

Title	Questionnaire on the practical operation of the HCCH 2000 Protection of Adults Convention
Document	Prel. Doc. No 2 of September 2020
Author	PB
Agenda Item	TBD
Mandates(s)	C&R No 34 of the 2019 CGAP; C&D No 31 of the 2020 GCAP
Objective	<ul style="list-style-type: none"> – To seek information as to the implementation and practical operation of the 2000 Convention in Contracting Parties; – To identify challenges or questions that have arisen in the practical operation of the 2000 Convention in Contracting Parties; – To seek information as to the implementation of the 2000 Convention in non-Contracting Party Members of the HCCH; – To assist with the preparation of a draft Country Profile under the 2000 Convention in advance of the SC; – To assist with the drawing-up of a draft Practical Handbook on the Operation of the 2000 Convention in advance of the SC; and – To obtain views and comments about other issues for discussion at the upcoming meeting of the SC. <p>Replies to the Questionnaire should be provided no later than 4 December 2020.</p>
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/> For Action <input checked="" type="checkbox"/>
Annexes	
Related Documents	<ul style="list-style-type: none"> - Prel. Doc. No 1 of July 2019 – Questionnaire to assess the need to convene a possible meeting of the Special Commission in 2022 to review the practical operation of the <i>Convention of 13 January 2000 on the International Protection of Adults</i> - Prel. Doc. 10 of December 2019 – Report on the planning for a first meeting of the Special Commission to review the practical operation of the HCCH 2000 Adults Convention

INTRODUCTION

Objectives of the Questionnaire

This Questionnaire is being circulated in preparation for a possible meeting of the Special Commission (SC) on the practical operation of the *HCCH Convention of 13 January 2000 on the International Protection of Adults*¹ (hereinafter, the “2000 Convention”) to be held in The Hague in May / June 2022 (dates to be confirmed).

A first questionnaire was circulated in July 2019 to assess the need for a possible meeting of the Special Commission to review the practical operation of the 2000 Convention. Responses from 27 Members were collated and formed Prel. Doc. 10 of December 2019² for the attention of the 2020 Council on General Affairs and Policy (CGAP). The Conclusion & Decision³ No 31 from that meeting reads as follows:

“CGAP noted the progress made in organising the first meeting of the SC on the practical operation of the 2000 Protection of Adults Convention, to be held in May / June 2022. CGAP noted the possible topics recommended by HCCH Members in their responses to the questionnaire on this matter and encouraged the PB to focus its preparations on those topics identified as being of high interest, including by developing a Practical Handbook and, resources allowing, a Country Profile.”

This Questionnaire is addressed primarily to Contracting Parties to the 2000 Convention, but certain questions (appearing in grey highlights) at the beginning of the Questionnaire and on powers of representation are also addressed to Members of the HCCH that are non-Contracting Parties.

After more than 10 years of operation of the 2000 Convention, the Questionnaire has the following broad objectives:

- a. To seek information as to the implementation and practical operation of the 2000 Convention in Contracting Parties;
- b. To identify challenges or questions that have arisen in the practical operation of the 2000 Convention in Contracting Parties;
- c. To seek information as to the implementation of the 2000 Convention in non-Contracting Party Members of the HCCH;
- d. To assist with the preparation of a draft Country Profile under the 2000 Convention in advance of the SC;
- e. To assist with the drawing-up of a draft Practical Handbook on the Operation of the 2000 Convention in advance of the SC; and
- f. To obtain views and comments about other issues for discussion at the upcoming meeting of the SC.

The Questionnaire is designed to facilitate an efficient exchange of information on these matters prior to the meeting of the SC and also assist with the drawing up of an agenda for the meeting.

Scope of the Questionnaire

The Questionnaire covers all the provisions of the 2000 Convention with the exception of the final clauses (Arts 53-59). Where relevant, reference is made to the *United Nations Convention of 13 December 2006 on*

¹ The text of the 2000 Convention is available at: < <https://assets.hcch.net/docs/c2b94b6b-c54e-4886-ae9f-c5bbef93b8f3.pdf> >.

² The text of Prel. Doc. No 10 of December 2019 is available at: < <https://assets.hcch.net/docs/d0d3112b-56c1-42d4-b19a-a04beee01dc7.pdf> >.

³ The Conclusions and Decisions of CGAP 2020 are available at: < <https://assets.hcch.net/docs/70458042-f771-4e94-9c56-df3257a1e5ff.pdf> >.

the Rights of Persons with Disabilities (hereinafter the “UNCRPD”) which the 2000 Convention may assist implementing for matters which may have cross-border implications.

In considering the questions that follow, Contracting Parties and non-Contracting Parties may find it useful to refer in particular to the new and revised edition of the Explanatory Report⁴ (ER) on the 2000 Convention drawn up by Professor Paul Lagarde.

Instructions for completion

The Questionnaire is being sent to Central Authorities designated under the 2000 Convention as well as to National and Contact Organs. Central Authorities as well as National and Contact Organs are invited to coordinate as appropriate with competent authorities⁵ in their respective States as well as stakeholders in this field (*e.g.*, guardians, curators and analogous institutions, notaries, lawyers, research / academic institutions, long-term care establishments, health care providers, financial institutions). For Contracting Parties to the Convention, Central Authorities are ultimately responsible for submitting the completed Questionnaire to the Permanent Bureau (PB).

In order to allow the PB to extract parts of the Questionnaire for a compilation and analysis of the responses, please use **this Word Version** of the document, and please **do not return a PDF version** of the completed Questionnaire.

We kindly request that replies to the Questionnaire be sent to the PB by e-mail to < secretariat@hcch.net > **no later than 4 December 2020** with the following subject matter captioned in the heading of the e-mail: “[name of State] Response to the 2000 Convention Questionnaire – 2022 Special Commission”. Any questions concerning the Questionnaire may be directed to < secretariat@hcch.net >.

The PB intends, except where expressly asked not to do so, to place all replies to the Questionnaire on the HCCH website (< www.hcch.net >). Please therefore clearly identify any responses which you do not want to be placed on the website.

Thank you for your kind co-operation.

⁴ The text of the Explanatory Report is available at: < <https://assets.hcch.net/docs/1509ab33-c2fe-4532-981c-7aa4dad9ba45.pdf> >.

⁵ The term “competent authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision making responsibility under the 2000 Convention. Whilst in the majority of States Parties such “authorities” will be courts (*i.e.*, judicial), in some States Parties administrative authorities are responsible for decision making in Convention cases.

**QUESTIONNAIRE ON THE PRACTICAL OPERATION OF
THE HCCH CONVENTION OF 13 JANUARY 2000 ON THE INTERNATIONAL PROTECTION OF ADULTS**

Wherever the responses to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 2000 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

Name of State or territorial unit:⁶	REPUBLIC OF CROATIA
<i>For follow-up purposes</i>	
Date the Questionnaire was completed:	30 November 2020
Name of contact person:	
Name of Authority / Office:	Ministry of Labour, Pension System, Family and Social Poliy, Ministry of Justice and Administration
Telephone number:	
E-mail address:	Pisarnica@mrmr.hr ; pisarnica@pravosudje.hr

Please note:

- Non-Contracting Parties to the 2000 Convention are requested to respond to all questions appearing under Part I as well as questions in Part II which numbers appear in **grey highlight**.
- Contracting Parties to the 2000 Convention are requested to complete all questions under Part II.

PART I – QUESTIONS FOR NON-CONTRACTING PARTY MEMBERS OF THE HCCH

1. Is your State considering joining the 2000 Convention?

Yes

No, if possible please explain:

In the Republic of Croatia, among other things, private law relations with an international character of adults who are not able to protect their interests due to impairment or lack of their own abilities and are placed under guardianship, have to a great extent been regulated by national legislation, however the Republic of Croatia is not considering the accession to the 2000 Convention at the moment. The Act on Private International Law (Official Gazette, No. 101/17) is in force in national legislation, which regulates the applicable law for private law relations with an international character and regulates the jurisdiction of courts and other bodies of the Republic of Croatia in legal matters the subjects of which relate to private law relations with an international character and the recognition and enforcement of foreign court decisions. In addition to the above, in the Republic of Croatia the Family Act (Official Gazette 103/15 and 98/19) prescribes the institutes of special guardianship for adults, and guardianship for adults who are deprived of legal capacity by decisions of the competent courts. Furthermore, the provisions of the Special Guardianship Center Act (Official Gazette, No. 47/20) regulate the status, activities and organization of the Special Guardianship Center and stipulate, inter alia, that the Special Guardianship Center on the basis of public authority, through a designated special guardian represents, among others, adults at courts and other bodies in accordance with the law governing family relations, i.e. the Family Act. The Republic of Croatia is implementing the National Strategy for Equalization of Opportunities for Persons

⁶ The term "State" in this Questionnaire includes a territorial unit, where relevant.

with Disabilities from 2017 to 2020, in which the United Nations Convention on the Rights of Persons with Disabilities has been implemented to the greatest extent possible (including Articles 12 and 16 of the Convention). The National Strategy is the umbrella document for the development of a policy towards persons with disabilities in the Republic of Croatia, which defines equalization of opportunities in 16 areas of activities covering different dimensions of quality of life and service delivery system for the citizens, and its measures are implemented interdepartmentally. The task of the National Strategy is to harmonize all policies in the field of promoting the rights of persons with disabilities with the achieved standards at the global level, but also all trends aimed at making all areas of life and activities open and accessible to persons with disabilities, respecting the principles of universal design and reasonable accommodation. The monitoring of the implementation of the Convention on the Rights of Persons with Disabilities is carried out by monitoring the implementation of the measures of this national strategic document, which is reported annually to the Government of the Republic of Croatia. The Commission of the Government of the Republic of Croatia for Persons with Disabilities, the members of which are the representatives of national associations of persons with disabilities, is in charge of monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities. This Commission gives its opinion on the annual Report before the adoption of the Report by the Government of the Republic of Croatia. Furthermore, the Office of the Ombudsman for Persons with Disabilities monitors the implementation of these documents, on which it reports to the Government of the Republic of Croatia on an annual basis through the Report on the Work of the Ombudsman for Persons with Disabilities. In addition to these bodies, the implementation of these documents is monitored by associations of persons with disabilities and associations that work for the benefit of persons with disabilities. It should be noted that the development of the National Plan for Equalization of Opportunities for Persons with Disabilities from 2021 to 2027 is underway, as the continuation of strategic planning.

