

## COUNTRY PROFILE

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

STATE NAME: [Malta](#)

PROFILE UPDATED ON (DATE): [30th March 2017](#)

#### PART I: STATE

<b>1. Contact details</b> <i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
<b>CHAPTER I (LETTERS OF REQUEST)</b>	
<i>As with any other Letter of Request under Chapter I of the Evidence Convention, the requesting authority should contact the Central Authority(ies) of the requested State when seeking to obtain evidence by means of a Letter of Request, whether using video-link or not.</i>	
a) Are the contact details of the Central Authority(ies) designated by YOUR STATE up-to-date on the <a href="#">Evidence Section</a> of the Hague Conference website?	<input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No. Please provide the contact details on a separate Word or PDF document for uploading on the Evidence Section of the Hague Conference website.
b) Would YOUR STATE be in favour of specifying a <b>person or department within the Central Authority(ies)</b> who would assist in processing Letters of Request where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?	<input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: <b>The following are the contact persons:</b> <a href="#">Charles Calleja, Audio Visual Senior Technical Office</a> This person is responsible to connect, test and assist technically during the video conference Contact +356 25902375 - Office 4th floor in the Law Courts in Valletta <a href="mailto:charles-george.calleja@gov.mt">charles-george.calleja@gov.mt</a> <a href="#">Maria Ruth Ciantar, Video Conference availability</a> Contact +356 25902391 - Office 4th floor in the Law Courts in Valletta <a href="mailto:maria.a.ciantar@gov.mt">maria.a.ciantar@gov.mt</a> <a href="#">Alan J. Darmanin, Clerk</a> Contact +356 25902211 - Office 4th floor in the Law Courts in Valletta <a href="mailto:alan.a.darmanin@gov.mt">alan.a.darmanin@gov.mt</a>

	<input type="checkbox"/> No. Please explain why:  <i>Comments:</i>
c) What arrangements are there for ensuring that there is a contact person with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?	The contact person will be present for the taking of evidence. A video-link test will be carried out prior to the actual hearing. The room where the video-link takes place will be booked for the whole session.
<b>CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)</b>	
<p><i>Permission by a designated authority may be required to apply certain provisions under Chapter II. To know if such a permission is required for a particular State, see the practical information chart (accessible from the <a href="#">Authorities</a> page) AND / OR the declarations (accessible from the <a href="#">Status Table</a> page) of the relevant State available on the <a href="#">Evidence Section</a> of the Hague Conference website.</i></p> <p><i>If permission is not required, applicants should contact the diplomatic and consular mission (Arts 15/16) or the commissioner (Art. 17) to explore whether or not evidence may be obtained by video-link under this Chapter.</i></p> <p><i>If permission is required, applicants should contact the authority that was designated to grant permission AND the relevant diplomatic and consular mission or commissioner, to explore, where necessary, whether or not evidence may be obtained by video-link under this Chapter.</i></p>	
d) Would YOUR STATE be in favour of specifying <b>an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner</b> , that would assist in processing applications where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?	<input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: <a href="#">Ministry for Foreign Affairs</a> <input type="checkbox"/> No. Please explain why:  <i>Comments:</i> However, it highly depends on the case
e) What arrangements are there for ensuring that there is a contact person with whom the Court of Origin can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?	Diplomatic representation staff from the concerned Embassy

## PART II: RELEVANT LEGISLATION AND COURT SYSTEM

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (<i>i.e.</i> internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No. Please specify:</p> <p><i>Comments:</i></p>
<p>b) Please indicate the legal basis or applicable protocols (<i>i.e.</i>, relevant laws, regulations, practice, etc.) for the use of video-links in the taking of evidence in YOUR STATE, either under the Convention or independent of the Convention (see, <i>e.g.</i> Art. 27 (b) and (c)):</p> <p><i>Please also attach a copy of, or provide a link to, the relevant provisions, where possible in English or French.</i></p>	<p><a href="#">Article 622B of Chapter 12 of the Laws of Malta (Code of Organisation and Civil Procedure) is the legal basis for video-link under national law.</a></p>
<p>c) Does YOUR STATE have any agreements with other Contracting States that derogate from the Convention when taking evidence by video-link (see Art. 28 and Art. 32)?</p>	<p><input type="checkbox"/> Yes. Please attach a copy of, or provide a link to, the relevant provisions, where possible in English or French:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
Court system	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p><input checked="" type="checkbox"/> All courts.</p> <p><input type="checkbox"/> All courts of a specific type / level. Please specify:</p> <p><input type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list:</p> <p><input type="checkbox"/> None.</p> <p><i>Comments:</i></p>

