

CIVIL UNION ACT (ZPZ)

Article 1 (Subject of the Act)

This Act regulates formal civil unions (hereinafter: civil unions) and non-formal civil unions, and refers to the application mutatis mutandis of the provisions of the act governing marriage.

Article 2 (Civil union)

(1) A civil union is a domestic community between two women or two men, the formalisation, legal consequences and termination of which shall be regulated by this Act.

(2) Such union shall have the same legal consequences as marriage in all legal spheres, unless otherwise provided by this Act.

(3) Civil union partners cannot adopt children together. Civil union partners shall not have the right to biomedically assisted procreation.

Article 3 (Non-formal civil union)

(1) A non-formal civil union is a long-term domestic community between two women or two men who have not formalised a civil union, but there are no reasons for the civil union between them to be invalid.

(2) Such union shall have the same legal consequences for the two partners under this Act as if the partners had formalised their civil union. A non-formal civil union shall also have the same legal consequences as cohabitation in those legal spheres in which cohabitation has legal consequences, unless otherwise provided by this Act.

(3) If a decision on a right or obligation depends on the issue of existence of a domestic community referred to in paragraph one of this Article, the decision shall be made in the procedure for establishing such a right or obligation. A decision on that issue shall only have legal effect in the matter in which the issue was resolved.

(4) Partners living in a non-formal civil union cannot adopt children together. Partners living in a non-formal civil union shall not have the right to biomedically assisted procreation.

Article 4 (Mutatis mutandis application of the provisions on marriage)

(1) The provisions of the act regulating marriage relating to the basis for marriage and equality of spouses shall apply mutatis mutandis as the basis for civil unions and for the equality between female or male partners (hereinafter: partners) in a civil union.

(2) The conditions for the formalisation of a civil union and its validity shall be considered *mutatis mutandis* in accordance with the conditions for the contracting of marriage and its validity as laid down in the act regulating marriage.

(3) Notwithstanding the preceding paragraph, a civil union can only be formalised if the two persons entering into the civil union are of the same sex.

(4) Notwithstanding paragraph two of this Article a person cannot enter into a civil union until his/her previously contracted marriage, registered civil partnership or civil union has been terminated or annulled.

(5) For the procedure prior to the formalisation of a civil union the provisions on the procedure prior to the contracting of a marriage as provided by the act regulating marriage shall apply *mutatis mutandis*.

(6) For the formalisation of a civil union the provisions on the contracting of marriage as provided by the act regulating marriage shall apply *mutatis mutandis*.

(7) For the invalidity of a civil union the provisions on an invalid marriage as provided by the act regulating marriage shall apply *mutatis mutandis*.

(8) For the rights and obligations of civil union partners the provisions on the rights and obligations of spouses as provided by the act regulating marriage shall apply *mutatis mutandis*.

(9) In respect of property relations between civil union partners, the provisions on property relations between spouses as provided by the act regulating marriage shall apply *mutatis mutandis*.

(10) For the termination of a civil union the provisions on the termination of a marriage as provided by the act regulating marriage shall apply *mutatis mutandis*.

(11) For relations between partners after the dissolution of a civil union the provisions on relations between divorced spouses as laid down in the act regulating marriage shall apply *mutatis mutandis*.

TRANSITIONAL AND FINAL PROVISIONS

Article 5

(End of validity of the Civil Partnership Registration Act and the conversion of a registered civil partnership into a civil union)

(1) As of the date of application of this Act the Civil Partnership Registration Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 65/05, 55/09 - Constitutional Court Decision and 18/16 – Constitutional Court Decision) shall cease to be in force, but shall still apply for a further period of six months after the date of application of this Act. As of the date of application of this Act no new civil partnership may be registered under the Civil Partnership Registration Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 65/05, 55/09 – Constitutional Court Decision and 18/16 – Constitutional Court Decision).

(2) In accordance with this Act, registered civil partnerships shall be converted into civil unions six months from the date of application of this Act if the partners do not make a statement referred to in paragraph three or four of this Article and provided that the

conditions for the formation of a civil union are fulfilled as provided by this Act. Within fifteen days of the date of application of this Act, administrative units shall inform the partners in registered civil partnerships of the conversion of their registered civil partnership into a civil union under this Act, of the possibility of making a statement referred to in paragraph three or four of this Article, of the time limit for submitting such statement and of the legal consequences of the submitted statement. In respect of the notification of partners in registered civil partnerships referred to in the preceding sentence, the provisions on personal service as provided by the act regulating the general administrative procedure shall apply.

