

SAME-SEX LIFE PARTNERSHIP ACT

PART ONE

GENERAL PROVISIONS

Subject matter of the Act

Article 1

This Act regulates life partnerships of persons of the same sex, the principles, conclusion and termination of life partnerships, the procedures by the competent bodies related to the conclusion and termination of life partnerships, the keeping of a register of life partnerships and the legal effects of life partnership.

The term "life partnership"

Article 2

A life partnership is a family life relationship between two persons of the same sex, concluded before a competent body, pursuant to the provisions of this Act.

The term "informal life partnership"

Article 3

(1) An informal life partnership is a family life relationship between two persons of the same sex who have not concluded a life partnership before a competent body, provided the relationship has lasted no less than three years and from its beginning has met the requirements prescribed for the validity of a life partnership.

(2) The existence of an informal life partnership is demonstrated in the same manner and under the same requirements as a common-law marriage relationship.

(3) In the case of a dispute between the partners, the existence of an informal life partnership is to be proven before the competent court.

The effects of an informal life partnership

Article 4

(1) An informal life partnership which meets the requirements referred to in Article 3, paragraph 1 of this Act leads to personal and material effects to which the provisions of this Act, with the exception of Article 38, apply *mutatis mutandis* in the field of personal rights, relationships related to children, and the property relations of the life partners.

(2) An informal life partnership shall lead to the same effects in the fields of inheritance, the tax system, pension insurance, the social welfare system, compulsory health insurance and healthcare, rights and obligations concerning employment relations, access to public and market-related services and public law status as those granted to a common-law marriage relationship by separate regulations governing those fields.

(3) The provisions of paragraph 1 of this Article shall not apply to persons who are already in a life partnership or marriage with a third person.

Gender neutrality of terminology

Article 5

The expressions used in this Act and in the legislation adopted on its basis which have gender significance, regardless of whether they are used in the male or female gender, shall refer to both males and females equally.

Principles

Article 6

(1) A life partnership is founded on the principles of the equality, mutual respect of dignity, mutual assistance and mutual consideration of the life partners.

(2) All forms of violence in a family life relationship are prohibited, and the prevention, sanctioning and suppression of all forms of violence in it are regulated by a separate act.

(3) All forms of discrimination, whether direct or indirect, based on a concluded life partnership, sexual orientation or gender identity, are prohibited.

I. CONCLUSION AND TERMINATION OF A LIFE PARTNERSHIP

1. CONCLUSION OF A LIFE PARTNERSHIP

Requirements for the conclusion of a life partnership

Article 7

(1) For the conclusion of a life partnership, it is necessary:

1. for the persons who intend to conclude a life partnership to be of the same sex;
2. for the persons to have stated their consent for the conclusion of a life partnership;
3. for the life partnership to be concluded before a registrar.

(2) If, at the time the life partnership is concluded, any of the requirements referred to in paragraph 1 of this Article are not met, the life partnership shall not be concluded.

(3) Any person with a legal interest and a social welfare centre have the right to bring an action to establish the existence or non-existence of a life partnership.

Requirements for the validity of a life partnership

Article 8

A life partnership may not be concluded by a person who is under eighteen years of age.

Article 9

(1) A life partnership may not be concluded by a person who is incapable of sound judgement.

(2) A life partnership may be concluded by a person who has been divested of legal capacity to make statements relating to their strictly personal status, with the consent of their guardian.

(3) If the guardian referred to in paragraph 2 of this Article refuses to give consent to the conclusion of a life partnership, the person divested of legal capacity to make statements relating to their strictly personal status may file a motion in ex parte proceedings for a decision to permit the conclusion of a life partnership, pursuant to the provisions of a separate act governing family relations.

Article 10

(1) A life partnership may not be concluded by blood relatives in a direct line or in a collateral line up to the fourth degree.

(2) The provisions of paragraph 1 of this Article shall also apply to relations arising from adoption.

Article 11

A life partnership may not be concluded by a person who is already in a life partnership or marriage.

Article 12

A life partnership concluded in contravention of the provisions of Articles 8 to 11 of this Act shall not be valid and the provisions on the annulment of a concluded life partnership shall be applied.

Registration of intent to conclude a life partnership

Article 13

(1) Persons who intend to conclude a life partnership shall register their intent by applying in person to the registrar competent for the location where they wish to conclude their life partnership.

(2) Persons who intend to conclude a life partnership shall enclose with their application, as necessary, birth certificates and other documents at the request of the registrar.

Meeting the requirements for the conclusion of a life partnership

Article 14

(1) The registrar shall verify whether the requirements have been met for the conclusion of a life partnership.

(2) If a court decision is necessary for the conclusion of a life partnership, the registrar shall instruct the persons intending to conclude the life partnership to obtain it.

The procedure when the requirements are not met

Article 15

(1) If the registrar establishes that any of the requirements for the conclusion of a life partnership have not been met, he/she shall inform the persons orally that it is not permitted to conclude a life partnership and shall write a note to that effect in the application.

