

- (j) if proceedings would be contrary to the fundamental principles of the legal system of the requested State;
- (k) if the requesting State has violated a rule of procedure laid down in this Convention.

Article 12

1. The requested State shall withdraw its acceptance of the request if, subsequent to this acceptance, a ground mentioned in Article 10 of this Convention for not taking action on the request becomes apparent.

2. The requested State may withdraw its acceptance of the request:

- (a) if it becomes apparent that the presence in person of the suspected person cannot be ensured at the hearing of proceedings in that State or that any sentence, which might be passed, could not be enforced in that State;
- (b) if one of the grounds for refusal mentioned in Article 11 becomes apparent before the case is brought before a court; or
- (c) in other cases, if the requesting State agrees.

Section 2: Transfer Procedure

Article 13

1. All requests specified in this Convention shall be made in writing. They, and all communications necessary for the application of this Convention, shall be sent either by the Ministry of Justice of the requesting State to the Ministry of Justice of the requested State or, by virtue of special mutual arrangement, direct by the authorities of the requesting State to those of the requested State; they shall be returned by the same channel.

2. In urgent cases, requests and communications may be sent through the International Criminal Police Organisation (INTERPOL).

3. Any Contracting State may, by declaration addressed to the Secretary General of the Council of Europe, give notice of its intention to adopt insofar as it itself is concerned rules of transmission other than those laid down in paragraph 1 of this Article.

- j) såfremt retsforfølgning ville stride mod den anmodede stats grundlæggende retsprincipper;
- k) såfremt den begærende stat ikke har overholdt procedureforskrifter, der er fastsat i denne konvention.

Artikel 12

1. Den anmodede stat skal tilbagekalde sin imødekomst af anmodningen, hvis der senere viser sig at foreligge en af de omstændigheder, som efter artikel 10 begrunder, at der ikke kan træffes foranstaltninger i anledning af anmodningen.

2. Den anmodede stat kan tilbagekalde sin imødekomst af anmodningen:

- a) såfremt det viser sig, at den mistænktes personlige tilstedeværelse ikke kan sikres under sagens behandling i denne stat, eller at en eventuel dom ikke ville kunne fulbyrdes i denne stat;
- b) såfremt en af de grunde til at afslå anmodningen, der er nævnt i artikel 11, viser sig at foreligge, før sagen indbringes for retten;
- c) i andre tilfælde, hvis den begærende stat samtykker heri.

Kapitel 2. Proceduren ved overførsel

Artikel 13

1. Alle anmodninger i henhold til denne konvention skal fremsættes skriftligt. De skal tillige med alle meddelelser, som er nødvendige ved anvendelsen af denne konvention, fremsendes enten af justitsministeriet i den begærende stat til justitsministeriet i den anmodede stat eller — efter særlig, gensidig aftale — direkte af myndighederne i den begærende stat til myndighederne i den anmodede stat; de skal tilbagesendes gennem de samme myndigheder.

2. I hastende sager kan anmodninger og meddelelser sendes gennem den internationale kriminalpolitiorganisation (INTERPOL).

3. Enhver kontraherende stat kan ved at afgive en erklæring til Det europæiske Råds generalsekretær tilkendegive, at den for sit vedkommende ønsker at anvende andre regler for oversendelse end dem, der er fastsat i stk. 1.