2. In considering how your State would implement the 2000 Convention, have you encountered any issues of concern?

- No
 Yes, please explain:
[Please insert text here](#)

3. Is your State considering joining the 2000 Convention with a view to implementing its obligations under the UNCRPD, *e.g.*, Articles 12 and 16 of the UNCRPD?

- Yes
 No, please explain:
In the Republic of Croatia, the obligations under the UNCRPD, including those under Articles 12 and 16 of the UNCRPD, have been partially implemented through national legislation, and to the greatest extent possible through the national strategic document on equalization of opportunities for persons with disabilities as stated in the answer to the question under item 1 in Part I of this Questionnaire.

PART II – PRACTICAL OPERATION AND IMPLEMENTATION OF THE 2000 CONVENTION

I – Significant developments in your State

1.1. Have there been any significant developments in your State regarding the legislation or procedural rules applicable in cases, including in international situations, of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests? Where possible, please state the reason for the development in the legislation / rules (*e.g.*, in connection with the implementation of the UNCRPD), and, where possible, the results achieved in practice:

- No
 Yes, please describe:
[Please insert text here](#)

1.2. Please provide a brief summary of any significant decisions concerning the interpretation and / or application of the 2000 Convention rendered by the competent authorities⁷ in your State, including in the context of the UNCRPD and other relevant instruments:

[Please insert text here](#)

1.3. Please provide a brief summary of any other significant relevant developments in your State since it became a Contracting Party to the 2000 Convention:

[Please insert text here](#)

II – General operation information

2.1. Please indicate the number of cases handled by your Central Authority since the 2000 Convention came into force for your State:

[Please insert text here](#)

2.2. Please indicate, if possible, the names of the Contracting Parties involved in the cases referred to in question 2.1.:

[Please insert text here](#)

2.3. Please indicate the month and year when the 2000 Convention came into force for your State:

[Please insert text here](#)

2.4. Please indicate the number of Full Time Equivalents (FTEs) employed at this moment by your Central Authority dedicated to the operation of the 2000 Convention:

[Please insert text here](#)

III – Scope

3.1. Have competent authorities⁸ in your State experienced any challenges, or have questions arisen, in determining the scope of the Convention under **Article 1** (meaning of “adults who, by reason of an

⁷ The term “competent authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 2000 Convention. Whilst in the majority of States Parties such “authorities” will be courts (i.e., judicial), in some States Parties administrative authorities are responsible for decision making in Convention cases.

⁸ *Ibid.*

impairment or insufficiency of their personal faculties, are not in a position to protect their interests”), **Article 2** (meaning of “adult”) or **Article 3** (meaning of “measures”)?)

- No
- Yes, please describe:
 - Article 1** (meaning of “adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests”), please specify:
[Please insert text here](#)
 - Article 2** (meaning of “adult”), please specify:
[Please insert text here](#)
 - Article 3** (meaning of “measures”), please specify:
[Please insert text here](#)
 - Other, please specify:
[Please insert text here](#)

3.2. Please indicate whether the following measures are available in your State and describe their fundamental features including the conditions that must be met for an adult to be subject to such measures (tick more than one box if applicable):

Guardianship, please describe:

The provisions of the Family Act (Official Gazette, No. 103/15 and 98/19) prescribe the institute of guardianship for adults. The provision of Article 232 of the Family Act prescribes, inter alia, that guardianship for adults means guardianship over an adult deprived of legal capacity. Furthermore, the Family Act in the provisions of Article 233 prescribes basic principles, in such a way that the protection of persons with disabilities, if possible, is provided by other means and measures, provided by special regulations, before a decision is made on deprivation of legal capacity and guardianship, while it is necessary to strive for the smallest possible restrictions on the rights of the ward and to take into account the personality, current or previously expressed attitudes of the relevant person, as well as the protection of the dignity and well-being of the ward as a person under guardianship. The same basic principles prescribe the need to encourage independent decision-making by the wards and at the same time the need to provide support in decision-making, as well as participation in community life with the duty of the guardians to accept the wishes and personal views of the ward unless they are contrary to the ward’s benefit. The provisions of Article 234 of the Family Act prescribe the preconditions, scope, procedure and content of deprivation of legal capacity, in such a way that the court will, in non-contentious proceedings, deprive of legal capacity in the relevant part an adult who is unable to take care of any of his/her rights, needs or interests, or who endangers the rights and interests of other persons he/she is obliged to care for. The relevant person cannot be completely deprived of legal capacity. Before making a decision on the deprivation of legal capacity, the court shall obtain an opinion of an expert in the relevant branch of medicine on the health condition of the person for whom the deprivation of legal capacity was initiated, and the impact of that condition on his/her ability to protect his/her individual right or group of rights, or on jeopardizing the rights and interests of other persons. These provisions further stipulate that in the decision on deprivation of legal capacity the court will determine the actions and activities that a person is not able to undertake independently in relation to personal status and property, while for the tasks not specified in the relevant decision the persons deprived of legal capacity will have legal capacity and therefore can take them on their own. Article 235 of the Family Act stipulates that anyone may inform the social welfare center of the need to provide protection to persons

who, due to mental disabilities or other reasons, are unable to take care of some of their rights, needs or interests, or who jeopardize the rights and interests of others for whom they are obliged to care for. In addition, the same provisions stipulate that health care institutions and elected general practitioners, i.e. family medicine doctors, are obliged to submit data on mental disorders and other causes due to which a person is unable to take care of his/her rights and interests, at the request of the social welfare center or ex officio. Before obtaining the relevant information, the consent of the person on whom the information are provided, or the consent of his or her legal representative, is required. The provisions of Article 236 of the Family Act prescribe the powers of the social welfare center in proceedings for deprivation of legal capacity, and thus stipulate that the social welfare center will propose to the court to initiate proceedings for deprivation of legal capacity when it assesses that a person is unable to take care of any of his/her rights, needs or interests, or who jeopardizes the rights and interests of other persons he/she is obliged to care for. After above proceedings have been instituted, the social welfare center shall appoint a special guardian for the relevant person in accordance with the provision of Article 241, paragraph 1, Item 1 of the Family Act, unless that person has authorized a proxy. Aforementioned special guardian is a person who has passed the bar exam and is employed in the Center for Special Guardianship, unless the person in respect of whom the procedure for deprivation of legal capacity is conducted, has designated a person for whom he/she wishes to represent him/her in the procedure for deprivation of legal capacity (anticipated order), and in this case the social welfare center will appoint that person as a special guardian if he/she meets other preconditions for appointment as a guardian prescribed by the Family Act. The provision of Article 237, paragraph 1 of the Family Act stipulates that the social welfare center is obliged to issue a decision on placing that person under guardianship and appointing a guardian within thirty days of the court decision depriving the person of legal capacity. The provisions of Article 239 of the Family Act prescribe the termination of guardianship for adults in the following way: "(1) In non-contentious proceedings, the court may decide to reduce the scope of deprivation of legal capacity to a person who has been deprived of legal capacity, or to restore legal capacity to the relevant person. (2) Guardianship for adult wards shall cease when the decision on the restoration of legal capacity becomes final or the ward dies.". The provisions of Article 248 of the Family Act stipulate: "A guardian may not be a person: 1. who is deprived of the right to parental care, 2. who is deprived of legal capacity, 3. whose interests are in conflict with the interests of the ward, 4. who, considering his/her behavior and characteristics and relations with the ward, cannot be expected to perform properly the duties of a guardian, 5. with whom the ward has concluded a lifetime or lifelong maintenance contract, and 6. with whose spouse, or extramarital partner the ward has entered into a lifetime or lifelong maintenance contract.". The provisions of Article 496 of the Family Act stipulate: "(1) Proceedings for deprivation of legal capacity may be initiated ex officio by the court, social welfare center, spouse of the person for whom the proceedings are conducted, his/her blood relatives in the direct line and in the collateral line to the second degree. (2) The proceedings for the restoration of legal capacity may be initiated ex officio by the court, the person referred to in paragraph 1 of this Article, the guardian with the approval of the social welfare center or the person for whom the proceedings for restoring legal capacity will be conducted.". The provision of Article 497 of the Family Act stipulates that in proceedings for the purpose of deprivation and restoration of legal capacity, the court with general territorial jurisdiction over the person against whom the proceedings are being conducted, has the jurisdiction for the relevant proceedings. In addition to already described case of appointing a special guardian from the provision of Article 241, paragraph 1, Item 1 of the Family Act, Article 241 of the Family Act prescribes institutes of special guardianship for adults as follows: "(1) In order to protect certain personal and property rights and interests, the social welfare

