Extradition procedure: 1995 and 1996 Conventions, Schengen acquis Iceland and Norway. Initiative Sweden

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This document comprises an explanatory memorandum from Sweden on the initiative submitted for the adoption by the Council of a draft Decision determining which provisions of the 1995 Convention on simplified extradition procedure between the Member States of the European Union and of the 1996 Convention relating to extradition between the Member States of the European Union constitute developments of the Schengen acquis in accordance with the Agreement concerning Iceland's and Norway's association with the implementation, application and development of the Schengen acquis. Firstly, the general objective of the initiative is to clarify the relationship between the various provisions on extradition at European Union level and at associating Iceland and Norway with the application of these provisions in so far as they constitute a development of the Schengen acquis. To recall, Title III, Chapter IV (Articles 59 to 66) of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of border checks at common borders contains provisions on extradition. Apart from Article 60, those provisions form part of the Schengen acquis, the legal basis of which the Coucil determined in its Decision 1999/436/EC. Those provisons of the Schengen Convention were applied between Belgium, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria and Portugal. By Decision 1999/439/EC of 17 May 1999, the Council approved the Association Agreement. According to this Agreement, the provisions of the Schengen acquis as listed in Annex A to the Agreement shall be implemented and applied by Iceland and Norway. In that Annex appear all the provisions of Chapter IV of the Schengen Convention except Article 60. Those provisions are applicable for Iceland and Norway and for Denmark, Finland,and Sweden as from 25 March 2001. Before the entry into force of the Treaty of Amsterdam, the Council drew up in the Simplified Extradition Convention and, on the same legal basis, the Extradition Convention. The purpose of the latter Convention is to supplement the provisions and facilitate the application of several other instruments and in particular of the Schengen Convention. The Simplified Extradition Convention and the Extradition Conventions are not mentioned in the Association Agreement, those Conventions not constituting acts of the Community. According to the Association Agreement, the acts and the measures taken by the European Union amending or building upon the provisions referred to in the Agreement, to which procedures set out in the Association Agreement have been applied, shall also be accepted, implemented and applied by Iceland and Norway. However, those Conventions were drawn up by the Council before the Association Agreement entered into force and before the provisional application of the those provisions. Therefore, the procedures laid down in the Association Agreement could not be applied in relation to them. The provisions of the two Conventions therefore do not apply to Iceland and Norway. Iceland and Norway should however be associated with the application of the Conventions to the extent that the latter constitute a development of the Schengen acquis. Lastly, it is necessary to determine the provisions of theSimplified Extradition Convention and of the Extradition Convention which constitute a development of the Schengen acquis within the meaning of the Association Agreement, so as to have those provisions applied by Iceland and Norway.