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# Taking evidence by videoconference

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(in civil and commercial  
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 Greece

**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, it is possible in both cases. Pursuant to Article 12(2) of Regulation (EU) 2020/1783, the taking of evidence by videoconference is carried out in accordance with the national law of the requested court (in Greece, Presidential Decree 142/2013 and Article 393(3) of the Code of Civil Procedure), whereas, pursuant to Article 12(3), the requesting court may call for the request to be executed in accordance with a special procedure provided for in its national law, and the requested court executes the request in accordance with the special procedure unless doing so would be incompatible with its national law or it is unable to do so because of major practical difficulties.

**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 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, except on recording videoconferences with images (Article 2(3) of Presidential Decree 142/2013).

**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 a suitably adapted courtroom or office at the court which has been certified by a decision of the head of the court that has been communicated to the Minister for Justice, or in an office at 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 facility is available, with sound but without images; minutes of the videoconference are kept by the registrar of the court or of the Greek consular authority abroad.

**6 In what language should the hearing be conducted: (a) where requests are made under Articles 12 to 14 of the Taking of Evidence Regulation; and (b) where there is direct taking of evidence under Articles 19 to 21 of the Taking of Evidence Regulation?**

(a) The proceedings are conducted in Greek and, where necessary, an interpreter is present; (b) the proceedings are in the language of the requesting court, with an interpreter providing simultaneous interpretation into Greek.

**7 If interpreters are required, who is responsible for providing them and where should they be located (a) where requests are made under Articles 12 to 14 of the Taking of Evidence Regulation; and (b) where there is direct taking of evidence under Articles 19 to 21 of the Taking of Evidence Regulation?**

Each party arranges for an interpreter to be found and paid, where the witness, party or expert proposed for questioning and who will testify by videoconference does not speak Greek. Interpreters must be in the same room as the judge who is conducting the videoconference procedure or the head 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 (a) where requests are made under Articles 12 to 14 of the Taking of Evidence Regulation; and (b) where there is direct taking of evidence under Articles 19 to 21 of the Taking of Evidence Regulation? For both options, how much time should be allowed when arranging the date of the hearing to enable the person to receive sufficient notification?**

In both cases, the details of how the hearing is to be conducted are determined by agreement between the judges of the requesting court and the requested court, by any appropriate means of communication, such as telephone, e-mail or fax.

Communication on practical matters relating to the planning and conduct of the videoconference is carried out by the competent court officials, also by any appropriate means, under the supervision of the above judges.

In accordance with the above agreement between the judges, the judge of the requested court informs the person to be examined of the time and place of the examination, in accordance with the provisions of the law of the place of enforcement, and with sufficient notice to allow the examination to take place.

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

Each party arranges for an interpreter to be found and paid, where the witness, party or expert proposed for questioning and who will testify by videoconference does not speak Greek. 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 competent judge of the requested court.

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

The judge who is conducting the hearing verifies the identity of the person to be questioned. In order to establish the identity of the person in the remote room, the judge is assisted by the registrar or by a person at the remote location 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 Articles 19 to 21 of the Taking of Evidence Regulation?

The witness, expert, etc. being questioned are asked by the judge conducting the hearing whether they wish to take a religious or civil oath. The same applies to interpreters before they take up their duties in the proceedings.

## 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?

Arrangements are made for the relevant court officials to be present before and during the videoconference.

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

None.

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