center shall appoint a special guardian: 1. to the person in respect of whom the proposal for deprivation of legal capacity has been submitted, except in the case referred to in Article 236, paragraph 2 of this Act; 2. to a person who has unknown place of residence for at least three months or is not available, and has no proxy, in matters decided in accordance with the provisions of this Act; 3. to the ward when there is a conflict of interest between him/her and his/her guardian or close relative, or spouse of the guardian, in property proceedings or disputes, or in concluding certain legal affairs; 4. to the wards in the event of a dispute or legal transaction between them when they have the same guardian; and 5. exceptionally, to a person in impediment or inability to perform single urgent actions that need to be taken to protect the rights and interests of that person. (2) The special guardian referred to in paragraph 1 of this Article is a person who has passed the bar examination and is employed in the Center for Special Guardianship referred to in Article 544 of this Act, or a person appointed by a notary document (anticipated order) referred to in Article 236 paragraph 6 of this Act. (3) The provisions of Article 240, paragraph 2 of this Act shall apply to the duty of special guardian in the appropriate manner. (4) The center for social welfare shall appoint a special guardian outside the Center for Special Guardianship in cases referred to in paragraph 1, Item 5 of this Article. (5) The special guardian referred to in paragraph 1 of this Article, who is not an employee of the Center for Special Guardianship, must meet the preconditions prescribed by this Act for the appointment of guardians.”.

- Curatorship, please describe:
Please insert text here
- Analogous institution, please name and describe:
Please insert text here

3.3. Please list and describe measures available under the law of your State that are not listed in **Article 3** but that would nevertheless fall under **Article 3** (e.g., “guardian *ad litem*”, “advanced health / medical decisions”, “*Betreuer*” (under German law), “*un placement sous sauvegarde de justice*” (under French law)):

From the scope of work of the Ministry of Labor, Pension System, Family and Social Policy, the institute of special guardianship for adults has been described under item 3.2. of this Questionnaire, as an example of an “guardian *ad litem*”.

3.4. While the formation, annulment and dissolution of marriage or any similar relationship, as well as legal separation are excluded from the scope of the 2000 Convention in accordance with **Article 4(1)(b)**, please list and describe the possible powers of representation between partners available in your State resulting from the effects of marriage, and similar relationships, that fall under the scope of the 2000 Convention “insofar as they are aimed at the protection of the ailing partner” (see paras 35 and 90 of the ER):

Please insert text here

IV – Jurisdiction

4.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**habitual residence**” of the adult under **Article 5(1)**?

- No
- Yes, please specify:
[Please insert text here](#)

4.2. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction in the case of a “**change of the habitual residence**” of the adult under **Article 5(2)**?

- No
- Yes, please specify:
[Please insert text here](#)

4.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**presence**” of the adult under **Articles 6, 10 and 11**?

- No
- Yes, please specify:
[Please insert text here](#)

4.4. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**nationality**” of the adult under **Article 7**?

- No
- Yes, please specify:
[Please insert text here](#)

4.5. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to transfer jurisdiction based on the “**interests**” of the adult under **Article 8**?

- No
- Yes, please specify:
[Please insert text here](#)

4.6. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction based on the “**situation of the property**” of the adult under **Article 9**?

- No
- Yes, please specify:
[Please insert text here](#)

4.7. Have competent authorities in your State had experience with urgent measures of protection taken under **Article 10**?

- No
- Yes, please describe in which situations a competent authority in your jurisdiction has applied **Article 10**:

Please insert text here

4.8. Have competent authorities in your State had experience with temporary and limited measures of protection taken under **Article 11**?

- No
 Yes, please describe in which situations a competent authority in your jurisdiction has applied **Article 11**:

Please insert text here

4.9. Have competent authorities in your State had experience using the Measures of Protection Concerning an Adult recommended form⁹ for the purpose of **Article 8** and the Information relating to Measures of Protection concerning an Adult recommended form¹⁰ for the purpose of **Articles 7, 10 and 11**?

- No, please explain:
Please insert text here
 Yes

4.10. Has your State taken appropriate steps (*e.g.*, guidelines, procedures, protocols) in accordance with **Article 30(a)** to facilitate communications between competent authorities of different Contracting States concerning the coordination of jurisdictions issues arising under **Articles 5-12**?¹¹

- No
 Yes, please describe such guidelines, procedures or protocols and also provide a link or attach them, preferably translated into English or French:
Please insert text here

4.11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter II**?

- No
 Yes, please specify:
Please insert text here

V – Applicable law – General

5.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying or taking into consideration the law of another State with which the situation has a substantial connection in accordance with **Article 13(2)**?

- No
 Yes, please specify:
Please insert text here

⁹ The Measures of Protection Concerning an Adult recommended form is available at: < <https://assets.hcch.net/upload/form35b.pdf> >.

¹⁰ The Information relating to Measures of Protection concerning an Adult recommended form is available at: < <https://assets.hcch.net/upload/form35c.pdf> >.

¹¹ See, *e.g.*, Direct Judicial Communications - Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications, including commonly accepted safeguards for Direct Judicial Communications in specific cases, within the context of the International Hague Network of Judges available at: < <https://assets.hcch.net/docs/62d073ca-eda0-494e-af66-2ddd368b7379.pdf> >.

5.2. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying their own law, in accordance with **Article 14**, to the conditions of implementation of foreign measures, whether these are known or unknown to their own law?

- No
 Yes, please specify:
[Please insert text here](#)

5.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 17**?

- No
 Yes, please specify:
[Please insert text here](#)

5.4. Please list and describe specific rules of representation of the adult which your State would regard as part of the mandatory law under **Article 20**:

[Please insert text here](#)

5.5. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter III**?

- No
 Yes, please specify:
[Please insert text here](#)

VI – Applicable law – Powers of representation (including advance directives)

In the following questions (questions 6.1. to 6.49.) references to powers of representation, as described in Article 15 of the 2000 Convention, mean, and are limited to, “powers of representation granted by an adult, either under an agreement or by a unilateral act, to be exercised when such adult is not in a position to protect his or her interest”. Such powers of representation are also known as “mandate in case of incapacity”, “self-determined guardianship”, “voluntary guardianship”, “living will”, “*mandat de protection future*”, “*mandat extrajudiciaire*”, etc.¹² In a great number of States, such powers of representation are private agreements. They may be witnessed, certified, notarised, or not be subject to any formal requirements. Several States provide for various forms of powers of representation. Any such powers of representation fall under the scope of the 2000 Convention. The availability of powers of representation under the law of Contracting Parties to the 2000 Convention will facilitate implementation of their treaty obligations. However, the absence of such powers should not stop States from becoming Contracting Parties.

Thus, powers of representation may or may not be *available* under the law of your State. Where they are, they may be available *in one or more forms* (see question 6.19. below). To achieve the desired effect, the use of any of these forms of powers of representation may be *optional or mandatory*. Furthermore, powers of representation may or may not be subject to *formal requirements* (such as being notarised, certified, or witnessed) to achieve validity and operability. In addressing the existence, extent, modification and extinction of such powers of representation for the purpose of Article 15, Section VI of this Questionnaire seeks to accommodate *all* these various possibilities with a view to obtaining a better understanding of

¹² Such “powers of representation” under Art. 15 of the 2000 Convention are not to be confused with “general powers of attorney” or “ordinary powers of attorney” under civil or commercial law.

powers of representation across HCCH Members. **If the actual position in your State does not fit easily within the alternatives offered, please use “other” at the end of any relevant question to explain the position of your State.** Responses to Section VI will be particularly relevant for drawing up a draft Country Profile and draft Practical Handbook on the operation of the 2000 Convention.

Availability of such powers of representation (as described above in the introduction to Section VI for the purposes of questions 6.1. to 6.49.) under your domestic law and related safeguards

6.1. Does the law of your State provide for such powers of representation?

- Yes
 No, if possible please explain or provide further background:
[Please insert text here](#)

6.2. If yes to question 6.1., the following questions are designed to address the various possibilities outlined in the second paragraph of the Introduction to this Section VI (above) in relation to *formal requirements* that may be applicable in your State and their respective functions (in relation to each question, tick more than one box if applicable):

The answers in this part of the Questionnaire refer to the anticipated orders prescribed by the provisions of the Family Act (Official Gazette, nos. 103/15, 98/19 and 47/20), and to the Act on the Protection of Persons with Mental Disabilities (Official Gazette, No. 76/14) that prescribes a binding statement, in order to strengthen the autonomy, self-determination and independent decision-making of each person on the application of medical procedures to him/her. It is about the so-called orders (guidelines) in case of future inability to express the will (so-called anticipated orders) in order to take into account the views and wishes of the person even when he/she is no longer able to express them. Each person may authorize only one person, who consents to it, as a person of trust instead of him/her, after fulfilling the legal preconditions, to give or deny consent to certain medical procedures prescribed by this Act.

