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Cross-border video hearings to simplify mutual legal assistance in civil court proceedings

New regulations for cross-border video hearings in civil proceedings apply from 1 October 2024. These regulations are an important move towards further digitalization, the Federal Office of Justice says in its most recent press release.

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From 1 October 2024, new EU provision will apply to cross-border video hearings in civil proceedings: Regulation of 13 December 2023 on the digitalization of judicial cooperation and access to justice in cross-border civil, commercial, and criminal matters, and amending certain acts in the field of judicial cooperation(the EU Digitalization Regulation). German courts within the European Union will be able to connect parties and their representatives to court proceedings via video conference and hear them or negotiate settlements without a specific request for mutual legal assistance. Lawyers will also be able to submit their applications to the court in a cross-border video hearing.

In its press release the Federal Office of Justice (FOJ) acknowledges that video conferences are an integral part of everyday life for all citizens and in the event of legal disputes citizens in the EU expect a smooth co-operation.

Germany was ahead of schedule as the first EU Member State to declare the early application of the provision on cross-border hearings. Cross-border video hearings and hearings by German courts with parties and their representatives in another EU Member State therefore no longer require the approval of this other state with immediate effect.

Article 5 of the EU Digitalization Regulation does not cover, in particular, the questioning and interrogation of witnesses or the hearing of experts by means of video conference. In these cases, the authorization of the other EU Member State is still required.

A few words about the FOJ: The Federal Office of Justice is the **central contact point and liaison body** with its counterparts in other countries in civil, commercial, and administrative matters, as well as in matters of criminal law. **Mutual legal assistance** is defined as any kind of assistance provided by courts or public authorities in legal matters to ensure that German proceedings conducted abroad, or foreign proceedings conducted in Germany run as smoothly as possible. When performing tasks in the field of **international mutual legal assistance**, the Federal Office of Justice works in close cooperation with the Federal Foreign Office, the Federal Ministry of Justice, the judicial administrations of the Länder, and with central authorities in other countries.

Source

Federal Office of Justice, online report (press release) of 1 October 2024.

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