

1 Is it possible for evidence to be taken by videoconference either with the participation of a court in the requesting Member State or directly by a court of that Member State? If yes, what are the relevant national procedures or laws that apply?

Yes, but (for the time being) only in the Athens Court of First Instance.

2 Are there any restrictions on the type of person who can be examined by videoconference – for example, is it only witnesses or can others such as experts or parties also be examined in this way?

There are no restrictions. All participants in the proceedings may be examined by videoconference.

3 What restrictions, if any, are there on the type of evidence that can be obtained by videoconference?

There are no restrictions on the oral examination of witnesses, parties, experts, etc.

4 Are there any restrictions on where the person should be examined by videoconference – i.e. does it have to be in a court?

The examination may take place in specially designed rooms in a court or a Greek consular authority abroad.

5 Is it permitted to record videoconference hearings and, if so, is the facility available?

It is permitted to record videoconference hearings, and the registrar of the court or secretary of the Greek consular authority abroad draws up minutes.

6 In what language should the hearing be conducted: (a) where requests are made under Articles 10 to 12; and (b) where there is direct taking of evidence under Article 17?

The hearing has to be conducted in Greek; if necessary, an interpreter will be present.

7 If interpreters are required, who is responsible for providing them under both types of hearing and where should they be located?

If a party to the proceedings asks the court to examine a witness, a party or an expert who is to testify via videoconference but who does not speak Greek, the responsibility for finding interpreters and paying their fees lies with that party. Interpreters must be in the same room as the judge who conducts the videoconference or the secretary of the Greek consular authority abroad.

8 What procedure applies to the arrangements for the hearing and to notify the person to be examined about the time and place? How much time should be allowed when arranging the date of the hearing to enable the person to receive sufficient notification?

According to Article 3 of Presidential Decree 142/2013: 'The court shall decide of its own motion or at the request of a party whether a videoconference should be held for a specific case. It is in the power of the court to decide whether to accept such a request or not, after determining whether the use of this technology is necessary for the effective conduct of the proceedings. Having regard to the circumstances of each case, the court may approve the request for a videoconference while requiring additional guarantees for the proper conduct of the proceedings. (a) At the request of a party: The party concerned must file with the registrar of the court where the case is being heard a request for a hearing by videoconference (Article 270(7) of the Code of Civil Procedure) or for questioning by videoconference or for testimony to be given by videoconference (Article 270(8) of the Code of Civil Procedure). The request shall indicate the court or the consular authority of the remote location, the names of the persons who are to participate in the videoconference, their addresses (including email addresses) and the phone and fax numbers at which they may be found, the procedural step for which the videoconference is requested, the planned duration, and any special equipment required. It shall also include any special conditions set by the parties for conducting the videoconference. The request may be filed at any time and at any stage of the proceedings, provided that accepting it would not exceed the time-limits for the procedural step set out in the Code of Civil Procedure. The request and all the related supporting documents may also be submitted electronically in accordance with the applicable provisions. Communication with a view to the planning and conduct of the videoconference shall be the responsibility of the officials of the court and the remote location, and may take place by any appropriate means, such as telephone, email or fax. The request shall be approved or rejected by court decision. The decision shall be communicated by the registrar to the requesting party by any appropriate means. If the request is accepted, the requesting party shall inform the other parties that the procedural step is to take place by videoconference. (b) Of the court's own motion: The decision to conduct a videoconference may be taken by the court trying the case and communicated to the parties of its own motion'.

9 What costs apply to the use of videoconferencing and how should they be paid?

If a party to the proceedings asks the court to examine a witness, a party or an expert who is to testify via videoconference but who does not speak Greek, the responsibility for finding interpreters and paying their fees lies with that party. The party pays the fee directly to the interpreter.

10 What requirements, if any, are there for ensuring that the person examined directly by the requesting court has been informed that the performance shall take place on a voluntary basis?

The person is informed by the court.

11 What procedure exists for verifying the identity of the person to be examined?

The judge conducting the proceedings has to verify the identity of the person to be questioned. In order to identify a person appearing in the remote room, the judge is assisted by the registrar or secretary at the remote location, or by another person there who has been authorised by the consul.

12 What requirements for taking oaths apply and what information is needed from the requesting court when an oath is required during direct taking of evidence under Article 17?

The witness, expert etc. examined is asked by the judge conducting the proceedings whether he or she prefers to swear a religious or a civil oath. The same applies to interpreters before they embark on their duties.

13 What arrangements are there for ensuring that there is a contact person at the place of the videoconference with whom the requesting court can liaise and a person who is available on the day of the hearing to operate the videoconferencing facilities and deal with any technical problems?

The responsible court officials must be present before and during the videoconference.

14 What, if any, additional information is required from the requesting court?

None.

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