6.2.1. Is it mandatory in your State to have such powers of representation notarised?

- a. Powers of representation cannot be notarised
 b. Yes, it is mandatory
 b.1. Always mandatory
 b.2. Only mandatory for specific purposes, please specify:
[Please insert text here](#)
 c. No, it is not mandatory, but it is an available option
d. Please tick the relevant functions of this formal requirement
 d.1. To establish the capacity of the grantor at the time of granting the powers of representation
 d.2. To verify that the person signing the powers of representation is the grantor
 d.3. To witness the signature of the powers of representation by the grantor
 d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)
 d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)
 d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)

- d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)
- d.8. Other, please specify:

The possibilities of issuing an anticipated order from the Family Act (Official Gazette, no. 103/15 and 98/19) are prescribed in the provisions of Article 236, paragraph 6, in the case when the person, in respect of whom the proceedings for deprivation of legal capacity are conducted, determined the person for whom he/she wishes to represent him/her in the proceedings for deprivation of legal capacity (anticipated order) in the form of a notary document, and in this case the social welfare center will appoint that person as a special guardian in the proceedings for deprivation of legal capacity in case the relevant person meets the requirements for appointment as guardian prescribed by the Family Act. Furthermore, the provision of Article 247, paragraph 5 of the Family Act stipulates: “(5) If a person deprived of legal capacity before deprivation of legal capacity in the form of a notary document designates a person or persons for whom he/she would like to be appointed guardian, i.e. guardians, as well as persons for whom he/she would like to be appointed their deputies (anticipated order), the social welfare center will appoint that person or persons as guardian or guardians and deputy or deputy guardians if other preconditions for appointment as guardian are met by this Act.”. Furthermore, the provisions of Article 260 of the Family Act stipulate: “(1) Only a court may, in a non-contentious procedure at the proposal of a ward deprived of legal capacity or a guardian, issue a decision on: 1. sterilization of the ward, 2. donation of tissues and organs of the ward, and 3. measures to keep the wards alive. (2) A court decision referred to in paragraph 1 of this Article is not required if the ward decided on the procedures and measures referred to in paragraph 1 of this Article at the time when he/she was legally capable in the form of a notary document (anticipated order).”. In conclusion, the provisions of Article 504 of the Family Act prescribe: “(1) In the proceedings for making a decision on the health of a ward who is deprived of legal capacity in that part, it is decided on: 1. Sterilization, 2. Donation of tissues and organs, and 3. Measures for keeping the ward alive. (2) The decisions referred to in paragraph 1 of this Article shall be issued and dispatched by the court within fifteen days from the day of initiating the proceedings. (3) The court shall reject the proposal for issuing a decision on the health of the ward if the ward decided on the matters referred to in paragraph 1 of this Article at the time when he/she was legally capable in the form of a notary document (anticipated order) referred to in Article 260, paragraph 2 of this Act.”.

The Law on the Protection of Persons with Mental Disabilities prescribes a binding statement which is valid if it is drawn up in the form of a notarial deed.

6.2.2. Is it mandatory in your State to have such powers of representation certified?

- a. Powers of representation cannot be certified
- b. Yes, it is mandatory
 - b.1. Always mandatory
 - b.2. Only mandatory for specific purposes, please specify:
The content of a binding statement is the granting or denial of consent to certain medical procedures, which are prescribed by the Law on the Protection of Persons with Mental Disorders. The issuer can determine the scope of these medical procedures, wheter it is just procedure or more.
- c. No, it is not mandatory, but it is an available option
- d. Please tick the relevant functions of this formal requirement
 - d.1. To establish the capacity of the grantor at the time of granting the powers of

representation

d.2. To verify that the person signing / who signed the powers of representation is / was the grantor

d.3. To witness the signature of the powers of representation by the grantor

d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)

d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCPRD)

d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCPRD)

d.7. To confirm the absence of undue influence (Art. 12(4) UNCPRD)

d.8. Other, please specify:

[Please insert text here](#)

6.2.3. Is it mandatory in your State to have such powers of representation witnessed?

a. Powers of representation cannot be witnessed

b. Yes, it is mandatory

b.1. Always mandatory

b.2. Only mandatory for specific purposes, please specify:

[The Law on the Protection of Persons with Mental Disabilities prescribes a binding statement that is valid if it is drawn up in the form of a notarial deed.](#)

c. No, it is not mandatory, but it is an available option

d. Please tick the relevant functions of this formal requirement

d.1. To establish the capacity of the grantor at the time of granting the powers of representation

d.2. To verify that the person signing the powers of representation is the grantor

d.3. To witness the signature of the powers of representation by the grantor

d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)

d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCPRD)

d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCPRD)

d.7. To confirm the absence of undue influence (Art. 12(4) UNCPRD)

d.8. Other, please specify:

[It is not obligatory to have witnesses, but the Notary Act stipulates the obligation of witnesses to participate in drawing up notarial deeds in relation to individual participants \(eg if the party is deaf, mute or deaf-mute or in some cases at the explicit request of the party\).](#)

6.2.4. Is it mandatory in your State to have such powers of representation subject to another formal requirement?

Please specify the name of the formal requirement:

a. Powers of representation are not subject to another formal requirement

b. Yes, it is mandatory

b.1. Always mandatory

b.2. Only mandatory for specific purposes, please specify:

The Law on the Protection of persons with Mental Disabilities prescribes a binding statement that is valid if it is drawn up in the form of a notarial deed.

c. No, it is not mandatory, but it is an available option

d. Please tick the relevant functions of this formal requirement

d.1. To establish the capacity of the grantor at the time of granting the powers of representation

d.2. To verify that the person signing the powers of representation is the grantor

d.3. To witness the signature of the powers of representation by the grantor

d.4. To verify that the powers of representation are in conformity with the law (including the conditions to be met by the designated representative)

d.5. To verify that the powers of representation are understood by the grantor (Art. 12(4) UNCRPD)

d.6. To verify that the powers of representation correspond to the wishes of the grantor (Art. 12(4) UNCRPD)

d.7. To confirm the absence of undue influence (Art. 12(4) UNCRPD)

d.8. Other, please specify:

[Please insert text here](#)

6.3. If yes to question 6.1., are such powers of representation in the form of a private agreement without any formal requirements (e.g., notarised, certified or witnessed) available under the law of your State?

No, please explain:

The Family Act stipulates that anticipated orders from the Family Act are drawn up in the form of a notary document and not as a private agreement without any formal requirements.

Given the answer under 6.1 and 6.6 it is not necessary to answer 6.5, 6.6 and 6.7.

The Law on the Protection of Persons with Mental Disabilities prescribes a binding statement which is valid if it is drawn up in the form of a notarial deed.

Yes

6.4. Have issues arisen in your State with regard to the existence of such powers of representation governed by the law of another State?

No

Yes, please explain:

[Please insert text here](#)

6.5. If no to question 6.1., does the law of your State prohibit such powers of representation, or contain provisions rendering them ineffective?

No

Yes, please explain:

[Please insert text here](#)

6.6. If no to question 6.1., does your State intend to legislate in the near future to provide for such powers of representation?

- No, please explain:
[Please insert text here](#)
- Yes

6.7. If yes to question 6.6., please indicate which form of powers of representation your State is likely to provide for (tick more than one box if applicable):

- a. **notarised** powers of representation
- b. **certified** powers of representation
- c. **witnessed** powers of representation
- d. **private agreements** without any formal requirements
- e. Other form, please specify:
[Please insert text here](#)

Designation of a representative under such powers of representation

6.8. Are there conditions / limitations (e.g., to provide safeguards with regard to conflicts of interests) as to who can be designated as a representative under such powers of representation governed by the law of your State (e.g., limitation to natural persons, or a further limitation to persons with specified relationships to the grantor)?

