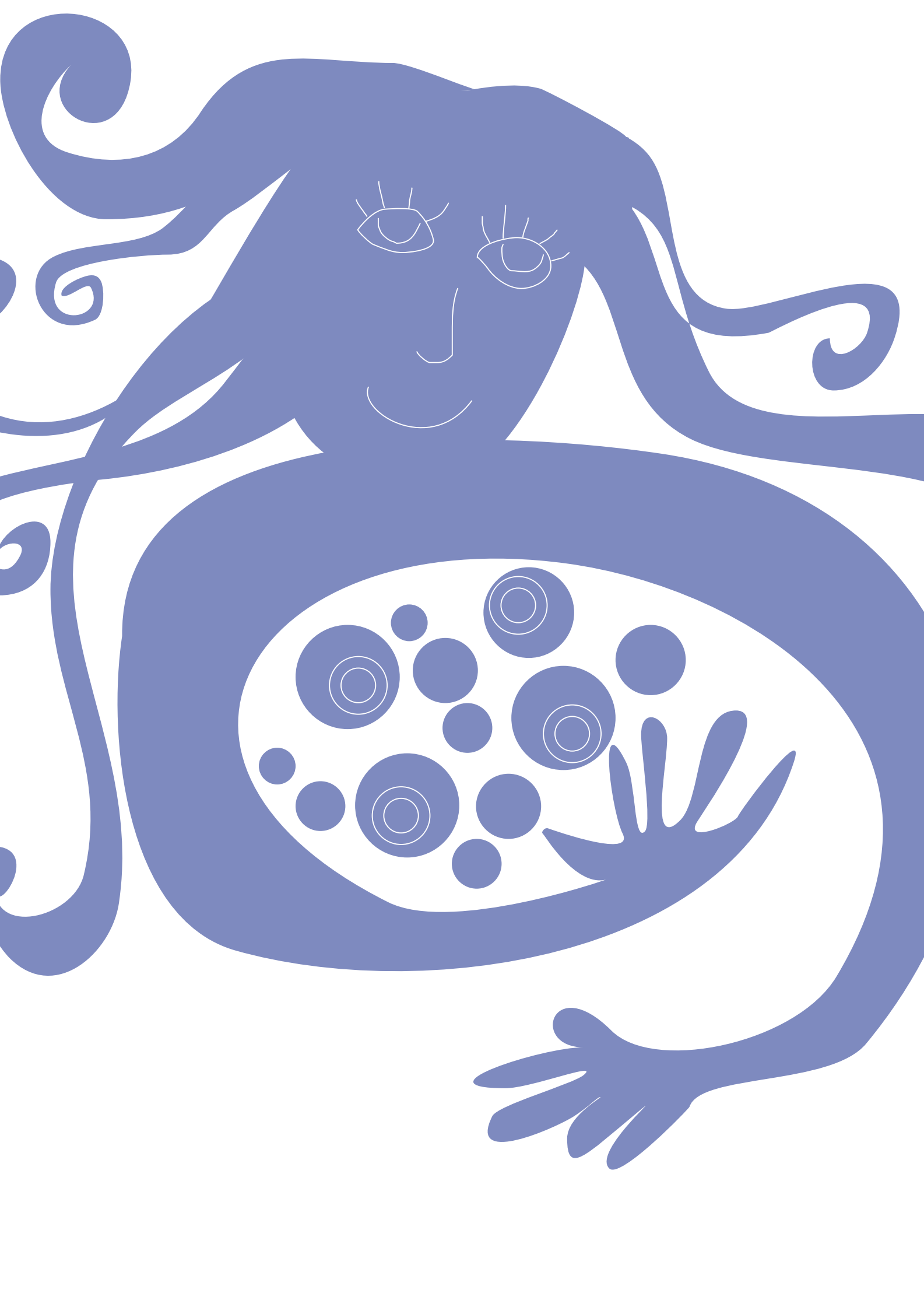


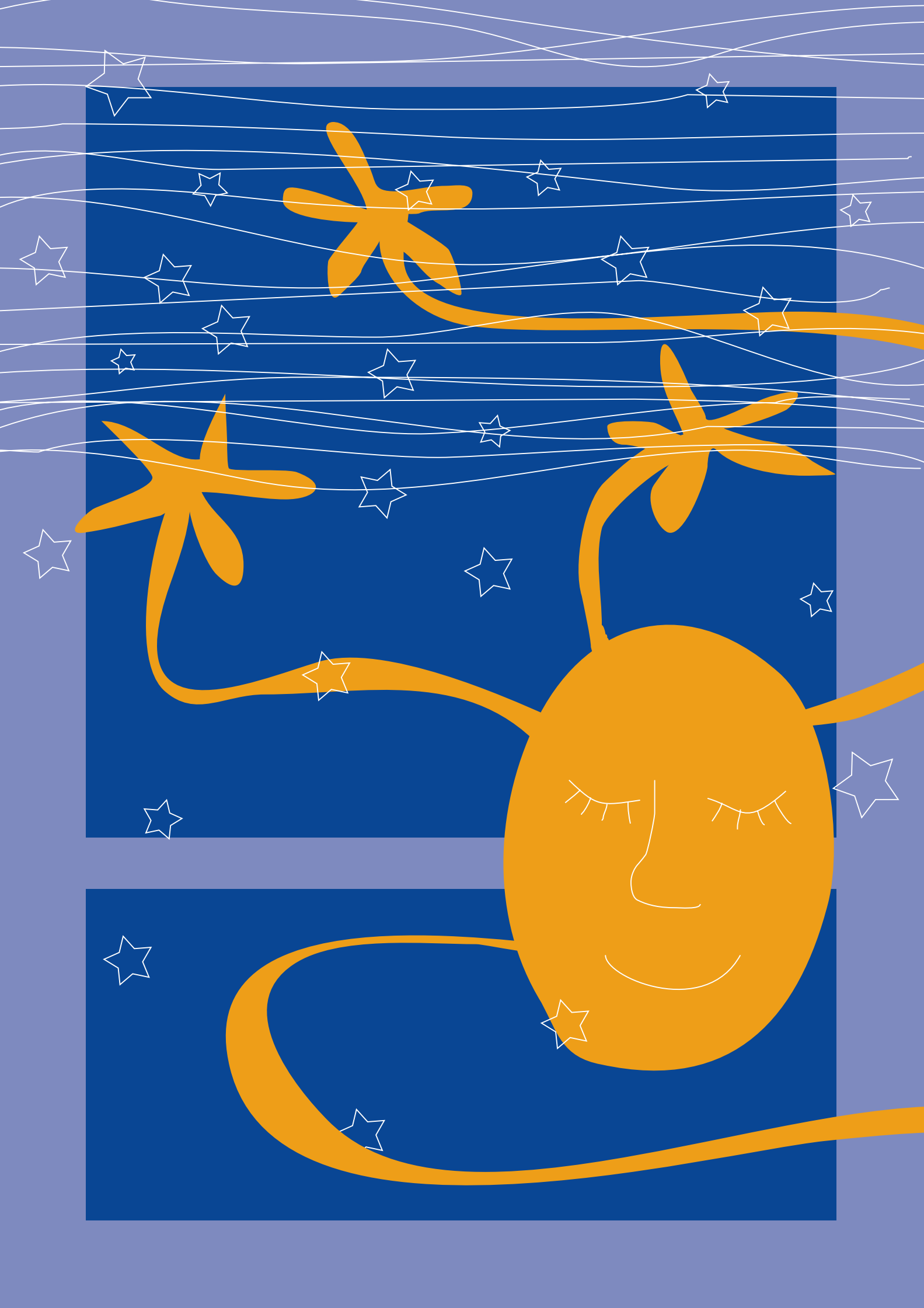
Letno poročilo 2005







Letno poročilo 2005



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Nagovor direktorice

Spoštovani!

Javni jamstveni in preživninski sklad Republike Slovenije je v letu 2005 uspešno izpolnjeval svoje osnovno poslanstvo.

Jamčevanje za terjatve delavcev, ki so izgubili delo pri delodajalcu, nad katerim je bil začel stečajni postopek, potrjena prisilna poravnava ali pa je bil izbrisan iz registra na osnovi Zakona o finančnem poslovanju podjetij, je potekalo tekoče, v skladu s prejetimi zahtevki. Število vloženih zahtev je bilo že drugo leto zapored nižje od povprečnega števila v obdobju od leta 1999 dalje. Zaradi dinamike prejemanja vlog in izdajanja odločb smo na jamstvenem skladu izplačali kar 26 odstotkov več sredstev kot leto prej.

