

tary General of the Council of Europe, declare that it will not avail itself of the possibility provided in paragraph 8 above of also applying the provisions of this article to hearings by video conference involving the accused person or the suspect.

Article 10

Hearing by telephone conference

1. If a person is in one Party's territory and has to be heard as a witness or expert by judicial authorities of another Party, the latter may, where its national law so provides, request the assistance of the former Party to enable the hearing to take place by telephone conference, as provided for in paragraphs 2 to 6.

2. A hearing may be conducted by telephone conference only if the witness or expert agrees that the hearing take place by that method.

3. The requested Party shall agree to the hearing by telephone conference where this is not contrary to fundamental principles of its law.

4. A request for a hearing by telephone conference shall contain, in addition to the information referred to in Article 14 of the Convention, the name of the judicial authority and of the persons who will be conducting the hearing and an indication that the witness or expert is willing to take part in a hearing by telephone conference.

5. The practical arrangements regarding the hearing shall be agreed between the Parties concerned. When agreeing such arrangements, the requested Party shall undertake to:

- (a) notify the witness or expert concerned of the time and the venue of the hearing;
- (b) ensure the identification of the witness or expert;
- (c) verify that the witness or expert agrees to the hearing by telephone conference.

6. The requested Party may make its agreement subject, fully or in part, to the relevant provisions of Article 9, paragraphs 5 and 7.

Article 11

Spontaneous information

1. Without prejudice to their own investigations or proceedings, the competent authorities of a Party may, without prior request, forward to the competent authorities of another Party information obtained within the framework of their

ralsekretær erklære, at den ikke vil benytte sig af den i stk. 8 angivne mulighed for ligeledes at lade bestemmelserne i denne artikel finde anvendelse på afhøringer ved videokonference, der inddrager den anklagede eller den sigtede.

Artikel 10

Afhøring ved telefonkonference

1. Hvis en person befinder sig på en parts territorium og skal afhøres som vidne eller sagkyndig af en anden parts judicielle myndigheder, kan den anden part, hvis dens nationale lovgivning foreskriver det, anmode førstnævnte part om bistand til, at afhøringen kan finde sted ved telefonkonference som bestemt i stk. 2-6.

2. En afhøring kan kun gennemføres ved telefonkonference, hvis vidnet eller den sagkyndige indvilliger i, at afhøringen finder sted på den måde.

3. Den anmodede stat skal indvillige i afhøring ved telefonkonference, hvis dette ikke strider mod dens grundlæggende retsprincipper.

4. En anmodning om afhøring ved telefonkonference skal udover de i konventionens artikel 14 nævnte oplysninger indeholde navnet på den judicielle myndighed og navnene på de personer, der skal foretage afhøringen, samt en anførelse af, at vidnet eller den sagkyndige er villig til at deltage i en afhøring ved telefonkonference.

5. De praktiske omstændigheder vedrørende afhøringen skal aftales mellem de berørte parter. Når disse omstændigheder aftales, skal den anmodede stat påtage sig at:

- a) give det pågældende vidne eller den pågældende sagkyndige meddelelse om tid og sted for afhøringen,
- b) sikre identifikation af vidnet eller den sagkyndige,
- c) sikre sig, at vidnet eller den sagkyndige indvilliger i afhøring ved telefonkonference.

6. Den anmodede stat kan gøre sit samtykke helt eller delvist betinget af de relevante bestemmelser i artikel 9, stk. 5 og 7.

Artikel 11

Spontane oplysninger

1. Uden præjudice for deres egen efterforskning eller retsforfølgning kan en parts kompetente myndigheder uden forudgående anmodning til en anden parts kompetente myndigheder fremsende oplysninger, der er indhentet i forbin-