


Procedure file

Basic information	
COS - Procedure on a strategy paper (historic)	1996/2220(COS)
Procedure completed	
Extradition between the Member States of the Union	
Subject 7.40 Judicial cooperation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties and Internal Affairs		17/12/1996
		PPE PALACIO VALLELERSUNDI Ana	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	INST Institutional Affairs		06/11/1996
		V VOGGENHUBER Johannes	
	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2203	04/10/1999

Key events			
23/10/1996	Non-legislative basic document published	N4-0640/1996	Summary
09/12/1996	Committee referral announced in Parliament		
03/09/1997	Vote in committee		Summary
03/09/1997	Committee report tabled for plenary	A4-0265/1997	
18/09/1997	Debate in Parliament		
18/09/1997	Decision by Parliament	T4-0453/1997	Summary
18/09/1997	End of procedure in Parliament		
06/10/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1996/2220(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper

Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/08380

Documentation gateway

Non-legislative basic document	N4-0640/1996	23/10/1996	CSL	Summary
Committee report tabled for plenary, single reading	A4-0265/1997 OJ C 304 06.10.1997, p. 0007	03/09/1997	EP	
Text adopted by Parliament, single reading	T4-0453/1997 OJ C 304 06.10.1997, p. 0100-0131	18/09/1997	EP	Summary

Extradition between the Member States of the Union

OBJECTIVE: adoption by the Member States of an Extradition Convention (drawn up on the basis of Article K.3 of the Treaty on European Union). **SUBSTANCE:** on 27.09.1996, the Council adopted the Act drawing up the Convention relating to extradition between the Member States of the European Union. On the same date, the Member States signed the Convention in Dublin. The Convention serves, in particular, to supplement and improve the functioning of two other conventions concluded within the Council of Europe in this field, namely: the European Convention on Extradition of 1957 and the European Convention on the Suppression of Terrorism of 1977. The adoption of the new Convention follows the signature on 10.03.1995 of the Convention on simplified extradition procedure between the Member States of the European Union. The main elements of the new Convention are as follows: -extraditable offences: pursuant to the Convention, extradition is to be granted in respect of offences which are punishable under the law of the requesting Member State by deprivation of liberty or a detention order for a maximum period of at least 12 months and under the law of the requested Member State by deprivation of liberty or a detention order for a maximum period of at least 6 months. Where the offence for which extradition is requested is classified as conspiracy or association to commit an offence, then provided that the offence is sufficiently serious, extradition may not be refused even if the law of the requested Member State does not provide for the same facts to be an offence (a derogation from the principle that extraditable offences must be offences under the law of both States). However, the conspiracy or association must have the object of committing an act of terrorism or an offence falling into one or another of certain sensitive categories, such as drugs trafficking, other forms of organized crime or other acts of violence; -political offences: the Convention facilitates extradition for offences regarded as political. It lays down the general principle that no offence may be regarded by the requested Member State as a political offence. However, States may enter reservations to this principle, with the exception of acts of terrorism and offences of conspiracy or association - which correspond to the description of behaviour referred to in the Convention - to commit acts of terrorism; -extradition of nationals: the Convention lays down that extradition may not be refused on the ground that the person claimed is a national of the requested Member State. However, this principle cannot be applied immediately by all Member States, as the Constitutions of some of them prohibit extradition of their nationals. The Member States have therefore agreed to an arrangement whereby reservations entered by Member States are to be valid for five years at a time, after which they may be upheld, amended to ease the conditions for extradition, or withdrawn; -other provisions: specific provisions are laid down relating to other fields: fiscal offences, lapse of time, amnesty, re-extradition to another Member State, transit and exchange of information; **ENTRY INTO FORCE:** the Convention will enter into force after the last Member State has deposited its instruments of ratification with the Secretary-General of the Council of the European Union.?

Extradition between the Member States of the Union

The Committee adopted, with amendments, the report by Mrs Ana PALACIO VALLELERSUNDI (EPP, E) on the convention on extradition between EU Member States (under Article K.3 of the Treaty on European Union). The aim of the convention is to improve cooperation in the area of the criminal law relating to extradition. The members of the committee once again stressed the need for an interinstitutional agreement with the Council on Parliament's participation in international agreements (the convention was adopted by the Council without Parliament being informed and consulted beforehand by the Presidency, as it should have been under Article K.6 of the TEU). The rapporteur considers that extradition means the surrender of a person, by order of the judicial authorities of a Member State, to those of another Member State, for the purpose of prosecution or execution of a sentence. The issue of extradition only arises in connection with criminal proceedings in a Member State against a person resident in another; it always relates to a crime, and arises only when one Member State formally requests another to extradite a specific person. The committee calls on the Council to take the necessary measures to ensure that a national of a Member State charged with an offence involving terrorism or membership of an armed organization cannot seek political asylum or refugee status in another Member State. ?

Extradition between the Member States of the Union

In adopting the report by Mrs Ana PALACIO VALLELERSUNDI (PPE, E) on extradition between the Member States, the European Parliament regretted that this Convention had been concluded without Parliament's having been informed and consulted, as provided for in the second paragraph of Article K.6 of the Treaty of European Union. It also regretted the fact that the Convention afforded the Member States the possibility of excluding or altering its effects by entering reservations (including the principle of dual criminality, the ban on the possibility of regarding offences as political offences, the inclusion of fiscal offences in the list of extraditable offences, the obligation also to extradite own nationals, and the abolition of the prohibition of re-extradition to another Member State). Parliament called on the Member States to make very

extremely restrained use of this right of reservation in order to help present different legal conditions for extradition existing within the Union. It also believed that a harmonization of legislation at European level would be the best way to eliminate the use of these national reservations. Parliament also highlighted two other shortcomings in the Constitution. legislation: the lack of a deadline for the closing of the extradition procedure and the fact that the European Court of Justice had no jurisdiction in respect of the Convention. Despite these two shortcomings, Parliament recommended that this Convention be ratified by all the Member States (by the end of 1998). However, it called for an agreement on constitutional minimum standards for citizens' rights in extradition procedures, particularly as regards regular detention reviews, the right to defence representation, the maximum period of detention and time-limits for decisions. It also called on the Member States not to apply Article 15 of the European Convention on Human Rights in the context of the current Convention. ?