

No. 32504

**BRAZIL
and
ARGENTINA**

**Agreement on judicial cooperation in civil, commercial,
labour and administrative matters. Signed at Brasília on
20 August 1991**

Authentic texts: Portuguese and Spanish.

Registered by Brazil on 1 February 1996.

**BRÉSIL
et
ARGENTINE**

**Accord de coopération judiciaire en matière civile, commer-
ciale, de travail et administrative. Signé à Brasília le
20 août 1991**

Textes authentiques : portugais et espagnol.

Enregistré par le Brésil le 1^{er} février 1996.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON JUDICIAL COOPERATION IN CIVIL, COMMERCIAL, LABOUR AND ADMINISTRATIVE MATTERS BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT OF THE ARGENTINE REPUBLIC

The Government of the Federative Republic of Brazil and the Government of the Argentine Republic,

Desiring to promote judicial cooperation between the Federative Republic of Brazil and the Argentine Republic in civil, commercial, labour and administrative matters, and thus to contribute to the development of their relations on the basis of the principles of respect for national sovereignty and equal rights and reciprocal advantages,

Have agreed as follows:

CHAPTER I

COOPERATION AND LEGAL ASSISTANCE

Article 1

The Contracting States undertake to provide each other with legal assistance and to encourage full judicial cooperation in civil, commercial, labour and administrative matters. The legal assistance shall extend to administrative procedures for which recourse to the courts is permitted.

CHAPTER II

CENTRAL AUTHORITIES

Article 2

The Ministry of Foreign Affairs of each Contracting State shall be designated as the central authority responsible for receiving and acting on requests for legal assistance in civil, commercial, labour and administrative matters. To that end, the central authorities shall be in direct communication so as to permit the competent authorities to take action, where necessary.

¹ Came into force provisionally on 20 August 1991, the date of signature, and definitively on 18 May 1995, the date on which the Parties notified each other of the completion of their respective legal requirements, in accordance with article 33.

CHAPTER III

SERVICE OF EXTRAJUDICIAL DOCUMENTS

Article 3

1. Extrajudicial documents dealing with civil, commercial, labour and administrative matters which are to be served on persons situated in the territory of either State may be sent by the central authority of the applicant State to the central authority of the respondent State.

2. Receipts and certificates pertaining to the service of such documents shall be transmitted by the same channel.

Article 4

The provisions of the preceding articles shall be without prejudice to:

(a) The right to mail documents directly to interested persons situated in the other State;

(b) The right of interested persons to provide direct notification through public officials or competent authorities of the respondent State;

(c) The right of each State to provide notification through its diplomatic missions or consular offices to persons situated in the other State.

Article 5

Documents to be served shall be written in the language of the respondent State or accompanied by a translation into that language.

Article 6

Proof of service of a document shall consist of a receipt which shall indicate the manner, place and date of service of the document, the name of the person on whom it was served and, where appropriate, the refusal of the person so named to accept the document or the circumstance which prevented it from being served.

Article 7

1. The central, diplomatic or consular authority of the respondent State shall not be entitled to reimbursement for the expenses incurred in the serving of extrajudicial writs.

2. The respondent State, however, shall retain the right to seek from the applicant State, using a special form, the reimbursement of expenses incurred.

CHAPTER IV

LETTERS ROGATORY

Article 8

Each State shall transmit, in the manner stipulated in article 2, letters rogatory dealing with civil, commercial, labour and administrative matters to the judicial authorities of the other State.

Article 9

1. The judicial authority of the respondent State may refuse to execute a letter rogatory only if the letter rogatory is not within its competence or is liable by its nature to disrupt public order.
2. The execution of a letter rogatory shall not imply recognition of the international jurisdiction of the judicial authority by which it is executed.

Article 10

Letters rogatory and the documents attached thereto shall be written in the language of the respondent authority or shall be accompanied by a translation into that language.

Article 11

1. The respondent authority shall announce the date and place of execution of the action requested in order to enable the authorities, interested parties and their representatives to attend.
2. This information shall be communicated through the central authorities of the Contracting States.

Article 12

1. The judicial authority responsible for the execution of a letter rogatory shall apply its domestic law with regard to the methods of court procedure to be followed.
2. However, the request of the applicant authority that a special procedure be followed shall be granted unless it is incompatible with the public policy of the respondent State.
3. The letter rogatory shall be executed forthwith.

Article 13

In executing a letter rogatory, the respondent authority shall apply the proper restraints, as provided by its domestic law, in those cases and to the extent to which it is obliged to do so in order to execute a letter rogatory originating in its own State or requested by an interested party.

Article 14

1. The documents indicating that a letter rogatory has been executed shall be transmitted through the central authorities.
2. Where a letter rogatory is not executed in full or in part, the applicant authority shall be so informed immediately through the channel indicated in the preceding paragraph and shall be told the reasons therefor.

Article 15

1. The costs of executing a letter rogatory shall not be reimbursed.
2. However, the respondent State shall be entitled to require that the applicant State reimburse fees paid to experts and interpreters and costs arising out of the application of special procedures requested by the applicant State.