

No. 12655

**DENMARK
and
SPAIN**

**Treaty concerning enforcement of sentences in criminal
matters. Signed at Madrid on 3 February 1972**

Authentic texts: Danish and Spanish.

Registered by Denmark on 10 July 1973.

**DANEMARK
et
ESPAGNE**

**Traité relatif à l'exécution des sentences pénales. Signé à
Madrid le 3 février 1972**

Textes authentiques: danois et espagnol.

Enregistré par le Danemark le 10 juillet 1973.

[TRANSLATION—TRADUCTION]

TREATY¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF SPAIN CONCERNING ENFORCEMENT OF SENTENCES IN CRIMINAL MATTERS

The Government of the Kingdom of Denmark and the Government of Spain,

Considering that the increasing contact between the people of the two States requires greater co-operation for the effective prevention of crime,

Considering that the value of criminal legislation is largely determined by the degree of certainty attaching to enforcement of the penalties imposed,

Recognizing that co-operation between the two States in the enforcement of the penalties imposed will promote the social rehabilitation of offenders,

Have decided to conclude a treaty concerning enforcement of sentences in criminal matters and have for that purpose appointed as their respective plenipotentiaries:

For the Government of the Kingdom of Denmark: H.E. Mr. Aksel Christiansen, Ambassador of the Kingdom of Denmark to Spain; and

For the Government of Spain: H.E. Mr. Gregorio López Bravo, Minister for Foreign Affairs.

TITLE I
DEFINITIONS

Article 1. For the purposes of this Treaty:

(a) The term “sentence” means any final decision made by a criminal court in either of the Contracting States as a result of criminal proceedings;

(b) The term “offence” includes, in addition to acts punishable under criminal law, acts which come under the Spanish regulations concerning traffic violations, on condition that where such regulations assign jurisdiction to an administrative authority, the person concerned must be given the opportunity of having his case heard by a court;

(c) The term “sentencing” means the imposition of a penalty;

(d) The term “penalty” means any punishment or measure expressly imposed on a person—by reason of an offence—by a criminal court, by virtue of extrajudicial acceptance of a fine or of confiscation in conformity with article 931 of the Administration of Justice Act of Denmark, or by virtue of Spanish administrative proceedings in connexion with a traffic violation;

(e) The term “disability” means any loss or suspension of a right or any prohibition or loss of legal capacity;

¹ Came into force on 20 April 1973, i.e. two months after the date of the last of the notifications by which each Party informed the other of the completion of the procedures required under its constitution, in accordance with article 56.

(f) The term “sentence rendered *in absentia*” means any decision considered as such in conformity with article 19, paragraph 2, of this Treaty;

(g) The term “extrajudicial acceptance of a fine or of confiscation” means the acceptance, in conformity with article 931 of the Administration of Justice Act of Denmark, of a fine or of confiscation by a person charged with an offence.

TITLE II

ENFORCEMENT OF SENTENCES

CHAPTER 1. GENERAL PROVISIONS

(a) *General conditions of enforcement*

Article 2. The present title shall apply to:

- (a) Penalties entailing deprivation of liberty.
- (b) Fines or confiscation.
- (c) Disability.

Article 3. 1. Each of the Contracting States shall be authorized, in the cases and under the conditions provided for in this Treaty, to enforce a penalty imposed in the other Contracting State which is enforceable in the latter State.

2. The exercise of such authority shall be conditional upon an application for enforcement having been made by the other Contracting State.

Article 4. 1. A penalty imposed in either Contracting State may be enforced by the other State only where the act in respect of which the penalty was imposed would have constituted an offence under the law of the latter State if committed in the territory of that State and only where the offender would have been liable to punishment if he had committed the act there.

2. If sentencing relates to two or more offences any of which does not meet the conditions specified in paragraph 1, the sentencing State shall specify which part of the penalty applies to the offences which meet those conditions.