(2) Persons who intend to conclude a life partnership may, within eight days from the day of notification of the inadmissibility of concluding a life partnership, file a request with the competent office of general administrative affairs to establish whether the requirements for its conclusion have been met.

(3) Following the request referred to in paragraph 2 of this Article, the competent office shall render a decision within fifteen days from the receipt of that request.

(4) An appeal may be lodged against the decision with the ministry competent for general administrative affairs.

The choice of surname

Article 16

When the registrar establishes that the requirements have been met for the conclusion of a life partnership, he/she shall take a statement from the persons who intend to conclude the life partnership on their choice of surname.

Setting the day for the conclusion of a life partnership

Article 17

(1) The registrar shall, at the suggestion of the persons who intend to conclude a life partnership, set a date for the conclusion of the life partnership, as a rule within a period of thirty to forty-five days from the day the application is filed.

(2) In exceptional circumstances, when a justified reason exists, the registrar may approve the conclusion of a life partnership earlier than thirty days from the day the application is filed.

Withdrawal of registration of the intent to conclude a life partnership

Article 18

If, on the day set for the conclusion of a life partnership, the persons who filed the registration of intent fail to appear and they do not justify their absence, it shall be deemed that the registration of intent to conclude a life partnership has been withdrawn.

Location for the conclusion of a life partnership

Article 19

(1) The conclusion of a life partnership shall be performed in a ceremony in official premises or in some other appropriate location, as decided by the registrar, following a proposal by the parties.

(2) For the conclusion of a life partnership in official premises or elsewhere, a special fee is payable.

(3) The minister competent for general administrative affairs shall prescribe the standards for setting the fee and for the use of the income earned from the conclusion of life partnerships referred to in paragraph 2 of this Article.

Persons present at the conclusion of a life partnership

Article 20

(1) A life partnership shall be concluded in the presence of the persons who intend to conclude the life partnership, the registrar and two witnesses.

(2) Any adult person with legal capacity may be a witness at the conclusion of a life partnership.

The procedure by the registrar at the conclusion of a life partnership

Article 21

(1) On the day and at the time set for the conclusion of a life partnership, the registrar shall announce that both persons are present in person who intend to conclude a life partnership, and the witnesses, and that there are no impediments to the conclusion of the life partnership.

(2) The registrar shall, in an appropriate speech, acquaint the persons intending to conclude a life partnership with the provisions of this Act, their rights and responsibilities, and point out the significance of concluding a life partnership.

The act of concluding a life partnership

Article 22

(1) The life partnership shall be concluded when the persons express their consent to the conclusion of a life partnership.

(2) After the consent of the life parties, the registrar shall announce that between them, stating their personal names, a life partnership has been concluded.

(3) The life partners, the witnesses and the registrar shall sign a statement registering their consent.

(4) The registrar shall register the life partnership in the register of life partnerships (hereinafter: the register) and issue the life partners with an excerpt from the register of life partnerships.

(5) The registrar shall send a notice on the concluded life partnership to the registry office which keeps the birth certificates of the life partners.

(6) In the case of a change of surname, the registrar shall send a notice on the surname following the conclusion of a life partnership to other competent state bodies which keep records of citizens and register changes in them, pursuant to separate regulations.

2. TERMINATION OF A LIFE PARTNERSHIP

The manner of terminating a life partnership

Article 23

(1) A life partnership shall end with the death of a life partner, the declaration that a missing life partner is dead, and by annulment or termination.

(2) A life partnership shall be ended by annulment or termination when a court judgment on annulment or termination becomes final, or on the day a statement is signed on the mutually agreed termination of the life partnership.

(3) If a missing life partner is declared dead, the life partnership shall end on the day established by the final court decision as the day of death of the missing life partner.

Retention of surnames

Article 24

In the case of annulment or termination of a life partnership, each of the former life partners may retain the surname they had at the moment of the termination of the life partnership.

2.1. Annulment of a life partnership

Right to an action for the annulment of a life partnership

Article 25

(1) The life partners, social welfare centres and persons with a legal interest have the right to bring an action for the annulment of a life partnership, pursuant to Articles 8 to 11 of this Act.

(2) The right to bring an action for the annulment of a life partnership cannot be passed on to an heir, but the heirs of a deceased life partner who has brought an action for the annulment of a life partnership may continue the annulment proceedings.

Court procedure

Article 26

(1) A court may dismiss an action for the annulment of a life partnership concluded by a person divested of legal capacity without the court's consent, if this is in line with the welfare of that person.

(2) An action for the annulment of a life partnership may not be filed after a decision to restore legal capacity has become final.

(3) A life partner who has been divested of legal capacity may bring an action for the annulment of a life partnership within one year from the finality of the decision to restore legal capacity.

Article 27

(1) The court shall dismiss an action for the annulment of a life partnership on its merits if a former marriage or life partnership ended before the conclusion of the trial.

