

2.6. Minutes of the Hearing

40. In cross-border criminal proceedings, after the hearing is concluded, the judicial authority of the requested Member State needs to draw up minutes of the videoconference hearing. The minutes indicate the date and place of the hearing, the identity of the person heard the identities and functions of all other persons participating in the hearing, any oaths taken and the technical conditions under which the hearing took place. The document is forwarded by the competent authority of the requested Member State to the competent authority of the requesting Member State.

41. In a similar manner, in civil and commercial cross-border proceedings for requests made under Articles 10 to 12 of the Taking of Evidence Regulation (that is indirect requests) the requested court sends to the requesting court the documents establishing the execution of the request and, where appropriate, returns the documents received from the requesting court. The documents are to be accompanied by a confirmation of execution using form H in the Annex of the 2001 Taking of Evidence Regulation.

42. For direct taking of evidence in civil and commercial matters, where the equipment to be used is not supplied by the requesting court, all costs of the transmission, including the costs of hiring equipment and technical personnel to operate it, will be the responsibility of the authority requesting the videoconference. The general principle for indirect taking of evidence is that the execution of the request shall not give rise to any claim for any reimbursement of taxes or costs. However, if the requested court so requires, the requesting court should ensure the reimbursement of costs occasioned by the use of videoconferencing.

43. In criminal matters, where the 2000 MLA Convention applies, the cost of establishing the video link, costs related to the servicing of the video link in the requested Member State, the remuneration of interpreters provided by it and allowances to witnesses and experts and their travelling expenses in the requested Member State are to be refunded by the requesting Member State to the requested Member State, unless the latter waives the refunding of all or some of these expenses.

44. Similarly in civil and commercial proceedings, if the requested court so requires, the requesting court shall ensure the reimbursement, without delay, of the fees paid to experts and interpreters, and the costs occasioned by the use of videoconferencing (application of Article 18 of the 2001 Taking of Evidence Regulation).

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