

## ARTICLE III

This Treaty shall apply under the following conditions:

- (1) that the offence for which the offender was sentenced is one which would be punishable as a crime in the Receiving State. For this purpose, no account shall be taken of differences of terminology or of those that have no bearing on the nature of the offence;
- (2) that the offender be a citizen of the Receiving State;
- (3) that the offender has not been convicted of a military offence;
- (4) that at least six months of the offender's sentence remain to be served at the time of the petition;
- (5) that no proceeding by way of appeal or of collateral attack upon the offender's conviction or sentence is pending in the Sentencing State and that the prescribed time for appeal of the offender's conviction or sentence has expired; and
- (6) that the Receiving State shall be bound by the legal nature of the sentence as determined by the Sentencing State. If, however, the sentence is by its nature unenforceable in the Receiving State, that State may adapt the sentence to the sentence prescribed by its own law for a similar offence.

## ARTICLE IV

Each party shall designate an authority to carry out the provisions of this Treaty.

## ARTICLE V

1. The Receiving State and the Sentencing State shall retain absolute discretion to refuse the transfer of an offender.
2. The request for transfer may be made by the Sentencing State or the Receiving State. In either case, the offender must have initiated or consented to the request, in writing. The request for transfer shall be made through the diplomatic channel.
3. When either State does not approve, for whatever reason, the transfer of an offender, it shall communicate this decision to the other without delay.
4. If the requested State approves the transfer of the offender, it shall communicate its approval to the requesting State.
5. The transfer of the offender shall take place at a place agreed to by both Parties in the presence of a member of the diplomatic staff of the Receiving State.