(2) Persons who have the right of inheritance from a deceased life partner who has brought an action for the annulment of the life partnership may continue the proceedings to establish whether the action was well-founded if no more than six months have passed since the death of the testator and, after the expiry of that deadline, an application may be brought in separate civil proceedings.

Proving the existence or non-existence of a life partnership or marriage

Article 28

(1) In proceedings to annul a life partnership, concluded whilst a previous life partnership or marriage of one of the living partners still existed, the existence or non-existence of that life partnership or marriage shall be proven by an excerpt from the register of life partnerships or marriages, or some other appropriate public document.

(2) If the partners are unable to prove the existence or non-existence of a former life partnership or marriage by the documents referred to in paragraph 1 of this Article, the court shall terminate the proceedings and instruct them to institute civil contentious proceedings within a specific time limit to establish whether a life partnership or marriage exists or not, and to inform the court of the institution of civil proceedings. A plaintiff who alleges that a former life partnership or marriage exists, and a respondent who disputes the existence of a former life partnership or marriage, although its conclusion is registered in the register of life partnerships or marriages, shall be instructed to conduct civil contentious proceedings.

(3) Proceedings terminated according to the provisions of paragraph 2 of this Article shall be continued when the decision in civil proceedings to establish the existence or non-existence of a life partnership or marriage becomes final.

(4) If civil proceedings are not instituted to establish the existence or non-existence of a former life partnership or marriage within the time limit set by the court, it shall be deemed that the action for the annulment of the life partnership has been withdrawn if the plaintiff was instructed to institute civil proceedings, but if the respondent was instructed to institute civil proceedings, it shall be deemed that he/she has withdrawn his/her assertion that no previous life partnership or marriage exists.

2.2. Termination of a life partnership

Procedure to terminate a life partnership in court

Article 29

(1) One of the life partners may request the termination of a life partnership by an action, or both life partners may do so by a motion for a mutually agreed termination.

(2) The court shall terminate the life partnership:

1. following a motion for a mutually agreed termination by the life partners;
2. if it establishes that the relationship has been seriously and permanently disrupted; or
3. if the life partners have been living apart for more than one year.

(3) As an exception from paragraph 2, point 1 of this Article, a life partnership may be terminated by a statement of agreement made before a registrar, under the condition that there are no minor children living in the domestic community.

Article 30

For court proceedings related to disputes regarding a life partnership which are not covered by this Act, the provisions of a separate act which regulate family relationships shall apply.

II. REGISTER OF LIFE PARTNERSHIPS

The keeping of the register of life partnerships

Article 31

(1) The register of life partnerships (hereinafter: the register) shall be kept in the form of a single central electronic database on all concluded life partnerships.

(2) The regulations governing the protection of personal data and information technology security shall apply to processing those data.

(3) The basic files on the basis of which data are recorded in the register are an integral part of the register.

(4) The manner of keeping the register shall be prescribed in instructions by the minister competent for general administrative affairs.

Competence for keeping the register

Article 32

(1) The register shall be kept by the registry offices in the counties or in the City of Zagreb for the area for which they are organised.

(2) The register is directly kept by state officials – registrars.

Content of the register

Article 33

The following shall be recorded in the register:

a) for basic registration:

1. data on the life partners: name and surname, gender, the day, month, year and place of birth, their unique citizen's registration number (JMBG) and personal identification number (OIB), citizenship, the day, month, year and place of the conclusion of the life partnership and the statement on the agreed surname after the conclusion of the life partnership;

2. the name and surname of the parents of the life partners, the name and surname of the witnesses of the conclusion of the life partnership, and the name and surname of the registrar;

3. the name and surname of the court interpreter if the presence of a court interpreter was necessary during the conclusion of the life partnership;

b) as subsequent registrations and notes:

1. the end of a life partnership following the death of a life partner, the declaration that a missing life partner is dead, the annulment or termination of the life partnership;

2. a change of the names and surnames of the life partners;

3. subsequent correction of errors.

Correction of errors in the register

Article 34

(1) A registrar may correct an error noticed before concluding registration in the register.

(2) After concluding registration in the register, the registrar may make corrections on the basis of a decision by the competent state administration office in the county or in the City Office of the City of Zagreb, competent for general administrative affairs.

Issuing documents from the register

Article 35

(1) Excerpts are issued regarding facts registered in the register and certificates from the register of life partnerships, as public documents with permanent validity.

(2) The form of the documents issued from the register shall be prescribed by regulations by the minister competent for general administrative affairs.

(3) An excerpt from the register shall contain the data recorded in the register up until the time the excerpt is issued.

(4) A certificate issued on the basis of the register shall contain the latest valid data recorded in the register up until the issuing of the certificate, presented in the relevant sections.

(5) Excerpts and certificates from the register shall be issued by the registrar who received the request, regardless of the location of registration in the register.

(6) Excerpts and certificates from the register shall be issued at the request of persons with a legal interest.

(7) The minister competent for general administrative affairs shall set the fee for the excerpts and certificates from the register, which shall be borne by the applicant.

(8) In legal transactions, it is not permitted to use a document which does not contain the latest valid data recorded in the register.

The right to examine the register

Article 36

(1) A person to whom the data relate and other persons who prove the existence of a legal interest shall be granted the right to examine the register, in the presence of the registrar.

(2) Examination of files on the basis of which registration in the register was undertaken shall only be permitted to those persons who prove the existence of a legal interest.

PART TWO

LEGAL EFFECTS OF A LIFE PARTNERSHIP

General rights and obligations

Article 37

(1) Life partners shall decide in agreement and jointly on all questions of importance for their life together.

(2) Life partners have the right to protection of privacy of their family life and the right to a shared communal life.

(3) Life partners have the obligation of mutual assistance, and the provision of care and assistance in sickness.

(4) Life partners have the same procedural rights and status in all court and administrative proceedings as marital partners.

1. THE PERSONAL RIGHTS OF LIFE PARTNERS

The choice of surname

Article 38

When concluding a life partnership, the persons who intend to conclude a life partnership may agree that:

1. each will retain their own surname;
2. they will take one of their surnames as their joint surname;
3. they will take both surnames jointly and decide which will be used in first and which in second place;
4. each of them will take the surname of their life partner alongside their own surname and decide which will be in first and which in second place.

Maintenance within a life partnership

Article 39

(1) Maintenance is the duty and right of life partners and, under special conditions, of children and the life partner who is the parent, and children and the life partner who is the guardian.

(2) The provisions of a separate law which regulate family relations relating to the maintenance of marital partners shall apply mutatis mutandis to the maintenance of life partners.

(3) The provisions of a separate law which regulate family relations relating to maintenance between parents and children shall apply mutatis mutandis to relations between children and partner-guardians.

(4) The provisions of a separate law which regulate family relations relating to maintenance between stepmothers or stepfathers and step-children shall apply mutatis mutandis to the maintenance of children and the life partner who is the parent.

2. RELATIONS CONNECTED TO CHILDREN

2.1. Parental responsibilities of life partners

Exercise of parental responsibilities by a life partner

Article 40

(1) A life partner who is the parent of a child has the right to exercise parental responsibilities towards the child, that is, the content of parental responsibilities together with its parents or instead of its parents, pursuant to a court decision, in line with the provisions of a separate act regulating family relations.

(2) Both parents jointly or a parent who independently exercises parental responsibilities in full towards a child may temporarily entrust the exercise of parental responsibilities towards a child partially or entirely to their life partner if they meet the requirements for guardian prescribed by a separate act regulating family relations.

(3) If the parental responsibilities towards a child referred to in paragraph 2 of this Article are entrusted for a period longer than thirty days, the statement by the parent must be certified by a notary public.

(4) The life partner who has the right to exercise parental responsibilities towards a child is obliged to exercise them in accordance with the provisions of a separate act regulating family relations relating to family care and exercising parental responsibilities.

Decision-making in relation to a child

Article 41

(1) When a parent who is independently exercising parental responsibilities in full towards a child and their life partner exercise joint parental responsibilities, pursuant to Article 40 of this Act, they shall render decisions which are of importance for the child and shall give consent in relation to those decisions in mutual agreement.

(2) Decisions which are of importance for a child and which relate to representation connected to the child's important personal rights and representation connected to the child's property of certain value and property rights, as well as decisions which may have a significant effect on the child's life, shall be rendered pursuant to the provisions of a separate act which regulates family relations in relation to that area.

(3) In urgent cases, where there is a threat of immediate danger to the child, the life partner has the right to render urgent decisions on taking necessary action in accordance with the child's well-being, and shall inform the parent immediately of this.

(4) Everyday decisions related to the child may be rendered by the life partner with the consent of the child's parent.

Maintaining personal relationships after the termination of a life partnership

Article 42

(1) If a minor child was living in the family community of life partners, the former life partner who is not the parent of the child may file a motion with a court to maintain a personal relationship with the child.

(2) Both the child and the life partner have the right to maintain a personal relationship if the partner lived for a long period of time with the child and took care of the child over that time, or developed an emotional relationship with him/her.

(3) The court shall render a decision in ex-parte proceedings on the motion by the former life partner, taking into account the best interests of the child, and applying mutatis mutandis the provisions of a separate act regulating family relations on the realisation of personal relationships between children and parents, and children and other persons.

Other relations connected to children

Article 43

The provisions of a separate act regulating family relations shall be applied to the exercise of parental responsibilities, personal relationships with a child, parental responsibilities in the case of the death of the parent and other relations which are not covered by this Act, and to the procedure and requirements for exercising those rights.

2.2. Partner-guardianship

Definition of partner-guardianship

Article 44

Partner-guardianship, under the requirements established by this Act, is a form of care for a minor child, which may be provided by a life partner after the death of the life partner who is the parent of the child, and exceptionally during the life of the life partner who is the parent of the child if the other parent is unknown or has been divested of parental responsibilities due to abuse of the child.

Requirements for exercising partner-guardianship

Article 45

(1) In the case of the death of the life partner who is the parent of a minor child, who at the time of that death was living in the family community of life partners, the surviving life partner may move the competent court to appoint him/her as the partner-guardian of the minor child, under the condition that the other parent is not alive or has been declared dead, or has been divested of parental rights due to abuse of the child.

(2) As an exception from paragraph 1 of this Article, if the other parent of the child is unknown or has been divested of parental rights due to abuse of the child, and in order to protect the interests and welfare of the child, the life partners may file a motion with a court to appoint the other life partner, who is not the child's parent, as partner-guardian.

(3) The court shall appoint the life partner referred to in paragraphs 1 and 2 of this Article as the partner-guardian of the minor child if that is in the best interests of the child.

Partner-guardian of a child

Article 46

(1) A person who does not meet the requirements for appointment as guardian prescribed by a separate act regulating family relations may not be the partner-guardian of a child.

(2) A partner-guardian of a child shall be appointed by the municipal court with territorial jurisdiction for the child's place of residence.

(3) During the proceedings, the court shall request an expert opinion from the social welfare centre.

(4) The social welfare centre is obliged to obtain the opinion of the child who is capable of understanding the meaning of partner-guardianship, and take the child's wishes into account regarding the choice of guardian, unless this is contrary to the welfare of the child, in the manner prescribed by a separate act regulating family relations.

(5) The court shall caution the social welfare centre that, when drawing up its expert opinion, it must strictly respect the prohibition of discrimination on the basis of sexual orientation.

(6) The court shall render the decision referred to in paragraph 1 of this Article in the best interests of the child, within ninety days of the day the request is filed.

Rights and obligations of a partner-guardian

Article 47

(1) Pursuant to the court decision on the partner-guardianship of a minor child, the partner-guardian of the child shall acquire parental responsibilities and all the rights and obligations that derive from them.

(2) A note on the partner-guardianship shall be recorded on the child's birth certificate.

Effects of partner-guardianship

Article 48

With the foundation of guardianship between the partner-guardian of a child on the one part and the child and the child's descendants on the other, the permanent rights and obligations which exist under the law between parents and children and their descendants shall be established.

Termination of partner-guardianship

Article 49

(1) The competent court shall render a decision to terminate partner-guardianship:

1. upon a motion by the social welfare centre if it establishes that this is required by the justified interests of the minor child;
2. upon a mutually agreed motion by the partner-guardian of the child and the child;
3. upon a request by the partner-guardian of the child or the child;
4. upon a motion by a parent to whom parental responsibilities have been restored by a court ruling.

(2) In the case of a mutually agreed motion for termination of partner-guardianship, the court shall render a ruling on the termination of partner-guardianship if this is in the interests of the child.

3. PROPERTY RELATIONS OF LIFE PARTNERS

Assets of life partners

Article 50

Life partners may have partnership property and their own assets.

Partnership property

Article 51

(1) Partnership property is assets which the life partners acquire by their work during the time of the life partnership or which stems from those assets.

(2) Life partners shall be co-owners in equal parts of the partnership property if they have not agreed otherwise.

(3) Material gain from copyrights and related rights acquired during the life partnership is deemed to be partnership property.

(4) Winnings from games of chance are partnership property.

Own assets

Article 52

(1) Assets which a life partner possesses at the time the life partnership is concluded shall remain their own assets.

(2) Assets which a life partner acquired during the life partnership on a legal ground different from that referred to in Article 51 of this Act shall also be deemed to be their own assets.

(3) Copyright work comprises the assets of the life partner who created it.

Agreement on assets

Article 53

- (1) Life partners may regulate their relations in terms of partnership property differently by an agreement on assets.
- (2) The agreement on assets of the life partners must be in writing and the signatures of the life partners must be certified by a notary public.
- (3) It is not permitted to stipulate that a foreign law shall apply to property relations in an agreement on assets of the life partners.

Application of a separate act

Article 54

- (1) The provisions of a separate act regulating family relations aimed at that area shall apply mutatis mutandis to the property relations of life partners which are not covered by this Act.
- (2) The provisions of a separate act which regulate questions of property and obligations shall apply to partnership property, unless this Act prescribes otherwise.

4. INHERITANCE

The right to inheritance

Article 55

The provisions of the act regulating the right of inheritance shall be applied mutatis mutandis to the inheritance of life partners, whereby the life partner in terms of inheritance rights is equivalent to a marital partner, and the children towards whom that partner exercises partner-guardianship shall be equal to their own children.

5. TAX STATUS OF LIFE PARTNERSHIPS

Tax exemptions

Article 56

(1) Life partners, their children, or the children towards whom a life partner exercises parental responsibilities or partner-guardianship, and persons who are married, in a common-law relationship, or a life partnership with the children of a testator or donor, or with a testator or donor who lived in a common household at the time of their death or receipt of the gift, are exempt from paying inheritance or gift tax prescribed by a separate act regulating inheritance and gift tax.

