

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: SLOVENIA

PROFILE UPDATED ON (DATE): 1. 6. 2017

PART I: STATE

1. Contact details <i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
CHAPTER I (LETTERS OF REQUEST)	
<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>	
<p>a) Are the contact details of the Central Authority(ies) designated by YOUR STATE up-to-date on the Evidence Section of the Hague Conference website?</p>	<p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please provide the contact details on a separate Word or PDF document for uploading on the Evidence Section of the Hague Conference website.</p>
<p>b) Would YOUR STATE be in favour of specifying a person or department within the Central Authority(ies) 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)?</p>	<p><input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input type="checkbox"/> No. Please explain why:</p> <p><i>Comments:</i> for technical assistance or for help arranging the video link one should turn to Judicial Development Department at the Ministry of Justice : http://www.mp.gov.si/si/delovna_podrocja/sluzba_za_razvoj_pravosodja/ phone: 00 386 1 369 5342, mail: gp.mp@gov.si </p>
<p>c) What arrangements are there for ensuring that there is a contact person</p>	<p>There will be a form available on the web-site of the Ministry of Justice soon (still in preparation).</p>

<p>with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?</p>	
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CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)

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

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

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

<p>d) Would YOUR STATE be in favour of specifying an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner, that would assist in processing applications where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?</p>	<p><input type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input checked="" type="checkbox"/> No. Please explain why: there are no technical possibilities at consulates and embassies</p> <p>Comments:</p>
<p>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)?</p>	<p>/</p>

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: Article 114a of the Civil Procedure Code (hereinafter CPC)</p> <p><input type="checkbox"/> No. Please specify:</p> <p><i>Comments:</i> Article 114a of the CPC stipulates that the court may allow videoconferencing if the parties agree</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>Article 114a of the CPC: If the parties agree the court may allow the parties and their attorneys to be in a different place in the time of hearing and performe procedurale acts there, if the transfer of sound and image is provided from the place where the procedural act is performed to the place where parties and their attorneys are located and vice versa (videoconferencing).</p> <p>Under conditions of the previous paragraph the court may decide to carry out the proof of hearing of parties and witnesses and examination of expert.</p> <p>There is no appeal against the decree of court from the first and second paragraph of this Article.</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 type="checkbox"/> All courts.</p> <p><input checked="" type="checkbox"/> All courts of a specific type / level. Please specify: all district courts in Slovenia</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> relevant information on videoconferencing facilities and equipment can be found on E-justice web-site: https://e-justice.europa.eu/content_information_on_national_facilities-319-si-en.do?clang=sl</p>

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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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</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): Polycom RMX 2000, Polycom CMA 4000, Polycom RSS 4000, Polycom HDX 8000-720</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): HD,</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): ISDN, IP</p> <p>Type of encryption for signals in secure transmissions: AES Encryption</p> <p>Split screen capability: yes</p> <p>Document cameras: AVer Media SPB350</p> <p>Multipoint connections: 20 in a moment</p> <p>Additional specifications or capabilities: document camera</p> <p>Protocols or other practices: G.711a/u, G.722, G.722.1C, G.722.1, G.723.1, G.719, G.729A, Polycom Siren™ 14, Siren 22 (in mono or stereo) and Siren LPR; H.261, H.263, H.264, H.264 High Profile; IP, ISDN, PSTN and LAN</p> <p>Comments: H.264, H.264 High Profile IP, H.263++, H.261, H.239 720p@30fps, 720p@60fps, 4SIF/4CIF, SIF (352 x 240), CIF (352 x 288), QSIF (176 x 120), QCIF (176 x 144) H.221, H224/H.281, H.323 Annex Q, H.225, H.245, H.241, H.331, H.239, H.231, H.243, H.460, BONDING, Mode 1</p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>

d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?	<input checked="" type="checkbox"/> Yes. Please specify: - the testing should be provided minimum one week before the hearing, if possible in the same timeframe as the hearing is planned - we test the quality of picture and voice and check the position of the lights; <input type="checkbox"/> No. <i>Comments:</i> The protocol we use is not regulated by law but is used on the basis of past experience and acceptance of best practice
e) Does YOUR STATE have any requirements as to the hearing room, e.g., should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i> The judge has the authority to ask for additional requirements if necessary (as document camera or showing the whole room ...)

