

**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?**

Although Slovak law does not contain specific rules allowing evidence to be taken with the court in the requesting Member State participating, there are no provisions preventing this. According to the procedural rules, courts take evidence at a hearing, and also, where practicable, outside hearings (Section 122 of the Code of Civil Procedure (*Občianský súdny poriadok*)). With the parties' consent, the court may hold an oral hearing by videoconference or another communications technology (Section 116(6) of the Code of Civil Procedure). In principle, the parties have the right to be present while evidence is being taken.

There are no specific procedures for taking evidence by videoconference (apart from those described above). Therefore, only the Regulation on Taking Evidence (*Nariadenie o výkone dôkazu*), the Code of Civil Procedure and the Administrative and Secretarial Rules for Courts (*Spravovací a kancelársky poriadok pre súdy*) apply (in 2015, Slovak Justice Ministry Decree No 543 of 11 November 2005 on Administrative and Secretarial Rules for district courts (*okresné súdy*), regional courts (*krajské súdy*), the special court (*Špeciálny súd*) and military courts (*vojenské súdy*)).

All other issues must be resolved by agreement between the courts in question with the aid of the EJN.

**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 in Slovak law on the type of person who may be examined via videoconference. Pursuant to Section 125 of the Code of Civil Procedure, all means that can be used to establish the facts of a case may be used in evidence. Parties, witnesses and experts may be examined in particular.

Pursuant to Section 124 of the Code of Civil Procedure, the obligation to keep classified information confidential must be observed when evidence is taken. Pursuant to Section 100(3), if a court decides to take into consideration the opinion of a minor, the opinion is ascertained through the child's representative or the relevant authority in charge of the welfare and legal protection of children and social care, or by examining the minor even without the child's parents being present. Specific restrictions would clearly depend on the child's age and the method selected by the court for the examination.

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

None, apart from those restrictions associated with the very nature of videoconferencing (the fact that it is impossible to conduct a premises search by videoconference, etc.).

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

Evidence is usually taken at a hearing (Section 122 of the Code of Civil Procedure) and hearings usually take place at a courthouse (Section 25 in conjunction with Section 35 of the Administrative and Secretarial Rules for Courts). For technical reasons it would be difficult to conduct an interview elsewhere.

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

The videoconferencing equipment is also capable of recording videoconferences. Nevertheless, under the terms of Section 116(6) of the Code of Civil Procedure, an oral hearing via videoconference may only take place with the parties' consent. Without the parties' consent, the general provisions of Section 44a of the Code of Civil Procedure apply, according to which a hearing may also be recorded using audio recording equipment. Such an audio recording is stored on a data carrier, which is part of the case file.

**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?**

This question is not specifically about taking evidence abroad or via videoconference. Under the general rules, Slovak court hearings are always held in the official language and interpreters are provided if required.

If a court is involved in taking evidence, we would expect that the court receiving the request would conduct the hearing and that the evidence would therefore be taken in the language of that court. If a court takes evidence directly pursuant to Article 17, it does so in its own language.

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

Slovak law does not contain any provisions on this issue. Interpreters are provided on an ad hoc basis by agreement between the courts in question.

**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?**

Slovak law does not contain specific provisions governing these issues. The general rules on conducting hearings and summoning witnesses and parties apply. Courts usually take evidence at hearings (Section 122 of the Code of Civil Procedure) and a court summons must be served long enough in advance to comply with the statutory deadline for preparing a court hearing (Section 46/3 of the Administrative and Secretarial Rules for Courts), which is 'usually at least five days prior to the date on which the hearing is due to take place' (Section 115(2) of the Code of Civil Procedure).

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

The Slovak courts do not apply charges for videoconferencing.

**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?**

Slovak law does not contain specific provisions governing these issues. In general, a court is supposed to instruct a person of their procedural rights and obligations at the start of a hearing. This does not apply when such persons are represented by a lawyer (*advokát*). (Section 5 of the Rules of Civil Procedure).

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

Slovak law does not contain specific provisions governing these issues. The specific procedure will be decided by ad hoc agreement between the courts concerned. The general provisions on verifying the identity of the person being examined evidently apply. These provisions establish that at the start of a hearing, a witness' identity must be established as well as any circumstances that could impact on the witness' credibility (family relationships etc., Section 126(2) of the Code of Civil Procedure).

**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?**

Slovak law only contains specific provisions governing these issues in criminal proceedings, not in civil proceedings.

However, pursuant to Section 126(2) of the Code of Civil Procedure, courts instruct witnesses at the start of each hearing about the significance of witness statements and the witnesses' rights and obligations (to tell the truth and not conceal anything) and about the criminal consequences of perjury. Note that this legal provision (perjury) does not apply to parties to 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?**

All Slovak courts have an administrator who can be approached to plan the testing of the video link, the date of the hearing, etc. The administrator is trained in operating the videoconferencing facilities. In the event of any problems, the administrator can contact the court technician and may arrange for the technician to be present on the day of the hearing.

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

The technical information necessary for establishing a link with the requesting court's equipment is required.

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