

No. 19982

**ARGENTINA
and
URUGUAY**

Agreement concerning the application of the law of the other country and the provision of information in respect thereof. Signed at Buenos Aires on 20 November 1980

Authentic text: Spanish.

Registered by Argentina on 30 June 1981.

**ARGENTINE
et
URUGUAY**

Accord concernant l'application du droit étranger et la communication de renseignements y relatifs. Signé à Buenos Aires le 20 novembre 1980

Texte authentique : espagnol.

Enregistré par l'Argentine le 30 juin 1981.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE ARGENTINE REPUBLIC AND THE EASTERN REPUBLIC OF URUGUAY CONCERNING THE APPLICATION OF THE LAW OF THE OTHER COUNTRY AND THE PROVISION OF INFORMATION IN RESPECT THEREOF

The Governments of the Argentine Republic and of the Eastern Republic of Uruguay, desiring to maintain and expand the legal co-operation established under the 1940 Montevideo Treaties on Private International Law and their Additional Protocol, have agreed as follows:

Article 1. The judges and authorities of the Parties, when it is so determined by their rules governing conflict, shall be obliged to apply the law of the other country as it would be applied by the judges and administrative organs of the State to whose code it belongs.

Article 2. All remedies permitted under the procedural law of the venue of the proceedings shall also be available in cases in which the law of the other Party is applicable.

Article 3. For the purposes of ascertaining the law of one Party that is applicable in the other and without prejudice to other ways of obtaining information admitted by the *lex fori*, each Party, through its Ministry of Justice, shall, at the request of the other Party, submit directly such information as is necessary to ensure the correct application of the laws in force in its country by the competent organs of the requesting Party.

Article 4. A request for information shall specify the details required, as well as the nature of the case awaiting a decision, and should be accompanied by a statement of the relevant facts to facilitate a proper understanding of the case, where such statement is necessary or desirable for a correct assessment thereof.

Article 5. The Ministry of Justice receiving such request shall reply promptly to questions on the following points in connection with the case on which it is consulted, provided that the security or interests of the State to which it belongs are not affected:

- (a) Current applicable legislation;
- (b) Summary of decisions of the courts of justice or of administrative bodies having judicial functions;
- (c) Local usage and customs, when they constitute a source or element of law;
- (d) Summary of national doctrine.

¹ Came into force on 12 May 1981 by the exchange of the instruments of ratification, which took place at Montevideo, in accordance with article 8.

The information may, in addition, include the considered opinion of technical offices or *ad hoc* advisers concerning the interpretation of the law applicable to the case in question.

Article 6. Information supplied in the form provided for in the preceding articles shall not be binding upon the judicial or administrative organs of the respective countries.

The parties to the proceedings may always contest the existence, content, purport or interpretation of the applicable law of the other State.

Article 7. The requests and information referred to in this Agreement shall not entail payment of any charges. They shall be sent in the form established by the transmitting Ministry and shall not require authentication. In urgent cases, requests for information may be made and replied to using telegraphic or telex services or other equally appropriate means.

Article 8. This Agreement is concluded for an indefinite period and shall enter into force upon the exchange of the instruments of ratification, which shall take place in the city of Montevideo.

Either of the Parties may denounce it, and it shall cease to have effect six months after the denunciation is received.

DONE in the city of Buenos Aires on 20 November 1980, in two identical original copies, both texts being equally authentic.

For the Argentine Republic:

[ALBERTO RODRÍGUEZ VARELA]

For the Eastern Republic
of Uruguay:

[FERNANDO BAYARDO BENGOA]