Article 5. The sentencing State may make application to the other Contracting State for enforcement of the penalty only if one or more of the following conditions are met:

- (a) The person under sentence is habitually resident in the other State;
- (b) Enforcement of the penalty in the other State may improve the chances for rehabilitation of the person under sentence;
- (c) In the case of a penalty entailing deprivation of liberty, the penalty could be enforced subsequent to another such penalty which the person under sentence is undergoing, or must undergo, in the other State;
- (d) The other State is the State of origin of the person under sentence and has declared that it is prepared to accept responsibility for enforcing the penalty;
- (e) The sentencing State considers that it cannot itself enforce the penalty, even by resorting to extradition, and the other State is able to do so.

Article 6. Enforcement applied for in conformity with the foregoing provisions may not be refused, either wholly or in part, except in the following cases:

- (a) Enforcement runs counter to the fundamental principles of the legal system of the State applied to;
- (b) The State applied to considers that the offence giving rise to the sentence is of a political or strictly military nature;
- (c) The State applied to considers that there are well-founded reasons to believe that sentencing was based on, or was aggravated by, considerations of race, religion, nationality or political opinion;
- (d) Enforcement might be contrary to the international obligations of the State applied to;
- (e) The act in question is already the subject of proceedings in the State applied to or that State decides to institute proceedings in respect of the same act;
- (f) The competent authorities of the State applied to have decided to refrain from instituting proceedings, or to stay proceedings already instituted, in respect of the same act;
- (g) The act was committed outside the territory of the applicant State;
- (h) The State applied to is unable to enforce the penalty;
- (i) The application is based on article 5, item (e), of this Treaty, and none of the other conditions specified in that article are met;
- (j) The State applied to considers that the other State is itself capable of enforcing the penalty;
- (k) The age of the person under sentence, at the time of the commission of the offence, would have prevented him from being prosecuted in the State applied to;
- (l) The penalty imposed can no longer be enforced in conformity with the laws of the State applied to because of prescription;
- (m) If, and to such extent as, the sentencing imposes a disability.

(b) Effects of the transfer of enforcement

Article 7. For the purposes of article 6, item (l), any act which interrupts or suspends prescription, and which has been validly performed by the authorities sentencing of the State, shall have the same effect for the reckoning of prescription in the State applied to, in conformity with the law of that State.

Article 8. 1. No person under sentence and held in custody in the applicant State, who has been handed over to the other State for the purpose of enforcement of the sentence, may be prosecuted, sentenced or held in custody for the purposes of enforcement of a sentence or an arrest warrant, or be subjected to any other restriction on his personal liberty, by reason of any offence committed prior to his being handed over other than the one for which the penalty to be enforced was imposed, except in the following cases:

(a) Where the applicant State grants its consent. An application for the granting of consent shall be submitted, together with all relevant documents and evidence from the proceedings regarding any statement made by the person under sentence with regard to the offence in question. Consent shall be granted where the offence in respect of which application is being made would in itself constitute grounds for extradition under the law of the applicant State or where extradition would have been precluded solely by reason of the nature of the penalty;

(b) Where the person, under sentence, having had the opportunity to leave the territory of the State to which he was handed over, has not done so within 45 days following his final release or, having left it, has returned thereto.

2. The State to which application has been made for enforcement may, however, take any measures that are necessary to effect the departure of the person in question from its territory or any measure, including proceedings *in absentia*, which, under its law, is necessary to interrupt prescription.

Article 9. 1. Enforcement shall be governed by the law of the State applied to, and that State alone shall be authorized to take the appropriate decisions, such as those concerning conditional release.

2. Only the applicant State shall be entitled to rule on a request for review of the sentence.

3. Either State may exercise the right of amnesty or pardon.

Article 10. 1. Once the sentencing State has made application for enforcement, it may not subsequently initiate the enforcement of a penalty in respect of which the said application was made. The applicant State may, however, initiate enforcement of a penalty entailing deprivation of liberty if the person under sentence is already being held in custody at the time when the application is made.

