

SEMDOC

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4463/95

RESTREINT

JUSTPEN 8

NOTE

from: French delegation

to : Working Party on Extradition

Subject: Presidency working document on the period for surrendering persons under the draft
Convention on simplified extradition procedures

WORKING PARTY ON EXTRADITION

PRESIDENCY PROPOSALS

To take account of the views expressed by delegations at the meeting of the Working Party on Extradition on 9 January 1995, the Presidency is submitting this compromise proposal, which refers to 12138/94 RESTREINT JUSTPEN 100.

Article 9 – paragraph 2

"The decision shall be communicated at the latest within twenty days of the date on which the person consented to his surrender".

Former paragraph 2 becomes 3.

Article 10

1. Surrender shall take place within twenty days of the date on which the decision was communicated in accordance with Article 9(2).
2. Where the person to be surrendered is also being prosecuted in the territory of the requested Member State or is serving a prison sentence, surrender shall take place within twenty days of the date on which the competent authorities agree to surrender.
3. After the deadlines laid down in the preceding paragraphs, if the person is being held he shall be released.

4. Should surrender of the person within the deadlines laid down in paragraphs 1 and 2 be prevented by "force majeure", the competent authority referred to in Article 9(1) shall inform the other authority accordingly. The two authorities shall agree on a new surrender date. In that event, paragraphs 2 and 3 of this Article shall apply".

Article 15 – Entry into force

- "1. This Convention shall be open for signature by the Member States. It 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, which shall notify all Member States of deposit.
2. This Convention shall enter into force 90 days after all the States which are members of the European Union on the date of opening for signature have deposited their instruments of ratification, acceptance or approval.
3. Until this Convention enters into force, any Member State may, when depositing its instrument of ratification, acceptance or approval or subsequently, declare that the Convention shall apply, 90 days after the date of deposit of its declaration, to its relations with any other Member States which have made the same declaration.
4. The Convention shall apply only to events occurring after the date on which it entered into force in the territory of the requested State".

Article 16 – Accession

- "1. This Convention shall be open for the accession of any State which becomes a Member of the European Union. The instrument of accession shall be deposited with the General Secretariat of the Council of the European Union.
2. This Convention shall enter into force in respect of any State which accedes thereto 90 days after the date of deposit of its instrument of accession or on the date of entry into force of the Convention, if it has not yet entered into force on the date of deposit of the instrument of accession.
3. If the Convention is not in force on the date of deposit of the instrument of accession, Article 15(3) shall apply to the acceding Member States".
