

ARTICLE II

Definitions

For the purposes of this Treaty:

- a) "Sentencing State" means the Party from which the offender is to be transferred;
- b) "Receiving State" means the Party to which the offender is to be transferred;
- c) "Offender" means a person who, in the territory of either Party, has been sentenced and is serving a term of imprisonment, a term of conditional release, or any other form of community supervision; and
- d) "Pardon" means an act of clemency which cancels the conviction or alters the duration of the sentence.

ARTICLE III

Conditions for Transfer

This Treaty shall apply under the following conditions:

- a) That the conduct for which the offender was sentenced is one which is punishable as a crime in the Receiving State. For this purpose, no account shall be taken of differences that have no bearing on the nature of the offence;
- b) That the offender is a citizen of the Receiving State;
- c) That the offender has not been convicted of an offence that is solely an offence under military law;
- d) That at least six months of the offender's sentence remain to be served at the time of the application;
- e) That no proceeding by way of appeal or by extraordinary review procedure upon the offender's conviction or sentence is pending in the Sentencing State and that the prescribed time for appeal has expired;
- f) That the offender has consented to the transfer; and
- g) That the Sentencing and Receiving States agree to the transfer.