2. The right of enforcement shall revert to the applicant State if:

(a) It withdraws its application before the other State has informed it of its intention to act on the application;

(b) The other State gives notice of its refusal to act on the application;

(c) The other State expressly renounces its right of enforcement. Such renunciation shall be possible only where the two States agree thereto or where enforcement is no longer possible in the other State. In the latter case, such renunciation shall be obligatory if requested by the applicant State.

Article 11. 1. The competent authorities of the State applied to shall interrupt enforcement of the sentence as soon as they become aware of any pardon, amnesty, appeal for review or any other decision by virtue of which the penalty ceases to be enforceable. The same shall apply to the enforcement of a fine when the person under sentence has paid it to the competent authority of the applicant State.

2. The applicant State shall forthwith inform the other State of any decision or proceedings within its territory which, in conformity with paragraph 1, would interrupt enforcement.

(c) *Reimbursement of expenses*

Article 12. The Contracting States shall not seek reimbursement from each other of expenses resulting from the application of this Treaty.

CHAPTER 2. APPLICATIONS FOR ENFORCEMENT

Article 13. All applications provided for in this Treaty shall be in writing. Such applications shall, in the same way as all other communications necessary for the application of this Treaty, be sent by the Ministry of Justice of the applicant State to the Ministry of Justice of the other State, and they shall be returned through the same channel.

Article 14. The application for enforcement shall be accompanied by the original or a certified copy of the decision in respect of which the application is being made and of all other necessary documents. The original or a certified copy of all or part of the proceedings shall be sent to the State applied to if it so requests. The competent authority of the applicant State shall certify that the penalty is enforceable.

Article 15. If the State applied to considers that the information provided by the other State is not sufficient to enable it to apply this Treaty, it may request the necessary additional information and may specify a time-limit for the receipt thereof.

Article 16. 1. The authorities of the State applied to shall without delay inform the authorities of the other State of the action taken on the application for enforcement.

2. The authorities of the State applied to shall as appropriate deliver to the authorities of the other State a document attesting that the penalty has been enforced.

Article 17. Applications for enforcement and other documents relating to the application of this Treaty shall be translated, by Denmark into Spanish and by Spain into Danish or English.

Article 18. Evidence and documents transmitted in compliance with this Treaty shall not require legalization.

CHAPTER 3. SENTENCES RENDERED IN ABSENTIA, EXTRAJUDICIAL ACCEPTANCE OF FINES OR OF CONFISCATION, AND ADMINISTRATIVE PENALTIES

Article 19. 1. Except as otherwise provided in this Treaty, the enforcement of sentences rendered *in absentia* or of the extrajudicial acceptance of a fine or of confiscation under Danish law, and of administrative penalties in connexion with traffic violations under Spanish law, shall be governed by the same rules as the enforcement of other decisions.

2. Except as provided in paragraph 3 of this article, the term “sentence rendered *in absentia*” means, for the purpose of this Treaty, any decision of a court of one of the States resulting from criminal proceedings in which the accused did not appear in person for the purpose of being heard.

3. The following decisions shall be deemed to be decisions imposed after the accused was granted a hearing, with the result that they shall not be dealt with in accordance with the provisions of this chapter:

- (a) A sentence rendered *in absentia*, the extrajudicial acceptance of a fine or of confiscation, or an administrative penalty, which entails the imposition of a fine or of confiscation in an amount not exceeding 600 Danish kroner or the equivalent sum in pesetas;
- (b) A sentence rendered *in absentia* or an administrative penalty, which has been imposed or upheld in the applicant State after the person under sentence has, in conformity with the law of that State, petitioned for it to be reconsidered;
- (c) A sentence rendered *in absentia* by a court of appeal, but only if an appeal against the original sentence was lodged by the person under sentence.

Article 20. A sentence rendered *in absentia*, the extrajudicial acceptance of a fine or of confiscation, or an administrative penalty, which has not been the subject of an appeal or of a petition for reconsideration, may be transmitted as soon as it is final for notification to the person whom it concerns and for the purpose of its enforcement.

Article 21. 1. If the State applied to see fit to act on an application for enforcement of a sentence rendered *in absentia*, of the extrajudicial acceptance of a fine or of confiscation, or of an administrative penalty, it shall ensure that the person under sentence is notified in person of the decision taken by the applicant State.

2. When the person under sentence is notified as aforesaid, he shall also be informed that:

- (a) An application for enforcement has been made in conformity with this Treaty;
- (b) The only available remedy is a petition for reconsideration as provided in article 22 of this Treaty;
- (c) The petition for reconsideration must be submitted to the authority designated; in order to be acted on, it must comply with the requirements of article 22 of this Treaty; and the person under sentence may ask to be granted a hearing by the authorities of the applicant State;
- (d) If a petition for reconsideration is not submitted within the prescribed period, the sentence shall, for all the purposes of this Treaty, be deemed to have been imposed after the accused was granted a hearing.

3. A copy of the notification shall be sent forthwith to the authority that made application for enforcement.

Article 22. 1. After notification has been effected in conformity with article 21, the only remedy available to the person under sentence shall be a petition for reconsideration. Such petition shall, at the option of the person under sentence, be acted on either by the competent court of the applicant State or by the competent court of the State applied to. If the person under sentence does not avail himself of this option, the petition for reconsideration shall be acted on by the competent court of the State applied to.

2. In the cases specified in paragraph 1, the petition for reconsideration shall be acted on if it is presented to the competent authority of the State applied to within a period of 30 days from the date on which the notification was effected. The said period shall be computed in conformity with the law of

the State applied to. The competent authority of that State shall forthwith notify the authority that made application for enforcement.

Article 23. 1. If the petition for reconsideration is acted on in the applicant State, the person under sentence shall be summoned to appear in that State for the purposes of the reconsideration proceedings. The summons shall be served in person not later than 21 days before the date of the reconsideration proceedings. This period may be reduced with the consent of the person under sentence. The reconsideration proceedings shall take place in the court having jurisdiction in the applicant State and shall be conducted in accordance with the procedure of that State.

2. If the person under sentence fails to appear in person or is not represented in conformity with the law of the applicant State, the court shall declare the petition for reconsideration null and void, and its decision shall be communicated to the competent authority of the State applied to. The same procedure shall be followed if the court declares that the petition for reconsideration cannot be acted on. In both cases, the sentence rendered *in absentia*, the extrajudicial acceptance of a fine or of confiscation, or the administrative penalty, shall, for all the purposes of this Treaty, be deemed to have been imposed after the accused was granted a hearing.

3. If the person under sentence appears in person or is represented in conformity with the law of the applicant State, and if the petition for reconsideration is acted on favourably, the application for enforcement shall be considered null and void.

Article 24. 1. If the petition for reconsideration is acted on by the State applied to, the person under sentence shall be summoned to appear in that State for the purposes of the reconsideration proceedings. The summons shall be served in person not later than 21 days before the date of the reconsideration proceedings. This period may be reduced with the consent of the person under sentence. The reconsideration proceedings shall take place in the court having jurisdiction in the State applied to and shall be conducted in accordance with the procedure of that State.

2. If the person under sentence fails to appear in person or is not represented in conformity with the law of the State applied to, the court shall declare the petition for reconsideration null and void. In such case, and if the court declares that the petition for reconsideration cannot be acted on, the sentence rendered *in absentia*, the extrajudicial acceptance of a fine or of confiscation, or the administrative penalty, shall, for all the purposes of this Treaty, be deemed to have been imposed after the accused was granted a hearing.

3. If the person under sentence appears in person or is represented in conformity with the law of the State applied to, and if the petition for reconsideration is acted on favourably, the case shall be tried as if the act had been committed in that State. However, the question whether criminal proceedings are precluded by reason of prescription may in no circumstances be dealt with. The sentence rendered in the applicant State shall be considered null and void.

4. Any judicial proceedings or preliminary examination carried out in the applicant State in conformity with its laws and regulations shall have the same validity in the other State as they would have if they had been carried out by

the authorities of that State, provided that the said proceedings or examination shall not thereby acquire greater probative value than they would possess in the applicant State.

Article 25. A judicial decision rendered in conformity with article 24, paragraph 3, and the enforcement of such decision, shall be governed solely by the law of the State applied to.

Article 26. If the person sentenced *in absentia* or by virtue of the extrajudicial acceptance of a fine or of confiscation or by virtue of an administrative penalty does not submit a petition for reconsideration, the decision shall, for all the purposes of this Treaty, be deemed to have been imposed after the accused was granted a hearing.

Article 27. The domestic law of the relevant State shall apply in respect of remedies for judicial acts, where the person under sentence, for reasons beyond his control, has failed to comply with the time-limits specified in articles 22 to 24 or has not appeared in person at the proceedings for reconsideration of the case on the date fixed for that purpose.

CHAPTER 4. PROVISIONAL MEASURES

Article 28. If the person under sentence is present in the applicant State after that State has received notice that its application for enforcement of a sentence entailing deprivation of liberty has been granted, the said State may, if it considers such action necessary to ensure enforcement of the sentence, arrest and detain the said person for the purposes of his transfer in conformity with the provisions of article 41.

Article 29. 1. Where the applicant State has made application for enforcement, the State applied to may arrest and detain the person under sentence if:

- (a) Under the law of the State applied to the offence is of a kind that justifies detention, and
- (b) There is a danger of flight or, in the case of a sentence rendered *in absentia*, a danger of impairment of evidence.

2. Where the applicant State declares its intention of making an application for enforcement, the State applied to may, at the request of the applicant State, arrest and detain the person under sentence, on condition that the requirements of paragraph 1, subparagraphs (a) and (b), are met. Such request shall specify the offence giving rise to the sentence and the time and place of its commission and shall contain as accurate a description of the person under sentence as is possible. It shall also contain a brief statement of the facts on which the sentence is based.

Article 30. 1. The person under sentence shall be held in custody in conformity with the law of the State applied to; the law of that State shall also govern the conditions of release.

2. The person held in custody shall in any event be released:

- (a) After a period that is equal to the period of deprivation of liberty imposed by the sentence;

(b) If he has been arrested and detained in compliance with article 29, paragraph 2, and the State applied to does not receive, within 18 days of the date of the arrest, the application and the documents specified in article 14.

Article 31. 1. A person detained in the State applied to in conformity with article 29 who, as the result of submitting a petition for reconsideration, is summoned to appear before the competent court of the applicant State in compliance with article 23 shall be transferred to the territory of the applicant State for that purpose.

2. The said person, after being transferred, shall not continue to be held in custody in the applicant State if the condition laid down in article 30, paragraph 2, subparagraph (a), is met or if the applicant State does not make application for the enforcement of a new decision. The said person shall be returned forthwith to the State applied to unless he is released.

Article 32. 1. A person who, as the result of submitting a petition for reconsideration, has been summoned to appear before the competent court of the applicant State may not, unless he expressly consents thereto in writing, be prosecuted, sentenced or detained for the purposes of enforcement of a sentence or a security measure, or be subjected to any other restriction on his personal liberty, by reason of any act or offence which took place before his departure from the territory of the State applied to and which is not specified in the summons. In the case referred to in article 31, paragraph 1, a copy of his statement of consent shall be sent to the State from which he was transferred.

2. The provisions of paragraph 1 shall cease to have effect where the person who was summoned, having had the opportunity to do so, has not left the territory of the applicant State within 15 days following the date of the decision rendered in the proceedings in respect of which he was summoned to appear, or where, without having received another summons, he returns to that territory after leaving it.

Article 33. 1. If the applicant State has made application for enforcement in respect of confiscation, the State applied to may effect a provisional distraint, on condition that its own law makes provision therefore in similar circumstances.

2. The distraint shall be effected in conformity with the law of the State applied to, which shall also determine the conditions in which it shall be lifted.

CHAPTER 5. ENFORCEMENT OF PENALTIES

(a) *General provisions*

Article 34. 1. A penalty imposed in the applicant State may not be enforced in the State applied to except by virtue of a decision of a court of that State.

2. However, if the penalty in respect of which an application for enforcement is being made consists only of a fine not exceeding 600 Danish kroner, or the equivalent amount in pesetas, or the confiscation of a sum of money or goods not exceeding the sum of 600 Danish kroner, or the equivalent amount in pesetas, either State may empower other authorities to take a decision with regard to enforcement. An appeal from such a decision may be made to the courts.

Article 35. If the State applied to sees fit to proceed with the application for enforcement, the case shall be brought before the competent court, or the competent authority as provided in article 34, paragraph 2.

Article 36. A person under sentence who so requests shall always be entitled to have defence counsel appointed for him in the proceedings before the court.

Article 37. 1. The court shall give the person under sentence the opportunity to state his point of view before taking a decision on the application for enforcement. If he so requests, he shall be heard by the court by means of letters rogatory or in person. An express request to be heard in person shall always be granted.

2. The court may, however, make a decision on the granting of the application for enforcement even where the person under sentence has made a request to be heard in person but is not present, if the said person is being held in custody in the applicant State. In such circumstances, the decision on the substitution of the penalty, in conformity with article 42, shall be delayed until the person under sentence, after being transferred to the other State, has been given the opportunity to appear before the court.

Article 38. 1. The court, or the authority empowered under article 34, paragraph 2, to deal with the case, shall establish that:

- (a) The penalty in respect of which an application for enforcement is being made was imposed by a sentence in criminal proceedings;
- (b) The conditions set out in article 4 are met;
- (c) The condition set out in article 6, item (a), is not met or is not apt to hinder enforcement;
- (d) In so far as a sentence rendered *in absentia*, the extrajudicial acceptance of a fine or of confiscation, or an administrative penalty, is concerned, the conditions set out in chapter 3 are met.

2. Each Contracting State may entrust to the court, or to the competent authority as provided in article 34, paragraph 2, the examination of the other conditions for enforcement provided for in this Treaty.

Article 39. An appeal shall lie from the judicial decisions on enforcement rendered in conformity with this chapter and from decisions rendered on appeal from a decision of the administrative authority referred to in article 34.

Article 40. The State applied to shall be bound by the findings of fact to the extent that they are stated in the decision or the decision is implicitly based upon them.

- (b) *Provisions relating specifically to the enforcement of penalties entailing deprivation of liberty*

Article 41. Where the person under sentence is being held in custody in the applicant State, he shall, unless the law of that State provides otherwise, be transferred to the State applied to as soon as the applicant State has been informed that the application for enforcement has been granted.

Article 42. 1. If the application for enforcement is granted, the court shall substitute for the penalty entailing deprivation of liberty that was imposed by

the applicant State the penalty prescribed by its own law for the same offence. Subject to the limitations specified in paragraph 2, such penalty may be of a different nature or duration than the penalty imposed in the applicant State. If the latter penalty is less than the minimum penalty that can be imposed according to the law of the State applied to, the court shall not be bound by that minimum but shall impose a penalty equivalent to that imposed in the applicant State.

2. In the determination of the penalty, the court shall not worsen the penal status, resulting from the decision rendered in the applicant State, of the person under sentence.

3. Any part of the penalty imposed in the applicant State that has been carried out, and any period of provisional detention that has been served by the person under sentence, after sentence was passed, shall be deducted in full. The same shall apply with regard to any period during which the person under sentence has been held in custody in the applicant State before being sentenced, on condition that the law of that State so requires.

(c) *Provisions relating specifically to the enforcement of fines and of confiscation*

Article 43. 1. If the application for enforcement of a fine or confiscation of a sum of money is granted, the court, or the competent authority as provided in article 34, paragraph 2, shall convert the sum in question into the currency of the State applied to at the rate of exchange in effect on the date when the decision is taken. It shall accordingly specify the amount of the fine or sum to be confiscated, which shall not, however, exceed the maximum amount established by the law of the State applied to in respect of the same offence or, if no maximum amount is specified, the maximum amount normally imposed in the State applied to in respect of similar offences.

2. The court, or the competent authority as provided in article 34, paragraph 2, may, however, maintain the amount of the fine or confiscation imposed in the sentence of the applicant State where no such penalty is provided for in the law of the State applied to in respect of the same offence but that law allows the imposition of more severe penalties. The same shall apply if the penalty imposed in the applicant State exceeds the maximum amount established by the law of the State applied to in respect of the same offence but that law allows the imposition of more severe penalties.

3. Any special facilities concerning the time of payment or payment by instalments which are accorded in the applicant State shall be respected by the State applied to.

Article 44. 1. If the application for enforcement relates to the confiscation of a particular object, the court, or the competent authority as provided in article 34, paragraph 2, may order the confiscation of such object only if such confiscation is authorized in respect of the same offence by the law of the State applied to.

2. The court, or the competent authority as provided in article 34, paragraph 2, may, however, maintain the confiscation imposed in the applicant State where such penalty is not provided for in the law of the State applied to in respect of the same offence but that law allows the imposition of more severe penalties.

Article 45. 1. The proceeds of fines and confiscations shall be paid into the treasury of the State applied to, without prejudice to any rights of third parties.

2. Confiscated property that is of special interest may be returned to the applicant State if it so requests.

Article 46. Even if a fine cannot be collected, no substitute penalty entailing deprivation of liberty may be imposed in the State applied to.

(d) *Provisions relating specifically to enforcement of the penalty of disability*

Article 47. 1. Where application is made for the enforcement of a penalty of disability imposed in the applicant State, such penalty may be carried out in the State applied to only if the law of that State provides for the penalty of disability in respect of the relevant offence.

2. The competent court shall determine the advisability of enforcing the penalty of disability within the territory of its own State.

Article 48. 1. If the court agrees to the enforcement of the disability, it shall determine the duration thereof within the limits established by its own law, but without exceeding the limits specified in the sentence imposed in the applicant State.

2. The court may restrict the penalty of disability so that it applies to only some of the rights the loss or suspension of which has been imposed.

Article 49. Article 10 shall not apply to the penalty of disability.

Article 50. The State applied to may restore to the person under sentence the rights of which he was deprived by a decision taken under this chapter.

TITLE III FINAL PROVISIONS

Article 51. 1. The Contracting Parties undertake to exchange, before the entry into force of this Treaty, information concerning the penalties they impose and the manner in which they are enforced.

2. Subsequent changes affecting the accuracy of the information provided in conformity with article 1 shall be brought to the attention of the other Party.

Article 52. This Treaty shall not prevent the Contracting Parties from regulating their relations with other States by acceding to a multilateral treaty on the same subject. Accession to any such agreement shall not affect the content of the present Treaty, which shall remain in force.

Article 53. Any difficulty which may arise in the application or interpretation of this Treaty shall be settled through the diplomatic channel.

Article 54. This Treaty shall apply only to the enforcement of decisions which are rendered after its entry into force.

Article 55. 1. This Treaty shall apply to the territory of each of the Contracting States; however, in the case of the State of Denmark, it shall not include the Faeroe Islands or Greenland.

2. This Treaty may be extended to the Faeroe Islands or Greenland by means of a notice to that effect from the Government of Denmark to the Government of Spain. Any extension of the application of this Treaty shall take effect two months after the date of the notice.

Article 56. Each Party shall notify the other of the completion of the procedures required under its constitution for the entry into force of this Treaty. The Treaty shall enter into force two months after the date of the last such notification.

Article 57. 1. This Treaty shall remain in force indefinitely.

2. Either Contracting Party may denounce the Treaty. The denunciation shall take effect six months after the date of receipt of the notice thereof.

DONE at Madrid on 3 February 1972, in duplicate in the Danish and Spanish languages, both texts being equally authentic.

For the Kingdom of Denmark:
AKSEL CHRISTIANSEN

For the Spanish State:
GREGORIO LÓPEZ BRAVO
