yes, always
Latvia	No – “Authorities refers to the Convention only”.
Lithuania	Yes, always
Mexico	No
Montenegro	Unknown
Netherlands	Unknown
Nicaragua	No – “Requests are sent through a note in accordance with article 3 of the Convention, however we could also send them using the form”.
Norway	Unknown
Poland	Unknown
Portugal	Yes, always
Romania	Yes, always
Serbia	Yes, always
Singapore	Yes, always
Slovakia	Yes, always
Slovenia	Yes, sometimes
Sweden	Yes, sometimes
United Kingdom	Yes, always
United States of America	Unknown
Viet Nam	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.	
Argentina	Yes
Australia	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”.
Brazil	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”.
Bulgaria	Revision is not required
China	Yes
Croatia	Yes
Czech Republic	Revision is not required
France	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”.
Georgia	Revision is not required
Germany	Yes – “Guidelines outlining how to complete the Model Form are considered beneficial”.
Hungary	Revision is not required
Israel	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”.
Kazakhstan	Yes – “[w]e need the Model Form become official document as the Certificate of the 1965 Convention”.
Latvia	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”.
Lithuania	Revision is not required
Mexico	Yes
Montenegro	Yes
Netherlands	Revision is not required
Nicaragua	Yes
Norway	Revision is not required
Poland	Yes – “It is worth considering creating a model online form”
Portugal	Revision is not required
Romania	Yes

Serbia	Revision is not required
Singapore	Revision is not required
Slovakia	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”.
Slovenia	Yes – “[S]ome improvements could be made, such as including the possibility/suggestion of taking evidence via video-link”.
Sweden	Yes – “Provide Model Form in more languages”.
United Kingdom	Yes
United States of America	Yes – “Recommended further work can focus on including a section on video-link testimony. The Model Form should also be available in additional languages”.
Viet Nam	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	
Argentina	No
Australia	No
Brazil	No
Bulgaria	No
China	No
Croatia	No
Czech Republic	No
France	Yes
Georgia	Yes
Germany	No
Hong Kong SAR	No
Hungary	No
Israel	Yes
Kazakhstan	No
Latvia	No
Lithuania	Yes
Mexico	Yes
Montenegro	No
Netherlands	Yes
Nicaragua	No
Norway	No
Poland	Yes
Portugal	No
Romania	No
Serbia	Yes
Singapore	Yes
Slovakia	No
Slovenia	No
Sweden	No
United Kingdom	Yes
United States of America	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.

Brazil	(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”.
Bulgaria	(1) The request was not issued by a judicial authority; (2) The request did not comply with the translation requirements under Article 4.
China	(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.
Czech Republic	(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.
France	(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.
Germany	(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.
Israel	(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.
Latvia	(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
Mexico	(1) The request did not relate to judicial proceedings (2) The matter to which it related was not “commenced or contemplated”
Netherlands	(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.
Norway	(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
Portugal	The request did not comply with the translation requirements under Article 4.
Serbia	(1) The matter was not “civil or commercial”; (2) The request was not issued by a judicial authority.
Singapore	(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”.
Slovenia	(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”.
United Kingdom	(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)”.
United States of America	(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
Viet Nam	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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(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?	
Argentina	Yes
Australia	Yes – “Our Central Authority occasionally receives enquiries from foreign authorities requesting clarifications or additional information when preparing Letters of Request”.

