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Property consequences of registered partnerships



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European Judicial Network
(in civil and commercial matters)

1 Are there different forms of "registered partnerships" in this Member State? Explain the differences between the different forms?

In the Republic of Croatia, the life partnership of same-sex couples is governed by the Act on the life partnership of same-sex couples (*Zakon o životnom partnerstvu osoba istog spola*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 92/14 and 98/19). Apart from life partnerships, the Act also defines informal life partnerships.

A life partnership is a union of family life between two persons of the same sex, entered into before a competent authority in accordance with the provisions of the Act. The life partnership is recorded in a register and documents are issued on the basis of the data recorded.

The life partners agree and decide jointly on all matters of relevance to their conjugal life. They have the right to respect for privacy of family life and the right to cohabitation.

They also have the obligation to provide mutual assistance, care and help in the event of sickness and have the same procedural rights and status as spouses in any judicial and administrative proceedings.

An informal life partnership is a union of family life between two persons of the same sex who have not entered into a life partnership before a competent authority, provided that the union has lasted for at least three years and has met the prerequisites for the validity of a life partnership from the outset. An informal life partnership is not recorded in a register and no document is issued. The existence of an informal life partnership is proven in the same way and under the same conditions as cohabitation.

An informal life partnership that fulfils the conditions laid down in the Act creates personal and property consequences, to which the provisions of the Act on the life partnership of same-sex couples in the areas of individual rights, relationships with children and property relations of the life partners apply *mutatis mutandis*.

In the areas of inheritance, taxation, pension insurance, the social welfare system, mandatory health insurance and healthcare, rights and obligations arising from employment relations, access to public and market services and status under public law, an informal life partnership produces the same effects as special legislation governing those areas has on cohabitation.

2 Is there a statutory property regime for registered partnerships in this Member State? What does it provide? To which forms of "registered

partnership” does it apply?

The Act on the life partnership of same-sex couples governs the property relations of life partners.

According to the Act, life partners may possess partnership property (*partnerska stečevina*) and individual property (*vlastita imovina*).

Partnership property is property acquired by life partners through work during the life partnership or derived from such property. Life partners are co-owners of partnership property in equal parts, unless they have agreed otherwise. Copyright proceeds and copyright-related rights acquired during a life partnership constitute partnership property.

3 How can partners arrange their property regime? What are the formal requirements in this case?

Life partners may organise their relations with regard to partnership property differently by means of a property contract between life partners (*ugovor o imovini životnih partnera*). A property contract between life partners must be concluded in writing and the signatures of the life partners must be certified by a notary. It is prohibited for a property contract between life partners to require the application of foreign law to their property relations.

The property relations of life partners not covered by the Act on the life partnership of same-sex couples are regulated *mutatis mutandis* by the provisions of the special legislation governing family relations applicable to this area. Partnership property is regulated by the provisions of the special legislation governing matters of rights *in rem* and the law of obligations, unless the Act on the life partnership of same-sex couples provides otherwise.

4 Are there restrictions on the freedom to arrange a property regime?

It is prohibited for a property contract between life partners to require the application of foreign law to their property relations.

5 What are the legal effects of dissolution or annulment on the property consequences of the registered partnership?

Matters which are not regulated separately under the Act on the life partnership of same-sex couples are regulated *mutatis mutandis* by the provisions of special legislation (Act on the life partnership of same-sex couples: Article 54 (1) The property relations of life partners not covered by this Act shall be regulated *mutatis mutandis* by the provisions of the special legislation governing family relations applicable to this area. (2) Partnership property shall be regulated by the provisions of the special legislation governing matters of rights *in rem* and the law of obligations, unless the Act on the life partnership of same-sex couples provides otherwise.).

6 What are the effects of death on the property consequences of the registered partnership?

Matters which are not regulated separately under the Act on the life partnership of same-sex couples are regulated *mutatis mutandis* by the provisions of special legislation (Act on the life partnership of same-sex couples: Article 55 The inheritance of life partners shall be regulated *mutatis mutandis* by the legislative provisions governing inheritance law, and the life partner shall be treated in the same way under inheritance law as a spouse, and children under the care of the partners shall be treated as their children.).

7 Which authority has the competence to decide in a case relating to the property consequences of the registered partnership?

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couples: Article 54 (1) The property relations of life partners not covered by this Act shall be regulated *mutatis mutandis* by the provisions of the special legislation governing family relations applicable to this area. (2) Partnership property shall be regulated by the provisions of the special legislation governing matters of rights *in rem* and the law of obligations, unless the Act on the life partnership of same-sex couples provides otherwise.).

8 What are the effects of the property consequences of the registered partnership on legal relationships between a partner and a third party?

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9 A short description of the procedure for the division, including partition, distribution and liquidation, of the property of the registered partnership in this Member State

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10 What is the procedure and documents or information typically required for the purpose of registration of immovable property?

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