

**Customer:** European Commission

**Directorate General Justice and Home Affairs** 

**Directorate C: Civil Justice, Rights and Citizenship** 

Date: March 2007

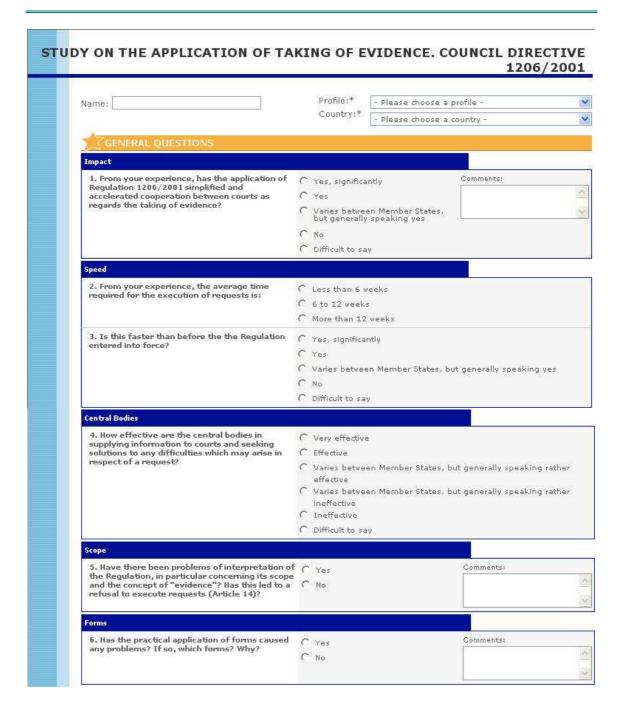
Our Reference: FINAL REPORT 1206 AnnexIII 09032007





We hereby present the main questionnaires used for this Study. The final, html designed, questionnaires are available at <a href="www.mainstrat.com/1206">www.mainstrat.com/1206</a> (Questionnaire1) and <a href="http://www.mainstrat.com/1206-Courts">http://www.mainstrat.com/1206-Courts</a> (Questionnaire 3). Questionnaires were provided in six languages (English, German, French, Spanish, Italian, and Greek). Questionnaire 2 was only addressed to the 24 Central Authorities. Questionnaire 3 is the addition of one question to Questionnaire 1, the question on Time, found at Questionnaire 2: last question.

## **QUESTIONNAIRE 1**





ommunications Technology		
The Regulation encourages the use of communications to communications technology at the performance of the tale (Article 10 (4)), Also in the context of direct taking of e communications technology (Article 17 (4)).	aking of evidence, in particular b vidence, the central body or the	y using videoconference and teleconference
7. How frequently is communications technology used for taking evidence? In which types of	C Rarely	Comments:
used for taking evidence? In which types of requests?	C Sometimes	
	C Often	
8. In practice has the use of communications	C Yes, considerably	
technology simplified and accelerated the taking of evidence in other Member States?	C Yes	
	C Varies between Member	States, but generally speaking yes
	C No	
	C Difficult to say	
9. Has the use of communications technology	C Yes	Comments:
caused any problems? If so, which?	C No	
osts		
10. Has the practical application of Article 18	C Yes	Comments:
(costs) caused any problems? If so, which?	CNo	
QUESTIONS ON THE TAKING OF EVID	ENCE THROUGH THE RE	QUESTED COURTS
MACE AND MY BASE TV	ENCE THROUGH THE RE	QUESTED COURTS
questing and Requested Courts  1. How effective are the requesting and	ENCE THROUGH THE RE	QUESTED COURTS
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their	125We	QUESTED COURTS
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their	C Very effective	QUESTED COURTS  States, but generally speaking rather
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their	C Very effective C Effective C Varies between Member effective	States, but generally speaking rather
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their	C Very effective C Effective C Varies between Member effective C Varies between Member	
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their	C Very effective C Effective C Varies between Member effective	States, but generally speaking rather
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective	States, but generally speaking rather
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their asks under the Regulation?  2. Has the introduction of direct court-to-court	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say	States, but generally speaking rather
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their asks under the Regulation?  2. Has the introduction of direct court-to-court	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say C Yes	States, but generally speaking rather States, but generally speaking rather
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Questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their tasks under the Regulation?  2. Has the introduction of direct court-to-court ontacts caused specific problems? If so, which?	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say C Yes C No	States, but generally speaking rather States, but generally speaking rather
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QUESTIONS ON THE DIRECT TAKING incert Taking of Evidence	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say C Yes C No	States, but generally speaking rather States, but generally speaking rather Comments:  Comments:
1. How effective are the requesting and equested courts (Article 2) in fulfilling their sisks under the Regulation?  2. Has the introduction of direct court-to-court ontacts caused specific problems? If so, which?  QUESTIONS ON THE DIRECT TAKING rect Taking of Evidence in contrast to international instruments on the taking of beyond the classical concept of judicial cooperation by dember State.	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say C Yes C No	States, but generally speaking rather States, but generally speaking rather Comments:  Comments:
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1. How effective are the requesting and equesting their saks under the Regulation?  2. Has the introduction of direct court-to-court ontacts caused specific problems? If so, which?  QUESTIONS ON THE DIRECT TAKING in contrast to international instruments on the taking of beyond the classical concept of judicial cooperation by Member State.  13. How frequently is this method of taking evidence used? For which types of requests?	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say C Yes C No OF EVIDENCE  Evidence like the 1970 Hague providing for the possibility of a C Rarely C Sometimes C Often C Yes, considerably C Yes C Varies between Member	States, but generally speaking rather States, but generally speaking rather Comments:  Comments:  Convention, the Regulation (Article 17) goe: court to take evidence directly in another
1. How effective are the requesting and equesting their saks under the Regulation?  2. Has the introduction of direct court-to-court ontacts caused specific problems? If so, which?  QUESTIONS ON THE DIRECT TAKING in contrast to international instruments on the taking of beyond the classical concept of judicial cooperation by Member State.  13. How frequently is this method of taking evidence used? For which types of requests?	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say C Yes C No OF EVIDENCE  Evidence like the 1970 Hague providing for the possibility of a C Rarely C Sometimes C Often C Yes, considerably C Yes C Varies between Member C No	States, but generally speaking rather States, but generally speaking rather  Comments:  Convention, the Regulation (Article 17) goes court to take evidence directly in another  Comments:
1. How effective are the requesting and equesting their asks under the Regulation?  2. Has the introduction of direct court-to-court ontacts caused specific problems? If so, which?  QUESTIONS ON THE DIRECT TAKING rect Taking of Evidence In contrast to international instruments on the taking of beyond the classical concept of judicial cooperation by Member State.  13. How frequently is this method of taking evidence used? For which types of requests?  14. In practice, has the introduction of this method of taking evidence simplified and accelerated the taking of evidence in other Member States?	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say C Yes C No OF EVIDENCE  Fevidence like the 1970 Hague providing for the possibility of a C Rarely C Sometimes C Often C Yes, considerably C Yes C Varies between Member C No C Difficult to say	States, but generally speaking rather States, but generally speaking rather  Comments:  Convention, the Regulation (Article 17) goes court to take evidence directly in another  Comments:  States, but generally speaking yes
questing and Requested Courts  1. How effective are the requesting and equested courts (Article 2) in fulfilling their asks under the Regulation?  2. Has the introduction of direct court-to-court ontacts caused specific problems? If so, which?	C Very effective C Effective C Varies between Member effective C Varies between Member ineffective C Ineffective C Difficult to say C Yes C No OF EVIDENCE  Evidence like the 1970 Hague providing for the possibility of a C Rarely C Sometimes C Often C Yes, considerably C Yes C Varies between Member C No	States, but generally speaking rather States, but generally speaking rather  Comments:  Convention, the Regulation (Article 17) goes court to take evidence directly in another  Comments:



16. Do you find it problematic that the Regulation often refers to the national laws of Member States?	C Not much	
	C Fairly	
	C A lot	
17. Do you consider the harmonisation of the	C Yes	
procedural laws of the Member States on the issue of the taking of evidence desirable?	C No	
18. Have you found problems of compatibility	C Yes	Comments:
between the Regulation and other instruments such as the 1970 Hague Convention on the	C No	
Taking of Evidence?		
19. Please feel free to give further explanations	or make proposals	
	ya ta zi — ozo ize deleta erroetzeko in dere ez	6



# **QUESTIONNAIRE 2**

ame:		Profile:*	- Please choose a pr	ofile -	
		Country:*	- Please choose a co	untry -	
TRANSMISSION O	FREQUESTS				
Are the requests and communications Idressed to your Member State pursuant to		← Yes		Please feel free to	
this Regulation transmitte	ed by the "swiftest	C Yes, mostly		explanations or m	ake pr
possible means" (Article ( which your Member State		C Mostly not			
		C No			
b) From your experience, central bodies forwarded		C Very often		Please feel free to	give
competent court at the re		C Often		explanations:	
court?		C Sometimes			
		C Never		-	
c) How often have central solutions to difficulties wh		C Very often		Please feel free to explanations:	give
respect of a request?	iicii nave ansen iii	C Often		expranacions:	
		C A few times			
		C Never		-	
Article 1(1) of the Regulation State, in accordance with the evidence; or (b) to take evide  1. Do you have information	provisions of the law of th ince directly in another Me in concerning the numb	at State, requests: (a ember State". e <b>er of requests fro</b> r	) the competent court o n courts in other Men	f another Member nber States tran	State smit
State, in accordance with the evidence; or (b) to take evide   1. Do you have information   2005 to the competent co	provisions of the law of th ince directly in another Me in concerning the numb	at State, requests: (a ember State". e <b>er of requests fror</b> t <b>ate in accordance</b>	) the competent court o or courts in other Men with Article 1(1)(a) o	f another Member nber States trar f the Regulation	State smit n?
State, in accordance with the evidence; or (b) to take evide 1. Do you have informatio	provisions of the law of th ince directly in another Me in concerning the numb	at State, requests: (a ember State". e <b>er of requests fro</b> r	) the competent court o in courts in other Men with Article 1(1)(a) o R	f another Member nber States trar f the Regulation EXA	Stat nsmir n? CTN
State, in accordance with the evidence; or (b) to take evide 1. Do you have information the competent co	provisions of the law of the nee directly in another Me on concerning the numb urts of your Member St Less than 10	at State, requests: (a ember State", eer of requests fror tate in accordance APPROX, NUMBE	) the competent court o in courts in other Men with Article 1(1)(a) o R	f another Member nber States trar f the Regulation EXA	Stat nsmir n? CTN
State, in accordance with the evidence; or (b) to take evide 1. Do you have informatio 2005 to the competent co MEMBER STATE	provisions of the law of the nee directly in another Me on concerning the numb urts of your Member St Less than 10	at State, requests: (a mber State", ver of requests fron Late in accordance APPROX, NUMBE Between 10 a	) the competent court o in courts in other Men with Article 1(1)(a) o R ind 20 Over 2	f another Member nber States trar f the Regulation EXA	State smit n? CTNL
State, in accordance with the evidence; or (b) to take evide  1. Do you have informatic 2005 to the competent co  MEMBER STATE  Austria	provisions of the law of the nee directly in another Me on concerning the numb urts of your Member St Less than 10	at State, requests: (a mber State", ver of requests fron Late in accordance APPROX, NUMBE Between 10 a	) the competent court o in courts in other Men with Article 1(1)(a) o R ind 20 Over 2	f another Member nber States trar f the Regulation EXA	State smit n? CTNL
State, in accordance with the evidence; or (b) to take evide  1. Do you have informatic 2005 to the competent co  MEMBER STATE  Austria  Belgium	provisions of the law of th nice directly in another Me in concerning the numb urts of your Member St Less than 10	at State, requests: (a mber State", ver of requests fron Late in accordance APPROX, NUMBE Between 10 a	) the competent court o in courts in other Men with Article 1(1)(a) o R ind 20 Over 2	f another Member nber States trar f the Regulation EXA	State smit n? CTNL
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State, in accordance with the evidence; or (b) to take evide  1. Do you have informatic 2005 to the competent co  MEMBER STATE  Austria  Belgium  Cyprus  Czech Republic	provisions of the law of the need directly in another Me on concerning the numb urts of your Member St.  Less than 10	at State, requests: (a mber State", ver of requests fron Late in accordance APPROX, NUMBE Between 10 a	) the competent court or in courts in other Men with Article 1(1)(a) or R and 20 Over 1	f another Member nber States trar f the Regulation EXA	State smit n? CTNL
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Slovenia	C	C	C	
Spain	C	6	C	
Sweden	(	6	C	
The Netherlands	C	6	C	
United Kingdom	C	۲	C	
Please feel free to give fu	rther explanations:			
2. Do you have informatio	n concerning the number	er of requests from courts in ith Article 1(1)(b) of the Reg	other Member St	ates in 2005 to
MEMBER STATE		APPROX. NUMBER		EXACTINU
	Less than 10	Between 10 and 20	Over 20	(if knov
Austria	C	C	C	
Belgium	С	C	С	
Cyprus	C	C	С	
Czech Republic	C	C	(	
Estonia	9	6	(	
Finland	C	C	C	
France	-	6	C	
Germany	C	C	c	
Greece	С	С	C	
Hungary	C	c	C	
Ireland	C	С	C	
Italy	· ·	۲	C	
Latvia	C	C	C	
Lithuania	C	C	C	
Luxembourg	C	C	C	
Malta	r	c	C	
Poland	С	c	c	
Portugal	c	С	C	
Slovakia	C	c	C	
Slovenia	· ·	C	-	
Spain		C	C	
Sweden	Ċ	C	c	
The Netherlands	,	· · · · · · · · · · · · · · · · · · ·	r	
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United Kingdom	\$		\$3	



