

Opozorilo: Osnovno besedilo predpisa

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ZAKON O PARTNERSKI ZVEZI (ZPZ)

CIVIL UNION ACT (ZPZ)

1. člen (vsebina zakona)

Article 1 (Subject of the Act)

Ta zakon ureja sklenjeno partnersko zvezo (v nadaljnjem besedilu: partnerska zveza), nesklenjeno partnersko zvezo in napotuje na smiselno uporabo določb zakona, ki ureja zakonsko zvezo.

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.

2. člen (partnerska zveza)

Article 2 (Civil union)

(1) Partnerska zveza je življenjska skupnost dveh žensk ali dveh moških, katere sklenitev, pravne posledice in prenehanje ureja ta zakon.

(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) Taka zveza ima na vseh pravnih področjih enake pravne posledice kot jih ima zakonska zveza, razen če ta zakon določa drugače.

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

(3) Partnerja partnerske zveze ne moreta skupaj posvojiti otroka. Partnerja partnerske zveze nista upravičena do postopkov oploditve z biomedicinsko pomočjo.

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

3. člen

Article 3

(nesklenjena partnerska zveza)

(1) Nesklenjena partnerska zveza je dalj časa trajajoča življenjska skupnost dveh žensk ali dveh moških, ki nista sklenila partnerske zveze, in ni razlogov, zaradi katerih bi bila partnerska zveza med njima neveljavna.

(2) Taka zveza ima v razmerju med njima enake pravne posledice po tem zakonu, kakor če bi sklenila partnersko zvezo. Nesklenjena partnerska zveza ima enake pravne posledice kot zunajzakonska skupnost tudi na tistih pravnih področjih, na katerih ima pravne posledice zunajzakonska skupnost, razen če ta zakon določa drugače.

(3) Če je odločitev o pravici ali obveznosti odvisna od vprašanja obstoja življenjske skupnosti iz prvega odstavka tega člena, se o tem vprašanju odloči v postopku za ugotovitev te pravice ali obveznosti. Odločitev o tem vprašanju ima pravni učinek samo v zadevi, v kateri je bilo to vprašanje rešeno.

(4) Partnerja nesklenjene partnerske zveze ne moreta skupaj posvojiti otroka. Partnerja nesklenjene partnerske zveze nista upravičena do postopkov oploditve z biomedicinsko pomočjo.

4. člen (smiselna uporaba določb o zakonski zvezi)

(1) Za temelj partnerske zveze in enakopravnost partnerjev ali partneric (v nadaljnjem besedilu: partnerja) partnerske zveze se smiselno uporabljajo določbe zakona, ki ureja zakonsko zvezo o temelju zakonske zveze in enakopravnosti zakoncev.

(2) Pogoji za sklenitev in veljavnost partnerske zveze se presojajo smiselno v skladu s pogoji za sklenitev in veljavnost zakonske zveze, kot jih določa zakon, ki ureja zakonsko zvezo.

(3) Ne glede na prejšnji odstavek je za sklenitev partnerske zveze potrebno, da sta osebi, ki sklepata partnersko zvezo, istega spola.

(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) Ne glede na drugi odstavek tega člena partnerske zveze ne more skleniti oseba, dokler njena prej sklenjena zakonska zveza, registrirana istospolna partnerska skupnost ali partnerska zveza ne preneha ali ni razveljavljena.

(5) Za postopek pred sklenitvijo partnerske zveze se smiselno uporabljajo določbe o postopku pred sklenitvijo zakonske zveze, kot jih določa zakon, ki ureja zakonsko zvezo.

(6) Za sklenitev partnerske zveze se smiselno uporabljajo določbe o sklenitvi zakonske zveze, kot jih določa zakon, ki ureja zakonsko zvezo.

(7) Za neveljavnost partnerske zveze se smiselno uporabljajo določbe o neveljavni zakonski zvezi, kot jih določa zakon, ki ureja zakonsko zvezo.

(8) Za pravice in dolžnosti partnerjev partnerske zveze se smiselno uporabljajo določbe o pravicah in dolžnostih zakoncev, kot jih določa zakon, ki ureja zakonsko zvezo.

(9) Za premoženjska razmerja med partnerjema partnerske zveze se smiselno uporabljajo določbe o premoženjskih razmerjih med zakonci, kot jih določa zakon, ki ureja zakonsko zvezo.

