

**Instrument as contemplated by Article 3(2) of the Agreement on Extradition
between the United States of America and the European Union signed 25 June 2003, as to the
application of the Treaty on Extradition between the United States of America and the
Kingdom of Denmark signed 22 June 1972**

1. As contemplated by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union signed 25 June 2003 (hereafter "the U.S.-EU Extradition Agreement"), the Governments of the United States of America and the Kingdom of Denmark acknowledge that, in accordance with the provisions of this Instrument, the U.S.-EU Extradition Agreement is applied in relation to the bilateral Treaty on Extradition between the United States of America and the Kingdom of Denmark signed 22 June 1972 (hereafter "the 1972 Treaty on Extradition") under the following terms:
 - (a) Article 4 of the U.S.-EU Extradition Agreement as set forth in Articles 3 and 4(2) of the Annex to this Instrument shall govern the scope of extraditable offenses;
 - (b) Article 5 of the U.S.-EU Extradition Agreement as set forth in Article 11(1) and (5) of the Annex to this Instrument shall govern the mode of transmission, and requirements concerning certification, authentication or legalization of the extradition request and supporting documents;
 - (c) Article 7(1) of the U.S.-EU Extradition Agreement as set forth in Article 11(7) of the Annex to this Instrument shall provide an alternative method for transmission of the request for extradition and supporting documents following provisional arrest;
 - (d) Article 8(2) of the U.S.-EU Extradition Agreement as set forth in Article 13(3) of the Annex to this Instrument shall govern the channel to be used for submitting supplementary information;
 - (e) Article 9 of the U.S.-EU Extradition Agreement as set forth in Article 13 *bis* of the Annex to this Instrument shall govern the temporary surrender of a person being proceeded against or serving a sentence in the requested State;
 - (f) Article 10 of the U.S.-EU Extradition Agreement as set forth in Article 15 of the Annex to this Instrument shall govern the decision on requests for extradition made by several States for the extradition or surrender of the same person;
 - (g) Article 11 of the U.S.-EU Extradition Agreement as set forth in Article 13 *ter* of the Annex to this Instrument shall govern the use of simplified extradition procedures;
 - (h) Article 12(3) of the U.S.-EU Extradition Agreement as set forth in Article 18(3) of the Annex to this Instrument shall govern the procedures governing transit in the event of unscheduled landing of aircraft;
 - (i) Article 13 of the U.S.-EU Extradition Agreement as set forth in Article 8 of the Annex to this Instrument shall govern extradition with respect to conduct punishable by death in the requesting State; and

- (j) Article 14 of the U.S.-EU Extradition Agreement as set forth in Article 11(8) of the Annex to this Instrument shall govern consultations where the requesting State contemplates the submission of particularly sensitive information in support of a request for extradition.
2. The Annex reflects the integrated text of the provisions of the 1972 Treaty on Extradition and the U.S.-EU Extradition Agreement that shall apply upon entry into force of this Instrument.
3. This Instrument shall not apply to Greenland and the Faroe Islands unless the United States of America and the European Union, by exchange of diplomatic notes, duly confirmed by the Kingdom of Denmark in accordance with Article 20 (1) (b) of the U.S.-EU Extradition Agreement, agree otherwise. The application of the 1972 Treaty on Extradition to Greenland and the Faroe Islands shall remain unaffected by the U.S.-EU Extradition Agreement.
4. In accordance with Article 16 of the U.S.-EU Extradition Agreement, this Instrument shall apply to offenses committed before as well as after it enters into force.
5. This Instrument shall apply to requests for extradition made after its entry into force; nevertheless, Articles 3, 4(2) and 13 *bis* of the Annex shall, in accordance with Article 16 of the U.S.-EU Extradition Agreement, apply to requests pending in the requested State at the time this Instrument enters into force.
6. (a) This Instrument shall be subject to the completion by the United States of America and the Kingdom of Denmark of their respective applicable internal procedures for entry into force. The Governments of the United States of America and the Kingdom of Denmark shall thereupon exchange instruments indicating that such measures have been completed. This Instrument shall enter into force on the date of entry into force of the U.S.-EU Extradition Agreement.
- (b) In the event of termination of the U.S.-EU Extradition Agreement, this Instrument shall be terminated and the 1972 Treaty on Extradition shall be applied. The Governments of the United States of America and the Kingdom of Denmark nevertheless may agree to continue to apply some or all of the provisions of this Instrument.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Instrument.

DONE at Copenhagen, in duplicate; this Thursday of 23 of June 2005, in the English and Danish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
KINGDOM OF DENMARK:

