

Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on simplified extradition procedure between the Member States of the European Union

Official Journal C 078 , 30/03/1995 P. 0002 - 0010

CONVENTION

drawn up on the basis of Article K.3 of the Treaty on European Union, on simplified extradition procedure between the Member States of the European Union

THE HIGH CONTRACTING PARTIES to this Convention, Member States of the European Union, REFERRING to the Council Act of 9 March 1995,

DESIRING to improve judicial cooperation between the Member States in criminal matters, with regard both to proceedings and the execution of sentences,

RECOGNIZING the importance of extradition in judicial cooperation in order to achieve these objectives,

CONVINCED of the need to simplify extradition procedures to the extent that this is compatible with their fundamental legal principles, including the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms,

NOTING that, in a large number of extradition proceedings, the person claimed consents to his surrender,

NOTING that it is desirable to reduce to a minimum, in such cases, the time necessary for the extradition and any period of detention for extradition purposes,

CONSIDERING that, as a result, application of the European Convention on Extradition of 13 December 1957 should be made easier by simplifying and improving extradition procedures,

CONSIDERING that the provisions of the European Convention on Extradition remain applicable for all matters not covered by this Convention,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

General provisions

1. The aim of this Convention is to facilitate the application, between the Member States of the European Union, of the European Convention on Extradition, by supplementing its provisions.
2. Paragraph 1 shall not affect the application of more favourable provisions in the bilateral and multilateral agreements in force between Member States.

Article 2

Obligation to surrender persons

Member States undertake to surrender to each other under simplified procedures as provided for by this Convention persons sought for the purpose of extradition, subject to consent of such persons and the agreement of the requested State given in accordance with this Convention.

Article 3

Conditions for surrender

1. Pursuant to Article 2, any person who is the subject of a request for provisional arrest in accordance with Article 16 of the European Convention on Extradition shall be surrendered in accordance with Articles 4 to 11 and Article 12 (1) of the present Convention.
2. The surrender referred to in paragraph 1 shall not be subject to submission of a request for extradition or the documents required by Article 12 of the European Convention on Extradition.

Article 4

Information to be provided

1. The following information from the requesting State shall be regarded as adequate for the information of the arrested person for the purpose of applying Articles 6 and 7 and for the competent authority referred to in Article 5 (2):

- (a) the identity of the person sought;
- (b) the authority requesting the arrest;
- (c) the existence of an arrest warrant or other document having the same legal effect or of an enforceable judgment;
- (d) the nature and legal description of the offence;
- (e) a description of the circumstances in which the offence was committed, including the time, place and degree of involvement of the person sought;
- (f) in so far as possible, the consequences of the offence.

2. Notwithstanding paragraph 1, further information may be requested if the information provided for in the said paragraph is insufficient to allow the competent authority of the requested State to give agreement to the surrender.

Article 5

Consent and agreement

1. The consent of the arrested person shall be given in accordance with Articles 6 and 7.
2. The competent authority of the requested State shall give its agreement in accordance with its national procedures.

Article 6

Information to be given to the person

Where a person wanted for the purpose of extradition is arrested on the territory of another Member State, the competent authority shall inform that person, in accordance with its national law, of the request relating to him and of the possibility of his consent to his surrender to the requesting State under the simplified procedure.

Article 7

Establishing consent

1. The consent of the arrested person and, if appropriate, his express renunciation of entitlement to the speciality rule, shall be given before a competent judicial authority of the requested State in accordance with the national law of that State.
2. Each Member State shall adopt the measures necessary to ensure that consent and, where appropriate, renunciation, as referred to in paragraph 1, are established in such a way as to show that the person concerned has expressed them voluntarily and in full awareness of the consequences. To that end, the arrested person shall have the right to legal counsel.
3. Consent and, where appropriate, renunciation, as referred to in paragraph 1, shall be recorded; the recording procedure shall be in accordance with the national law of the requested State.
4. Consent and, where appropriate, renunciation, as referred to in paragraph 1, may not be revoked. Upon deposit of their instruments of ratification, acceptance, approval or accession, Member States may indicate, in a declaration, that consent and, where appropriate, renunciation may be revoked, in accordance with the rules applicable under national law. In this case, the period between the notification of consent and that of its revocation shall not be taken into consideration in establishing the periods provided for in Article 16 (4) of the European Convention on Extradition.