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

<p>a) Does YOUR STATE use licensed software (which ensures support for technical and security matters) for the taking of evidence by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">Ploycom software licenced</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>b) What are the specifications of the video-link technology in use in YOUR STATE, including, if any, the minimum standards or mechanisms used to secure the communications and any recordings made?</p> <p><i>States are encouraged to provide as much information as possible when responding to this question. As such, it may be useful to consider liaising with the relevant IT experts.</i></p>	<p>Codec (<i>i.e.</i>, manufacturer, model, transmission speed, bandwidth): <a href="#">ploycom HDX 7000,5Mbytes download and 3mbytes upload</a></p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): <a href="#">high definition</a></p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): <a href="#">IP</a></p> <p>Type of encryption for signals in secure transmissions: <a href="#">h323 and or SIP Manual answering secure</a></p> <p>Split screen capability: <a href="#">Yes</a></p> <p>Document cameras: <a href="#">Can connect Computer directly (can show document through PC)</a></p> <p>Multipoint connections: <a href="#">Yes</a></p> <p>Additional specifications or capabilities:</p> <p>Protocols or other practices:</p> <ul style="list-style-type: none"> <li>• <a href="#">H.264, H.264 High Profile IP, H.263+, H.261</a></li> <li>• <a href="#">H.239/Polycom People+Content</a></li> <li>• <a href="#">H.263 &amp; H.264 Video Error Concealmen• 22 kHz bandwidth with Polycom® Siren™ 22 technology</a></li> <li>• <a href="#">14 kHz bandwidth with Polycom® Siren™ 14 technology, G.722.1 Annex C</a></li> <li>• <a href="#">7 kHz bandwidth with G.722, G.722.1</a></li> <li>• <a href="#">3.4 kHz bandwidth with G.711, G.728, G.729At</a></li> </ul> <p><i>Comments:</i></p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">Skype</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <i>A week before a test is done to ensure technical features are compatible and functioning well.</i></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>e) Does YOUR STATE have any requirements as to the hearing room, <i>e.g.</i>, should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <i>Video linking is carried out in a specific room within the court building, however video link can be held in most Court Halls through portable portable video linking.</i></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

**PART IV: USE OF VIDEO-LINKS UNDER BOTH CHAPTERS – LEGAL CONSIDERATIONS**

Restrictions	
a) Must a court order directing the use of video-links first be obtained from the requesting State (Chapter I) / State of Origin (Chapter II)?	<input checked="" type="checkbox"/> Yes. Please specify: <b>Video-links are only permissible under Court order</b> <input type="checkbox"/> No.  <i>Comments:</i>
b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?	<input checked="" type="checkbox"/> Yes. Please specify: <b>It is up to the Court to determine what is admissible as evidence</b> <input type="checkbox"/> No.  <i>Comments:</i>
c) Are there any specific restrictions on how evidence gathered via video-link can be handled and distributed, or do the usual rules for evidence obtained in person apply?	<input type="checkbox"/> Yes, there are specific restrictions. Please specify: <input checked="" type="checkbox"/> No, the normal rules for evidence apply.  <i>Comments:</i>
d) Are there any restrictions on the type of person who may be examined by video-link?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.  <i>Comments:</i>
e) Is it necessary to seek the consent of the parties to use video-link to take evidence?	<input type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link:  <input checked="" type="checkbox"/> No.  <i>Comments:</i>
f) Are there any restrictions on the location where the person should be examined (e.g. in a courtroom, on the premises of an Embassy or diplomatic mission)?	<input checked="" type="checkbox"/> Yes. Please specify: <b>If Malta is the requested state a person has to be examined in Court.</b> <input type="checkbox"/> No.  <i>Comments:</i>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input type="checkbox"/> Yes. If so, please specify what coercive measures may be used:</p> <p><input checked="" type="checkbox"/> No. Please explain: <i>Before giving evidence, the witness is warned by the Court that if s/he does not feel comfortable to give evidence then s/he should inform the requesting court of such fact.</i></p> <p>Comments:</p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert to give evidence by video-link, including any references to relevant laws, regulations or practice.</p> <p><i>Please also include, where applicable, the differences between notifying or summoning a willing witness / expert and notifying or summoning a witness / expert that is to be compelled.</i></p>	<p>Chapter I: <i>As soon as the Central Authority receives a request for taking of evidence, it will file an application asking the court to collect the necessary evidence. The request will be attached together with the application. The court can decide to hear the evidence itself or it can appoint a judicial assistance to hear the evidence on the court's behalf. Once the evidence is collected, the evidence will be transcribed, forwarded to the Central Authority which will in turn send to the requesting Central Authority.</i></p> <p>Chapter II:</p> <p>Comments:</p>
<p>i) The law of which State governs the use of privileges?</p> <p><i>Please tick all that apply.</i></p> <p><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter I:</p> <p><input type="checkbox"/> The law of the Requesting State.</p> <p><input type="checkbox"/> The law of the Requested State.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p>Chapter II:</p> <p><input type="checkbox"/> The law of the State of Origin.</p> <p><input type="checkbox"/> The law of the State of Execution.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p>Comments:</p>

