

## Manual

## 1.1. Scope and Background

1. This guide covers the use of videoconferencing equipment in cross-border court proceedings in the European Union. It discusses the organizational, technical and legal aspects of the use of videoconferencing technology. Furthermore, it analyzes the use of equipment in courtrooms and witness rooms, and the use of portable equipment. The guidance applies to cases where videoconferencing is used for any part of legal proceedings, in particular for taking of evidence from remote locations in other EU Member States.

2. This guide contains advice and guidance for legal professionals, court clerks and technical staff. The guide discusses practical considerations on the use of videoconferencing equipment that is of particular interest to legal professionals and court staff, and then examines technical aspects that are of specific interest to technical staff. The annex to the guide provides details on the legal framework for the cross-border use of videoconferencing in criminal, as well as civil and commercial matters. Further annexes outline the technical standards to be taken into consideration and provide a summary of key steps in the processes for using videoconferencing in cross-border court proceedings. This document aims to help users by providing advice and guidance. It does not replace detailed work instructions or detailed operating instructions.

3. This document is concerned mainly with the use of videoconferencing in legal proceedings in criminal, civil and commercial courts. However, many of the technical aspects on the use of videoconferencing are more generally applicable to its use within the wider justice community. The hearing of witnesses and experts does not always take place in courts and it is possible to arrange for a videoconferencing connection between courts and other locations, such as consular and diplomatic representations, prisons, hospitals and asylum centres. As such, this document can be used as a basis for the use of videoconferencing in other procedures.

4. Usually in cross-border civil proceedings there are two possible situations where witnesses and experts may be heard via videoconferencing:  
Indirect taking of evidence, where the court in the requested state conducts the hearing of e.g. a witness (under certain conditions with the participation of the requesting court's representatives)

Direct taking of evidence, where the requesting court hears a witness in another Member State directly via videoconferencing.

5. In pre-trial criminal investigations, the investigating judge or prosecutor could decide to take evidence from a witness who is under threat or a witness or expert residing abroad, via videoconference or any other appropriate means of remote audiovisual communication, with the witness's agreement, if it is not possible or desirable for latter to appear at the trial in person.

6. The availability of expert witnesses has been identified as one cause of delays both in civil cases (e.g. medical experts and psychologists in child custody or child care cases) and in criminal cases (e.g. forensic or computer experts). The use of videoconferencing equipment will provide the courts with greater flexibility for when and how expert witnesses from other Member States are required to give evidence. When expert witnesses are heard, it is advisable to contact the expert before the hearing, in order to check what kind of technical equipment might be needed during the hearing.

7. For vulnerable and intimidated witnesses videoconferencing can be seen as a means of reducing the stress and discomfort which could be caused by the disruptive journey to a foreign court. For giving evidence to any foreign court, a separate witness room could be more practical than the court room.

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