Article 8

Notification of consent

1. The requested State shall immediately notify the requesting State of the consent of the person. So that the requesting State may submit, where applicable, a request for extradition, the requested State shall notify it, no later than 10 days after provisional arrest, whether or not the person has given his consent.

2. Notification referred to in paragraph 1 shall be made directly between the competent authorities.

Article 9

Renunciation of entitlement to the speciality rule

Each Member State may declare, upon deposit of its instrument of ratification, acceptance, approval or accession, or at any other time, that the rules laid down in Article 14 of the European Convention on Extradition do not apply where the person, in accordance with Article 7 of the present Convention:

(a) consents to extradition; or

(b) consents to extradition and expressly renounces his entitlement to the speciality rule.

Article 10

Notification of the extradition decision

1. Notwithstanding the rules laid down in Article 18 (1) of the European Convention on Extradition, the extradition decision taken pursuant to the simplified procedure and the information concerning the simplified extradition procedure shall be notified directly between the competent authority of the requested State and the authority of the requesting State which has requested provisional arrest.

2. The decision referred to in paragraph 1 shall be notified at the latest within 20 days of the date on which the person consented.

Article 11

Deadline for surrender

1. Surrender shall take place within 20 days of the date on which the extradition decision was notified under the conditions laid down in Article 10 (2).

2. After the deadline laid down in paragraph 1, if the person is being held, he shall be released on the territory of the requested State.

3. Should surrender of the person within the deadline laid down in paragraph 1 be prevented by circumstances beyond its control, the authority concerned referred to in Article 10 (1) shall so inform the other authority. The two authorities shall agree on a new surrender date. In that event, surrender will take place within 20 days of the new date thus agreed. If the person in question is still being held after expiry of this period, he shall be released.

4. Paragraphs 1, 2 and 3 of this Article shall not apply in cases where the requested State wishes to make use of Article 19 of the European Convention on Extradition.

Article 12

Consent given after expiry of the deadline laid down in Article 8 or in other circumstances

1. Where an arrested person has given his consent after expiry of the deadline of 10 days laid down in Article 8, the requested State:

- shall implement the simplified procedure as provided for in this Convention if a request for extradition within the meaning of Article 12 of the European Convention on Extradition has not yet been received by it,

- may use this simplified procedure if a request for extradition within the meaning of Article 12 of the European Convention on Extradition has reached it in the meantime.

2. Where no request for provisional arrest has been made, and where consent has been given after receipt of a request for extradition, the requested State may avail itself of the simplified procedure as provided for in this Convention.

3. Upon deposit of its instrument of ratification, acceptance, approval or accession, each Member State shall state whether it intends to apply paragraph 1, second indent, and paragraph 2 and, if so, under what conditions.

Article 13

Re-extradition to another Member State

Where the speciality rule has not been applied to the person extradited, in accordance with the declaration of the Member State provided for in Article 9 of this Convention, Article 15 of the European Convention on Extradition shall not apply to the re-extradition of this person to another Member State, unless the aforementioned declaration provides otherwise.

Article 14

Transit

In the event of transit under the conditions laid down in Article 21 of the European Convention on Extradition, where extradition under the simplified procedure is concerned, the following provisions shall apply:

(a) in an emergency, an application containing the information required in Article 4 may be made to the State of transit by any method which leaves a written record. The State of transit may make its decision known using the same method;

(b) the information referred to in Article 4 must be sufficient to enable the competent authority of the State of transit to ascertain whether extradition is under the simplified extradition procedure and to take the constraint measures needed for execution of the transit vis-à-vis the extradited person.

Article 15

Determining the competent authorities

Upon deposit of its instrument of ratification, acceptance, approval or accession, each Member State shall indicate in a statement which authorities are competent within the meaning of Articles 4 to 8, 10 and 14.

Article 16

Entry into force

1. This Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the General Secretariat of the Council of the European Union. The Secretary-General of the Council shall notify all Member States of such deposit.

2. This Convention shall enter into force 90 days after the date of deposit of the instrument of ratification, acceptance or approval by the last Member State to carry out this formality.

3. Until this Convention enters into force, any Member State may, when depositing its instrument of ratification, acceptance or approval, or at any other date, declare that the Convention shall apply to it in its relations with Member States that have made the same declaration 90 days after the date of deposit of its declaration.

4. Any declaration made pursuant to Article 9 shall take effect 30 days after deposit thereof, but no earlier than the date of the entry into force of this Convention or of the application thereof of the Member State concerned.

5. This Convention shall apply only to requests submitted after the date on which it enters into force or is applied between the requested State and the requesting State.