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

Legal obstacles	
<p>a) Does YOUR STATE consider that there are legal obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (see C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
Direct and indirect taking of evidence	
<p>b) Under Chapter I of the Convention, does YOUR STATE allow for the direct taking of evidence by judicial personnel of the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p>Comments:</p>
<p>c) Under which provisions of Chapter I of the Convention is indirect taking of evidence by video-link possible in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Art. 9(1) – The judicial authority of the requested State obtains evidence (<i>e.g.</i>, a witness / expert examination) which is located in a (distant) location within its own State.</p> <p><input type="checkbox"/> Art. 9(2) - As a special method or procedure. Please also outline whether any specific conditions must be satisfied:</p> <p><i>See also questions on presence.</i></p> <p>Comments:</p>
Legal safeguards for witness / expert	
<p>d) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter I (<i>e.g.</i> protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>The person to be examined may be requested by the Court to show his passport or identity card before giving his testimony. The witness will be notified prior to the sitting that he has to bring with him one of these documents. Furthermore, according to Article 111 of the Code of Organisation and Civil Procedure 'A witness professing the Roman Catholic faith shall be sworn according to the custom of those who belong to that faith; and a witness not professing that faith shall be sworn in the manner which he considers most binding on his conscience.' Under Maltese law witnesses are not assisted by lawyers during the giving of evidence, however if the witness does not understand the language, s/he will be assisted by an</p>



PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	interpreter.
Presence	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a single location the same for when evidence is taken via video-link?</p> <p><i>See Article 7 of the Convention</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: Lawyers assisting the parties can ask questions in examination as well as carry out cross-examination.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>f) Under Chapter I of the Convention, does YOUR STATE allow for the cross-examination of a witness / expert by video-link by the representatives located in the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p>Comments:</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link?</p> <p><i>See Article 8 of the Convention</i> <i>Please note that a declaration may be made under this provision.</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: The judicial personnel can actively participate.</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

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

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

*Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, available on the [Evidence Section](#) of the Hague Conference website.*

**Legal obstacles and legal framework**

<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>b) Under which provisions of Chapter II of the Convention is taking of evidence by video-link possible in YOUR STATE?</p>	<p><input type="checkbox"/> Art. 15 <input type="checkbox"/> Art. 16 <input type="checkbox"/> Art. 17</p> <p>Comments:</p>
<p>c) Is prior permission from YOUR STATE required when taking evidence under Chapter II of the Convention on the territory of YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>d) Please indicate who administers the oath or affirmation and how perjury and contempt are dealt with when evidence is taken under Chapter II of the Convention on the territory of YOUR STATE.</p>	<p>Administration of the oath or affirmation:</p> <p>Dealing with perjury and contempt:</p>

**Direct and indirect taking of evidence**

<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighbouring country or in a place distant from the Embassy or Consulate. In these circumstances, does YOUR STATE consider it possible to use video-link to obtain evidence under Chapter II of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
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PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

Legal safeguards for witness / expert	
<p>f) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter II (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	
Presence	
<p>g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>diplomatic and consular agents</b>?</p> <p><i>Please tick all that apply.</i></p>	<p><input type="checkbox"/> The parties.  <input type="checkbox"/> The parties' representatives.  <input type="checkbox"/> Judicial personnel.  <input type="checkbox"/> Someone else.  Please specify:</p> <p><i>Comments:</i></p>
<p>h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>commissioners</b>?</p> <p><i>Please tick all that apply.</i></p>	<p><input type="checkbox"/> The parties.  <input type="checkbox"/> The parties' representatives.  <input type="checkbox"/> Judicial personnel.  <input type="checkbox"/> Someone else.  Please specify:</p> <p><i>Comments:</i></p>
Applicable law	
<p>i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?</p>	<p><input type="checkbox"/> The law of the State of Origin  <input type="checkbox"/> The law of the State of Execution  <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner.  Please specify:</p> <p><i>Comments:</i></p>
<p>j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?</p>	<p><input type="checkbox"/> The law of the State of Origin  <input type="checkbox"/> The law of the State of Execution  <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner.  Please specify:</p> <p><i>Comments:</i></p>