Brazil	Yes – “Whenever foreign judicial authorities send us questions on that matter (usually by email), we give them orientation and are happy to do so”.
Bulgaria	No
China	Yes, sometimes
Croatia	Unknown
Czech Republic	No
France	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”.
Georgia	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”
Germany	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”.
Hong Kong SAR	No
Hungary	Yes – “We have never been requested but we would provide assistance if such request is sent”.
Israel	Yes
Kazakhstan	No
Latvia	No
Lithuania	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”.
Mexico	No
Montenegro	Yes – “By giving answers from inquires from emails”.
Netherlands	No
Nicaragua	No
Norway	No
Poland	No
Portugal	Yes – “Telling them where to find the recommended form and about the requirements needed (eg. Language)”.
Romania	No
Serbia	No
Singapore	No
Slovakia	No
Slovenia	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”.
Sweden	No
United Kingdom	Yes – “When contacted by email or telephone we provide as much information as we can, including a template letter of request and draft order”.
United States of America	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: https://www.justice.gov/civil/evidence-requests . The U.S. Central Authority will answer inquiries from foreign judicial authorities by phone or email”.
Viet Nam	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?	
Argentina	Yes
Australia	Yes – “Our Central Authority occasionally receives enquiries from foreign authorities requesting clarifications or additional information when preparing Letters of Request”.
Brazil	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)”.
Bulgaria	No
China	Yes, sometimes
Croatia	No
Czech Republic	No
France	Oui – “Cf. réponse Q16”.
Georgia	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)”.
Germany	No
Hong Kong SAR	No
Hungary	No
Israel	No
Kazakhstan	No
Latvia	No
Lithuania	Yes – “Only by consulting by email and sharing useful links or templates”.
Mexico	No
Montenegro	Yes – “By giving answers from inquiries from emails”.
Netherlands	No
Nicaragua	No
Norway	No
Poland	No
Portugal	Yes – “Telling them where to find the recommended form and about the requirements needed (eg. Language)”.
Romania	No
Serbia	No
Singapore	No
Slovakia	No
Slovenia	No

Sweden	No
United Kingdom	Yes - “We frequently receive requests for assistance from solicitors or local authorities who are unfamiliar with the process and provide assistance and templates”.
United States of America	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: https://www.justice.gov/civil/evidence-requests . The U.S. Central Authority will answer inquiries from legal representatives by phone or email”.
Viet Nam	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”)?	
Argentina	No
Australia	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”.
Brazil	No
Bulgaria	No
China	No
Croatia	Unknown
Czech Republic	Unknown
France	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”.
Georgia	Yes - “State's judicial authorities rephrase, restructure and / or strike out offensive wording in order to execute a Letter of Request”.
Germany	No
Hong Kong SAR	Yes - “Rephrase, restructure and/or strike out. As explained in O.70/1/24-15 of the ‘Hong Kong Civil Procedure 2023’”.
Hungary	Unknown
Israel	No
Kazakhstan	No
Latvia	No
Lithuania	No
Mexico	No
Montenegro	Unknown
Netherlands	No
Nicaragua	No
Norway	No
Poland	No
Portugal	No

Romania	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”.
Serbia	Unknown
Singapore	No
Slovakia	No
Slovenia	Unknown
Sweden	No
United Kingdom	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”.
United States of America	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”.
Viet Nam	No

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(19) As the requested State, can the execution of a Letter of Request that has been received be challenged?	
Argentina	No
Australia	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))”.
Brazil	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”.
Bulgaria	No
China	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”.
Croatia	Unknown
Czech Republic	Yes – “[I]n accordance with Art. 12(b) of the Convention”.
France	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.”.
Georgia	No
Germany	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”.
Hong Kong SAR	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’”.
Hungary	No
Israel	Yes – “A party can challenge the execution of the Letter of Request in the competent court”.
Kazakhstan	No
Latvia	Unknown
Lithuania	Unknown
Mexico	Yes
Montenegro	No
Nicaragua	Yes – “[I]t can be challenged if the request is against our legislation”.
Norway	Unknown
Poland	No
Portugal	Yes – “If the evidence is subject, for instance, to confidentiality”.
Romania	No
Serbia	No
Singapore	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”.
Slovakia	No
Slovenia	Unknown
Sweden	No
United Kingdom	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”.
United States of America	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”.
Viet Nam	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?

Australia	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”.
Brazil	No
China	Yes
Czech Republic	Yes – “The requesting authority may send the clarification and specify its intentions regarding the execution of their request”.
France	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”.
Germany	No
Israel	Yes – “It’s usually the interested party that would respond to the challenge”.
Mexico	Yes
Nicaragua	Yes
Portugal	Yes – “The requesting authority is informed, and can respond to the court”.
United Kingdom	Yes – “The witness is entitled to apply to set aside, vary or stay the order for the witness to provide evidence”.
United States of America	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?	
Argentina	No
Australia	Yes – “Each Australian jurisdiction has its own procedures for challenging a decision to send a Letter of Request, either through legislation or judicial review”.
Brazil	Yes – “Parties in the judicial proceedings can challenge letters of requests before the courts that issue them or before appeal courts”.
Bulgaria	No
China	Yes
Croatia	No
Czech Republic	Yes – “For the reasons stated in Art. 12 of the Convention”.
France	Oui – “Dans le cadre de l’instance en France, devant le juge saisi du litige”.
Georgia	No
Germany	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)".
Hong Kong SAR	No
Hungary	Yes – “Only in the appeal against the judgment on the merits of the case”.
Israel	Yes – “A party can challenge the sending of a Letter of Request in the competent court”.
Kazakhstan	No
Latvia	No
Lithuania	No
Mexico	No
Montenegro	No
Nicaragua	Yes – “[I]t can be challenged if the request is against our legislation”.
Norway	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".).”.
Poland	No
Portugal	No
Romania	No
Serbia	No
Singapore	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”.
Slovakia	No
Slovenia	No
United Kingdom	No
United States of America	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”.
Viet Nam	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)?

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

Hong Kong SAR	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"
Hungary	Central Authority
Israel	Central Authority
Kazakhstan	Central Authority
Latvia	Judicial authority competent to execute the request
Lithuania	Judicial authority competent to execute the request
Mexico	Private representative
Montenegro	Judicial authority competent to execute the request
Netherlands	Judicial authority competent to execute the request
Nicaragua	Central Authority
Norway	Judicial authority competent to execute the request
Poland	Judicial authority competent to execute the request
Portugal	Judicial authority competent to execute the request
Romania	Central Authority
Serbia	Central Authority
Singapore	Other - "Attorney-General's Chambers."
Slovakia	Judicial authority competent to execute the request
Slovenia	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."
Sweden	Judicial authority competent to execute the request
United Kingdom	Central Authority
United States of America	Central Authority
Viet Nam	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))	
Argentina	Yes
Australia	Yes - "These have included requests in relation to oaths/affirmations, methods for taking a deposition, requests to undergo medical tests".
Brazil	Yes - "Under that category, the most common requests we receive are those aiming for the collection of DNA samples".
Bulgaria	No
China	Yes
Croatia	Unknown
Czech Republic	Yes - "DNA examination and Expert opinion".
France	Oui - "Audition par vidéoconférence, cross-examination, présence d'un sténotypiste et d'un vidéographe pour enregistrer l'audition de témoin(s), prélèvements AND".
Georgia	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".
Germany	Yes – "Procedure of taking and wording of the oath".
Hong Kong SAR	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".
Hungary	No
Israel	No
Kazakhstan	Yes – "[R]equesting state asks to provide an protocol of interrogation".
Latvia	No
Lithuania	Unknown
Mexico	Yes
Montenegro	No
Netherlands	Yes
Nicaragua	No
Norway	Unknown
Poland	No
Portugal	No
Romania	Yes
Serbia	Unknown
Singapore	Yes – "By way of deposition for the evidence from the witness to be recorded down in a transcript".
Slovakia	Unknown
Slovenia	No
Sweden	Yes – "Requesting state have for example asked the witness to give evidence under their national oath".
United Kingdom	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".
United States of America	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".
Viet Nam	No

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

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

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(23.1.) If the answer to Q23 above is “yes”, please indicate circumstances where reimbursement is sought.	
Argentina	Fees paid to experts and interpreters (Art. 14(2)).
Australia	(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”.
Brazil	(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)).
Bulgaria	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs incurred by employing an examiner (Art. 14(3)).
China	(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)).
Czech Republic	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)).
France	(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)).
Georgia	(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).
Germany	(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”.
Hong Kong SAR	(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”.
Hungary	Fees paid to experts and interpreters (Art. 14(2)).
Netherlands	(1) Fees paid to experts and interpreters (Art. 14(2)); Other – “[S]ee Practical Information”.
Portugal	Costs incurred by employing an examiner (Art. 14(3)).
Romania	(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)).
Singapore	(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”.
Slovakia	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs incurred by employing an examiner (Art. 14(3)).
Slovenia	(1) Fees paid to experts and interpreters (Art. 14(2)); (2) Costs occasioned by the use of a special procedure (Art. 14(2)).
Sweden	Fees paid to experts and interpreters (Art. 14(2)).
United States of America	(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”.
Viet Nam	(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?	
Argentina	Requesting authority
Australia	Requesting authority

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

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(25) As the requested State, does your State reject a Letter of Request seeking discovery if it is too broad?	
Argentina	No
Australia	Not applicable, Article 23 declaration
Brazil	Not applicable, Article 23 declaration
Bulgaria	No
China	Not applicable, Article 23 declaration
Croatia	Not applicable, Article 23 declaration
Czech Republic	Yes - "E.g. a request to ascertain all assets of a person/legal entity without specifying the location of such assets would be denied".
France	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”.
Georgia	No
Germany	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”.
Hong Kong SAR	Not applicable, Article 23 declaration
Hungary	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”.
Israel	No
Kazakhstan	No
Latvia	Yes
Lithuania	Not applicable, Article 23 declaration
Mexico	Yes
Montenegro	No
Nicaragua	No
Norway	Not applicable, Article 23 declaration
Poland	Not applicable, Article 23 declaration
Portugal	Not applicable, Article 23 declaration
Romania	No
Serbia	No
Singapore	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)”.
Slovakia	No
Slovenia	No
Sweden	Not applicable, Article 23 declaration
United Kingdom	Not applicable, Article 23 declaration
United States of America	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”.
Viet Nam	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?	
Argentina	Before a Judge, Magistrate, Special Master, or other court official
Australia	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”
Brazil	Before a Judge, Magistrate, Special Master, or other court official
Bulgaria	Before a Judge, Magistrate, Special Master, or other court official
China	Before a Judge, Magistrate, Special Master, or other court official
Croatia	Before a Judge, Magistrate, Special Master, or other court official
Czech Republic	Before a Judge, Magistrate, Special Master, or other court official
France	Devant un juge, un magistrat, un expert judiciaire nommé par le juge (special master) ou un autre fonctionnaire attaché au tribunal
Georgia	Before a Judge, Magistrate, Special Master, or other court official
Germany	Before a Judge, Magistrate, Special Master, or other court official
Hong Kong SAR	Before a Judge, Magistrate, Special Master, or other court official By a private examiner
Hungary	Before a Judge, Magistrate, Special Master, or other court official
Israel	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”

Kazakhstan	Other – “hearing inducted by the court”
Latvia	Before a Judge, Magistrate, Special Master, or other court official
Lithuania	Before a Judge, Magistrate, Special Master, or other court official
Mexico	Before a Judge, Magistrate, Special Master, or other court official
Montenegro	Before a Judge, Magistrate, Special Master, or other court official
Netherlands	Before a Judge, Magistrate, Special Master, or other court official
Nicaragua	Before a Judge, Magistrate, Special Master, or other court official
Norway	Before a Judge, Magistrate, Special Master, or other court official
Poland	Before a Judge, Magistrate, Special Master, or other court official
Portugal	Before a Judge, Magistrate, Special Master, or other court official By a judicial officer
Romania	Before a Judge, Magistrate, Special Master, or other court official
Serbia	Before a Judge, Magistrate, Special Master, or other court official
Singapore	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”
Slovakia	Before a Judge, Magistrate, Special Master, or other court official By a judicial officer
Slovenia	Before a Judge, Magistrate, Special Master, or other court official By a judicial officer
Sweden	Before a Judge, Magistrate, Special Master, or other court official
United Kingdom	Before a Judge, Magistrate, Special Master, or other court official By a private examiner
United States of America	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”
Viet Nam	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?	
Argentina	Yes
Australia	No
Brazil	No
Bulgaria	No
China	No
Croatia	No
Czech Republic	No
France	Non – “Le droit interne français n’a pas d’exigence spécifique à cet égard”
Georgia	Yes
Germany	No
Hong Kong SAR	No
Hungary	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

Netherlands	Other – “Public, unless otherwise ordered by a judge. Private in personal- and family matters, unless otherwise ordered by a judge”
Nicaragua	Public, unless otherwise ordered by a judge
Norway	Public, unless otherwise ordered by a judge
Poland	Public, unless otherwise ordered by a judge
Portugal	Public, unless otherwise ordered by a judge
Romania	Public, unless otherwise ordered by a judge
Serbia	Public, unless otherwise ordered by a judge
Singapore	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”
Slovakia	Public, unless otherwise ordered by a judge
Slovenia	Public, unless otherwise ordered by a judge
Sweden	Public, unless otherwise ordered by a judge
United Kingdom	Public, unless otherwise ordered by a judge
United States of America	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”
Viet Nam	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?*	
Argentina	No
Australia	Yes, always
Brazil	No
Bulgaria	No
China	Yes, sometimes
Croatia	Yes, always
Czech Republic	No
Georgia	No
Germany	No
Hong Kong SAR	Yes, always
Hungary	No
Israel	Yes, sometimes
Kazakhstan	No
Latvia	Yes, sometimes
Lithuania	No
Mexico	No
Montenegro	No
Netherlands	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”

Hong Kong SAR	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”
Hungary	No requirements
Israel	Any document presented to a witness must be attached to the Letter of Request
Kazakhstan	Any document presented to a witness must be attached to the Letter of Request
Latvia	No requirements
Lithuania	Any document presented to a witness must be attached to the Letter of Request
Mexico	(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
Montenegro	Any document presented to a witness must be attached to the Letter of Request
Netherlands	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”
Nicaragua	(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
Poland	Any document presented to a witness must be attached to the Letter of Request
Portugal	Any document presented to a witness must be attached to the Letter of Request
Romania	Any document presented to a witness must be attached to the Letter of Request
Serbia	(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
Singapore	No requirements
Slovakia	(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
Slovenia	Any document presented to a witness must be attached to the Letter of Request
Sweden	No requirements
United Kingdom	Any document presented to a witness must be attached to the Letter of Request
United States of America	Any document presented to a witness must be attached to the Letter of Request
Viet Nam	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”

China	No
Croatia	Yes – “Parties in the case can be present at the court when hearing is conducted”
Czech Republic	Yes – “The presiding judge, board members, participants and experts enjoy the right to ask questions gradually”
France	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 »”
Georgia	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”
Germany	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”
Hong Kong SAR	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)”
Hungary	Yes – “Provided that the judge conducting the hearing gives permission”
Israel	Yes
Kazakhstan	No
Latvia	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”
Lithuania	No
Mexico	Yes
Montenegro	No
Netherlands	Yes
Nicaragua	No
Norway	Yes – “Unknown how this is done in the Courts”
Poland	No
Portugal	Yes
Romania	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”
Serbia	No
Singapore	No

Slovakia	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”
Slovenia	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)”
Sweden	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”
United Kingdom	No
United States of America	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”
Viet Nam	No

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(33) In your State, is an oath or affirmation administered to the witness before the taking of evidence?	
Argentina	Yes
Australia	Yes
Brazil	Yes
Bulgaria	Yes
China	Yes
Croatia	No
Czech Republic	Yes
France	Oui
Georgia	Yes
Germany	No
Hong Kong SAR	Yes
Hungary	No
Israel	Yes
Kazakhstan	Yes
Latvia	Yes
Lithuania	Yes
Mexico	Yes
Montenegro	Yes
Netherlands	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)”
France	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. »”
Georgia	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”
Germany	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”
Hong Kong SAR	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”
Hungary	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”.
Israel	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”
Kazakhstan	Yes – “[F]orced drive”
Latvia	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”
Lithuania	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”
Mexico	Yes
Montenegro	Yes – “The witness can be fined or brought under compulsion”
Netherlands	Yes – “[S]ee Practical Information”
Nicaragua	No
Norway	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”
Poland	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”
Portugal	Yes – “Judicial custody or a fine”
Romania	Yes – “The court can issue a summon”
Serbia	No
Singapore	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”
Slovakia	Yes – “According to § 102 of the Slovak Civil Proceedings Code, a court can impose a procedural fine on the person who complicates the procedure”
Slovenia	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)”
Sweden	Yes – “[I]mposition of a conditional fine”
United Kingdom	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”
United States of America	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”.