- No
- Yes, please explain:

The provisions of Article 236, paragraphs 2, 3, 4, 5, and 6 of the Family Act stipulate: “(2) A social welfare center shall appoint a special guardian to the person for whom the proceedings for deprivation of legal capacity has been initiated, unless that person authorized the proxy. (3) If the proceedings for deprivation of legal capacity are proposed by a social welfare center, the special guardian may not be a professional worker of that center. (4) If the procedure for deprivation of legal capacity is proposed by another person referred to in Article 496 of this Act, that person may not be appointed as a special guardian. (5) The special guardian referred to in paragraph 2 of this Article is a person who has passed the bar examination and is employed in the Center for Special Guardianship referred to in Article 544 of this Act. (6) By way of derogation from paragraph 5 of this Article, if the person in respect of whom the proceedings for deprivation of legal capacity is conducted, has designated in the form of a notary document the person he/she wishes to represent him/her in the procedure for deprivation of legal capacity (anticipated order), the social welfare center shall appoint that person as a special guardian if he/she meets other preconditions for appointment as a guardian prescribed by this Act.”. Furthermore, the provisions of Article 247, paragraph 5 of the Family Act stipulate: “(5) If a person deprived of legal capacity, before deprivation of legal capacity, in the form of a notary document, designates a person or persons for whom he/she would like to be appointed guardian, i.e. guardians, as well as persons for whom he/she would like to be appointed their deputies (anticipated order), the social welfare center will appoint that person or persons as guardian or guardians and deputy or deputy guardians, if other preconditions for appointment as guardian prescribed by this Act are met.”. Pursuant to the above, the provision of Article 248 of the Family Act prescribes obstacles to the appointment of a guardian as follows: “A guardian may not be a person: 1. who is deprived of the right to parental care; 2. who is deprived of legal capacity; 3. whose interests are contrary to the interests of the ward; 4. who, given her/his behavior and characteristics and relations with the ward, cannot be expected to perform properly the duties of a guardian; 5. with whom the ward has entered into a lifetime or lifelong

maintenance contract; and 6. with whose spouse, or extramarital partner the ward has entered into a lifetime or lifelong maintenance contract.”.

According to the Law on the Protection of Persons with Mental Disabilities, a person of trust may be a person who has reached the age of 18 and who has not been deprived of legal capacity.

A person of trust may not transfer the authority from the binding statement to another person.

6.9. Does your response to question 6.8. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

No

Yes, please explain:

According to the provisions of the Law on the Protection of Persons with Mental Disabilities, a binding statement is valid if it is drawn up in the form of a notarial deed. Such a statement is made by a notary public in accordance with the provisions of the Notary Public Act, which must examine if the parties are capable and authorized to give and receive obligations from such a statement, explain the meaning and consequences of a binding statement, and make sure that the legal action corresponds to the actual will of the parties binding statements.

6.10. Have issues arisen in your State with regard to the capacity of the person designated as a representative under such powers or representation governed by the law of another State?

No

Yes, please explain:

Please insert text here

Supervision / control mechanisms of such powers of representation

6.11. Are such powers of representation governed by the law of your State subject to some supervision / control mechanisms / reporting (e.g., a person or authority designated (on a mandatory or voluntary basis) under such powers or by operation of law to which the person designated as the representative is to report to)?

No, please explain:

Please insert text here

Yes, please explain:

The provisions of Article 243 of the Family Act prescribe, inter alia, in paragraphs 3, 4, 5, 6, 7 and 8, the powers and duties of the special guardian, as well as the duties of the special guardian for submitting reports on its work as follows: “(3) The social welfare center shall determine the scope of duties and powers of the special guardian of the person in respect of whom the proceedings for deprivation of legal capacity has been initiated, taking into account the content of the proposal for deprivation of legal capacity. (4) The powers and duties of the special guardian referred to in paragraph 3 of this Article shall, as a rule, be limited to representation in proceedings for deprivation of legal capacity and taking urgent measures necessary to protect the property or the health of the person for whom the proceedings are conducted. (5) During the proceedings for deprivation of legal capacity, the social welfare

center is authorized, by issuing a decision, to expand the scope of powers and duties to the special guardian referred to in paragraphs 3 and 4 of this Article. (6) The duty of the special guardian referred to in paragraph 3 of this Article shall terminate when the decision on placing under guardianship becomes enforceable, i.e. when the decision establishing that there are no reasons for deprivation of legal capacity becomes final. (7) A special guardian who is an employee of the Center for Special Guardianship is obliged to submit a report on his/her work during the performance of guardianship tasks at the request of the Director of the Center for Special Guardianship within the deadline determined by the Director and a final report to the Director of the Center for Special Guardianship and to the body which had appointed the special guardian if the body so requests, within eight days of the completion of the proceedings for which he/she has been appointed. (8) A special guardian, who is not an employee of the Center for Special Guardianship, is obliged to submit a report on his work during the performance of guardianship tasks at the request of the Director of the center for social welfare within the deadline set by the Director, and a final report within eight days after the completion of his/her tasks, activities or the proceedings for which he/she has been appointed.". Furthermore, the provisions of Article 262 of the Family Act stipulate: "(1) The guardian is obliged to submit a report on his work and on the condition of the ward's property every six months and when requested by the social welfare center. The guardian is obliged to deliver a copy of the report on the work and condition of the ward's property to the ward who has reached the age of fourteen. (2) The guardian who is obliged to support the ward according to this Act is obliged to submit a report on his work and the condition of the ward's property every year and when requested by the social welfare center. (3) The report referred to in paragraphs 1 and 2 of this Article shall be submitted in writing or orally on the record. (4) In the report, the guardian must state how he took care of the ward's person, his/her health, protection of his rights and welfare, data on measures for independent training for life, data on management and disposal of the ward's property, income and expenditure of the ward and other important data for the person of the ward in the previous period depending on the part in which the ward was deprived of legal capacity. (5) In the event that an expert worker of the social welfare center referred to in Article 247, paragraph 6 of this Act has been appointed guardian, the report shall be submitted by the appointed professional worker of the social welfare center to the expert council of the social welfare center. (6) The social welfare center shall consider the report of the guardian, draw up a note thereof and, if necessary, take appropriate measures to protect the welfare of the ward.".

6.12. Does your response to question 6.11. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
[Please insert text here](#)

6.13. Have issues arisen in your State with regard to the control mechanism to which such powers of representation governed by the law of another State are subject to?

- No
 Yes, please explain:
[Please insert text here](#)

Extent of such powers of representation

6.14. Are such powers of representation (and wishes expressed therein) governed by the law of your State legally binding on the designated representative?

Yes

No, please explain:

[Please insert text here](#)

6.15. Are there any limitations under the law of your State on such powers of representation that can be conferred upon a designated representative *e.g.*, are certain acts or categories of acts excluded such as disposal of specified categories of assets, gifts, personal and family matters, medical related decisions (generally, or particular categories such as those involving hospitalisation), etc.?

No

Yes, please explain:

In relation to the institutes of guardianship for adults, according to the provisions of the Family Act, certain restrictions are prescribed in relation to the appointed guardian of the ward as a person under guardianship, who is deprived of legal capacity in a certain part by a decision of the competent court. Thus, the following provisions of the Family Act stipulate – Article 257: “(1) The guardian represents the ward in undertaking activities and actions in relation to which the ward is deprived of legal capacity. (2) In matters of representation, the guardian is obliged to accept the opinion and wishes of the ward, unless this is contrary to the welfare of the ward.”. Furthermore, the provisions of Article 258 of the Family Act prescribe decisions on personal status made exclusively by the ward as follows: “Only the ward, regardless of the part in which he/she is deprived of legal capacity, unless otherwise provided by this Act, may make the following decisions on personal conditions: 1. acknowledgment of paternity; 2. consent to acknowledgment of paternity; 3. consent to get married; 4. consent to get divorced; 5. consent to enter into a life relationship with persons of different or same sex and termination of those communities; 6. consent to adoption, in accordance with the provisions of this Act, except in cases where the court issues a decision which replaces the consent of the parents in accordance with Article 190, paragraph 1 of this Act; 7. decision on termination of pregnancy; and 8. decision on participation in biomedical research.”. In addition, it is prescribed when the guardian must request the prior approval of the social welfare center, in accordance with the provisions of Article 259 of the Family Act: “(1) To take important measures about the person, personal condition, health of the ward or the property of the ward, depending on the part in which the ward has been deprived of legal capacity, the guardian needs a prior approval of the social welfare center, unless otherwise prescribed by this Act. (2) A decision on placement in a home, foster family, change of residence or stay, change of personal name and other measures that may significantly affect the rights and obligations of the ward, shall be considered a more important measure on the person or personal condition of the ward, except for decisions made exclusively the ward referred to in Article 258 of this Act, regardless of whether he/she is represented by a guardian or gives permission for the adoption of that decision when this is necessary in accordance with the provisions of this Act. (3) A decision on invasive medical procedures and the one that exceeds specialist examinations and application of regular therapy, shall be considered a more important measure on the health of the ward, except for health decisions made exclusively by the ward referred to in Article 258 of this Act and decisions referred to in Article 260, paragraph 1 of this Act passed by the court. (4) The measures and activities referred to in Article 261, paragraphs 2 and 6 of this Act shall be considered more important measures for the property of the ward. (5) The guardian does not need prior approval for the performance of regular tasks related to personal conditions and tasks of regular property management,

unless otherwise determined by a decision of the social welfare center or the provisions of this Act.". The provisions of Article 260 of the Family Act prescribe the adoption of decisions on the health of the ward as follows: "(1) Only a court may, in a non-litigious procedure, at the proposal of a ward deprived of legal capacity in that part or a guardian, issue a decision on: 1. sterilization of the ward; 2. donation of tissues and organs of the ward; and 3. measures for keeping the ward alive. (2) A court decision referred to in paragraph 1 of this Article is not required if the ward decided on the proceedings and measures referred to in paragraph 1 of this Article at the time when he/she was legally capable in the form of a notary document (anticipated order)". The provisions of Article 261 of the Family Act prescribe the management and representation of the ward's property in the following manner: "(1) If the ward is deprived of legal capacity in the part relating to the disposal and management of property, the guardian performs regular management of the ward's property independently unless otherwise specified by a decision of the social welfare center. (2) The guardian may, only with the prior approval of the social welfare center, undertake activities that go beyond the regular business of the ward's property and rights, and in particular: 1. sell or overburden the ward's property; 2. sell the movables of greater value from the ward's property; and 3. dispose of the ward's property rights. (3) In the decision on the approval of the activities referred to in paragraph 2 of this Article, the social welfare center shall determine the purpose of the obtained funds and supervise their use upon completion of the work. (4) As a rule, the guardian may not burden or alienate more than two thirds of the total value of the ward's property by the actions and activities referred to in paragraph 2 of this Article. (5) An employee of the social welfare center and his/her spouse or extramarital partner may not enter into a lifetime or lifelong maintenance contract with the ward on the sale or burdening of the ward's property. (6) The guardian may, in the name and on behalf of the ward, enter into a lifetime or lifelong maintenance contract, with the prior approval of the social welfare center."

