

shall be competent to grant the offender conditional release. The right of pardon may be exercised by either the State of residence or the State of the offence.

#### Article 9

1. Enforcement in the State of residence shall not take place:

(a) if the offender has been the subject of a final decision in that State in respect of the same offence;

(b) if the time limit for the penalty has expired according to the law of either the State of the offence or the State of residence;

(c) if the offender has benefited under an amnesty or a pardon in either the State of residence or the State of the offence.

2. The State of residence may refuse enforcement:

(a) if the competent authorities in that State have decided not to take proceedings, or to drop proceedings already begun, in respect of the same act;

(b) if the act for which sentence has been pronounced is also the subject of proceedings in that State;

(c) to the extent that that State deems it likely that enforcement would do violence to the fundamentals of its legal system or would be incompatible with the principles governing the application of its own penal law, in particular if, on account of his age, the offender could not have been sentenced in that State.

#### Article 10

When a request is made under Article 1 (2) for the enforcement of some penalty other than a fine, the State of residence shall, if necessary, substitute for the penalty imposed in the State of the offence the penalty prescribed by the law of the State of residence for a like offence.

Such penalty shall, as far as possible, correspond in nature to that imposed by the decision of which enforcement is requested. It may not exceed the maximum penalty provided for by the legislation of the State of residence nor may it be longer or more severe than that imposed by the State of the offence. In determining the

om betinget løsladelse. Benådning kan meddeles enten af bopælsstaten eller af forseelsesstaten.

#### Artikel 9.

1. Fuldbyrkelse i bopælsstaten må ikke finde sted:

a) såfremt der i denne stat er truffet endelig afgørelse over for lovovertræderen for den samme forseelse,

b) såfremt straffen er forældet efter forseelsesstatens eller bopælsstatens lovgivning,

c) såfremt lovovertræderen har opnået amnesti eller benådning i bopælsstaten eller forseelsesstaten.

2. Bopælsstaten kan afslå fuldbyrkelse:

a) såfremt vedkommende myndigheder i denne stat har besluttet ikke at indlede retsforfølgning eller at standse en allerede påbegyndt retsforfølgning for den samme handling,

b) såfremt den handling, som afgørelsen vedrører, også er under retsforfølgning i denne stat,

c) i det omfang, hvori denne stat skønner, at en fuldbyrkelse ville krænke dens grundlæggende retsprincipper eller ville være uforenelig med principperne for anvendelsen af dens egne straffebestemmelser, for eksempel såfremt lovovertræderen på grund af sin alder ikke kunne være dømt i denne stat.

#### Artikel 10.

Fremsættes der i henhold til artikel 1, stk. 2, anmodning om fuldbyrkelse af anden straf end bøde, skal bopælsstaten, når det findes påkrævet, i stedet for den i forseelsesstaten idømte straf fastsætte en sådan straf, der efter bopælsstatens lovgivning gælder for en tilsvarende forseelse.

Denne straf skal så vidt muligt være af samme art som den, der er pålagt ved den afgørelse, om hvis fuldbyrkelse der er fremsat begæring. Den må ikke overstige den i bopælsstatens lovgivning hjemlede højeste straf og må heller ikke være strengere i art eller varighed end den af forseelsesstaten pålagte straf. Ved straffens fastsættelse kan