Viet Nam	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?	
Argentina	Unknown
Australia	No
Brazil	No
Bulgaria	No
China	No
Croatia	Unknown
Czech Republic	Unknown
France	Non
Georgia	No
Germany	Unknown
Hong Kong SAR	Unknown
Hungary	Unknown
Israel	Unknown
Kazakhstan	Yes, under your State laws (Art. 11(a)) – “diplomatic officers”
Latvia	(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))
Lithuania	Unknown
Mexico	No
Montenegro	Unknown
Netherlands	Unknown
Nicaragua	No
Norway	Unknown
Poland	Unknown
Portugal	Unknown
Romania	No
Serbia	Unknown
Singapore	No
Slovakia	Unknown
Slovenia	Unknown
Sweden	Unknown
United Kingdom	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”

United States of America	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”
Viet Nam	No

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

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(38) In your State, how is witness testimony transcribed?	
Argentina	Written and signed testimony
Australia	Other – “Verbatim audio/video recording as well as a verbatim written transcript”
Brazil	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”
Bulgaria	Verbatim recording through written
China	Verbatim recording through written
Croatia	Summary minutes
Czech Republic	Other – “a) Verbatim recording through audio. b) Verbatim recording through written”
France	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”
Georgia	Verbatim recording through audio
Germany	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)”
Hong Kong SAR	Other – “Verbatim recording through written, written and signed testimony and deposition”
Hungary	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”

Israel	Other – “(a) Verbatim recording through audio. (b) Verbatim recording through written”
Kazakhstan	Verbatim recording through audio
Latvia	Other – “(a) Verbatim recording through audio. (c) Summary minutes”
Lithuania	Other – “A and C”
Mexico	Written and signed testimony
Montenegro	Summary minutes
Netherlands	Other – “[T]he court makes a record of the court session and the testimony”
Nicaragua	Written and signed testimony
Norway	Written and signed testimony
Poland	Written and signed testimony
Portugal	Verbatim recording through audio
Romania	Written and signed testimony
Serbia	Summary minutes
Singapore	Verbatim recording through audio
Slovakia	Other – “More options apply: - Verbatim recording through audio. - Verbatim recording through written. - Written and signed testimony”
Slovenia	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”
Sweden	Verbatim recording through audio
United Kingdom	Written and signed testimony
United States of America	Written and signed testimony
Viet Nam	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?

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

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

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

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

Slovakia	Yes
Slovenia	Unknown
Sweden	Yes
United Kingdom	Yes
United States of America	Yes
Viet Nam	Not applicable

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

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

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

	(2) Implementation challenges (e.g., lack of resources, lack of infrastructure); (3) System interoperability / compatibility; (4) Security concerns
Sweden	None
United Kingdom	None
United States of America	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”
Viet Nam	(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?	
Argentina	Yes
Australia	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”
Brazil	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.)”
Bulgaria	No
China	Yes – “We have established a system: link ”
Croatia	No
Czech Republic	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”
France	Non
Georgia	Yes – “Electronic means of communication between the authorities of the State were improved”
Germany	No
Hong Kong SAR	No
Hungary	No
Israel	Yes – “Since the Covid-19 pandemic, Israel's Central Authority accepts incoming requests via e-mail”
Kazakhstan	Yes – “[E]veryone worked from home and one officer worked from the office”
Latvia	No
Lithuania	No
Mexico	No
Montenegro	No

Netherlands	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”
Nicaragua	Yes
Norway	No
Poland	No
Portugal	Yes – “The use of information technology other than video conferencing”
Serbia	No
Singapore	No
Slovakia	Yes – “We refer to the relevant part of the European Union reply”
Slovenia	Yes – “[T]here was more teleworking for all Judicial Authorities and Public Authorities, more information can be found here: link ”
Sweden	Yes – “Please see response of the EU”
United Kingdom	Yes – “Evidence can be given by video link from the witness’s own device, provided that the witness is giving evidence voluntarily”
United States of America	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”
Viet Nam	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?	
Australia	“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”
Brazil	“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”
China	“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”
Georgia	“We do not have such suggestions so far”
Germany	“Trainings and seminars (online) as well as guidance on how to use information technology are considered as useful tools for practitioners”

