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Manual

1.2. Overview of the Legal Framework in European Union law

8. Applications in criminal cases are usually governed by national acts and the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of May 29, 2000 (further referred to as the “2000 MLA Convention”).

9. Applications may also be made in civil cases on the basis of the EU Council Regulation No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (further referred to as the “2001 Taking of Evidence Regulation”).

10. The standard forms and information about procedures are also available on the websites of the European Judicial Network in Civil and Commercial Matters (in the European Judicial Atlas) and the European Judicial Network in Criminal Matters.

11. Further scope for the use of videoconferencing in the EU context can be found in the Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims. In accordance with Article 9(1) a) of the Directive the applicant may be heard by videoconferencing. In addition, Article 9(1) of the Regulation (EC) No 861/2007 of 11 July 2007 establishing a European Small Claims Procedure foresees the possibility of taking of evidence through videoconference if the technical means are available. Directive 2008/52/EC of 21 May 2008 on certain aspects of mediation in civil and commercial matters emphasises that it should not in any way prevent the use of modern communication technologies in the mediation process.

12. For most EU Member States most of these instruments are already applicable (with some reservations made by some Member States, especially concerning the hearing of accused persons by videoconference).

In the arrangements for videoconferencing there are differences between on the one hand the civil and commercial and on the other hand the criminal proceedings. The steps that are necessary to undertake a hearing by videoconferencing and the differences between arrangements are given in the table in Annex III.

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