Položaj je nekoliko drugačen na preživninskem skladu, kjer se število otrok, ki prejemajo nadomestilo preživnine in seveda tudi skupen znesek izplačanih nadomestil, iz leta v leto povečujeta. V decembru 2005 je nadomestilo preživnine prejelo 3160 otrok.

Pomembno področje delovanja Sklada predstavlja izterjava dolga, tako na jamstvenem, kot tudi na preživninskem skladu. Z veseljem ugotavljamo, da se skupni obseg izterjanih sredstev vsako leto povečuje. Tako je bilo tudi v letu 2005.

Na obseg izterjanih sredstev v stečajnih postopkih nimamo velikega vpliva, saj je uspešnost odvisna predvsem od velikosti stečajne mase in časa, v katerem se stečajni postopki zaključujejo. Ko se terjatev Sklada pojavi v postopku prisilne poravnave, je situacija drugačna. Takrat imamo aktivnejšo vlogo. Nema lokrat se, v skladu s Splošnimi pogoji poslovanja Sklada, s podjetjem dogovorimo za obročno odplačilo dolga ali pa za nižjo obrestno mero. Obremenitev tako razporedimo na daljše časovno obdobje in podjetju pomagamo prebroditi težave.

Popolnoma drugačne značilnosti ima izterjava na preživninskem skladu. Z vstopom Sklada v razmerje otrok - zakoniti zastopnik - preživninski zavezanec, povečujemo pritisk na preživninskega zavezanca, ki nema lokrat prične prostovoljno plačevati preživnino. Z izterjavo želimo poudariti, da imata oba starša dolžnost in pravico preživljati svoje otroke. V preteklem letu so o problematiki neplačevanja preživnin razpravljali strokovnjaki na okroglih mizah, ki so se jih udeležili tudi predstavniki Sklada in skušali po svojih močeh prispevati k reševanju tega problema. Problematiko

neplačevanja preživnin je obravnaval tudi Nadzorni svet Sklada. Strokovne službe Sklada je zadalžil, da pripravijo celovito analizo s predlogi za izboljšave.

V drugi polovici leta 2005 smo pričeli s postopkom spreminjanja Zakona o Javnem jamstvenem in preživninskem skladu Republike Slovenije v delu, ki se nanaša na mednarodne situacije. Gre za uskladitev z evropsko direktivo, ki ureja to področje. S spremembami bomo razširili krog upravičencev do sredstev jamstvenega sklada, upravičenja bodo ostala ista. Predlagano je, da bi Sklad postal ustanova, ki bi bila v slovenskem prostoru pooblaščen za posredovanje informacij, ki se tičejo insolvenčnih postopkov ter za stike s sorodnimi ustanovami v drugih državah evropske skupnosti.

Predanost delu, strokovna usposobljenost in izostren čut za sočloveka pri vseh zaposlenih na Skladu, predstavljajo trden temelj za uspešno delovanje v prihodnje. Ugled, ki smo si ga pridobili v preteklih letih, pomeni dodatno motivacijo in storili bomo vse, da ga ohranimo.

Ada Žerko

Poročilo nadzornega sveta

Do 20.12.2005 je Nadzorni svet deloval v sestavi:

Predsednik: mag. Janez Drobnič, minister za delo, družino in socialne zadeve

Člani: Alenka Bratušek, predstavnica Ministrstva za finance
Nives Vogrič, predstavnica skupnosti centrov za socialno delo
Nevenka Lekše, predstavnica sindikatov, reprezentativnih za območje države
Vitko Roš, predstavnik organizacij delodajalcev, reprezentativnih za območje države

Po tem datumu se je sestava Nadzornega sveta spremenila. Novi članici sta postali Romana Tomc Lampič, kot predstavnica organizacij delodajalcev, reprezentativnih za območje države ter Ivana Košir Erman, predstavnica Skupnosti centrov za socialno delo. Nadzorni svet se je v novi sestavi prvič sestel v letu 2006.

Nadzorni svet je spremljal poslovanje Sklada. Na svoji prvi seji je obravnaval in sprejel revizorjevo poročilo o pregledu računovodskih izkazov Javnega jamstvenega in preživninskega sklada Republike Slovenije za leto 2004 in Letno poročilo Javnega jamstvenega in preživninskega sklada Republike Slovenije za leto 2004. