

No. 25703

MULTILATERAL

**Convention on the transfer of sentenced persons. Concluded
at Strasbourg on 21 March 1983**

Authentic texts: English and French.

The Convention and certified statements were registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 14 March 1988.

MULTILATÉRAL

**Convention sur le transfèrement des personnes condamnées.
Conclue à Strasbourg le 21 mars 1983**

Textes authentiques : anglais et français.

La Convention et les déclarations certifiées ont été enregistrées par le Secrétaire général du Conseil de l'Europe, agissant au nom des Parties, le 14 mars 1988.

CONVENTION¹ ON THE TRANSFER OF SENTENCED PERSONS

The member States of the Council of Europe and the other States, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members;

Desirous of further developing international co-operation in the field of criminal law;

Considering that such co-operation should further the ends of justice and the social rehabilitation of sentenced persons;

Considering that these objectives require that foreigners who are deprived of their liberty as a result of their commission of a criminal offence should be given the opportunity to serve their sentences within their own society; and

¹ Came into force on 1 July 1985, i.e., the first day of the month following the expiration of a period of three months after the date on which three Member States of the Council of Europe had deposited an instrument of ratification, acceptance or approval with the Secretary-General of the Council of Europe, in accordance with article 18 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification or approval (AA)</i>
France*	11 February 1985 AA
(Confirming the declarations and the reservation made upon signature.)	—
Spain*	11 March 1985
(Confirming the declarations made upon signature.)	
Sweden*	9 January 1985
United States of America	11 March 1985

Subsequently, the Convention entered into force for the following States on the first day of the month following the expiration of a period of three months after the date of the deposit of their instrument of ratification, acceptance or accession with the Secretary-General of the Council of Europe, in accordance with articles 18 (3) and 19 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification, accession (A), acceptance (A) or approval (AA)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification, accession (A), acceptance (A) or approval (AA)</i>
United Kingdom of Great Britain and Northern Ireland*, **	30 April 1985	Finland*	29 January 1987 a
(With effect from 1 August 1985.)		(With effect from 1 May 1987.)	
Canada	13 May 1985	Turkey*	3 September 1987
(With effect from 1 September 1985.)		(With effect from 1 January 1988.)	
Cyprus	18 April 1986	Netherlands*	30 September 1987 A
(With effect from 1 August 1986.)		(For the Kingdom in Europe. With effect from 1 January 1988.)	
Austria*	9 September 1986	Luxembourg*	9 October 1987
(With effect from 1 January 1987.)		(With effect from 1 February 1988.)	
Denmark*	16 January 1987	Greece*	17 December 1987
(With effect from 1 May 1987. With a declaration of non-application to the Faeroe Islands and to Greenland.)		(With effect from 1 April 1988.)	

* See p. 115 of this volume for the texts of the declarations and reservations made upon ratification, accession, acceptance or approval.

** See p. 122 of this volume for the texts of the declarations of territorial application made by the United Kingdom subsequently to the ratification.

Considering that this aim can best be achieved by having them transferred to their own countries,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Convention:

- a.* "Sentence" means any punishment or measure involving deprivation of liberty ordered by a court for a limited or unlimited period of time on account of a criminal offence;
- b.* "Judgment" means a decision or order of a court imposing a sentence;
- c.* "Sentencing State" means the State in which the sentence was imposed on the person who may be, or has been, transferred;
- d.* "Administering State" means the State to which the sentenced person may be, or has been, transferred in order to serve his sentence.

Article 2. GENERAL PRINCIPLES

1. The Parties undertake to afford each other the widest measure of co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this Convention.

2. A person sentenced in the territory of a Party may be transferred to the territory of another Party, in accordance with the provisions of this Convention, in order to serve the sentence imposed on him. To that end, he may express his interest to the sentencing State or to the administering State in being transferred under this Convention.

3. Transfer may be requested by either the sentencing State or the administering State.

Article 3. CONDITIONS FOR TRANSFER

1. A sentenced person may be transferred under this Convention only on the following conditions:

- a.* If that person is a national of the administering State;
- b.* If the judgment is final;
- c.* If, at the time of receipt of the request for transfer, the sentenced person still has at least six months of the sentence to serve or if the sentence is indeterminate;
- d.* If the transfer is consented to by the sentenced person or, where in view of his age or his physical or mental condition one of the two States considers it necessary, by the sentenced person's legal representative;
- e.* If the acts or omissions on account of which the sentence has been imposed constitute a criminal offence according to the law of the administering State or would constitute a criminal offence if committed on its territory; and
- f.* If the sentencing and administering States agree to the transfer.

2. In exceptional cases, Parties may agree to a transfer even if the time to be served by the sentenced person is less than that specified in paragraph 1.c.

3. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, indicate that it intends to exclude the application of one of the procedures provided in Article 9.1.a and b in its relations with other Parties.

4. Any State may, at any time, by a declaration addressed to the Secretary General of the Council of Europe, define, as far as it is concerned, the term “national” for the purposes of this Convention.

Article 4. OBLIGATION TO FURNISH INFORMATION

1. Any sentenced person to whom this Convention may apply shall be informed by the sentencing State of the substance of this Convention.

2. If the sentenced person has expressed an interest to the sentencing State in being transferred under this Convention, that State shall so inform the administering State as soon as practicable after the judgment becomes final.

3. The information shall include:

- a. The name, date and place of birth of the sentenced person;
- b. His address, if any, in the administering State;
- c. A statement of the facts upon which the sentence was based;
- d. The nature, duration and date of commencement of the sentence.

4. If the sentenced person has expressed his interest to the administering State, the sentencing State shall, on request, communicate to that State the information referred to in paragraph 3 above.

5. The sentenced person shall be informed, in writing, of any action taken by the sentencing State or the administering State under the preceding paragraphs, as well as of any decision taken by either State on a request for transfer.

Article 5. REQUESTS AND REPLIES

1. Requests for transfer and replies shall be made in writing.

2. Requests shall be addressed by the Ministry of Justice of the requesting State to the Ministry of Justice of the requested State. Replies shall be communicated through the same channels.

3. Any Party may, by a declaration addressed to the Secretary General of the Council of Europe, indicate that it will use other channels of communication.

4. The requested State shall promptly inform the requesting State of its decision whether or not to agree to the requested transfer.

Article 6. SUPPORTING DOCUMENTS

1. The administering State, if requested by the sentencing State, shall furnish it with:

- a. A document or statement indicating that the sentenced person is a national of that State;
- b. A copy of the relevant law of the administering State which provides that the acts or omissions on account of which the sentence has been imposed in the

sentencing State constitute a criminal offence according to the law of the administering State, or would constitute a criminal offence if committed on its territory;

c. A statement containing the information mentioned in Article 9.2.

2. If a transfer is requested, the sentencing State shall provide the following documents to the administering State, unless either State has already indicated that it will not agree to the transfer:

- a. A certified copy of the judgment and the law on which it is based;
- b. A statement indicating how much of the sentence has already been served, including information on any pre-trial detention, remission, and any other factor relevant to the enforcement of the sentence;
- c. A declaration containing the consent to the transfer as referred to in Article 3.1.d; and
- d. Whenever appropriate, any medical or social reports on the sentenced person, information about his treatment in the sentencing State, and any recommendation for his further treatment in the administering State.

3. Either State may ask to be provided with any of the documents or statements referred to in paragraphs 1 or 2 above before making a request for transfer or taking a decision on whether or not to agree to the transfer.

Article 7. CONSENT AND ITS VERIFICATION

1. The sentencing State shall ensure that the person required to give consent to the transfer in accordance with Article 3.1.d does so voluntarily and with full knowledge of the legal consequences thereof. The procedure for giving such consent shall be governed by the law of the sentencing State.

2. The sentencing State shall afford an opportunity to the administering State to verify, through a consul or other official agreed upon with the administering State, that the consent is given in accordance with the conditions set out in paragraph 1 above.

Article 8. EFFECT OF TRANSFER FOR SENTENCING STATE

1. The taking into charge of the sentenced person by the authorities of the administering State shall have the effect of suspending the enforcement of the sentence in the sentencing State.

2. The sentencing State may no longer enforce the sentence if the administering State considers enforcement of the sentence to have been completed.

Article 9. EFFECT OF TRANSFER FOR ADMINISTERING STATE

1. The competent authorities of the administering State shall:

- a. Continue the enforcement of the sentence immediately or through a court or administrative order, under the conditions set out in Article 10, or
- b. Convert the sentence, through a judicial or administrative procedure, into a decision of that State, thereby substituting for the sanction imposed in the sentencing State a sanction prescribed by the law of the administering State for the same offence, under the conditions set out in Article 11.

2. The administering State, if requested, shall inform the sentencing State before the transfer of the sentenced person as to which of these procedures it will follow.

3. The enforcement of the sentence shall be governed by the law of the administering State and that State alone shall be competent to take all appropriate decisions.

4. Any State which, according to its national law, cannot avail itself of one of the procedures referred to in paragraph 1 to enforce measures imposed in the territory of another Party on persons who for reasons of mental condition have been held not criminally responsible for the commission of the offence, and which is prepared to receive such persons for further treatment may, by way of a declaration addressed to the Secretary General of the Council of Europe, indicate the procedures it will follow in such cases.

Article 10. CONTINUED ENFORCEMENT

1. In the case of continued enforcement, the administering State shall be bound by the legal nature and duration of the sentence as determined by the sentencing State.

2. If, however, this sentence is by its nature or duration incompatible with the law of the administering State, or its law so requires, that State may, by a court or administrative order, adapt the sanction to the punishment or measure prescribed by its own law for a similar offence. As to its nature, the punishment or measure shall, as far as possible, correspond with that imposed by the sentence to be enforced. It shall not aggravate, by its nature or duration, the sanction imposed in the sentencing State, nor exceed the maximum prescribed by the law of the administering State.

Article 11. CONVERSION OF SENTENCE

1. In the case of conversion of sentence, the procedures provided for by the law of the administering State apply. When converting the sentence, the competent authority:

- a. Shall be bound by the findings as to the facts insofar as they appear explicitly or implicitly from the judgment imposed in the sentencing State;
- b. May not convert a sanction involving deprivation of liberty to a pecuniary sanction;
- c. Shall deduct the full period of deprivation of liberty served by the sentenced person; and
- d. Shall not aggravate the penal position of the sentenced person, and shall not be bound by any minimum which the law of the administering State may provide for the offence or offences committed.

2. If the conversion procedure takes place after the transfer of the sentenced person, the administering State shall keep that person in custody or otherwise ensure his presence in the administering State pending the outcome of that procedure.

Article 12. PARDON, AMNESTY, COMMUTATION

Each Party may grant pardon, amnesty or commutation of the sentence in accordance with its Constitution or other laws.

Article 13. REVIEW OF JUDGMENT

The sentencing State alone shall have the right to decide on any application for review of the judgment.

Article 14. TERMINATION OF ENFORCEMENT

The administering State shall terminate enforcement of the sentence as soon as it is informed by the sentencing State of any decision or measure as a result of which the sentence ceases to be enforceable.

Article 15. INFORMATION ON ENFORCEMENT

The administering State shall provide information to the sentencing State concerning the enforcement of the sentence:

- a. When it considers enforcement of the sentence to have been completed;
- b. If the sentenced person has escaped from custody before enforcement of the sentence has been completed; or
- c. If the sentencing State requests a special report.

Article 16. TRANSIT

1. A Party shall, in accordance with its law, grant a request for transit of a sentenced person through its territory if such a request is made by another Party and that State has agreed with another Party or with a third State to the transfer of that person to or from its territory.

2. A Party may refuse to grant transit:

- a. If the sentenced person is one of its nationals, or
- b. If the offence for which the sentence was imposed is not an offence under its own law.

3. Requests for transit and replies shall be communicated through the channels referred to in the provisions of Article 5.2 and 3.

4. A Party may grant a request for transit of a sentenced person through its territory made by a third State if that State has agreed with another Party to the transfer to or from its territory.

5. The Party requested to grant transit may hold the sentenced person in custody only for such time as transit through its territory requires.

6. The Party requested to grant transit may be asked to give an assurance that the sentenced person will not be prosecuted, or, except as provided in the preceding paragraph, detained, or otherwise subjected to any restriction on his liberty in the territory of the transit State for any offence committed or sentence imposed prior to his departure from the territory of the sentencing State.

7. No request for transit shall be required if transport is by air over the territory of a Party and no landing there is scheduled. However, each State may, by a declaration addressed to the Secretary General of the Council of Europe at the time of signature or of deposit of its instrument of ratification, acceptance, approval or accession, require that it be notified of any such transit over its territory.

Article 17. LANGUAGE AND COSTS

1. Information under Article 4, paragraphs 2 to 4, shall be furnished in the language of the Party to which it is addressed or in one of the official languages of the Council of Europe.

2. Subject to paragraph 3 below, no translation of requests for transfer or of supporting documents shall be required.

3. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, require that requests for transfer and supporting documents be accompanied by a translation into its own language or into one of the official languages of the Council of Europe or into such one of these languages as it shall indicate. It may on that occasion declare its readiness to accept translations in any other language in addition to the official language or languages of the Council of Europe.

4. Except as provided in Article 6.2.a, documents transmitted in application of this Convention need not be certified.

5. Any costs incurred in the application of this Convention shall be borne by the administering State, except costs incurred exclusively in the territory of the sentencing State.

Article 18. SIGNATURE AND ENTRY INTO FORCE

1. This Convention shall be open for signature by the member States of the Council of Europe and non-member States which have participated in its elaboration. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 1.

3. In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 19. ACCESSION BY NON-MEMBER STATES

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Contracting States, may invite any State not a member of the Council and not mentioned in Article 18.1 to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 20. TERRITORIAL APPLICATION

1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 21. TEMPORAL APPLICATION

This Convention shall be applicable to the enforcement of sentences imposed either before or after its entry into force.

Article 22. RELATIONSHIP TO OTHER CONVENTIONS AND AGREEMENTS

1. This Convention does not affect the rights and undertakings derived from extradition treaties and other treaties on international co-operation in criminal matters providing for the transfer of detained persons for purposes of confrontation or testimony.

2. If two or more Parties have already concluded an agreement or treaty on the transfer of sentenced persons or otherwise have established their relations in this matter, or should they in future do so, they shall be entitled to apply that agreement or treaty or to regulate those relations accordingly, in lieu of the present Convention.

3. The present Convention does not affect the right of States party to the European Convention on the International Validity of Criminal Judgments¹ to conclude bilateral or multilateral agreements with one another on matters dealt with in that Convention in order to supplement its provisions or facilitate the application of the principles embodied in it.

4. If a request for transfer falls within the scope of both the present Convention and the European Convention on the International Validity of Criminal Judgments or another agreement or treaty on the transfer of sentenced persons, the requesting State shall, when making the request, indicate on the basis of which instrument it is made.

Article 23. FRIENDLY SETTLEMENT

The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the application of this Convention and shall do whatever is necessary to facilitate a friendly settlement of any difficulty which may arise out of its application.

¹ United Nations, *Treaty Series*, vol. 973, p. 57.

Article 24. DENUNCIATION

1. Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

3. The present Convention shall, however, continue to apply to the enforcement of sentences of persons who have been transferred in conformity with the provisions of the Convention before the date on which such a denunciation takes effect.

Article 25. NOTIFICATIONS

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in the elaboration of this Convention and any State which has acceded to this Convention of:

- a.* Any signature;
- b.* The deposit of any instrument of ratification, acceptance, approval or accession;
- c.* Any date of entry into force of this Convention in accordance with Articles 18.2 and 3, 19.2 and 20.2 and 3;
- d.* Any other act, declaration, notification or communication relating to this Convention.

[For the testimonium and signature pages, see p. 110 of this volume.]

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Convention.

DONE at Strasbourg, this 21st day of March 1983, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, and to any State invited to accede to it.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet, ont signé la présente Convention.

FAIT à Strasbourg, le 21 mars 1983, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui sera déposé dans les archives du Conseil de l'Europe. Le Secrétaire Général du Conseil de l'Europe en communiquera copie certifiée conforme à chacun des Etats membres du Conseil de l'Europe, aux Etats non membres qui ont participé à l'élaboration de la présente Convention et à tout Etat invité à adhérer à celle-ci.

For the Government
of the Republic of Austria:

D. BUKOWSKI

Pour le Gouvernement
de la République d'Autriche :

For the Government
of the Kingdom of Belgium:

A. J. VRANKEN

Pour le Gouvernement
du Royaume de Belgique :

For the Government
of the Republic of Cyprus:

Pour le Gouvernement
de la République de Chypre :

For the Government
of the Kingdom of Denmark:

KJELD WILLUMSEN

Pour le Gouvernement
du Royaume de Danemark :

For the Government
of the French Republic:¹

Pour le Gouvernement
de la République française¹ :

For the Government
of the Federal Republic of Germany:

Dr. KARL-ALEXANDER HAMPE

Pour le Gouvernement de la
République Fédérale d'Allemagne :

¹ See p. 113 of this volume for the text of the declarations made upon signature — Voir p. 113 du présent volume pour le texte des déclarations faites lors de la signature.

For the Government
of the Hellenic Republic:

Pour le Gouvernement
de la République hellénique :

N. DIAMANTOPOULOS

For the Government
of the Icelandic Republic:

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland:

Pour le Gouvernement
d'Irlande :

For the Government
of the Italian Republic:

Pour le Gouvernement
de la République italienne :

For the Government
of the Principality of Liechtenstein:

Pour le Gouvernement
de la Principauté de Liechtenstein :

For the Government
of the Grand Duchy of Luxembourg:

Pour le Gouvernement
du Grand-Duché de Luxembourg :

JEAN HOSTERT

For the Government
of Malta:

Pour le Gouvernement
de Malte :

For the Government
of the Kingdom of the Netherlands:

Pour le Gouvernement
du Royaume des Pays-Bas :

C. SCHNEIDER

For the Government
of the Kingdom of Norway:

Pour le Gouvernement
du Royaume de Norvège :

For the Government
of the Portuguese Republic:

Pour le Gouvernement
de la République portugaise :

J. P. BASTOS

For the Government
of the Kingdom of Spain:¹

Pour le Gouvernement
du Royaume de l'Espagne¹ :

¹ See p. 113 of this volume for the text of the declarations made upon signature — Voir p. 113 du présent volume pour le texte des déclarations faites lors de la signature.

For the Government
of the Kingdom of Sweden:

Pour le Gouvernement
du Royaume de Suède :

BERTIL ARVIDSON

For the Government
of the Swiss Confederation:

Pour le Gouvernement
de la Confédération suisse :

I. APELBAUM

For the Government
of the Turkish Republic:

Pour le Gouvernement
de la République turque :

For the Government
of the United Kingdom of Great Britain
and Northern Ireland:

Pour le Gouvernement
du Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :

For the Government
of Canada:

Pour le Gouvernement
du Canada :

J.-Y. GRENON

For the Government
of the United States of America:

Pour le Gouvernement
des Etats-Unis d'Amérique :

ROBERT O. HOMME

DECLARATIONS AND RESERVATION MADE UPON SIGNATURE

FRANCE

[TRANSLATION¹ — TRADUCTION²]*Declarations*

The French Government has indicated that it will examine the possibility of ratifying the Convention in the light of the declarations made by virtue of Article 3.3 by all the States Parties to the Convention.

In accordance with Article 3, paragraph 3, of the Convention, the French Government intends to exclude the application of the procedure provided in Article 9, paragraph 1, sub-paragraph *b*, in its relations with the other Parties.

The French Government has interpreted paragraph 3 of Article 9 and paragraph 1 of Article 10 as signifying that the administering State alone is competent to take, with regard to a detained sentenced person, decisions concerning the suspension and reduction of punishment and to decide upon any other means of enforcing the punishment, without this being considered as affecting, in their principle, the legal nature and the duration of the sentence given by the court of the sentencing State.

Reservation

The French Government has made a reservation with regard to Article 23 in respect of the competence of a Committee of experts, the CDPC, to deal with the friendly settlement of any difficulties which may arise out of the application of the Convention.

DÉCLARATIONS ET RÉSERVE FAITES LORS DE LA SIGNATURE

FRANCE

Déclarations

« La France indique qu'elle examinera la possibilité de ratifier la Convention à la lumière des déclarations effectuées au titre de l'article 3.3 par l'ensemble des Etats Parties à la Convention.

Conformément à l'article 3, paragraphe 3, de la Convention, la France entend exclure l'application de la procédure prévue à l'article 9, paragraphe 1, alinéa *b*, dans ses relations avec les autres Parties.

La France interprète le paragraphe 3 de l'article 9 et le paragraphe 1 de l'article 10 comme signifiant que l'Etat d'exécution est seul compétent pour prendre à l'égard du condamné détenu les décisions de suspension et de réduction de peine et pour déterminer toutes les autres modalités d'exécution de la peine, sans que soient remises en cause, dans leur principe, la nature juridique et la durée de la sanction prononcée par la juridiction de l'Etat de condamnation. »

Réserve

« A l'article 23, la France émet une réserve sur la compétence d'un comité d'experts, le CDPC, pour connaître du règlement amiable des difficultés d'application de la Convention. »

¹ Translation supplied by the Secretary-General of the Council of Europe.

² Traduction fournie par le Secrétaire général du Conseil de l'Europe.

SPAIN

ESPAGNE

[SPANISH TEXT — TEXTE ESPAGNOL]

“Al artículo 3.3:

España indica que excluye la aplicación del procedimiento previsto en el artículo 9.1 *b* en sus relaciones con las otras partes.

Al artículo 3.4:

En lo que concierne al presente Convenio, España considerará como nacionales las personas que gocen de esta calidad en virtud de las normas del Título I del Libro I del Código Civil español.

Al artículo 16.7:

A los efectos del artículo 16.7, España exige que se le notifique cualquier tránsito de un condenado en vuelo sobre su territorio.

Al artículo 17.3:

España requiere que las demandas de traslado y los documentos que las fundamentan sean acompañados de una traducción en lengua española.”

[TRANSLATION]¹[TRADUCTION]¹*Article 3, paragraph 3*

Spain excludes the application of the procedure provided in Article 9, 1, *b*, in its relations with other Parties.

Article 3, paragraph 4

For the purposes of this Convention, Spain will consider as a national any person to which the Spanish Civil Code (Chapter I, Title I) will attribute this quality.

Article 16, paragraph 7

For the purposes of Article 16.7, Spain requires that it be notified of any transit of sentenced persons by air over its territory.

Article 17, paragraph 3

Spain requires that requests for transfer and supporting documents be accompanied by a translation into the Spanish language.

Article 3, paragraphe 3

L'Espagne exclut l'application de la procédure prévue à l'article 9, 1, *b*, dans ses relations avec les autres Parties.

Article 3, paragraphe 4

Aux fins de la présente Convention, l'Espagne considérera comme ressortissant toute personne à laquelle le Code civil espagnol (livre I, titre I) attribuera cette qualité.

Article 16, paragraphe 7

Aux fins de l'article 16.7, l'Espagne exige que lui soit notifié tout transit d'un condamné au-dessus de son territoire par la voie aérienne.

Article 17, paragraphe 3

L'Espagne exige que les demandes de transfèrement et les pièces à l'appui soient accompagnées d'une traduction dans la langue espagnole.

¹ Translation supplied by the Secretary-General of the Council of Europe.

¹ Traduction fournie par le Secrétaire général du Conseil de l'Europe.

DECLARATIONS AND RESERVA-
TIONS MADE UPON RATIFICA-
TION, ACCESSION (a), ACCEP-
TANCE (A) OR APPROVAL (AA)

DÉCLARATIONS ET RÉSERVES
FAITES LORS DE LA RATIFICA-
TION, L'ADHÉSION (a), L'AC-
CEPTATION (A) OU L'APPROBA-
TION (AA)

AUSTRIA

AUTRICHE

[GERMAN TEXT — TEXTE ALLEMAND]

Zu Art. 9:

Österreich wird grundsätzlich das in Art. 9 Abs. 1 Buchstabe *b*, Art. 11 bezeichnete Verfahren anwenden. Die Verwendung des in Art. 9 Abs. 1 Buchstabe *a*, Art. 10 bezeichneten Verfahrens in Fällen, in denen der andere Vertragsstaat zur Anwendung des in Art. 9 Abs. 1 Buchstabe *b*, Art. 11 bezeichneten Verfahrens nicht bereit ist und in denen das Interesse an der Überstellung überwiegt, wird jedoch nicht ausgeschlossen.

Zu Art. 16 Abs. 7:

Österreich verlangt eine Notifizierung der Durchbeförderung von verurteilten Personen im Luftweg. Eine Durchbeförderung auch auf dem Luftweg wird abgelehnt werden, wenn die zu überstellende Person österreichischer Staatsbürger ist.

Zu Art. 17:

Ersuchen um Überstellung und die Unterlagen müssen, sofern sie nicht in deutscher, französischer oder englischer Sprache abgefasst sind, mit einer Übersetzung in eine dieser Sprachen versehen sein.

[TRANSLATION]¹

[TRADUCTION]¹

Article 9

Austria will in principle apply the procedure referred to in Article 9, paragraph 1, subsection *b* — Article 11. However, the application of the procedure referred to in Article 9, paragraph 1, subsection *a* — Article 10 —, in cases where the other Contracting Party is not willing to apply the procedure referred to in Article 9, paragraph 1, subsection *b* — Article 11 — and where an interest of transfer prevails, is not excluded.

Article 16, paragraph 7

Austria requests to be notified of the transit by air of sentenced persons. The transit by air will not be authorized if the

Article 9

L'Autriche appliquera, en principe, la procédure prévue à l'article 9, paragraphe 1, alinéa *b* — article 11. L'application de la procédure prévue à l'article 9, paragraphe 1, alinéa *a* — article 10 —, ne sera pourtant pas exclue dans des cas où l'autre Etat Contractant n'est pas disposé à appliquer la procédure prévue à l'article 9, paragraphe 1, alinéa *b* — article 11 —, et où l'intérêt d'un transfèrement prévaut.

Article 16, paragraphe 7

L'Autriche exige d'être notifiée du transit par la voie aérienne de personnes condamnées. Le transit par la voie

¹ Translation supplied by the Secretary-General of the Council of Europe.

¹ Traduction fournie par le Secrétaire général du Conseil de l'Europe.

person to be transferred is an Austrian citizen.

Article 17

If requests for transfer and supporting documents are not written in German, French or English they must be accompanied by a translation into one of these languages.

DENMARK

[TRANSLATION¹ — TRADUCTION²]

In pursuance of Article 3, paragraph 3 of the Convention, Denmark declares that the execution on its territory of sentences imposed abroad shall be carried out under the provisions of Article 9, paragraph 1.b. and Article 11 of the present Convention on the conversion of sentence and that the decisions on conversion will take the form of judgments. Nevertheless, if the transfer to Denmark of a sentenced person would otherwise prove impossible, the Danish Ministry of Justice shall be allowed to decide, pursuant to Article 3, paragraph 3 of Act No. 323 of 4 June 1986 on the international execution of sentences etc., that the execution of the sentence imposed abroad shall be carried out under Article 10 of the Convention on continued enforcement. In this case, it will be necessary to adapt the sentence in accordance with the provisions of Article 10, paragraph 2 of the Convention and the decisions relating to such adaptation will take the form of judgments.

Furthermore, in accordance with the provisions of Article 3, paragraph 4 of the Convention, Denmark declares that

aérienne ne sera pas autorisé lorsqu'il s'agit du transfèrement d'un ressortissant autrichien.

Article 17

Les demandes de transfèrement et les pièces à l'appui, si elles ne sont pas faites en langue allemande, française ou anglaise, doivent être accompagnées d'une traduction dans une de ces langues.

DANEMARK

« En vertu de l'article 3, paragraphe 3 de la Convention, le Danemark fait une déclaration attestant que l'exécution sur son territoire de condamnations acquises à l'étranger se fera selon les dispositions de l'article 9, paragraphe 1.b. et de l'article 11 de cette Convention sur la conversion de la condamnation et que les décisions sur la conversion interviendront sous forme de jugements. Toutefois, le Ministère danois de la Justice pourra, si sans cela le transfèrement au Danemark d'une personne condamnée s'avère impossible, décider, en vertu de l'article 3, alinéa 3, de la loi n° 323 du 4 juin 1986 sur l'exécution internationale de condamnations, etc., que l'exécution de la condamnation acquise à l'étranger se fasse selon les dispositions de l'article 9, paragraphe 1.a. et de l'article 10 de la Convention sur la poursuite de l'exécution. Dans ce cas, il faudra adapter la sanction conformément aux dispositions de l'article 10, paragraphe 2, de la Convention, et les décisions sur l'adaptation devront intervenir sous forme de jugements.

Le Danemark fait, en outre, aux termes de l'article 3, paragraphe 4, de la Convention, une déclaration attestant

¹ Translation supplied by the Secretary-General of the Council of Europe.

² Traduction fournie par le Secrétaire général du Conseil de l'Europe.

the term “national” (cf. Article 3, paragraph 1.a.) means persons having Danish nationality or persons having their permanent residence on the territory of the Kingdom of Denmark (including the Faroe Islands and Greenland).

Moreover, in accordance with the provisions of Article 17, paragraph 3 Denmark declares that the requests for transfer and supporting documents shall be accompanied by a translation in Danish, in one of the official languages of the Council of Europe, or in Norwegian, Swedish or German.

Moreover, under the terms of Article 20 of the Convention, Denmark declares that this text shall apply neither to the Faroe Islands nor to Greenland.

FINLAND (a)

[TRANSLATION¹ — TRADUCTION²]

a) In accordance with Article 3 (4), Finland understands by the term “national”, a national of the administering State or aliens having their residence in the administering State.

b) In accordance with Article 17 (3), the requests for transfer and supporting documents must be made in Finnish, Swedish, English or French, or be accompanied by a translation into one of these languages.

FRANCE (AA)

[Renewing the second and third declarations made upon signature (see p. 113 of this volume).]

¹ Translation supplied by the Secretary-General of the Council of Europe.

² Traduction fournie par le Secrétaire général du Conseil de l'Europe.

que par le terme « ressortissant » (*ad* article 3, paragraphe 1.a.) il faudra entendre les personnes ayant la nationalité danoise ou bien les personnes ayant leur résidence permanente sur le territoire du Royaume de Danemark (y inclus les îles Féroé et le Groenland).

Le Danemark fait, de plus, aux termes de l'article 17, paragraphe 3, une déclaration attestant que les demandes de transfèrement et les pièces à l'appui seront accompagnées d'une traduction dans la langue danoise, dans une des langues officielles du Conseil de l'Europe, ou bien en norvégien, suédois ou allemand.

Par ailleurs, aux termes de l'article 20 de la Convention, le Danemark fait la déclaration selon laquelle ce texte ne s'appliquera ni aux îles Féroé, ni au Groenland. »

FINLANDE (a)

« a) Conformément à l'article 3 (4), la Finlande entend par le terme « ressortissant » un ressortissant de l'Etat d'exécution et les étrangers qui ont leur domicile dans l'Etat d'exécution.

b) Conformément à l'article 17 (3), les demandes de transfèrement et les pièces à l'appui doivent être faites dans la langue finnoise, suédoise, anglaise ou française, ou être accompagnées d'une traduction dans l'une de ces langues. »

FRANCE (AA)

[Avec renouvellement de la deuxième et de la troisième déclarations faites lors de la signature (voir p. 113 du présent volume).]

GREECE

GRÈCE

[TRANSLATION¹ — TRADUCTION²]

Article 3, paragraph 3

Greece declares that it excludes the application of the procedure provided in Article 9.1. *b*.

By way of exception, if a sentenced person cannot be transferred to Greece according to the procedure provided in Article 9.1. *a*, the Greek Ministry of Justice is competent to decide whether the procedure provided in Article 9.1 *b* will be followed.

Article 3, paragraph 4

Greece declares that nationality is determined by the provisions of the Greek Code of Nationality.

Article 5, paragraph 3

Greece declares that it may also use the diplomatic channel.

Article 9, paragraph 4

Greece declares that it will follow the procedure provided in Article 9.1. *b*.

Article 16, paragraph 7

Greece declares that it requires to be notified of any transit over its territory.

Article 17, paragraph 3

Greece declares that requests for transfer and supporting documents must be accompanied by a translation into the Greek language.

« *Article 3, paragraphe 3*

La Grèce déclare qu'elle exclut l'application de la procédure prévue à l'article 9.1. *b*.

Par exception, si le transfèrement d'un condamné en Grèce ne peut s'effectuer selon la procédure de l'article 9.1. *a*, le Ministère grec de la Justice est compétent pour décider si la procédure de l'Article 9.1. *b* sera suivie.

Article 3, paragraphe 4

La Grèce déclare que la nationalité est déterminée selon les dispositions du Code de la nationalité grecque.

Article 5, paragraphe 3

La Grèce déclare qu'elle peut utiliser parallèlement la voie diplomatique.

Article 9, paragraphe 4

La Grèce déclare qu'elle appliquera la procédure prévue par la disposition de l'article 9.1. *b*.

Article 16, paragraphe 7

La Grèce déclare que tout transit qui a lieu au-dessus de son territoire doit lui être notifié.

Article 17, paragraphe 3

La Grèce déclare que les demandes de transfèrement des condamnés ainsi que les pièces à l'appui doivent être accompagnées d'une traduction en langue grecque. »

¹ Translation supplied by the Secretary-General of the Council of Europe.

² Traduction fournie par le Secrétaire général du Conseil de l'Europe.

LUXEMBOURG

[TRANSLATION¹ — TRADUCTION²]*Article 3, paragraph 3*

The Grand-Duchy of Luxembourg declares that it intends to exclude, as administering State, the application of the procedure provided for in Article 9.1.b in its relations with other Parties.

Article 17, paragraph 3

The Grand-Duchy of Luxembourg declares, in accordance with Article 17.3 of the Convention, that requests for transfer and supporting documents should be accompanied by a translation into French or German.

NETHERLANDS (A)

“1. With regard to Article 3, paragraph 4, of the Convention: As far as the Kingdom of the Netherlands is concerned, the term “national” should include all those who fall under the provisions of the Act governing the position of Moluccans of 9 September 1976 (Bulletin of Acts, Orders and Decrees 468), as well as aliens or stateless persons whose only place of ordinary residence is within the Kingdom and who, according to a statement to this effect issued to the government of the sentencing State by the Netherlands government, do not, under the terms of the present Convention, lose their right of residence in the Kingdom as a result of the execution of a punishment or measures.

¹ Translation supplied by the Secretary-General of the Council of Europe.

² Traduction fournie par le Secrétaire général du Conseil de l'Europe.

LUXEMBOURG

« Article 3, paragraphe 3

Le Grand-Duché de Luxembourg déclare qu'il entend exclure, en tant qu'Etat d'exécution, l'application de la procédure prévue à l'article 9.1.b dans ses relations avec les autres Parties.

Article 17, paragraphe 3

Le Grand-Duché de Luxembourg déclare que, conformément à l'article 17.3 de la Convention, les demandes de transfèrement et les pièces à l'appui doivent être accompagnées d'une traduction française ou allemande. »

PAYS-BAS (A)

[TRADUCTION¹ — TRANSLATION²]

1. En ce qui concerne l'article 3, paragraphe 4, de la Convention : Pour le Royaume des Pays-Bas, le terme « ressortissant » comprend toutes les personnes qui tombent sous les dispositions de la Loi du 9 septembre 1976 régissant le statut des Moluquois (Bulletin des Lois, Ordonnances et Décrets 468), de même que les étrangers ou apatrides dont le seul lieu de résidence habituelle se trouve à l'intérieur du Royaume et qui, en vertu d'une déclaration à cette fin faite au Gouvernement de l'Etat de condamnation par le Gouvernement des Pays-Bas, ne perdent pas, selon les termes de la présente Convention, leur droit de résidence dans le Royaume par suite de l'exécution d'une peine ou d'une mesure.

¹ Traduction fournie par le Secrétaire général du Conseil de l'Europe.

² Translation supplied by the Secretary-General of the Council of Europe.

2. With regard to Article 17, paragraph 3, of the Convention: Documents submitted to the Kingdom should be drawn up in Dutch, French, English or German, or accompanied by a translation in one of the above four languages.”

SPAIN

[Renewing the declarations made upon signature (see p. 114 of this volume).]

SWEDEN

“Article 3, paragraph 4

The Swedish Government declared that, for its part, the term “national” for the purposes of the Convention should also be taken to cover aliens domiciled in the administering State.

Article 5, paragraph 3

The Swedish Government indicated that requests and other communications should be sent and received by the Ministry for Foreign Affairs.

Article 9, paragraph 4

The Swedish Government declared that, for its part, only the conversion of sentence can be applied in cases such as are referred to in the said paragraph.

Article 17, paragraph 3

The Swedish Government declared that requests and information transmitted to Sweden — if not written in Danish, English, Norwegian or Swedish — should be translated into Swedish or English.”

2. En ce qui concerne l'article 17, paragraphe 3, de la Convention : Les documents soumis au Royaume devront être rédigés en néerlandais, français, anglais ou allemand ou accompagnés d'une traduction dans l'une de ces quatre langues.

ESPAGNE

[Avec renouvellement des déclarations faites lors de la signature (voir p. 114 du présent volume).]

SUÈDE

[TRADUCTION¹ — TRANSLATION²]

Article 3, paragraphe 4

Le Gouvernement suédois a déclaré qu'en ce qui le concerne et aux fins de la Convention, le terme « ressortissant » comprendra également les étrangers domiciliés dans l'Etat d'exécution.

Article 5, paragraphe 3

Le Gouvernement suédois a indiqué que les demandes et autres communications devront être envoyées par le Ministère des Affaires étrangères et reçues par celui-ci.

Article 9, paragraphe 4

Le Gouvernement suédois a déclaré qu'en ce qui le concerne, seule la conversion de la condamnation pourra être appliquée dans les cas auxquels il est fait référence dans ledit paragraphe.

Article 17, paragraphe 3

Le Gouvernement suédois a déclaré que les demandes et informations qui lui seront transmises devront — si elles ne sont pas rédigées en danois, en anglais, en norvégien ou en suédois — être traduites en suédois ou en anglais.

¹ Traduction fournie par le Secrétaire général du Conseil de l'Europe.

² Translation supplied by the Secretary-General of the Council of Europe.

TURKEY

“In accordance with Article 5, paragraph 3, communications relating to the application of this Convention shall be done through Diplomatic Channel.

In accordance with Article 17, paragraph 3, requests for transfer and supporting documents will be accompanied by a translation into Turkish.

Costs of transfer, as foreseen in Article 17, paragraph 5, shall be borne either by the Administering State or, according to the relating provision of the Turkish legislation, if an agreement can be established between the two parties, by the Sentencing State.”

UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN
IRELAND

“Article 3, paragraph 3

The United Kingdom intends to exclude the application of the procedure provided for in Article 9(1)(b) in cases when the United Kingdom is the administering State.

Article 3, paragraph 4

For the purposes of this Convention ‘national’ means, in relation to the United Kingdom, a British citizen or any person whose transfer the Government of the United Kingdom consider appropriate having regard to any close ties which that person has with the United Kingdom; and, in relation to any territory to which the application of this Convention is extended in accordance

TURQUIE

[TRADUCTION¹ — TRANSLATION²]

Conformément à l’article 5, paragraphe 3, les communications relatives à l’application de la présente Convention seront faites par la voie diplomatique.

Conformément à l’article 17, paragraphe 3, les demandes de transfèrement et les pièces à l’appui seront accompagnées d’une traduction en langue turque.

Comme prévu à l’article 17, paragraphe 5, les frais de transfert seront à la charge soit de l’Etat d’exécution soit, conformément à la législation turque dans ce domaine, de l’Etat de condamnation si un accord peut être trouvé entre les deux parties.

ROYAUME-UNI DE GRANDE-
BRETAGNE ET D’IRLANDE DU
NORD

[TRADUCTION¹ — TRANSLATION²]

Article 3, paragraphe 3

Le Royaume-Uni entend exclure l’application de la procédure prévue à l’article 9(1)(b) dans les cas où le Royaume-Uni est l’Etat d’exécution.

Article 3, paragraphe 4

Aux fins de la présente Convention, le terme « ressortissant » signifie, pour le Royaume-Uni, les citoyens britanniques ou toute personne dont le transfert est considéré comme opportun par le Royaume-Uni, en raison de liens étroits que cette personne a avec le Royaume-Uni; il signifie également pour les territoires auxquels l’application de cette Convention est étendue conformément

¹ Traduction fournie par le Secrétaire général du Conseil de l’Europe.