(2) Life partners, their children and children towards whom parental or guardianship responsibilities are being exercised are the first in line of inheritance for the purpose of

exemption from the special tax on the acquisition of used motor vehicles prescribed by separate legislation.

(3) The tax status of the life partnership regarding the tax referred to in paragraphs 1 and 2 of this Article may be amended by a separate act regulating that type of tax, with respect thereby for the guarantee of prohibition of less favourable treatment prescribed in Article 60 of this Act.

Personal deductions

Article 57

(1) Income from the disposition of real property and property rights is not taxable if the disposition was undertaken between life partners or life partners, their children and children towards whom they exercise parental responsibilities or partner-guardianship, and between life partners who have terminated their life partnership if the disposition is in direct connection with the termination of the life partnership and by the inheritance of real property and property rights.

(2) Maintenance of a life partner or children towards whom parental or partner-guardianship responsibilities are exercised shall be deemed a personal deduction from income tax, pursuant to a separate act regulating income tax.

(3) Maintenance of a former life partner shall be deemed a personal deduction from income tax pursuant to a separate act regulating income tax.

(4) The tax status of life partnership regarding the tax referred to in paragraph 1 of this Article may be amended by a separate act regulating that type of tax, with respect thereby for the guarantee of prohibition of less favourable treatment prescribed in Article 60 of this Act.

Right to compensation

Article 58

(1) Life partners, children of life partners and children under the partner-guardianship of life partners shall be deemed members of the immediate family within the meaning of the provisions regulating obligatory relations, and shall have the right to fair pecuniary compensation for non-material damage in the case of the death or particularly serious disablement of a close person.

(2) The provisions of a separate act regulating obligatory relations on compensation for damage shall be applied *mutatis mutandis* to the rights referred to in paragraph 1 of this Article.

(3) Compensation for the death of a life partner, the child of a life partner or a child towards whom parental or partner-guardianship responsibilities are exercised is untaxable compensation within the meaning of a separate act regulating income tax, up to the amount prescribed by that legislation for cases of the death of a member of the close family.

Exemption from property tax

Article 59

(1) Life partners, the children of life partners and children towards whom a life partner exercises parental responsibilities or partner-guardianship who, in relation to the recipient of maintenance, acquire real property on the basis of an agreement on life care agreement, shall not pay real property transfer tax, pursuant to a separate act regulating real property transfer tax.

(2) Life partners, the children of life partners and children towards whom a life partner exercises parental responsibilities or partner-guardianship are deemed to be members of the close family, pursuant to a separate act regulating property tax.

(3) Life partners, the children of life partners and children towards whom a life partner exercises parental responsibilities or partner-guardianship shall have the same tax status regarding the privileges, exemptions and obligations recognised for marital partners and their children, pursuant to a separate act regulating property tax.

Guarantee of prohibition of less favourable treatment

Article 60

(1) Life partnership shall have the same rights and obligations as a marriage regarding any obligations, rights or privileges prescribed by any act or subordinate legislation, in relation to taxation or similar fiscal levies.

(2) Any less favourable treatment towards life partnership than those provided for marriage relationships is prohibited in terms of obligations, rights or privileges relating to taxation or other fiscal levies.

(3) All regulations on taxation and other fiscal rights and obligations shall be interpreted in line with the guarantee referred to in paragraph 2 of this Article.

6. STATUS OF LIFE PARTNERSHIP REGARDING PENSION INSURANCE

Members of the insured party's family

Article 61

(1) In the case of the death of an insured party or beneficiary of a pension, the members of his/her family, apart from the persons established by the regulations governing pension insurance, shall also be deemed to be:

- his/her life partner;

- a child towards whom he/she exercises parental responsibilities;

- a child of a deceased life partner whom the insured party maintained pursuant to this Act and the act regulating pension insurance;

- the life partner-parent of the insured party whom the insured party maintained pursuant to the provisions of this Act and the act regulating pension insurance.

(2) Members of the family of the life partner referred to in paragraph 1 of this Article shall exercise the right to a survivor's pension, pursuant to the regulations governing pension insurance.

Right to extended insurance

Article 62

A life partner shall acquire the right to extended insurance pursuant to the regulations governing pension insurance, under the requirements prescribed for an insured party's marital partner.

Guarantee of prohibition of less favourable treatment

Article 63

The status of life partnership regarding pension insurance may be amended by regulations governing pension insurance, with respect thereby for the guarantee of prohibition of less favourable treatment towards life partnerships than that provided for marital relationships, regarding the rights and obligations related to pension insurance.

7. STATUS OF LIFE PARTNERS IN THE SOCIAL WELFARE SYSTEM

Rights and services from the social welfare system

Article 64

Life partners in a shared household who do not have sufficient means to meet their basic needs, and who are not able to meet them by their own work, income from property, from those obliged to pay maintenance or in some other way, and those life partners who due to dysfunctional relationships or other unfavourable circumstances are in need of professional assistance or other support, may exercise all rights and services from the social welfare system, as prescribed by a separate act.