**PART VII PRACTICAL CONSIDERATIONS**

<b>COMMON TO BOTH CHAPTERS</b>	
<b>Notice</b>	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	Chapter I: <b>One month</b>  Chapter II:
<b>Interpretation services</b>	
b) Who is responsible, under Chapter I and Chapter II, for the use of interpretation services and who arranges these services in YOUR STATE when video-link is used?	Chapter I: <b>The requested court will ensure that an interpreter will be appointed to assist the witness in case of language difficulties.</b>  Chapter II:
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.  <i>Comments:</i>
d) Under the law of YOUR STATE, is interpretation to be <i>simultaneous</i> or <i>consecutive</i> when a witness / expert is examined via video-link?	<b>Consecutive</b>
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<input checked="" type="checkbox"/> In the room with the witness / expert. <input type="checkbox"/> In the room with those conducting the examination. <input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II). <input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II). <input type="checkbox"/> In a third State. <input type="checkbox"/> Other. Please specify:  <i>Comments:</i>
<b>Reporting and recording</b>	
f) Is a written report of the video-link hearing or testimony prepared?	<input checked="" type="checkbox"/> Yes. Please specify by whom: <b>This will be prepared by the judicial assistant / deputy registrar who would have been appointed by Court.</b>  Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report: <b>The report will be in the file together with the request.</b>  <input type="checkbox"/> No.

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

	<p><i>Comments:</i></p>
<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<p> <input type="checkbox"/> Yes, with audio and video.  <input type="checkbox"/> Yes, only with video.  <input checked="" type="checkbox"/> Yes, only with audio.  <input type="checkbox"/> No, but the recording of hearings/testimonies is permitted.         </p> <p>If a recording is produced, please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the recording: <a href="#">The recording is distributed only to the parties involved in the case.</a></p> <p> <input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.         </p> <p><i>Comments:</i></p>
<p><b>Documents and exhibits</b></p>	
<p>h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?</p>	<p><a href="#">Any document that will be referred to during the taking of evidence is to be attached with the request. It is imperative that all documents are printed in good quality and photos are to be sent in colour.</a></p>
<p><b>PRACTICAL CONSIDERATIONS UNDER CHAPTER I</b></p>	
<p><b>Practical obstacles</b></p>	
<p>i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p>	<p> <input type="checkbox"/> Yes.            Please specify:  <input checked="" type="checkbox"/> No.         </p> <p><i>Comments:</i></p>
<p><b>Identification of all relevant actors</b></p>	
<p>j) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter I?</p>	<p><a href="#">The person to be examined may be requested by the Court to show his passport or identity card before giving his testimony. The witness will be notified prior to the sitting that he has to bring with him one of these documents.</a></p>
<p><b>Standard Forms</b></p>	
<p>k) Do the authorities of YOUR STATE use a standardised request form under Chapter I that makes specific reference to the use of video-links?</p> <p><i>The use of the <a href="#">Model Form</a> of the Evidence Convention is recommended when taking evidence under Chapter I.</i></p> <p><i>While the Model Form has no explicit reference to</i></p>	<p> <input type="checkbox"/> Yes.            Please specify:  <input type="checkbox"/> The standardised form used makes no reference to video-link.  <input type="checkbox"/> No standardised form is used.         </p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

<p><i>the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><i>Comments:</i>                  The Maltese Central Authority never received a request for taking of evidence under the 1970 Hague Convnetion</p>
<p>l) Does YOUR STATE require the inclusion of any particular practical or technical information from the requesting State in the request in order to conduct / arrange a witness / expert examination by video-link under Chapter I? (e.g. contact details for IT support, technical specifications, etc)</p>	<p><input checked="" type="checkbox"/> Yes.                  Please specify: (a) time zone; (b) appointment for testing (date and time); (c) fixed IP; (d) details of technical contact person.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p><b>Costs</b></p>	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Yes.                  Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:                  A €100 fee must be paid that covers up to the first two hours of the conference; A €50 fee per hour must be paid for any subsequent hours; An hourly technician fee of €58 is also applicable.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE?  <i>See Art. 14(2) of the Evidence Convention</i></p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input checked="" type="checkbox"/> The requesting authority (in the requesting State).</p> <p><input type="checkbox"/> The requested authority (in the requested State).</p> <p><input type="checkbox"/> Other.                  Please specify:</p> <p><i>Comments:</i></p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash</p> <p><input type="checkbox"/> Payment by (credit) card</p> <p><input checked="" type="checkbox"/> Electronic/wire transfer</p> <p><input type="checkbox"/> Other.                  Please specify:</p> <p><i>Comments:</i></p>
<p>p) Who pays for the interpretation services under Chapter I in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	

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

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

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