² Translation supplied by the Secretary-General of the Council of Europe.

with Article 20(2), any person who is defined as a national in relation to that territory at the time of such extension.

Article 17, paragraph 3

In cases where a State has made a declaration under this Article that it requires requests for transfer and supporting documents to be accompanied by a translation into its own language or into a language or languages other than English, the United Kingdom requires, on the basis of reciprocity, that requests for transfer and supporting documents from such States shall be accompanied by a translation into the English language.

Article 20, paragraph 2

The United Kingdom reserves the right to extend the Convention at a later date to any territory for whose international relations the Government of the United Kingdom are responsible."

DECLARATIONS OF TERRITORIAL APPLICATION MADE BY THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND SUBSEQUENTLY TO THE RATIFICATION:

22 August 1986

The Convention will apply to the Isle of Man. With effect from 1 December 1986.

With the following declaration:

"In accordance with Article 3 (4), and for the purposes of this Convention "National" means, in relation to the Isle of Man, a British citizen or any person whose transfer the Government of the United Kingdom considers appropriate having regard to

à l'article 20(2), toute personne qui est définie comme ressortissant pour ce territoire au moment de l'extension en question.

Article 17, paragraphe 3

Dans le cas où un Etat aura fait une déclaration en vertu de cet Article par laquelle il exige que les demandes de transfèrement et les pièces à l'appui soient accompagnées d'une traduction dans sa langue nationale ou dans une ou des langues autres que l'anglais, le Royaume-Uni exigera, sur la base de la réciprocité, que les demandes de transfèrement et les pièces à l'appui émanant de cet Etat soient accompagnées d'une traduction dans la langue anglaise.

Article 20, paragraphe 2

Le Royaume-Uni se réserve le droit d'étendre ultérieurement la Convention à tout autre territoire dont le Gouvernement du Royaume-Uni assure les relations internationales.

DÉCLARATIONS D'APPLICATION TERRITORIALE FAITES PAR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD POSTÉRIEUREMENT À LA RATIFICATION :

22 août 1986

La Convention s'appliquera à l'égard de l'île de Man. Avec effet au 1^{er} décembre 1986.

Avec la déclaration suivante :

[TRADUCTION¹ — TRANSLATION²]

Conformément à l'article 3 (4) et aux fins de la présente Convention, « ressortissant » signifie, en ce qui concerne l'île de Man, un citoyen britannique ou toute personne dont le Gouvernement du Royaume-Uni considère le transfèrement comme ap-

¹ Traduction fournie par le Secrétaire général du Conseil de l'Europe.

² Translation supplied by the Secretary-General of the Council of Europe.

any close ties which that person has with the Isle of Man”.

23 January 1987

The Convention will apply to Anguilla, the British Indian Ocean Territory, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena, St. Helena Dependencies and the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus. With effect from 1 May 1987.

With the following declaration:

“In accordance with Article 3, paragraph 4, of the said Convention, and for the purposes of the said Convention, the term “national” means, in relation to each of the Territories specified above, a person who is a British Citizen or a British Dependent Territories Citizen by virtue of a connection with that Territory, or any other person whose transfer to the Territory appears to the officer for the time being administering the Government of that Territory to be appropriate having regard to any close ties which that person has with that Territory.”

23 October 1987

The Convention will apply to Hong Kong. With effect from 1 February 1988.

With the following declaration:

“In accordance with Article 3, paragraph 4 of the said Convention,

proprié eu égard à tout lien étroit que cette personne a avec l'île de Man ».

23 janvier 1987

La Convention s'appliquera à l'égard d'Anguilla, du territoire britannique de l'Océan indien, des îles Caïmanes, des îles Falkland, de Gibraltar, de Montserrat, de Pitcairn, de Henderson, des îles Ducie et Oeno, de Sainte-Hélène, des dépendances de Sainte-Hélène et des domaines des Bases militaires souveraines d'Akrotiri et Dhekelia dans l'île de Chypre. Avec effet au 1^{er} mai 1987.

Avec la déclaration suivante :

[TRADUCTION¹ — TRANSLATION²]

Conformément au paragraphe 4 de l'article 3 de ladite Convention et aux fins de ladite Convention, l'expression « ressortissant » signifie, en ce qui concerne chacun des territoires ci-dessus énumérés, toute personne qui est citoyen britannique ou citoyen d'un territoire britannique dépendant en raison d'un lien avec ce territoire, ou toute autre personne dont le transfèrement vers le territoire concerné semble approprié à l'officier assurant le Gouvernement dudit territoire en raison de liens étroits que cette personne a avec ledit territoire.

23 octobre 1987

La Convention s'appliquera à l'égard de Hong-Kong. Avec effet au 1^{er} février 1988.

Avec la déclaration suivante :

[TRADUCTION¹ — TRANSLATION²]

Conformément au paragraphe 4 de l'article 3 de ladite Convention et aux

¹ Traduction fournie par le Secrétaire général du Conseil de l'Europe.

² Translation supplied by the Secretary-General of the Council of Europe.

and for the purposes of the said Convention, the term “national” means, in relation to Hong Kong, a person who is a British Citizen, a British Dependent Territories Citizen by virtue of a connection with Hong Kong, a British National (Overseas) or any person whose transfer the Hong Kong Government considers appropriate, having regard to any close ties which that person may have with Hong Kong.”

fins de ladite Convention, l'expression « ressortissant » signifie, en ce qui concerne Hong-Kong, toute personne qui est citoyen britannique, citoyen britannique des territoires dépendants en raison d'un lien avec Hong-Kong, ressortissant britannique (outré-mer) ou toute personne dont le transférement semble approprié au gouvernement de Hong-Kong en raison de liens étroits que cette personne peut avoir avec Hong-Kong.