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Abstract:

This paper deals with the transitional provisions of the 2014 Argentine Civil and Commercial Code of the Nation. These include one general provision, namely Article 7, and several other provisions concerning specifically property interests, wills and limitation periods. The provisions in question are designed to solve all future temporal conflicts of laws rather than merely those arising out of the entry into force of the 2014 Code. The Argentine private transitional law codification is based on pre-existing statutes enacted in 1869 and 1968. It is, therefore, a fruit of a long legislative tradition of addressing, rather than ignoring, transitional conflicts. Article 7 of the 2014 Code establishes the principle of the new law's immediate application to legal relations and situations that exist at the time of its entry into force, as well as the non-retroactivity principle. It is believed that the former principle is based on the concepts developed by Paul Roubier, a French scholar who made a significant contribution to the area of private transitional law. A major exception to the rule of the new law's immediate application is that the previous law continues to govern the contracts concluded during its life inasmuch as the new law's provisions relative to such contracts can be departed from by the parties' agreement. Further, one of the provisions contained in the 2014 Code of private international law specifically addresses the issue of the temporal conflicts of laws arising within the applicable foreign law (lex causae).