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 type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i> see above - Part II/Legal basis/b
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 type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i> rules of the civil procedure as provided in Civil Procedure Law apply (in accordance with Article 114a of the Civil Procedure Code the consent of parties is necessary for videoconference)
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> But Article 144 of the CPC specifically states parties, witnesses, experts
e) Is it necessary to seek the consent of the parties to use video-link to take evidence?	<input checked="" type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link: na <input type="checkbox"/> No. <i>Comments:</i> for hearing of the parties, the parties must consent to the use of videoconference
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 type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i> Article 114a of the CPC provides that the transfer of sound and image is provided

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>from the place where the procedural act is performed to the place where parties and their attorneys are located and vice versa;</p> <ul style="list-style-type: none">- only district courts in Slovenia have facilities to perform videoconferences
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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>there is no legal basis to compel the witness or expert to the use of video-link</i></p> <p><i>Comments:</i></p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert to give evidence by video-link, including any references to relevant laws, regulations or 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:</p> <p>Chapter II:</p> <p><i>Comments:</i></p> <p><i>Witnesses shall be summoned invited by a writ of summons indicating: their name and surname, their occupation, the time and place of appearance, the matter in respect of which they are summoned, and the fact that they are being summoned as witnesses. The summons shall also state a warning as to the consequences of unjustified non-appearance (Article 241), and the right to refunding of costs (Article 242).</i></p> <p><i>Those witnesses who are prevented from complying with the summons due to their age, sickness or grave physical handicaps may be examined at the place of their residence.</i></p> <p><i>Witnesses shall be examined separately and in the absence of other witnesses who shall be examined subsequently. A witness shall be bound to give oral evidence.</i></p>
<p>i) The law of which State governs the use of privileges?</p> <p><i>Please tick all that apply.</i></p> <p><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter I:</p> <p><input checked="" type="checkbox"/> The law of the Requesting State.</p> <p><input checked="" type="checkbox"/> The law of the Requested State.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p>Chapter II:</p> <p><input checked="" type="checkbox"/> The law of the State of Origin.</p> <p><input checked="" type="checkbox"/> The law of the State of Execution.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p><i>Comments:</i></p>

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

Legal obstacles	
<p>a) Does YOUR STATE consider that there are legal obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (see C&R No 55 of the 2009 SC and C&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.e., 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 (e.g., 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 (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>Internal rules governed by CPC apply (Art. 229-263 of the CPC):</p> <ul style="list-style-type: none"> - If, by giving a testimony, a person might violate his duty to keep official or military secret, he may not be examined as a witness as long as the competent authority releases him from such duty. - A witness may refuse testimony: <ol style="list-style-type: none"> 1. on what the party has confessed to him as their attorney; 2. on what the party or other person has confessed to him as their confessor; 3. on facts of which he has learnt as a lawyer or a doctor or in pursuance of other activity, if he is bound to protect the secrecy of what he learns in the practice of legal or

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<p>medical profession or pursuing such other activity.</p> <p>The stated persons shall be instructed by the presiding judge on their right to refuse testimony.</p> <ul style="list-style-type: none">- A witness may not refuse to testify on the grounds of protection of a business secret if the disclosure of certain facts is to the benefit of the public or some other person, provided that such benefit outweighs the damage caused by disclosure of the secret.- A witness may refuse to answer a particular question for justified reasons, especially if, by answering, he might expose himself, his relatives in direct line, irrespective of removals, or in lateral line up to three removals, or his spouse or extra-marital partner or an in-law up to two removals, regardless of whether the marriage has terminated or not, or his guardian or person under guardianship, or adoptor or adoptee, to a serious disgrace, considerable financial loss or criminal proceedings. <p>A witness shall be instructed by the presiding judge on his right to refuse to answer the asked question.</p> <ul style="list-style-type: none">- On the ground of prevention of a financial loss, a witness may not refuse to testify on legal transactions which he has attended as an appointed witness; on acts concerning the matter in dispute which he has performed as a legal predecessor or representative of any of the parties; on facts relating to property relations in respect of a family community, a matrimony other form of extra-marital community; on facts relating to a birth, conclusion of a marriage and death; and such other facts as in respect of which he is bound to report of with competent authority or make a statement under special regulations.- The justifiability of reasons to withhold testimony or answers to particular questions shall be determined by the court before which the witness ought to testify. If necessary, the hearing of the parties shall be conducted before that.- A party calling a certain person as a witness shall state the facts on which such person should testify, and his name, address and occupation.- Witnesses shall be examined separately and in the absence of other witnesses who shall
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PART V - LEGAL CONSIDERATIONS (CHAPTER I)