6.16. Are there particular powers and duties automatically given to such representatives (*e.g.*, powers and duties in relation to the tax affairs of the grantor)?

- No
 Yes, please explain:
Please insert text here

6.17. Are certain powers subject to a judicial or administrative decision in order for them to be either conferred or exercised?

- No
 Yes, please specify the powers subject to such decision:
Please insert text hereThe provisions of Article 234 of the Family Act stipulate: "(1) In non-contentious proceedings, the court shall, an adult who is unable to take care of one of his rights, needs or interests due to mental disorders or other reasons, or who endangers the rights and interests of others, which she is obliged to take care of, in that part deprive her/him of legal capacity. (2) The person referred to in paragraph 1 of this Article may not be completely deprived of legal capacity. (3) Before issuing a decision on deprivation of legal capacity, the court shall obtain an expert opinion of an expert in the relevant branch of medicine on the health condition of the person for whom the procedure of deprivation of legal capacity was initiated and on the impact of that condition on his/her ability to protect his/her individual right or group of rights, and the interests of others. (4) By a decision on deprivation of legal capacity, the court

shall determine actions and activities that the person is not capable of undertaking independently in relation to the personal condition and property. (5) Actions and activities that a person is not able to undertake independently and which relate to personal status are giving statements or undertaking actions related to change of the personal name, conclusion and termination of marriage, parenthood, health decisions, place of residence, i.e. residence, employment and other, unless otherwise provided by this Act. (6) Actions and activities that a person is not capable of undertaking independently and which relate to property are disposal and management of property, salary or other permanent cash income, unless otherwise provided by this Act. (7) The decision on deprivation of legal capacity in the case referred to in paragraph 6 of this Article shall determine the exact amount of salary or permanent cash income over which the ward cannot independently dispose and mark the property and the exact amount, if appropriate, which the ward cannot independently dispose of and manage, i.e. over which amount it cannot independently dispose of and manage. (8) If a person is deprived of legal capacity as a parent of a child, in the part in which he or she is unable to exercise parental care, the exercise of parental care shall be suspended in accordance with Article 114 of this Act. (9) For activities that are not specified in the decision referred to in paragraph 4 of this Article, a person deprived of legal capacity shall have legal capacity and may undertake them independently. ". The provisions of Article 237 of the Family Act stipulate: "(1) The social welfare center shall, within thirty days of the court decision depriving a person of legal capacity, issue a decision on placing that person under guardianship and appointing a guardian. (2) The court is obliged to inform the social welfare center without delay about the finality of the decision by which the person is deprived of legal capacity. (3) Until the decision on the appointment of the guardian referred to in paragraph 1 of this Article becomes enforceable, the special guardian shall have the position of guardian. ". Furthermore, the provisions of Article 241 of the Family Act: "(1) In order to protect certain personal and property rights and interests, the social welfare center shall appoint a special guardian: 1. to the person in respect of whom the motion for deprivation of legal capacity was submitted, except in Article 236, paragraph 2 of this Act 2. to a person of unknown residence or if this person is not available for at least three months and does not have a proxy, in matters decided according to the provisions of this Act 3. to the ward when there is a conflict of interest between relatives, or spouse of the guardian, in property proceedings or disputes, or in concluding certain legal transactions 4. to the wards in case of a dispute or concluding a legal transaction between them when they have the same guardian and urgent actions that need to be taken to protect the rights and interests of that person. (2) The special guardian referred to in paragraph 1 of this Article is a person who has passed the bar examination employed in the Center for Special Guardianship referred to in Article 544 of this Act, or a person appointed by a notary document (anticipated order) referred to in Article 236 paragraph 6 of this Act. (3) The provisions of Article 240, paragraph 2 of this Act shall apply to the duty of special guardian in an appropriate manner. (4) The Center for Social Welfare shall appoint a special guardian outside the Center for Special Guardianship in the cases referred to in paragraph 1, item 5 of this Article. (5) A special guardian referred to in paragraph 1 of this Article who is not an employee of the Center for Special Guardianship must meet the preconditions prescribed by this Act for the appointment of guardians. The provisions of Article 242, paragraphs 1 and 2 of the Family Act prescribe: "(1) The decision on the appointment of a special guardian shall be issued by the social welfare center, unless this Act prescribes that the decision on the appointment of a special guardian is issued by a court. (2) The decision on the

appointment of the special guardian shall determine his duties and powers. ". Following the above, it is evident that the decision on deprivation of legal capacity of a person is made by the court, and decisions on the appointment of a guardian and a special guardian are made in the administrative procedure by the competent social welfare center.

6.18. Are there particular matters which, in accordance with the law of your State, a designated representative cannot be authorised to do or decide on behalf of the grantor?

- No
 Yes, in which case please specify the excluded powers:
[Please insert text here](#)

[The answers to this question in relation to the institute of the guardianship for adults from the Family Act, are entered as answers to the question listed in item 6.15. of this Questionnaire.](#)

6.19. Which of the following forms of document are available in your State to confer powers of representation (tick more than one if applicable)?

- a. A document simply conferring on the designated representative all powers that can by law be conferred.
 b. A document containing "tick-box" lists of powers.
 c. A document setting out, in the grantor's choice of words, all the powers that the grantor wishes to confer.
 d. Separate documents for (a) health and welfare powers and (b) property and financial powers.
 e. Separate listing in the same document of (a) health and welfare powers and (b) property and financial powers.
 f. Other possibilities or combinations (please explain):
[Please insert text here](#)

6.20. Can advance health directives be included in powers of representation governed by the law of your State?

- Yes
 No, please explain:
[Please insert text here](#)

6.21. Can advance medical directives be included in powers of representation governed by the law of your State?

- Yes
 No, please explain:
[Please insert text here](#)

6.22. Are such advance health / medical directives governed by the law of your State binding on medical professionals?

- Yes
 No, please explain:
[Please insert text here](#)

6.23. Do your responses to questions 6.14.-6.22. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
[Please insert text here](#)

6.24. Have issues arisen in your State with regard to the scope of such powers of representation governed by the law of another State?

- No
 Yes, please explain:
[Please insert text here](#)

Registration / filing of such powers of representation

6.25. Please indicate whether your State provides for the registration of such powers of representation and / or their filing with a competent authority:

- Yes, registration with a public registry
 Yes, registration with a private registry (e.g., national associations of notaries)
 Yes, filing with a competent authority
 No, please explain:
[The Ordinance on the manner of keeping records on binding declarations, the manner of storing, storing and exercising the right of access to data from binding declarations \(Official Gazette 16/15\), prescribes the manner of keeping records on binding declarations, the manner of storing, keeping and exercising access rights data from binding statements. Records of binding statements are kept by the Croatian Notary Chamber by entry in the Register of Anticipated Orders and Powers of Attorney in electronic form.](#)

6.26. Can / must such powers of representation governed by the law of your State be registered or filed with a competent authority before they come into effect?

- Yes, it is an option, please explain the effect of the registration and / or filing:
[Please insert text here](#)
 Yes, it is an obligation, please explain the effect of the registration and / or filing:
[Please insert text here](#)
 No, please explain:
[Please insert text here](#)

[Pursuant to the provisions of the Law on the Protection of Persons with Mental Disabilities, a binding statement applies only if the person who gave it is unable to give consent for the medical procedures specified in that statement.](#)

6.27. Can such powers of representation governed by the law of **your** State be registered or filed with a competent authority after they come into effect?

- Yes, it is an option, please explain the effect of the registration and / or filing:
[Please insert text here](#)

- Yes, it is an obligation, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- No, please explain:
[Please insert text here](#)

6.28. Can such powers of representation governed by the law of **another** State be registered or filed with a competent authority after they come into effect?

- Yes, it is an option, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- Yes, it is an obligation, please explain the effect of the registration and / or filing:
[Please insert text here](#)
- No, please explain:
[Please insert text here](#)

6.29. Do your responses to questions 6.25. and 6.28. differ whether such powers of representation are subject to a formal requirement (*e.g.*, notarised, certified, witnessed) or not subject to any formal requirements?

- No
- Yes, please explain:
[Please insert text here](#)

Coming into effect of such powers of representation

6.30. Can such powers of representation governed by the law of your State come into effect at a moment determined by the grantor (*e.g.*, when certain conditions are met)?