Guarantee of prohibition of less favourable treatment

Article 65

(1) The position of life partners in the social welfare system may be amended by a separate act on social welfare, with respect for the guarantee of prohibition of less favourable treatment towards life partnerships than that provided for marital relationships, regarding the obligations, rights and services related to the social welfare system.

(2) All regulations on social welfare shall be interpreted in line with the guarantee referred to in paragraph 1 of this Article.

8. RIGHTS AND OBLIGATIONS OF LIFE PARTNERS IN THE SYSTEM OF COMPULSORY HEALTH INSURANCE AND HEALTHCARE

Status in compulsory health insurance

Article 66

(1) Life partners, their children and children towards whom they exercise parental or parent-guardian responsibilities shall be deemed to be insured persons for whom the rights and obligations under compulsory health insurance are ensured, within the meaning of a separate act on compulsory health insurance.

(2) The life partner of a deceased insured person who, after the death of their life partner, did not acquire the right to a survivor's pension shall acquire the status of insured person if they register with the Croatian Institute for Health Insurance (hereinafter: Institute) within thirty days from the day of the death of their life partner, if the right to compulsory health insurance cannot be exercised on any other ground.

(3) On the termination of a life partnership, a life partner shall retain the status of insured person with the Institute as a member of the family of the life partner with whom they terminated the life partnership if:

1. they acquired the right to maintenance by a court order for the duration of that maintenance;

2. at the time the life partnership was terminated, they were completely and permanently incapable of work, pursuant to the regulations on pension insurance;

3. under a court decision on the termination of a life partnership, children were entrusted into their custody, under the condition that they register with the Institute within thirty days from the day the court decision becomes final, if they cannot exercise the right to compulsory health insurance on some other ground.

(4). The persons referred to in paragraph 3, point 1 of this Article shall retain the status of insured person as members of the family even after the termination of maintenance, under the condition that they register with the Institute within thirty days from the day the court decision becomes final, if they cannot exercise the right to compulsory health insurance on some other ground.

Possibility of protection of the health interests of a life partner

Article 67

(1) For the sake of the protection of the interests and welfare of a life partner who is not capable of giving consent to any form of medical procedure regulated by separate legislation, life partners shall have equal rights and obligations to marital partners.

(2) Any unfavourable treatment in the exercise of the rights and obligations referred to in paragraph 1 of this Article in practice, caused by the fact that a life partnership is a

relationship between persons of the same sex, constitutes discrimination on the basis of sexual orientation.

Article 68

(1) Life partnership shall have the same rights and obligations as a marriage regarding any obligations, rights or privileges prescribed by an act or subordinate legislation in relation to compulsory health insurance or healthcare.

(2) Any less favourable treatment towards life partnership than that provided for marriage relationships is prohibited in terms of obligations, rights or privileges relating to compulsory health insurance or healthcare.

(3) All legislation in the field of health insurance and healthcare shall be interpreted in line with the guarantee referred to in paragraph 2 of this Article.

9. RIGHTS AND OBLIGATIONS OF LIFE PARTNERS IN RELATION TO EMPLOYMENT AND EMPLOYMENT RELATIONS

Prohibition of discrimination

Article 69

(1) Unfavourable treatment of any kind in relation to employment, working conditions and participation on the labour market caused by the status of life partnership constitutes a form of discrimination on the basis of sexual orientation and as such is prohibited.

(2) The rights ensured for marital partners by general regulations on employment and all the sources of rights prescribed by them from employment relationships shall also be guaranteed to life partners.

Guarantee of prohibition of less favourable treatment

Article 70

(1) The rights and obligations of life partners on the labour market may be amended by separate acts regulating labour relations, with respect thereby for the guarantee of prohibition of less favourable treatment towards life partners than that provided to marital partners, regarding obligations, rights or privileges relating to their status on the labour market.

(2) All legislation on employment shall be interpreted in line with the guarantee referred to in paragraph 1 of this Article.

10. ACCESS TO PUBLIC AND MARKET-RELATED SERVICES

Prohibition of discrimination

Article 71

(1) Unfavourable treatment on the basis of a life partnership in relation to access to all services, both market and in the public sector, constitutes a form of discrimination, and as such is prohibited.

(2) Insurance companies may not, whether directly or indirectly, place life partnerships in a less favourable position than marital relationships, regarding access to insurance services.

Lease Contracts

Article 72

(1) Lease contracts for an apartment shall be concluded with one partner, or exceptionally with both life partners.

(2) The lessor may not terminate a lease contract if the apartment is being used by the life partner who is not mentioned in the lease contract.

(3) In the case of the death of the lessee or when the lessee vacates the apartment, the rights and obligations of the lessee from the lease contract on the apartment shall pass to their life partner. If there is no life partner, the rights and obligations from the lease contract shall pass to a child or children towards whom parental or partner-guardianship responsibilities are exercised, who are mentioned in the lease contract.

