
Translated from Spanish

Division of Public International Law
Ministry of Foreign Affairs
Republic of Paraguay

Report

Specific issues on which comments would be of particular interest to the Commission

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D. Provisional application of treaties

30. The Commission would appreciate being provided by States with information on their practice concerning the provisional application of treaties, including domestic legislation pertaining thereto, with examples, in particular in relation to:

- (a) the decision to provisionally apply a treaty;
- (b) the termination of such provisional application; and
- (c) the legal effects of provisional application.

Comments: The provisional application of treaties takes place only very rarely in the Republic of Paraguay. There is no law or statute governing the provisional application of international treaties, other than the Vienna Convention on the Law of Treaties of 23 May 1969, article 25 of which provides for provisional application. The 1969 Vienna Convention was approved in Paraguay through Act No. 289/71 of 4 November 1971.

In recent years, the Republic of Paraguay has signed only one bilateral treaty that provides for provisional application: the Agreement between the Republic of Paraguay and the European Community on certain aspects of air services, done at Brussels on 22 February 2007, and approved by Paraguay through Act No. 4648/12 of 20 July 2012.

Article 9 of the aforementioned instrument, entitled "Entry into force and provisional application", provides as follows:

"1. This Agreement shall enter in force when the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

2. Notwithstanding paragraph 1, the Parties agree to apply this Agreement provisionally from the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose.

3. Agreements and other arrangements between Member States and the Republic of Paraguay which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Annex I(b). This Agreement shall apply to all such agreements and arrangements upon their entry into force or provisional application."

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