- No, please explain:
[Please insert text here](#)
- Yes, please explain:
[Please insert text here](#)

[see answer under 6.26](#)

6.31. In the absence of an explicit coming into effect provision by the grantor, can such powers of representation governed by the law of your State come into effect on the sole decision of the person(s) to whom they are conferred?

- No, please any safeguards:
[Please insert text here](#)
- Yes, please explain:
[Please insert text here](#)

[Planning the treatment of mental disorders, by writing down pre-determined guidelines that are prescribed at a time when the person is able to make decisions about it, and are binding when he is no longer able to do so.](#)

6.32. In the absence of an explicit coming into effect provision by the grantor, can such powers of representation governed by the law of your State come into effect upon the decision of a competent authority?

- No, please any safeguards:
Please insert text here
- Yes, please explain:
Please insert text here

The possibilities of issuing an anticipated order from the Family Act (Official Gazette, nos. 103/15, 98/19 and 47/20) are prescribed in the provisions of the same Act in the provisions of Article 236, paragraph 6, in case the person is in in relation to which the procedure for deprivation of legal capacity is conducted in the form of a notarial deed has determined the person for whom he/she wishes to represent it in the procedure for deprivation of legal capacity (anticipated order), the social welfare center will appoint that person as a special guardian in the procedure for deprivation of legal capacity, if he/she meets the other preconditions for appointment as a guardian prescribed by the Family Act. Furthermore, the provision of Article 247, paragraph 5 of the Family Act stipulates: "(5) If a person deprived of legal capacity before deprivation of legal capacity in the form of a notary document designates a person or persons for whom he would like to be appointed guardian, i.e. guardians, as well as persons for whom he/she would like to be appointed their deputies (anticipated order), the social welfare center will appoint that person or persons as guardian or guardians and deputy or deputy guardians if other preconditions for appointment as guardian are met by this Act. ". Furthermore, the provisions of Article 260 of the Family Act stipulate: "(1) Only a court may, in non-contentious proceedings at the proposal of a ward deprived of legal capacity or guardian, issue a decision on: 1. sterilization of the ward 2. donation of tissues and organs of the ward and 3. measures to keep the wards alive. (2) A court decision referred to in paragraph 1 of this Article is not required if the ward decided on the procedures and measures referred to in paragraph 1 of this Article at the time when he/she was legally capable in the form of a notarial document (anticipated order). ". In conclusion, the provisions of Article 504 of the Family Act prescribe: "(1) In the procedure for making a decision on the health of a ward who is deprived of legal capacity in that part, it is decided on: 1. Sterilization 2. donation of tissues and organs and 3. measures for keeping the wards alive. (2) The decisions referred to in paragraph 1 of this Article shall be issued and dispatched by the court within fifteen days from the day of initiating the proceedings. (3) The court shall reject the proposal for issuing a decision on the health of the ward if the ward decided on the matters referred to in paragraph 1 of this Article while he was legally capable in the form of a notarial deed (anticipated order) referred to in Article 260, paragraph 2 of this Act. ".

- 6.33.** Please explain how the coming into effect of such powers of representation governed by the law of your State affect the legal capacity of the grantor:

It follows from LPPMD (Law on the Protection of Persons with Mental Disabilities) that deprivation of legal incapacity does not mean inability to consent to medical procedures - when giving consent, it is necessary to determine the ability to give consent(Article 12, paragraph 3), and if is not capable, giving consent is a valid statement.

- 6.34.** Do your responses to questions 6.30.-6.33. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
- Yes, please explain:

[Please insert text here](#)

As stated earlier, in accordance with the provisions of the Law on the Protection of Persons with Mental Disabilities, a binding statement is valid if it is drawn up in the form of a notarial deed.

6.35. Have issues arisen in your State with regard to the coming into effect of such powers of representation governed by the law of another State?

- No
 Yes, please explain:
[Please insert text here](#)

6.36. Please share other information (*e.g.*, concerns, good practices) with regard to the coming into effect of such powers of representation governed by the law of your State (*e.g.*, the explicit provision (permitted by law) in the powers of representation that they come into effect immediately upon signature):

[We do not have other data.](#)

Confirmation of such powers of representation

6.37. Can a competent authority in your State confirm powers of representation?

- No
 Yes, please indicate which authority can confirm and explain the effect of confirming or not confirming such powers of representation
[Please insert text here](#)

6.38. If yes to question 6.37., can confirmation take place whether such powers of representation are governed by the law of your State or the law of another State?

- No, please explain:
[Please insert text here](#)
 Yes, please indicate which authority can confirm and explain the effect of confirming or not confirming such powers of representation:
[Please insert text here](#)

6.39. If yes to question 6.37., can confirmation take place whether the powers of representation have come into effect or not?

- Yes
 No, please explain:
[Please insert text here](#)

6.40. Do your responses to questions 6.37.-6.39. differ whether such powers of representation are subject to a formal requirement (*e.g.*, notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:

Please insert text here

Modifications of such powers of representation

6.41. Is it possible for the grantor or a competent authority to modify powers of representation governed by the law of your State after they have come into effect?

- No
 Yes, please explain who can modify such powers of representation, for what purpose, in what form, and any related safeguards:

Pursuant to the provisions of the Law on the Protection of Persons with Mental Disabilities, the provider of a binding statement and a person of trust may revoke at any time a binding statement. The revocation of a binding statement is valid if it is drawn up in the form of a notarial deed. The revocation shall be recorded in the Register of Anticipated Orders and Powers of Attorney, in electronic form (date of drawing up the revocation of the binding statement, data on the person / issuer of the statement or person of trust / who gave the revocation, data on the notary public who drew up the revocation of the binding statement). initiating the procedure for revoking a binding statement by the competent social welfare center).

If the psychiatric institution considers that the decision of the person of trust is harmful for the person with mental disorders, it shall inform the competent social welfare center, which is authorized to initiate the procedure of revoking the binding statement before the municipal court with territorial jurisdiction. Until the decision becomes final, the court may temporarily protect the interests of a person with mental disabilities.

6.42. Does your response to question 6.41. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
Yes, since in accordance with the provisions of the Law on the Protection of Persons with Mental Disabilities, the revocation of a binding statement is valid if it is drawn up in the form of a notarial deed.

6.43. Have issues arisen in your State with regard to the modification of such powers of representation governed by the law of another State?

- No
 Yes, please explain:
Please insert text here

Extinction of such powers of representation

6.44. Please explain the conditions for the extinction of powers of representation governed by the law of your State:

Pursuant to the provisions of the Law on the Protection of Persons with Mental Disabilities, a binding statement ceases to be valid in the event of the death of the person giving the statement or a person of trust, in the event of deprivation of legal capacity, revocation of the

binding statement or court decision. It is recorded in the Register of anticipated orders and powers of attorney in electronic form, in accordance with the provisions of the Ordinance on the manner of keeping records of binding statements, the manner of storing, storing and exercising the right of access to data from binding statements.

6.45. Does your response to question 6.44. differ whether such powers of representation are subject to a formal requirement (e.g., notarised, certified, witnessed) or not subject to any formal requirements?

- No
 Yes, please explain:
Please insert text here

Pursuant to the provisions of the Law on the Protection of Persons with Mental Disabilities, the provider of a binding statement, and a person of trust, may revoke a binding statement at any time. The revocation of a binding statement is valid if it is drawn up in the form of a notarial deed. Pursuant to the provisions of the Ordinance on the manner of keeping records on binding declarations, the manner of storing, storing and exercising the right of access to data from binding declarations, the revocation of a binding declaration may be given by the issuer party and the notary public who drew up the notarial deed on giving a binding statement. The notary public who drew up the statement on the revocation of the binding statement is obliged to enter this information in the Register. The Center for Social Welfare is obliged to request the entry of the notice on initiating the procedure for revocation of the binding statement, before the competent court in the Register. Upon the finality of the decision on the proposal for revocation of the binding statement, the court is obliged to request the entry of that decision in the Register.

6.46. Have issues arisen in your State with regard to the extinction of such powers of representation governed by the law of another State?

- No
 Yes, please explain:
Please insert text here

Other information concerning such powers of representation

6.47. Please list and describe *ex lege* powers of representation resulting from a unilateral act or an agreement that arise by reference to a relationship or other status in connection with the adult (including but not limited to those arising from a contract of marriage, and similar relationships):

According to the provisions of the Law on the Protection of Persons with Mental Disabilities, a person of trust may not transfer the authority from a binding statement to another person. Thus, it can only be that person designated by the declarant. The function of a trusted person is not only contained in formalistic giving, or refusing to consent to certain medical procedures, on behalf of a person with a mental disorder, but has a significant personal dimension, as the declarant chooses a certain person to make such decisions on his behalf. Therefore, a trusted person cannot transfer the authority from a binding statement to another person.

6.48. Please provide any additional information with regard to such powers of representation (as described above in the introduction to Section VI) governed by the law of your State:

[Please insert text here](#)

- 6.49. Please provide any additional information with regard to issues that may have arisen in your State with regard to such powers of representation (as described above in the introduction to Section VI) governed by the law of another State:

[Please insert text here](#)

VII – Recognition and enforcement

- 7.1. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 22** from the perspective of the requested State?

