

- in the case of Canada, from a judgement ordering probation, from the granting of parole or other forms of supervision.

ARTICLE II

The application of this Agreement is subject to the following conditions:

- (a) the offence which leads to a request under Chapters 2 and 3 of this Agreement is in violation of the law of both Parties;
- (b) the judicial decision referred to in Article I is a final and enforceable decision;
- (c) the person under sentence is a national of the country to which he is to be transferred;
- (d) the person under sentence gives his consent.

ARTICLE III

This Agreement shall not apply when the offence for which the offender has been sentenced is:

- (a) a violation of the laws governing immigration;
- (b) a purely military offence.

ARTICLE IV

The transfer of the person under sentence or the administration of measures of control, supervision and assistance shall be refused:

- (a) if the transfer or the administration of measures of control, supervision and assistance is considered by the Sentencing State to be such as to jeopardize its sovereignty, its security, the basic principles of its judicial system or any other of its essential interests;
- (b) if the judicial decision leading to the request is based on facts that have formed the object of a final judgement in the Administering State;
- (c) if the penalty is barred by limitation under the law of either Party.

ARTICLE V

The transfer, or the administration of the measures of control, supervision and assistance may be refused:

- (a) if the competent authorities of the Administering State have decided to abandon, or not to initiate, proceedings based on the same facts;
- (b) if the facts justifying the conviction are also the object of proceedings in the Administering State;
- (c) if the person under sentence has not paid any sums, fines, court costs, damages or any other pecuniary penalties imposed upon him;