(10) Za prenehanje partnerske zveze se smiselno uporabljajo določbe o prenehanju zakonske zveze, kot jih določa zakon, ki ureja zakonsko zvezo.

(11) Za razmerja med razvezanima partnerjema partnerske zveze se smiselno uporabljajo določbe o razmerjih med razvezanima zakoncema, kot jih določa zakon, ki ureja zakonsko zvezo.

PREHODNE IN KONČNE DOLOČBE

5. člen

(prenehanje veljavnosti Zakona o registraciji istospolne partnerske skupnosti in preoblikovanje registrirane istospolne partnerske

(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)

skupnosti v partnersko zvezo)

(1) Z dnem začetka uporabe tega zakona preneha veljati Zakon o registraciji istospolne partnerske skupnosti (Uradni list RS, št. 65/05, 55/09 – odl. US in 18/16 – odl. US), uporablja pa se še šest mesecev po začetku uporabe tega zakona. Od začetka uporabe tega zakona ni mogoče registrirati novih istospolnih partnerskih skupnosti po Zakonu o registraciji istospolne partnerske skupnosti (Uradni list RS, št. 65/05, 55/09 – odl. US in 18/16 – odl. US).

(2) Registrirana istospolna partnerska skupnost se s tem zakonom šest mesecev po dnevu začetka uporabe tega zakona preoblikuje v partnersko zvezo, če partnerja ne podata izjave iz tretjega ali četrtega odstavka tega člena in če so izpolnjeni pogoji za nastanek partnerske zveze kot jih določa ta zakon. Upravne enote v petnajstih dneh po dnevu začetka uporabe tega zakona obvestijo partnerja registrirane istospolne partnerske skupnosti o preoblikovanju registrirane istospolne partnerske skupnosti v partnersko zvezo po tem zakonu, o možnosti izjave iz tretjega ali četrtega odstavka tega člena, o roku za podajo te izjave in o pravnih posledicah podane izjave. Za obvestitev partnerjev registrirane istospolne partnerske skupnosti iz prejšnjega stavka se uporabljajo določbe zakona, ki ureja splošni upravni postopek, o osebnem vročanju.

(3) Če partnerja registrirane istospolne partnerske skupnosti do dneva pred potekom šestih mesecev po dnevu začetka uporabe tega zakona pred matičarjem izjavita, da želita preoblikovanja registrirane istospolne partnerske skupnosti v partnersko zvezo po tem zakonu, se registrirana istospolna partnerska skupnost preoblikuje v partnersko zvezo z dnem njune izjave.

(4) Če partnerja registrirane istospolne partnerske skupnosti ali eden od njiju do dneva pred potekom šestih mesecev po dnevu začetka uporabe tega zakona pred matičarjem izjavita, da ne želita preoblikovanja registrirane istospolne partnerske skupnosti v partnersko zvezo po tem zakonu, registrirana istospolna partnerska skupnost preneha z dnem njune izjave.

(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 – Dec. of the CC and 18/16 – Dec. of the CC) 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 – Dec. of the CC and 18/16 – Dec. of the CC).

(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) Za spremembo priimka partnerjev partnerske zveze ob preoblikovanju registrirane istospolne partnerske skupnosti v partnersko zvezo se smiselno uporabljajo določbe zakona, ki ureja osebno ime. Če se partnerja v postopku preoblikovanja registrirane istospolne partnerske skupnosti v partnersko zvezo ne izjavita o obliki priimka po preoblikovanju partnerske skupnosti, ohranita priimek, ki ga ima vsak od njiju ob preoblikovanju registrirane istospolne partnerske skupnosti v partnersko zvezo.

(6) Določbe Zakona o registraciji istospolne partnerske skupnosti (Uradni list RS, št. 65/05, 55/09 – odl. US in 18/16 – odl. US), ki urejajo pravne posledice prenehanja registrirane istospolne partnerske skupnosti, se uporabljajo glede pravic in obveznosti partnerjev registrirane istospolne partnerske skupnosti po prenehanju registrirane istospolne partnerske skupnosti tudi po preteku roka iz prvega odstavka tega člena.