- No
 Yes, please specify:
[Please insert text here](#)

- 7.2. Have judicial or administrative procedures, guidelines or protocols been adopted in your State to facilitate the application of **Article 23**?

- No
 Yes, please describe and also provide a link or attach a copy, preferably translated into English or French:
[Please insert text here](#)

- 7.3. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 23** (e.g., in terms of procedure, formalities, time frames, etc.)?

- No
 Yes, please specify:
[Please insert text here](#)

- 7.4. Are you aware of any challenges, or have questions arisen, in applying **Article 25** in your State?

- No
 Yes, please specify:
[Please insert text here](#)

- 7.5. Please describe the “simple and rapid procedure” (see **Art. 25(2)**) in place in your State for declaring enforceable or registering for the purpose of enforcement measures of protection taken in another State Party and enforceable there, in particular:

- a) Which authority declares enforceable or registers a measure of protection taken in another State Party?

[Please insert text here](#)

- b) What time frames are applied to ensure that the procedure is rapid?

[Please insert text here](#)

c) Is legal representation required?

- No
- Yes, please describe:
[Please insert text here](#)

7.6. Are you aware of any challenges, or have questions arisen, in applying **Article 27** in your State?

- No
- Yes, please specify:
[Please insert text here](#)

7.7. Under **Article 27**, are **measures concerning the person** of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests subject to *exequatur* in accordance with the law of your State?

- No
- Yes, please list and describe such measures:
[Please insert text here](#)

7.8. Please indicate how often measures referred to in question 7.7. are subject to *exequatur* under the law of your State in accordance with **Article 27**:

- Never
- Rarely
- Sometimes
- Very often
- Always

7.9. Under **Article 27**, are **measures concerning the property** of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests subject to *exequatur* in accordance with the law of your State?

- No
- Yes, please list and describe such measures:
[Please insert text here](#)

7.10. Please indicate how often measures referred to in question 7.9. are subject to *exequatur* under the law of your State in accordance with **Article 27**:

- Never
- Rarely
- Sometimes
- Very often
- Always

7.11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter IV**?

- No
- Yes, please specify:
[Please insert text here](#)

VIII – Co-operation

8.1. With the understanding that services provided by Central Authorities under the 2000 Convention may vary, does your Central Authority provide assistance, either directly or through other authorities in your State, to an **individual habitually resident in your State** who made a request for assistance in connection with a matter falling under the scope of the Convention in a requested State? If so, please indicate the nature of the assistance provided.

- a. None
- b. Assistance in obtaining information on the operation of the 2000 Convention
- c. Assistance in obtaining information on the relevant laws and procedures and services available in the requested State
- d. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- e. Transmission of a request to the Central Authority or to the competent authorities in the requested State
- f. Assistance in discovering the whereabouts of an adult
- g. Assistance in initiating judicial or administrative proceedings
- h. Assistance in providing or facilitating the provision of legal aid and advice
- i. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State
- j. Ensuring separate legal representation for the adult in any proceedings
- k. Ensuring support for exercise of capacity in terms of Article 12(3) of the UNCRPD
- l. Referral to other governmental and / or non-governmental organisations for assistance
- m. Provision of regular updates on the progress of the application
- n. Other, please specify:
[Please insert text here](#)

8.2. With the understanding that services provided by Central Authorities under the 2000 Convention may vary, does your Central Authority provide assistance, either directly or through other authorities in your State, to authorities from a requesting State on behalf of an **individual residing abroad** who made a request for assistance in connection with a matter falling under the scope of the Convention? If so, please indicate the nature of the assistance provided.

- a. None
- b. Assistance in providing information on the operation of the 2000 Convention
- c. Assistance in providing information on the relevant laws and procedures and services available in your State
- d. Establishment of contact with the competent authorities in your State to find out the kind of assistance such authorities could provide
- e. Transmission of a request to the competent authorities in your State
- f. Assistance in discovering the whereabouts of an adult in your State
- g. Assistance in initiating judicial or administrative proceedings in your State

- h. Assistance in providing or facilitating the provision of legal aid and advice in your State
- i. Assistance in obtaining private legal counsel or mediation services, where needed in your State
- j. Ensuring separate legal representation for the adult in any proceedings
- k. Ensuring support for exercise of capacity in terms of Article 12(3) of the UNCRC
- l. Referral to other governmental and / or non-governmental organisations in your State for assistance
- m. Provision of regular updates on the progress of the application
- n. Other, please specify:
[Please insert text here](#)

8.3. Are you aware of any challenges, or have questions arisen, in applying **Article 29** in your State (*e.g.*, in relation to the timeliness of responses to requests)?

- No
- Yes, please specify:
[Please insert text here](#)

8.4. With a view to facilitate the task of Central Authorities under **Article 29(2)**, please describe the type of information that would be useful to include in a Country Profile published on the HCCH website (*e.g.*, information with respect to the availability of certain measures under internal law (*e.g.*, in relation to **Art. 3(e)**), or the procedures applied under, *e.g.*, **Article 22, 23, 25, 30, 31 or 33**, or information on Central Authority services provided (see questions 8.1. and 8.2. above):

[Please insert text here](#)

8.5. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the adult in situations to which the 2000 Convention applies? Please explain:

[Please insert text here](#)

8.6. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining information under **Article 32(1) or 34**?

- No
- Yes, please describe:
[Please insert text here](#)

8.7. Have authorities in your State experienced placements in accordance with **Article 33** either as a requesting or a requested State?

- No
- Yes

8.8. Have authorities in your State experienced any challenges, or have questions arisen, in applying **Article 33** (*e.g.*, has your State been requested to accept an adult under a certain type of placement or

institutional care that is not available under your internal law, or was insufficient information provided to you as the requested State)?

- No
 Yes, please describe:
[Please insert text here](#)

8.9. Please list and describe the procedures and conditions for the placement of an adult in your State in accordance with **Article 33**:

[Please insert text here](#)

8.10. As a requested State, please describe the information you would expect to receive from a requesting State with regard to the placement of an adult in your State in accordance with **Article 33**:

[Please insert text here](#)

8.11. Does your State impose charges, as provided under **Article 36(1)**, for the provision of services under **Chapter V** (Co-operation)?

- No
 Yes, for the following types of services (*e.g.*, translation, legal assistance):
[Please insert text here](#)

8.12. As a requesting State, have authorities in your State experienced any challenges, or have questions arisen, with regard to charges provided under **Article 36(1)**?

- No
 Yes, please explain:
[Please insert text here](#)

8.13. Are you aware of any challenges, or have questions arisen, in applying any other provisions under **Chapter V** in your State?

- No
 Yes, please describe:
[Please insert text here](#)

8.14. Have judges in your State used direct judicial communications in cases falling under the 2000 Convention (where applicable, please consult your Member of the International Hague Network of Judges¹³)?

- No
 Yes, please specify in relation to which specific matters (*e.g.*, transfer of jurisdiction (**Art. 8**), placement of a child (**Art. 33**)):
[Please insert text here](#)

IX – General provisions

¹³ The List of Members of the International Hague Network of Judges is available at: < <https://assets.hcch.net/docs/665b2d56-6236-4125-9352-c22bb65bc375.pdf> >.

9.1. Has your State experienced any challenges, or have questions arisen, in relation to requests under **Article 38** for the delivery of a certificate indicating the capacity in which a person entrusted with protection of the adult's person or property is entitled to act and the powers conferred upon him or her?

No

Yes, please describe:

[Please insert text here](#)

9.2. Which authority(ies) designated by your State in accordance with **Article 38(3)** is competent to draw up the **Article 38(1)** certificate? Please specify:

[Please insert text here](#)

9.3. If possible, please indicate the number of certificates that have been delivered by authorities in your State since the 2000 Convention came into force for your State:

[Please insert text here](#)

9.4. Has your State experienced any challenges, or have questions arisen, in relation to the implementation and / or operation of **Articles 39 and 40**?

No

Yes, please describe:

[Please insert text here](#)

9.5. Which authority(ies) has your State designated in accordance with **Article 42** to which requests under **Article 8** are to be addressed? Please specify:

[Please insert text here](#)

9.6. Which authority(ies) has your State designated in accordance with **Article 42** to which requests under **Article 33** are to be addressed? Please specify:

[Please insert text here](#)

9.7. Please list international instruments to which your State is a Party in accordance with **Article 49** which contain provisions on matters governed by the 2000 Convention:

[Please insert text here](#)

9.8. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other Articles in **Chapter VI**?

No

Yes, please specify:

[Please insert text here](#)

X – Miscellaneous

10.1. Is there any other comment that your State wishes to make relating to the practical operation of the 2000 Convention? If so, please specify:

[Please insert text here](#)

10.2. Are there any particular issues that your State would like the Special Commission meeting to discuss in relation to the 2000 Convention? Please specify and list in order of priority:

No

10.3. Is your State of the view that having joined the 2000 Convention will assist with the implementation of its obligations under the UNCRPD *e.g.*, Articles 12 and 16 of the UNCRPD?

Yes

No, please explain:

[Please insert text here](#)