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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS
(PC-OC)

Preliminary draft Template for an Agreement on Temporary Surrender
(Article 19, paragraph 2 of the European Convention on Extradition)

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Considering that [.....], who is located in the territory of Party B, is sought by Party A for the purpose of prosecution [] and his/her/their extradition to Party A was granted in a final decision of Party B's competent authorities, dated [...];

Considering that [.....]'s presence in Party B's territory is required in order that he may be proceeded against by Party B's authorities [in... case number...] / in order that he/she/they may serve the sentence of [....] imposed on him/her/them by [the ...court /in case number...];

In accordance with Article 19, paragraph 2 of the European Convention on Extradition opened for signature on 13 December 1957,

The parties agree as follows:

- Party B will temporarily surrender [....] to Party A. The surrender shall take place on [date].
- [....] will be kept in custody continuously during his/her/their stay in Party A's territory.
- [...] will be returned to Party B no later than [date] unless the period of his/her/their stay in Party's A territory is extended by the parties, in writing; / as soon as possible after completion of the procedural steps described above;
- all direct costs of the surrender will be borne by Party A;
- the return of [...] to Party B's territory shall not be considered as extradition and shall not bear the legal consequences of extradition.

Optional:

- the time spent in custody in Party A will be exclusively attributed to the proceedings/sentence in Party B / will be deducted, if at all, by each party in relation to a sentence imposed by it, according to its laws.
- Should a decision to release [...] be rendered by any of Party A's authorities, this agreement shall expire, and Party A will return [...] to Party B without delay, while in custody.
- The practical modalities of the surrender shall be arranged through INTERPOL channels.