(7) Postopki prenehanja registrirane istospolne partnerske skupnosti in spori o razveljavitvi registracije istospolne partnerske skupnosti, ki so bili začeti pred začetkom uporabe tega zakona, se dokončajo po določbah Zakona o registraciji istospolne partnerske skupnosti (Uradni list RS, št. 65/05, 55/09 – odl. US in 18/16 – odl. US). Če pride do pravnomočne odločitve o obstoju registrirane istospolne partnerske skupnosti po začetku uporabe tega zakona, začne teči rok iz prvega, drugega, tretjega in četrtega odstavka tega člena z dnem pravnomočne odločitve, za preoblikovanje v partnersko zvezo pa se uporabljajo določbe tega člena.

(8) Za obvestitev partnerjev registrirane istospolne partnerske skupnosti, za vodenje postopka preoblikovanja registrirane istospolne partnerske skupnosti v partnersko zvezo in vpis preoblikovanja v matični register je krajevno pristojna upravna enota, pri kateri je bila istospolna partnerska skupnost registrirana oziroma vpisana.

6. člen
(vpis v matični register)

(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 – Dec. of the CC and 18/16 – Dec. of the CC) 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 – Dec. of the CC and 18/16 – Dec. of the CC). 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) Z dnem uveljavitve tega zakona se do uskladitve zakona, ki ureja matični register, podatki o sklenitvi, neveljavnosti in prenehanju partnerske zveze vpisujejo v matični register v skladu z določbami zakona, ki ureja matični register, in tega zakona.

(2) Za vpis podatkov iz prejšnjega odstavka v matični register se smiselno uporabljajo določbe o vpisu sklenitve, neveljavnosti in prenehanja zakonske zveze, kot jih določa zakon, ki ureja matični register.

(3) Za vpis partnerske zveze, sklenjene v tujini, v matični register se smiselno uporabljajo določbe zakona, ki ureja matični register, ki se nanašajo na vpis matičnih dejstev, nastalih v tujini. Partnerska zveza, sklenjena v tujini, se vpiše v matični register, če ima takšna zveza v državi sklenitve enake pravne posledice, kot jih ima zakonska zveza med moškim in žensko v Republiki Sloveniji in če so izpolnjeni pogoji iz drugega, tretjega in četrtega odstavka 4. člena tega zakona.

(4) Do ureditve v področnih zakonih imajo uporabniki, ki imajo zakonsko podlago za pridobivanje podatka o zakonski zvezi ali registrirani istospolni partnerski skupnosti, pravico iz centralnega registra prebivalstva in matičnega registra pridobiti tudi podatke o sklenitvi, neveljavnosti in prenehanju partnerske zveze.

7. člen

(sprememba priimka partnerjev partnerske zveze)

Z dnem uveljavitve tega zakona se do uskladitve zakona, ki ureja osebno ime, za spremembo priimka partnerjev partnerske zveze ob sklenitvi, razvezi in razveljavitvi partnerske zveze smiselno uporabljajo določbe zakona, ki ureja osebno ime.

8. člen

(prenehanje veljavnosti podzakonskega predpisa)

(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 Acts, 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) Z dnem začetka uporabe tega zakona preneha veljati Pravilnik o registraciji istospolnih partnerskih skupnosti (Uradni list RS, št. 55/06 in 91/11), uporablja pa se še šest mesecev po začetku uporabe tega zakona.

(2) Minister, pristojen za notranje zadeve v šestih mesecih po uveljavitvi tega zakona uskladi Pravilnik o izvrševanju zakona o matičnem registru (Uradni list RS, št. 40/05 in 69/09) z določbami tega zakona.

9. člen
(prenehanje uporabe določb)

Določbe drugega zakona ali podzakonskega predpisa, ki določajo pravne posledice registrirane istospolne partnerske skupnosti, se šest mesecev po začetku uporabe tega zakona prenehajo uporabljati.

10. člen
(uveljavitev in začetek uporabe zakona)

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije, uporabljati pa se začne devet mesecev po njegovi uveljavitvi.

Št. 542-08/15-18/35
Ljubljana, dne 21. aprila 2016
EPA 967-VII

Državni zbor
Republike
Slovenije

dr. Milan
Brglez l.r.
Predsednik

(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.

No. 542-08/15-18/35
Ljubljana, 21 April 2016
EPA 967-VII

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

