

10. Croatia

Communication transmitted to the Secretariat, 27 June 2022:

The national practice of the Republic of Croatia on the provisional application of treaties

Croatian legislation generally allows the provisional application of treaties. The relevant domestic law regulating the provisional application of treaties is the *Law on Conclusion and Execution of Treaties* of 1996. In this regard, Article 10 of the Law stipulates that the consent for provisional application of treaties on behalf of the Republic of Croatia may be granted only upon approval of the President (this provision is no longer applicable after constitutional changes discontinuing the semi-presidential system) or the Government. Such approval is in principle given through a decision of the Government on initiating the process of concluding (*i.e.*, signing) a treaty. At the same time, paragraph 2 of the same Article, paraphrasing almost verbatim paragraph 2 of Article 25 of the *Vienna Convention on the Law of Treaties*, regulates that if not otherwise provided by the treaty or if negotiating parties did not agree otherwise, the provisional application would be terminated if the Republic of Croatia decides not to become a party to the treaty concerned and notifies such intention to other international subjects amongst which the concerned treaty provisionally applies.

From 1991 until June 2022, the Republic of Croatia agreed to the provisional application of 223 bilateral treaties.

*Excerpt from the Law on Conclusion and Execution of Treaties (1996):*²⁷

[...] *Article 10*

Consent of the Republic of Croatia for a treaty or a part thereof to be applied provisionally pending its entering into force may be granted only if so approved by the President of the Republic or the Government of the Republic of Croatia.

Unless otherwise provided by a treaty or unless otherwise agreed between the negotiating parties, such provisional application shall be terminated if the Republic of Croatia has decided not to become a party to the concerned treaty and notifies such intention to other international subjects amongst which the concerned treaty provisionally applies.

[...]

²⁷ Unofficial translation (from Croatian), provided by the delegation of Croatia.