	<p>be examined subsequently. A witness shall be bound to give oral evidence.</p> <p>Prior to examination, a witness shall be advised of his duty to speak the truth and not to withhold anything, whereupon he shall be warned of the consequences of perjury.</p> <p>Thereafter, a witness shall be asked about his name and surname, his father's name, occupation, place of birth, age and his relationship to the parties.</p> <ul style="list-style-type: none"> - If a witness does not speak the language used in the proceedings, he shall be examined through an interpreter. <p>If a witness is deaf, the questions shall be asked in writing, while if he is dumb, he shall be requested to answer in the same manner. If a witness cannot be examined in the said manner, he shall be examined through an interpreter capable of communicating with him.</p> <p>The court shall instruct the interpreter to make an accurate interpretation of questions asked to the witness and statements made by him.</p> <ul style="list-style-type: none"> - A witness shall have the right to be refunded for travel costs, costs of food and accommodation for the loss of earning. <p>A witness shall claim the refund immediately after having been examined, or else he shall lose this right. The court shall be bound to advise the witness thereof.</p> <ul style="list-style-type: none"> - similar provisions apply for experts (whoever is called in as an expert shall be bound to comply with the summons, and shall testify and give his findings and his opinion. The court shall exempt an expert, upon his motion, from such duty for the same reasons for which a witness may refuse to testify or answer a particular question. The court may exempt an expert, upon his motion, of this duty also for other justified reasons. The exemption may be requested also by an authorised person of the agency or organization where the expert is employed. An expert may be disqualified on the same grounds as are applicable to the disqualification of a judge or a lay judge; however, a person examined as a witness may nevertheless be called in as an expert.)
<p>Presence</p>	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

<p>single location the same for when evidence is taken via video-link?</p> <p><i>See Article 7 of the Convention</i></p>	<p>actively participate: yes</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></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><i>Comments:</i></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></p> <p><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: No</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

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

<p>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</p> <p>Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, available on the Evidence Section of the Hague Conference website.</p>	
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&R No 55 of the 2009 SC and C&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: There are only practical obstacles, since embassies and consulates have no technical possibilities or options to the taking of evidence by video link</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: embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link</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 checked="" type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied: the request should be sent to the Central Authority (the Ministry of Justice)</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</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

possible to use video-link to obtain evidence under Chapter II of the Convention?	embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link
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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 diplomatic and consular agents?</p> <p><i>Please tick all that apply.</i></p>	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> <input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify: </div> <div> <i>Comments:</i> in practice: embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link, so they would probably suggest to the requesting authority to contact the competent central authority to take the evidence via video link in accordance with Chapter I </div> </div>
<p>h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by commissioners?</p> <p><i>Please tick all that apply.</i></p>	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> <input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify: </div> <div> <i>Comments:</i> in practice: embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link, so they would probably suggest to the requesting authority to contact the competent central authority to take the evidence via video link in accordance with Chapter I </div> </div>
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>	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> <input checked="" type="checkbox"/> The law of the State of Origin <input checked="" 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: </div> <div> <i>Comments:</i> in practice: embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link, so they would probably suggest to the </div> </div>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

	<p>requesting authority to contact the competent central authority to take the evidence via video link in accordance with Chapter 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 checked="" type="checkbox"/> The law of the State of Origin <input checked="" 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>in practice: embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link, so they would probably suggest to the requesting authority to contact the competent central authority to take the evidence via video link in accordance with Chapter I</p>

PART VII PRACTICAL CONSIDERATIONS

COMMON TO BOTH CHAPTERS	
Notice	
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?	<p>Chapter I: at least one month</p> <p>Chapter II: in practice: embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link, so they would probably suggest to the requesting authority to contact the competent central authority to take the evidence via video link in accordance with Chapter I</p>
Interpretation services	
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?	<p>Chapter I: in practice, the requesting court and requested court make arrangements each time, sometimes the requesting court insists that they will arrange for interpretation</p> <p>Chapter II: in practice: embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link, so they would probably suggest to the requesting authority to contact the competent central authority to take the evidence via video link in accordance with Chapter I</p>
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<p><input checked="" type="checkbox"/> Yes. Please specify: the Ministry of Justice of the Republic of Slovenia appoints interpreters, the list can be found here: https://spvt.mp.gov.si/tolmaci.html</p> <p>https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-SI-en.do?clang=sl</p> <p>https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-si-en.do?member=1</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
d) Under the law of YOUR STATE, is interpretation to be <i>simultaneous</i> or <i>consecutive</i> when a witness / expert is examined via video-link?	<p>there is no special rule regarding the way interpreters translate examination of witness/expert, the judge decides on that.</p> <p>In practice, consecutive interpretation is more often used.</p>
e) Where may the interpreter be located when a witness / expert is	<p><input checked="" type="checkbox"/> In the room with the witness / expert.</p> <p><input checked="" type="checkbox"/> In the room with those conducting the examination.</p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