STUDY ON THE APPLICATION OF TAKING OF EVIDENCE, COUNCIL DIRECTIVE 1206/2001

On average, approxin	nately now long ut	ses it take for yo	APPROX. TIME	e executed iii ea	chi receiving riei	EXACT TIM
STATE	Less than one month	From 1 to 2 months	From 2 to 3 months	From 3 to 6 months	More than 6 moths	(if known)
Austria	C	C	C	C	C	
Belgium	6	0	· ·	C	C	
Cyprus	C	6	0	(	C	
Czech Republic	C	C	C	C	C	
Estonia	C	C	C	C	C	
Finland	C	C	C	C	0	
France	C	C	C	С	С	
Germany	C	C	C	C	О	
Greece	C	C	С	C	С	
Hungary	r	C	C	C	C	
Ireland	c	(	0	-	C	
Italy	C	c	C	С	C	
Latvia	C	C	r	C	C	
Lithuania	C	C	C	C	C	Ī
Luxembourg	c	C	c	C	C	
Malta	C	C	C	С	С	
Poland	c	C	С	C	C	
Portugal	C	С	C	0	C	
Slovakia	C	c	C	c	C	
Slovenia	C	C	C	C	C	
Spain	c	C	c	r	C	
Sweden	C	c	C	c	C	
The Netherlands	C	C	С	С	С	
United Kingdom	С	С	C	С	С	
lease feel free to giv	e further explana	tions:				1

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Send>>