(3) Where the partners in a registered civil partnership make a statement before a registrar by the date prior to the expiry of six months from the date of application of this Act that they wish to convert the registered civil partnership into a civil union under this Act, the registered civil partnership shall be converted into a civil union on the date of their statement.

(4) Where the partners in a registered civil partnership or either of them make a statement before a registrar by the date prior to the expiry of six months from the date of application of this Act that they do not wish to convert the registered civil partnership into a civil union under this Act, the registered civil partnership shall be terminated on the date of their statement.

(5) Regarding a change of surnames of the partners in a civil union upon the conversion of a registered civil partnership into a civil union, the provisions of the act regulating personal names shall apply *mutatis mutandis*. If in the procedure of converting a registered civil partnership into a civil union the partners do not decide on the form of surname they will take after the conversion of the registered civil partnership, they shall each maintain the surname they have at the time the registered civil partnership is converted into a civil union.

(6) The provisions of the Civil Partnership Registration Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 65/5, 55/09 – Constitutional Court Decision and 18/16 – Constitutional Court Decision) governing the legal consequences of termination of a registered civil partnership shall also apply after the expiry of the time limit referred to in paragraph one of this Article in respect of the rights and obligations of the partners in a registered civil partnership after the registered civil partnership terminates.

(7) The procedures regarding the termination of a registered civil partnership and disputes relating to the annulment of registration of a civil partnership initiated prior to the date of application of this Act shall be concluded under the provisions of the Civil Partnership Registration Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 65/5, 55/09 – Constitutional Court Decision and 18/16 – Constitutional Court Decision). In the event that a final decision on the existence of a registered civil partnership is taken after the date of application of this Act, the time limit referred to in paragraphs one, two, three and four of this Article shall run from the date the final decision is taken, while for conversion into a civil union the provisions of this Act shall apply.

(8) The notification of partners in a registered civil partnership, the conducting of the procedure of converting a registered civil partnership into a civil union and the entry of such conversion in the civil register shall fall within the territorial jurisdiction of the administrative unit where the civil partnership was registered or entered.

Article 6 **(Entry in the civil register)**

(1) From the date of entry into force of this Act until the harmonisation of the act regulating the civil register, data on the formalisation, invalidity and termination of a civil union shall be entered in the civil register in accordance with the provisions of the act regulating the civil register and of this Act.

(2) For the entry of data referred to in the preceding paragraph in the civil register, the provisions on the entry of the formalisation, invalidity and termination of a marriage as provided by the act regulating the civil register shall apply *mutatis mutandis*.

(3) For the entry of a civil union formalised abroad in the civil register the provisions of the act regulating the civil register that refer to the entry of civil register facts established abroad shall apply *mutatis mutandis*. A civil union formalised abroad shall be entered in the civil register if in the country of formalisation such union has the same legal consequences as a marriage between a man and a woman in the Republic of Slovenia, and if the conditions referred to in paragraphs two, three and four of Article 4 of this Act are met.

(4) Until these issues are regulated in sectoral laws, users who have a legal basis for obtaining information on marriages or registered civil partnerships shall also have the right to obtain data on the formalisation, invalidity and termination of civil unions from the central population register and the civil register.

Article 7 **(Change of surnames of partners in a civil union)**

From the date of entry into force of this Act until the harmonisation of the act regulating personal names, the provisions of the act regulating personal names shall apply *mutatis mutandis* to the change of surnames of partners in a civil union upon the formalisation, dissolution and annulment of the civil union.

Article 8 **(End of validity of implementing regulations)**

(1) As of the date of application of this Act the Rules on the registration of civil partnerships shall cease to be in force (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 55/06 and 91/11), but shall still apply for a further period of six months after the date of application of this Act.

(2) The minister responsible for internal affairs shall harmonise the Rules on the implementation of the Civil Register Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 40/05 and 69/09) with the provisions of this Act within six months of the entry into force of this Act.

Article 9 **(Cessation of application of provisions)**

The provisions of another act or implementing regulations governing the legal consequences of a registered civil partnership shall cease to apply six months after the date of application of this Act.

Article 10 **(Entry into force and application of this Act)**

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia and shall begin to apply nine months after its entry into force.

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National Assembly
of the Republic of Slovenia
Dr Milan Brglez, m.p.
President