

CROATIA

LEGAL BASIS

- 1. Has your State signed and/or ratified the *United Nations Convention on special missions* (1969)? If not, does your State intend to sign/ratify the Convention?**

The Republic of Croatia is a party to the United Nations Convention on special missions (1969) by virtue of succession of the Socialist Federal Republic of Yugoslavia of 8 October 1991.

- 2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?**

The Republic of Croatia is a party to a number of multilateral agreements in this area, such as the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963, the Convention on Privileges and Immunities of the United Nations of 1946, the Convention on Privileges and Immunities of the Specialized Agencies of 1947, etc. The Republic of Croatia is also a party to international agreements providing for privileges and immunities of international organizations of which the Republic of Croatia is a member or host state.

- 3. Has your State adopted a specific national legislation in the field of immunities of special missions?**
 - a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**
 - b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

The Republic of Croatia has not adopted specific legislation or any provisions on the issue of immunities of special missions. However, Article 141 of the Constitution of the Republic of Croatia (Official Gazette, No 85/10 and 5/14 Decision of the Constitutional Court of the Republic of Croatia) stipulates that: “*International treaties which have been concluded and ratified in accordance with the Constitution, published and, which have entered into force shall be a component of the domestic legal order of the Republic of Croatia and shall have primacy over domestic law. Their provisions may be altered or repealed only under the conditions and in the manner specified therein or in accordance with the general rules of international law.*”.

- 4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.**

The authorities of the Republic of Croatia have not released any official statement, report or document concerning the status and the immunities of special missions.

- 5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

The Republic of Croatia considers that the provisions of the Convention on special missions, in particular the provisions concerning the scope of privileges and immunities, reflect customary international law. With regard to States that are not Parties to the Convention, the customary nature of relevant rules shall be assessed on a case-by case basis.

- 6. Please provide information on the scope of the immunities of special missions, in particular:**
- a. The extent of the privileges and immunities granted to special missions and to their members;**
 - b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);**
 - c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;**
 - d. The temporal limits of the immunities accorded to special missions.**

The Republic of Croatia, being Party to the Convention on special missions, would in all possible cases apply its relevant provisions. The Republic of Croatia is not able to provide additional information on points a – d above, since, as the Party to the Convention, the Republic of Croatia has neither received any proposal/suggestion/request from another State to receive a special mission of that State on its territory in accordance with the Convention, nor has any State ever invoked the provisions of the Convention in bilateral relations with the Republic of Croatia.

NATIONAL PRACTICE AND PROCEDURE

- 7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

There is no national case law in the field of immunities of special missions.

- 8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**
- a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?**
 - b. In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?**

There is no mechanism of formal agreement under which the Republic of Croatia accepts in advance that an official visit constitutes or not a special mission. Since the Republic of Croatia has not received any request in this respect so far, direct or indirect (as already indicated previously in relation to point 6), it is unable to provide information if the behaviour of the governmental authorities would be interpreted as an implied consent.