

2.3. The Necessary Preparations

22. When the request is accepted, the practical preparations can start.

23. In cross-border civil and commercial proceedings, in case of a request to a court in another Member State, the requested court informs the requesting court and/or the parties of date, time and conditions for participation. Prior consultation with the requesting court on the date and time of the hearing should be considered. The requested court summons the witness and takes the necessary coercive measures, if so required. The request must be executed within ninety days of receipt.

24. In case of direct taking of evidence, the requesting court itself is responsible for organising the hearing and for notifying the witness of date, the time and place of the hearing as well as of the fact that the giving of evidence is voluntary.

The central body or competent authority of the requested Member state should assist the requesting court, as it is its duty to encourage videoconferencing. The requesting court has to comply with conditions set by the central body or competent authority, which can also assign a court of its Member State to ensure compliance.

25. In criminal matters, the judicial authority of the requested Member State serves a summons on the person to appear in accordance with its law. The method of requesting the person to appear in court is regulated by national legislation.

26. In addition, the requesting court and the videoconferencing facility in the requested Member State (which may be a court) need to make the booking for the court rooms or witness rooms. If interpretation will be used for the hearing, in civil matters in case of direct taking of evidence the requesting court contacts the interpreters and makes an agreement with the interpreters (concerning the fee, possible travel arrangements and other costs).

27. The usability of videoconferencing equipment plays a central role in the practical preparations.

There is always a need to have contacts between the technical experts of the respective courts, prisons or other videoconferencing locations in good time before the videoconference, in order to be sure that the videoconferencing equipment is functioning properly (cameras, microphones, screens, ISDN lines, etc).

It is advisable to test the equipment and the connections at least one day before the actual videoconference. In addition, it may prove useful to have the numbers of ISDN telephone lines and fax numbers sent to the technical staff and clerks of the respective courts.

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