Israel	“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”
Kazakhstan	“[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”
Latvia	“We support all the topics”
Lithuania	“Challenges arising from differences between common law and continental law systems (e. g. private v. public hearing)”
Mexico	“Share experiences of other states who have been using technology in the relief of evidence”
Montenegro	“No suggestions”
Nicaragua	“Provide or have a common platform with the contracting countries, for questions or feedback”
Poland	“Identification of the programs and IT systems used by the executing authorities”
Portugal	“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)”
Singapore	“(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”
Slovenia	“[T]aking evidence via video-link, interoperability of systems, new information technologies”
Sweden	None
United Kingdom	“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”
United States of America	“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”
Viet Nam	“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?	
Argentina	None
Australia	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”
Brazil	Other – “See above”
Bulgaria	None

China	None
Czech Republic	None
France	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"
Georgia	Other - "Development of a Guide to Good Practice"
Germany	None
Hong Kong SAR	None
Hungary	None
Israel	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"
Kazakhstan	None
Latvia	None
Lithuania	Other - "Training, seminars"
Mexico	None
Montenegro	None
Netherlands	None
Nicaragua	None
Poland	None
Portugal	None
Serbia	None
Singapore	Other - "There could be further work, depending on the outcome of exploratory studies of the topics referred to above at Q45"
Slovakia	None
Slovenia	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"
Sweden	None
United Kingdom	Other - "See answer to Q 46"
United States of America	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"
Viet Nam	Other - "Model Law on taking of evidence abroad via videoconference"

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(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?	
Argentina	Yes - "Cooperation and Judicial Assistance Agreement in civil, commercial, labor and administrative matters of Mercosur"
Australia	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"
Brazil	"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>Bulgaria</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”
China	“Yes – Bilateral MLA treaties in civil and commercial matters with foreign countries”
Croatia	Yes
Czech Republic	“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)”
France	<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>
Georgia	“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)”
Germany	“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”
Hong Kong SAR	No
Hungary	“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”
Israel	“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)”
Kazakhstan	“Yes, Minsk and Kishinev Conventions and bilateral agreements with Pakistan, China, Turkey and others”
Latvia	Yes
Lithuania	“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)”
Mexico	Yes
Montenegro	“Yes – Evidence is processed in accordance with the national legislation of the contracting parties”
Netherlands	“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)”
Nicaragua	No

Norway	“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”
Poland	“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”
Portugal	“Yes - Bilateral agreements with Angola; Mozambique; Cape Verde; São Tomé and Príncipe; Guinea-Bissau; Algeria; Regulation 2020/1783”
Serbia	No
Singapore	“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”
Slovakia	Yes – “We refer to the relevant part of the European Union reply”
Slovenia	“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)”
Sweden	“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”
United Kingdom	Yes
United States of America	“Yes - Bilateral Consular Conventions: https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/intl-treaties/Bilateral-Consular-Conventions.html ”
Viet Nam	“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)?	
Australia	Yes – “Although they do not expressly provide for the use of electronic means, there is also nothing to prohibit their use”
Brazil	Yes – “They do not mention it specifically, but do not preclude it either”
Bulgaria	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”
China	No
Croatia	Yes
Czech Republic	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”
France	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)”
Georgia	No
Germany	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”
Hungary	No
Israel	No
Kazakhstan	No
Latvia	Yes – “Use of electronic means is not specifically provided, but it is not prohibited either”
Lithuania	Yes – “EU Evidence Regulation 2020/1783”
Mexico	No
Montenegro	No
Netherlands	Yes
Norway	No
Poland	No
Portugal	Yes – “Regulation 2020/1783”
Slovakia	Yes – “We refer to the relevant part of the European Union reply”
Slovenia	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)”
Sweden	Yes – “Please see EU’s response on question 44”
United States of America	No
Viet Nam	No

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(47.2) If yes, what electronic means or information technology does your State use in the taking of evidence?	
Australia	(1) Electronic transmission via online platform administered by the government; (2) Video conference
Brazil	(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)”
Bulgaria	(1) Electronic transmission via online platform administered by the government; (2) Video conference
Croatia	(1) Electronic transmission via online platform administered by the government; (2) Video conference
Czech Republic	(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”
France	(1) Transmission électronique via une plateforme en ligne administrée par le gouvernement ; (2) Vidéo conférence
Germany	Video conference; Other – “An answer to this question is given by the European Union”
Latvia	Video conference
Lithuania	Video conference
Portugal	Video conference
Slovakia	(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”
Slovenia	(1) Electronic transmission via online platform administered by the government; (2) Video conference
Sweden	(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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