

**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: [Croatia](#)

PROFILE UPDATED ON (DATE): [15.5.2017.](#)

**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>	
<p>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?</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 <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)?</p>	<p><input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: <a href="#">Ministry of Justice, Directorate for the European Affairs, International and Judicial Cooperation</a></p> <p><input type="checkbox"/> No. Please explain why:</p> <p><i>Comments:</i></p>
<p>c) What arrangements are there for ensuring that there is a contact person with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?</p>	

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

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

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

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

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

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

No.  
Please explain why:

Comments:

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

## PART II: RELEVANT LEGISLATION AND COURT SYSTEM

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (<i>i.e.</i> internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No. Please specify: If it is not agreed otherwise by an international agreement, courts shall proceed on requests for legal assistance from foreign courts only if they are delivered through diplomatic channels and if the request and enclosures are written in one of the languages in official use in the court or if an authorized translation in that language is enclosed (Article 183. of the Civile Procedure Act ("Official Gazzete" 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 123/08, 57/11, 148/11, 25/13 and 89/14; further in the text: CPA)</p> <p><i>Comments:</i> As a matter of fact, a requesting foreign Court must, as a rule, address a request to the requested court in which it will propose which person to examine and to which circumstances.</p>
<p>b) Please indicate the legal basis or applicable protocols (<i>i.e.</i>, relevant laws, regulations, practice, etc.) for the use of video-links in the taking of evidence in YOUR STATE, either under the Convention or independent of the Convention (see, <i>e.g.</i> Art. 27 (b) and (c)):</p> <p><i>Please also attach a copy of, or provide a link to, the relevant provisions, where possible in English or French.</i></p>	<p>The Republic of Croatia does not have any legal provisions which specifically prescribe the recording or recording of hearings conducted through videoconferencing in civile procedures, but Articles 126a to 126.c CPA provide the legal basis for hearing screening. The decision on the tone recording shall be decided by the court, either <i>ex officio</i> or at the proposal of the parties. The method of storing and transmitting tons of recordings, technical conditions and recording methods is prescribed by the Rules of Court ("Official Gazzete" 37/14, 49/14, 08/15, 35/15, 123/15, 45/16, 29/17, 33/17 and 34/17).</p> <p><a href="http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Civil-Procedure-Act.pdf">http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Civil-Procedure-Act.pdf</a> <a href="https://sudskapraksa.csp.vsrh.hr/home">https://sudskapraksa.csp.vsrh.hr/home</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 checked="" type="checkbox"/> Yes. Please attach a copy of, or provide a link to, the relevant provisions, where possible in English or French: <a href="https://pravosudje.gov.hr/pristup-">https://pravosudje.gov.hr/pristup-</a></p>

	<p><a href="#">informacijama-6341/zakoni-i-ostali-propisi/zakoni-i-propisi-6354/medjunarodne-konvencije-i-ugovori/6442</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>Court system</p>	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p><input 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> <p><a href="#">Although there are no specific rules governing the provision of evidence through a video-link, there are no restrictions on taking of evidence by video-link.</a></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="#">Sony</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="#">Sony PCS-1P, 512 kbps</a></p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.): <a href="#">SD</a></p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.): <a href="#">IP and ISDN</a></p> <p>Type of encryption for signals in secure transmissions: <a href="#">ITU-T standard based encryption</a></p> <p>Split screen capability: <a href="#">Yes</a></p> <p>Document cameras: <a href="#">Yes</a></p> <p>Multipoint connections: <a href="#">No</a></p> <p>Additional specifications or capabilities: -</p> <p>Protocols or other practices: <a href="#">H.264</a></p> <p><i>Comments:</i></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><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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" 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 type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>