11. PUBLIC LAW STATUS OF LIFE PARTNERSHIP

Approval of temporary stay for family reunification

Article 73

(1) Life partners who concluded a life partnership or marriage and registered it pursuant to the regulations of the state in which the partnership or marriage was concluded, or partners of the same sex who live in an informal life relationship lasting no less than three years, have the right to file an application for temporary stay in the Republic of Croatia, pursuant to a separate act.

(2) In the procedure to approve temporary stay referred to in paragraph 1 of this Article, the competent body, pursuant to a separate act, is obliged to take into account with particular care the circumstance that the life partners have kept their family life secret.

Freedom of movement within the European Economic Area

Article 74

(1) In order to guarantee the fundamental freedom of movement, pursuant to the Treaty on the Functioning of the European Union, a life partnership or marriage between persons of the same sex who are citizens of a member state of the European Economic Area, or those in which one of the persons has citizenship of a state outside the European Economic Area, concluded and registered pursuant to the regulations of the member state in which that relationship was concluded, shall enjoy equal possibilities of access to the rights and

privileges included in the scope of the guarantee of fundamental freedom of movement within the European Economic Area to marital relationships concluded in the Republic of Croatia.

(2) In the exercise of the fundamental freedom of movement within the European Economic Area, a life partnership concluded between citizens of member states of the European Economic Area, pursuant to the provisions of this Act, including a partnership in which only one of the partners has citizenship of a member state, shall be equal in status to a marital relationship.

Status of same-sex life partnerships concluded outside the European Economic Area

Article 75

(1) A life partnership or marriage between people of the same sex between Croatian citizens and citizens of states which are not members of the European Economic Area, concluded and registered pursuant to the legislation of a state which is not a member of the European Economic Area, shall be equal in terms of rights, obligations and status to life partnerships concluded pursuant to the provisions of this Act and separate legislation governing the status of aliens in the Republic of Croatia.

(2) A life partnership or marriage between people of the same sex between citizens of states which are not members of the European Economic Area, concluded and registered pursuant to the legislation of a state which is not a member of the European Economic Area, and who are legally resident in the territory of the Republic of Croatia, is equal in status to marital relationships between citizens of states which are not members of the European Economic Area.

(3) Regarding the rights and obligations which fall under the scope of Article 74, paragraph 1 of this Act, the provisions of paragraph 1 of this Article shall be applied to a life partnership or marriage of persons of the same sex, concluded between citizens of a member state of the European Economic Area in the member state, including those in which one of the persons has citizenship of a state outside the European Economic Area.

International protection

Article 76

(1) For the purpose of realising the possibility of protection of asylum seekers, those granted asylum, aliens under subsidiary protection and aliens under temporary protection, and especially the possibility of realising the right to family reunification, life partnership shall enjoy the same status as marriage if that partnership already existed in the country of origin of the asylum seeker, the person granted asylum, the alien under subsidiary protection and the alien under temporary protection.

(2) If, in the country of origin, no regulations exist regulating the requirements for the formation and duration of a life partnership, for the purposes of exercising the protection referred to in paragraph 1 of this Article, the provisions of a separate act governing questions of international protection shall be applied.

(3) In order to realise the possibility of effective protection referred to in paragraph 1 of this Article, the competent bodies, in gathering the necessary information and evidence, and in making the assessment referred to in paragraph 1 of this Article, shall proceed pursuant to Article 73, paragraph 2 of this Act.

Acquisition of Croatian citizenship

Article 77

A person who is in a life partnership with a Croatian citizen may acquire Croatian citizenship under the same conditions as a person who is married to a Croatian citizen.

Rights and obligations of life partners during the service of prison sentences

Article 78

Life partners are family members and are equal in status to marriage partners for the purpose of realising the rights and obligations prescribed by a separate act regulating the status of persons serving prison sentences.

Guarantee of prohibition of less favourable treatment

Article 79

(1) The public law status of life partners relating to the acquisition of citizenship, freedom of movement and residence and international protection may be amended by separate acts, with respect thereby for the guarantee of prohibition of less favourable treatment of life partnerships than that provided for marital relationships, regarding obligations, rights or privileges.

(2) All legislation on the public law status of life partnership shall be interpreted in line with the guarantee referred to in paragraph 1 of this Article.

TRANSITIONAL AND CONCLUDING PROVISIONS

Article 80

The minister competent for administrative affairs shall adopt an ordinance within three months of the day this Act comes into force to prescribe standards for establishing the amount of fees and the use of the income received from the conclusion of life partnerships, an ordinance to prescribe the form of documents issued from the register of life partnerships, and an instruction to prescribe the manner in which the register is to be kept.

Article 81

When this Act comes into force the Same-Sex Relationships Act (Official Gazette: 116/03) shall no longer be in force.

Article 82

This Act shall enter into force on the eighth day following its publication in the "Official Gazette", apart from Articles 40 – 43 of this Act, which shall come into force on 1 September 2014.

Class:

022-03/13-01/337

Zagreb, 15 July 2014

THE CROATIAN PARLIAMENT

President of the

Croatian
Parliament

Josip Leko, m.p.