Article 17

Accession

1. This Convention shall be open to accession by any State that becomes a member of the European Union.

2. The text of this Convention in the language of the acceding State, drawn up by the General Secretariat of the Council of the European Union and approved by all the Member States, shall be equally authentic with the other authentic texts. The Secretary-General shall transmit a certified true copy of the text to each Member State.

3. The instruments of accession shall be deposited with the General Secretariat of the Council of the European Union.

4. This Convention shall enter into force with respect to any State that accedes to it 90 days after the deposit of its instrument of accession or the date of entry into force of the Convention if it has not already entered into force at the time of expiry of the said period of 90 days.

5. Where this Convention is not yet in force at the time of the deposit of their instrument of accession, Article 16 (3) shall apply to acceding Member States.

En fe de lo cual los plenipotenciarios abajo firmantes suscriben el presente Convenio.

Til bekræftelse heraf har undertegnede befuldmaegtigede underskrevet denne konvention.

Zu Urkund dessen haben die unterzeichneten Bevollmaechtigten ihre Unterschriften unter dieses UEbereinkommen gesetzt.

Óaa ðssóùòç òùí áíùòÝñù, íé ððíãñUEoeííôaaò ðëçñaañíýóéíé Ýëaaóáí ôçí ððíãñáoeÞ ðíðò êUEòù áðue ôçí ðáñíýóá óýíááóç.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their hands.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas de la présente convention.

Dá fhianú sin, chuir na Lánchumhachtaigh thíos-sínithe a lámh leis an gCoinbhinsiún seo.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce alla presente convenzione.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

Em fé do que, os plenipotenciários abaixo-assinados apuseram as suas assinaturas no final da presente convenção.

Taemaen vakuudeksi alla mainitut taeyisvaltaiset edustajat ovat allekirjoittaneet taemaen yleissopimuksen.

Till bekræftelse haerav har undertecknade befullmaektigade ombud undertecknat denna konvention.

Hecho en Bruselas, el diez de marzo de mil novecientos noventa y cinco, en un ejemplar único, en lenguas alemana, inglesa, danesa, española, finlandesa, francesa, griega, irlandesa, italiana, neerlandesa, portuguesa y sueca, cuyos textos son igualmente auténticos y que será depositado en los archivos de la Secretaría General del Consejo de la Unión Europea. El Secretario General remitirá a cada Estado miembro una copia autenticada de dicho texto.

Udfaerdiget i Bruxelles, den tiende marts nitten hundrede og femoghalvfems, i ét eksemplar paa dansk, engelsk, finsk, fransk, graesk, irsk, italiensk, nederlandsk, portugisisk, spansk, svensk og tysk, hvilke tekster alle har samme gyldighed, og er deponeret i arkiverne i Generalsekretariatet for Raadet for Den Europaeiske Union. Generalsekretaeren fremsender en bekræftet genpart til hver medlemsstat.

Geschehen zu Bruessel am zehnten Maerz neunzehnhundertfuenfundneunzig in einer Urschrift in daenischer, deutscher, englischer, finnisher, franzoesischer, griechischer, irischer, italienischer, niederlaendischer, portugiesischer, schwedischer und spanischer Sprache, wobei jeder Wortlaut gleichermassen verbindlich ist; die Urschrift wird im Archiv des Generalsekretariats des Rates der Europaeischen Union hinterlegt. Der Generalsekretaer uebermittelt jedem Mitgliedstaat eine beglaubigte Abschrift dieser Urschrift.

„ăéíaa óóéò ÆñíÝëëaaò, óóéò aeÝéá Íáñòssið ÷ssééá aaííéáêueóéá aaíaaíPíôá ðÝíôaa, óaa Ýía ìueííí áíóssòððí, óôçí áãëééêÞ, äãëëéêÞ, äaañíáíéêÞ, aeáíéêÞ, aaëçíéêÞ, éñëáíaeéêÞ, éóðáíéêÞ, éóáééêÞ, ïëëáíaeéêÞ, ðíñòíãäëéêÞ, óíðçaeéêÞ éáé oeéíëáíaeéêÞ äëÞóóá, ueä aea óá éaassiaaía aassíaé aaíssóíð áóëaaíóééUE éáé éáóáòssëaaíóáé óóá áñ÷aassá ôçò ÆaaíéêÞð Æñáííáóaaassáò ðíð Óóíáííóëssið ôçò AAññùðáúéêÞð ìúóçò. Í Æaaíéêueò Æñáííáóáò aeéááêêUEaeaaé aaðééññùíÝíí áíóssãñáoeí óaa êUEèaa êñUEòíò ìÝéíò.