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

Restrictions	
<p>a) Must a court order directing the use of video-links first be obtained from the requesting State (Chapter I) / State of Origin (Chapter II)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Courts offer legal assistance to foreign courts in the manner prescribed by domestic law. The action, which is the subject of the request by the foreign court, may be carried out in the manner requested by the foreign court if this procedure does not contravene the public order of the Republic of Croatia (Article 182. CPA).</p>
<p>b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The Republic of Croatia has no special limitations on the type of evidence that can be obtained through video-link.</p>
<p>c) Are there any specific restrictions on how evidence gathered via video-link can be handled and distributed, or do the usual rules for evidence obtained in person apply?</p>	<p><input type="checkbox"/> Yes, there are specific restrictions. Please specify:</p> <p><input checked="" type="checkbox"/> No, the normal rules for evidence apply.</p> <p><i>Comments:</i> The court shall decide, at its discretion, which facts it will find proved, after conscientious and careful assessment of all the evidence presented individually and as a whole and taking into consideration the results of the entire proceedings (Article 8. CPA).</p>
<p>d) Are there any restrictions on the type of person who may be examined by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> However, videoconferencing will mainly be used to conduct evidence by hearing parties and witnesses, because there are certain factual and technical barriers when is required to obtain evidence insight in the document or on the spot.</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>e) Is it necessary to seek the consent of the parties to use video-link to take evidence?</p>	<p><input type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The CPA does not contain a provision on this, however each party is obliged to provide facts and present evidence on which his or her claim is based or to refute the statements and evidence of his or her opponent (Article 219./1. CPA). In other words, if a party proposes to bring evidence through a video-link, a person who should be questioned in such a manner would not be able to oppose it.</p>
<p>f) Are there any restrictions on the location where the person should be examined (e.g. in a courtroom, on the premises of an Embassy or diplomatic mission)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> As a rule, the hearing is conducted in court, but no special restrictions are imposed on the place where the person is to be heard through the video-link.</p>
<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: The CPA has no provision for a witness to be forced to use video-links to give evidence.</p> <p><i>Comments:</i> However, if a witness who has been orderly summoned fails to appear, and he or she does not excuse his or her failure to appear or without permission or any justified reason leaves the place where he or she is to be heard, the court may order for him or her to be forcibly brought back and to pay the costs that arise from this, and may impose a monetary fine of from 500.00 to 10,000.00 kunas (Article 248. CPA).</p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert</p>	<p>Chapter I: There are no provisions in CPA that regulate giving evidence by video-link.</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>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 II: <b>There are no provisions in CPA that regulate giving evidence by video-link.</b></p> <p><i>Comments:</i>  <b>Witnesses shall be summoned by service of a written summons containing the surname and name and occupation of the person summoned, the time and place of attendance, the matter in connection with which he or she is being summoned and an indication that he or she is being summoned as a witness. In the summons the witness shall be cautioned about the consequences of unjustified failure to appear (Article 248. CPA) and the right to repayment of expenses (Article 249. CPA).</b></p> <p><b>Witnesses who due to old age, illness or severe physical impairments are unable to consent to the summons shall be heard in their own home (Article 242./2. CPA).</b></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.  <input checked="" type="checkbox"/> The law of the Requested State.  <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.  <input type="checkbox"/> The law of the State of Execution.  <input type="checkbox"/> The law of another State.  Please specify:</p> <p><i>Comments:</i></p>



PART V - LEGAL CONSIDERATIONS (CHAPTER I)

**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 type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.</p> <p>Comments: In accordance with Article 8 of the Convention, the Republic of Croatia states that the judicial staff of the requesting State may attend the execution of the request with the prior approval of the Ministry of Justice of the Republic of Croatia.</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 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 CPA does not contain a provision on this, but the person will be notified of this in the call for court hearing itself for that hearing</p>
Presence	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a</p>	<p><input 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? <i>See Article 7 of the Convention</i></p>	<p>actively participate: <input checked="" type="checkbox"/> No.  <i>Comments:</i> The CPA does not contain a provision on this, but in practice, technicians and court clerks need to be present before and in the course of time to ensure all technical condition for video conferencing.</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 type="checkbox"/> Yes. <input type="checkbox"/> No.  <i>Comments:</i> The Civile Procedure Act does not contain a provision on this</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link? <i>See Article 8 of the Convention</i> <i>Please note that a declaration may be made under this provision.</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:  <input type="checkbox"/> No.  <i>Comments:</i> Republic of Croatia declares that the judicial personnel of the requesting State may be present at the execution of a Letter of Request, with the prior authorisation of the Ministry of Justice of the Republic of Croatia.</p>

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

<p><b>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</b></p> <p>Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, available on the <a href="#">Evidence Section</a> of the Hague Conference website.</p>	
<p><b>Legal obstacles and legal framework</b></p>	
<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input 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>
<p><b>Direct and indirect taking of evidence</b></p>	
<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighbouring country or in a place distant from the Embassy or Consulate. In these circumstances, does YOUR STATE consider it possible to use video-link to obtain evidence under Chapter II of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

