Facilities in EU countries

Iirimaa

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?

It is possible for evidence to be taken by videoconference in the courts of Ireland either with the participation of a court in another Member State or directly by a court of that Member State.Procedures include High Court Practice Direction “HC45 - Use of video conferencing link for taking evidence in civil cases.”

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 of the kind suggested on the type of person who can be examined.

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

There are no restrictions on the type of evidence that can be obtained.

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

There are no restrictions, subject to the acquiescence of the judge.

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

There is a facility to record videoconference hearings in Ireland. Access to such a recording would have to be ordered by the court.

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 should be conducted in English or Irish if conducted in Ireland. However, in the case of a hearing outside Ireland there are no restrictions as to language.

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

If the court is in Ireland the interpreter will be provided by the court authorities in Ireland if the matter relates to a Family Law or criminal matter. In a civil matter it is the responsibility of the parties to arrange interpretation.

If the requesting court cannot understand English or Irish it is the responsibility of that court to provide for its own interpretation.

There are no restrictions on where the interpreter should be located.

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?

All arrangements will be agreed between the two courts. Testing prior to the court is recommended to ensure the link operates adequately.

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

Costs will vary depending on a number of circumstances including the place of the videoconference (i.e. whether it is a court or another premises); the time of the hearing (i.e. if it is out of normal court hours staff will be required to stay longer); whether any special procedures are required; and whether any costs arise through the use of the equipment. The requested court will inform the requesting court of the costs. Payment should be made in Euro.

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?

It is a matter for the requesting court to inform the witness.

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

It is for the court to satisfy itself as to the identity of the person being examined.

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 oath should be made under the normal procedures for courts in Ireland.

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?

This is a matter to be agreed between the two courts.

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

None except if there are any special requests (e.g. sign language, wheelchair access, special religious requirements for the oath etc.).

Last update: 26/04/2023

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