Done at Brussels, this tenth day of March in the year one thousand nine hundred and ninety-five in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic, such original remaining deposited in the archives of the General Secretariat of the Council of the European Union, which shall transmit a certified copy to each of the Member States.

Fait à Bruxelles, le dix mars mil neuf cent quatre-vingt-quinze, en un exemplaire unique, en langues allemande, anglaise, danoise, espagnole, finnoise, française, grecque, irlandaise, italienne, néerlandaise, portugaise et suédoise, tous ces textes faisant également foi, exemplaire

qui est déposé dans les archives du Secrétariat général du Conseil de l'Union européenne. Le Secrétaire général en transmet une copie certifiée conforme à chaque État membre.

Arna dhéanamh sa Bhruiséil, an deichiú lá de Mhárta míle naoi gcéad nócha a cúig, i scríbhinn bhunaidh amháin sa Bhéarla, sa Danmhairgis, san Fhionlainnis, sa Fhraincis, sa Ghaeilge, sa Ghearmáinis, sa Ghréigis, san Iodáilis, san Ollainnis, sa Phortaingéilis, sa Spáinnis agus sa tSualainnis agus comhúdarás ag na téacsanna i ngach ceann de na teangacha sin; déanfar an scríbhinn bhunaidh sin a thaisceadh i gcartlann Ardrúnaíocht Chomhairle an Aontais Eorpaigh. Cuirfidh an tArdrúnaí cóip dhílis dheimhnithe chuig gach Ballstát.

Fatto a Bruxelles, il dieci marzo millenovecentonovantacinque, in un unico esemplare in lingua danese, finlandese, francese, greca, inglese, irlandese, italiana, olandese, portoghese, spagnola, svedese e tedesca, i testi di ciascuna di queste lingue facenti ugualmente fede, esemplare depositato negli archivi del Segretariato generale dell'Unione europea, che ne trasmette copia certificata conforme a ciascuno Stato membro.

Gedaan te Brussel, de tiende maart negentienhonderdvijfennegentig, in één exemplaar, in de Deense, de Duitse, de Engelse, de Finse, de Franse, de Griekse, de Ierse, de Italiaanse, de Nederlandse, de Portugese, de Spaanse en de Zweedse taal, zijnde alle teksten gelijkelijk authentiek, dat wordt neergelegd in het archief van het Secretariaat-Generaal van de Raad van de Europese Unie. De Secretaris-Generaal zendt een voor eensluitend gewaarmerkt afschrift daarvan toe aan elke Lid-Staat.

Feito em Bruxelas, em dez de Março de mil novecentos e noventa e cinco, em exemplar único, nas línguas alemã, dinamarquesa, espanhola, finlandesa, francesa, grega, inglesa, irlandesa, italiana, neerlandesa, portuguesa e sueca, fazendo igualmente fé todos os textos, depositado nos arquivos do Secretariado-Geral do Conselho da União Europeia. O Secretário-Geral remeterá uma cópia autenticada a cada Estado-membro.

Tehty Brysselissä kymmenenten paeivaena maaliskuuta vuonna tuhatyhdeksänsataayhdeksän-kymmeneviisi yhtenä ainoana kappaleena englannin, espanjan, hollannin, iirin, italian, kreikan, portugalin, ranskan, ruotsin, saksan, suomen ja tanskan kielellä kaikkien naiden tekstien ollessa yhtä todistusvoimaiset, ja se talletetaan Euroopan unionin neuvoston paeaesihteeristön arkistoon. Paeaesihteeristö toimittaa oikeaksi todistetun jaeljennoeksen siit kaikille jaesenvaltioille.

Utfaerdad i Bryssel den tionde mars aar nittonhundra nittiofem i ett enda exemplar, paa danska, engelska, finska, franska, grekiska, irländska, italienska, nederländska, portugisiska, spanska, svenska och tyska, varvid alla texter äre lika giltiga, och deponerad i arkiven vid generalsekretariatet för Europeiska unionens raad. Generalsekreteraren skall vidarebefordra en bestyrkt kopia till varje medlemsstat.

Pour le gouvernement du royaume de Belgique

Voor de Regering van het Koninkrijk België

Fuer die Regierung des Koenigreichs Belgien