

No. 29479

**FRANCE
and
ARGENTINA**

**Convention on judicial cooperation. Signed at Paris on 2 July
1991**

Authentic texts: French and Spanish.

Registered by France on 27 January 1993.

**FRANCE
et
ARGENTINE**

**Convention de coopération judiciaire. Signée à Paris le 2 juillet
1991**

Textes authentiques : français et espagnol.

Enregistrée par la France le 27 janvier 1993.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON JUDICIAL COOPERATION BETWEEN THE
GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOV-
ERNMENT OF THE ARGENTINE REPUBLIC

The Government of the French Republic and
The Government of the Argentine Republic,

Desiring to promote judicial cooperation and to enhance their relations on the basis of the principles of national sovereignty, equal rights and mutual benefits, have agreed on the following provisions:

Article 1

The two States undertake to cooperate with respect to the recognition and enforcement of judicial and arbitral decisions rendered in civil, commercial and social matters and decisions rendered by criminal courts adjudicating civil suits for damages. Such cooperation shall also include the exchange of information.

CHAPTER I. RECOGNITION AND ENFORCEMENT OF JUDICIAL
AND ARBITRAL DECISIONS

Article 2

Decisions rendered in one State shall be recognized and may be declared enforceable in the other State on condition that:

1. The decision was rendered by a court which is internationally competent under the law of the requested State.

2. The decision has acquired the force of *res judicata* in the State of origin and is enforceable; however, in matters involving maintenance obligations, the right to custody of a minor or visiting rights, the decision may simply be enforceable in the State of origin.

3. The parties were duly summoned, represented or, if they were declared in default, the document instituting proceedings was duly notified to them and in time to enable them to defend themselves.

4. The decision contains nothing which contravenes the public policy (*ordre public*) of the requested State.

5. No action between the same parties, based on the same facts and having the same object as that in the State of origin has given rise to a decision rendered by the judicial authorities of the requested State on a date prior to that of the decision submitted for enforcement.

6. No action between the same parties, based on the same facts and having the same object as that in the State of origin is the subject of a process before the judicial

¹ Came into force on 1 November 1992, i.e., the first day of the second month following the date of receipt of the last of the notifications (of 26 June and 28 September 1992) by which the Contracting Parties had informed each other of the completion of the required procedures, in accordance with article 12.

authorities of the requested State instituted prior to the proceedings giving rise to the decision whose enforcement is requested.

7. No action between the same parties, based on the same facts and having the same object as that in the State of origin has given rise to a decision rendered in a third State on a date prior to that of the decision submitted for enforcement which meets the requirements for recognition in the requested State.

Article 3

The procedure for securing the enforcement of the decision shall be regulated by the law of the requested State.

The requested judicial authority shall not consider the merits of the decision.

If the decision pertains to a number of items, partial enforcement may be granted.

Article 4

The party requesting recognition or enforcement shall produce:

(1) A complete copy of the decision which meets the requirements for its authentication;

(2) The original certificate of service of the decision, or any equivalent original document in lieu of the certificate of service or notification;

(3) Where applicable, a certified copy of the summons served on the defaulting party and all documents constituting evidence that the summons was received in good time by the person concerned;

(4) All documents constituting evidence that the decision is enforceable in the territory of the State of origin and, with the exception of decisions relating to maintenance obligations, the custody of a minor or visiting rights, that the decision has acquired the force of *res judicata*.

These documents must be accompanied by a translation by a sworn translator or by any other authorized person in either State. These documents shall bear the "apostille" provided for by The Hague Convention of 5 October 1961 abolishing the requirement of legalisation for foreign public documents.¹

Article 5

Legal aid granted to a person in respect of a proceeding which gave rise to a decision in either State shall be recognized for the purpose of securing recognition and enforcement of the decision in the requested State upon submission of a certificate issued in the State of origin.

Article 6

Arbitral awards handed down in the territory of either State shall be recognized and enforced in accordance with the provisions of this Convention to the extent that such provisions are applicable to arbitration, without prejudice to the New York Convention of 10 June 1958 on the Recognition and Enforcement of Foreign Arbitral Awards.²

¹United Nations, *Treaty Series*, vol. 527, p. 189

²*Ibid.*, vol. 330, p. 3.

Article 7

Any request aimed at securing the enforcement of a decision may be made directly by the party concerned to the competent judicial authority of the requested State.

CHAPTER II. EXCHANGE OF INFORMATION

Article 8

Each State shall transmit free of charge to the other State, at its request and for a duly specified administrative purpose, records and copies of judicial decisions concerning the civil status of nationals of the requesting State.

Requests and records of civil status shall be transmitted through the diplomatic or consular channel; requests and copies of judicial decisions shall be transmitted through the central authorities, namely, the Ministry of Justice in the case of the French Republic, and the Ministry of Foreign Affairs and Worship in the case of the Argentine Republic.

Article 9

The central authorities shall transmit to each other, upon request, all information concerning the legislation and jurisprudence in force in their territory and copies of judicial decisions rendered by the courts.

Article 10

The central authorities shall communicate directly with each other in the language of the requested State and such communication shall be free of charge.

CHAPTER III. FINAL PROVISIONS

Article 11

Any difficulties that may arise with respect to the implementation of this Convention shall be settled through the diplomatic channel.

Article 12

Each Contracting State shall notify the other of the completion of the procedures required by it for the entry into force of this Convention.

This Convention shall enter into force on the first day of the second month following the date of receipt of the latter notification.

Article 13

Either Contracting State may denounce this Convention and such denunciation shall take effect six months after the date on which notice of denunciation is received by the other State.

DONE at Paris on 2 July 1991, in duplicate in the French and Spanish languages, both texts being equally authentic.

For the Government
of the French Republic:

[ROLAND DUMAS]

For the Government
of the Argentine Republic:

GUIDO DI TELLA]