<p>examined via video-link? <i>Please check all that apply.</i></p>	<div> <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: </div> <p><i>Comments:</i></p> <p>Article 102 of the CPC provides that parties and other persons involved in the proceedings shall have the right to use their own language in all acts of procedure they perform in court. If the proceedings are not conducted in the language of a party or of other persons involved in the proceedings, they shall be afforded, upon a motion filed to this effect or when the court finds that they do not understand the Slovenian language, oral translation of statements made at the hearing and written translation of documents used as evidence.</p> <p>There are no provisions regulation the location of the interpreter (so all above options are theoretically possible) , so it is up to the judge to decide regarding that question.</p>
<p>Reporting and recording</p>	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<div> <input checked="" type="checkbox"/> Yes. Please specify by whom: the judge Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report: CPC (Article 122: A (written) record is made of every procedural act performed in the hearing. </div> <div> <input type="checkbox"/> No. </div> <p><i>Comments:</i></p> <p>Article 125 of the CPC: If a record is not drawn up in writing, the copy of the record shall be made in three (3) days. In the subsequent three days, the parties shall have the right to inspect the copy of the record and to object against the correctness thereof.</p>
<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<div> <input checked="" type="checkbox"/> Yes, with audio and video. <input type="checkbox"/> Yes, only with video. <input type="checkbox"/> Yes, only with audio. <input type="checkbox"/> No, but the recording of hearings/testimonies is permitted. </div> <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: Article 125a of the CPC</p> <p>The president of the panel may order audio or visuak recording of the hearing and notifies the parties and other participants at the hearing.</p> <p>The recording must contain following infomation: the address and composition of the court, the place, the date and the hour of the hearing, the matter in dispute and names of the parties or other persons, their legal representatives or attorneys.</p>

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	<p>Besides that the recording contains data identifying the person whose statement is being recorded and information on what grounds/features the person's giving statement. If statements of several persons are recorded, it must be clear from the recording who gave the statement.</p> <p>In the record of the hearing it must be noted that the hearing was recorded with a device for audio or visual recording, who ordered the recording and that the parties and other participants in the hearing were informed that recording was being made, that the recording was reproduced at the request of the party and the location where of the recording is stored if the recording is not enclosed to the record of the hearing. The record of the hearing is handled electronically.</p> <p>A transcript of an audio recording is made within three (3) days time of its occurrence. The president of the panel must review, validate and attach the recording to the minutes of the hearing.</p> <p>The party has the right to inspect and to object to any irregularities in the transcript in the transcript in three days time after the transcript is made. The president of the panel decision regarding any objections is made by the presiding judge without the hearing.</p> <p>Audio and video recordings are stored by the court as long as the case file is stored. The existence and the content of the minutes is automatically recorded in the information system. i</p> <p><input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.</p> <p><i>Comments:</i> all courts (local court included) have audio recording possibilities, videoconferences are always connected to audio recording, but as already stated above, videoconferences are possible only at all district courts in Slovenia</p>
Documents and exhibits	
<p>h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?</p>	<p>document camera</p>

PRACTICAL CONSIDERATIONS UNDER CHAPTER I	
Practical obstacles	
<p>i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> there were cases when the contact information of the technical personnel was not correct and therefore some difficulties arose</p>
Identification of all relevant actors	
<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>identification document is presented (ID, passport...), the judge establishes identity, invited party/witness/expert can approach the court only with an invitation</p>
Standard Forms	
<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 Model Form of the Evidence Convention is recommended when taking evidence under Chapter I.</i></p> <p><i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><input checked="" type="checkbox"/> Yes. Please specify: only for technical issues and contact information of the technical personnel a form is used</p> <p><input type="checkbox"/> The standardised form used makes no reference to video-link.</p> <p><input type="checkbox"/> No standardised form is used.</p> <p><i>Comments:</i> only for technical issues and contact information of the technical personnel a form is used</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: technical specifications, IT support, contact details of technical personnel</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
Costs	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I 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 checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> regular costs regarding the travel expenses of the witness/experts, translators...</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<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> is equipment for video conferenece is rented</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>	<p>usually the requesting authority of the requesting State</p>

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

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

<p>v) Does YOUR STATE require the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link under Chapter II? (e.g. the use of interpreters, stenographers, or recording devices)</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link</p>
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PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

Costs	
w) Are there any costs associated with the taking of evidence via video-link under Chapter II in YOUR STATE?	<input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs: <input checked="" type="checkbox"/> No. <i>Comments:</i> embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link
x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?	<input type="checkbox"/> The moving party (requesting the use of video-link). <input checked="" type="checkbox"/> The State of Origin <input checked="" type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution. <input type="checkbox"/> The commissioner <input type="checkbox"/> Other. Please specify: <i>Comments:</i> embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link
y) How are these costs generally expected to be paid and/or reimbursed?	<input type="checkbox"/> Payment in cash <input type="checkbox"/> Payment by (credit) card <input checked="" type="checkbox"/> Electronic/wire transfer <input type="checkbox"/> Other. Please specify: <i>Comments:</i> embassies and consulates have no technical possibilities, staff or options to the taking of evidence by video link
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?	the requesting authority of the requested State, although in practice, videoconferencing in accordance of Chapter II is not possible as already explained above