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:  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>Judicial authority and the persons who are competent to arrange the services.</b>  Chapter II:
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input checked="" type="checkbox"/> Yes. Please specify: <b>A witness who does not speak the language in which the proceedings are being conducted shall be heard through an interpreter (Article 245. CPA).</b> <input type="checkbox"/> No.  <i>Comments:</i> <b>In practice, court interpreters are located where the person in need of an interpreter is located, that is, in the place of the requested court. Data on the judicial interpreters can be found on the following page: <a href="http://www.sudacka-mreza.hr/tumaci.aspx">www.sudacka-mreza.hr/tumaci.aspx</a></b>
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>The Civile Procedure Act does not contain a provision on this</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 checked="" type="checkbox"/> In the room with those conducting the examination. <input checked="" type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II). <input checked="" type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II). <input checked="" type="checkbox"/> In a third State. <input type="checkbox"/> Other. Please specify:  <i>Comments:</i> <b>No special restrictions are imposed on the place where the interpreter should be located when a person is to be heard through the video-link, but in practice, court interpreters are located where</b>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>the person in need of an interpreter is located, that is, in the place of the requested court.</p>
<p>Reporting and recording</p>	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify by whom: <b>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 soundtrack will also be transmitted in writing within eight days of recording (article 126.c/1. CPA).</b> <b>The decision on the tone recording shall be decided by the court, either ex officio or at the proposal of the parties. The method of storing and transmitting tons of recordings, technical conditions and recording methods is prescribed by the Rules of Court ("Official Gazzete" 37/14, 49/14, 08/15, 35/15, 123/15, 45/16, 29/17, 33/17 and 34/17).</b></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<p><input checked="" type="checkbox"/> Yes, with audio and video. <input type="checkbox"/> Yes, only with video. <input type="checkbox"/> Yes, only with audio. <input type="checkbox"/> No, but the recording of hearings/testimonies is permitted.</p> <p>If a recording is produced, please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the recording:</p> <p><input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.</p> <p><i>Comments:</i> <b>However, in some legal bodies that enforce the Convention there could be some technical issues that could present a obstacle for using video-link assist.</b></p>
<p>Documents and exhibits</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><b>A transcript of tonal recordings may be requested by the party within eight days of the day the soundtrack was made (article 126.c/4. CPA).</b></p>

*PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)*

	<p>The court shall decide, at its discretion, which facts it will find proved, after conscientious and careful assessment of all the evidence presented individually and as a whole and taking into consideration the results of the entire proceedings (Article 8. CPA).</p>
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PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER I</b>	
<b>Practical obstacles</b>	
<p>i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> However, in some legal bodies that enforce the Convention there could be some technical and money issues that could present an obstacle for using video-link assist.</p>
<b>Identification of all relevant actors</b>	
<p>j) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter I?</p>	<p>The witness will be asked to state his or her name, surname, the name of his or her father, occupation, address, place of birth, age and relationship to the party (article 243/3. of Civil Procedure Act).</p> <p>The same rule appropriately applies when other parties/experts are going to make a statement at the courts.</p>
<b>Standard Forms</b>	
<p>k) Do the authorities of YOUR STATE use a standardised request form under Chapter I that makes specific reference to the use of video-links?</p> <p><i>The use of the <a href="#">Model Form</a> of the Evidence Convention is recommended when taking evidence under Chapter I.</i></p> <p><i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input 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></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 type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> There is no prescribed rule that would require additional information, but when negotiating the date of the hearing between the court that filed the request and the requested court it is possible that an agreement would be needed to resolve some technical issues so that the hearing could be successfully held and in practice those questions most commonly solved judges by electronic mail.</p>
<b>Costs</b>	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria</p>



PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

	<p>used to determine these costs:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> In the Republic of Croatia, a fee is not charged for videoconferencing.</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 checked="" type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input 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> Pursuant to Article 153 of the Civile Procedure Act, when a party proposes evidence, he or she shall be obliged, by order of the court, to pay, in advance, the amount needed to cover the costs to be incurred in relation to the introduction of evidence. When evidence is proposed by both parties or when it is ordered by the court sua sponte, the court shall order that the amount needed to cover the costs be deposited by both parties in equal parts. If the court ordered hearing of evidence sua sponte, it may order that the amount be deposited by only one of the parties.</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> The Civile Procedure Act does not contain a provision on this, it depends on the disposition of the party making the payment</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>Pursuant to Article 153 of the Civile Procedure Act, when a party proposes evidence, he or she shall be obliged, by order of the court, to pay, in advance, the amount needed to cover the costs to be incurred in relation to the introduction of evidence. When evidence is proposed by both parties or</p>

*PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)*

	<p>when it is ordered by the court sua sponte, the court shall order that the amount needed to cover the costs be deposited by both parties in equal parts. If the court ordered hearing of evidence sua sponte, it may order that the amount be deposited by only one of the parties.</p>
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PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

<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>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

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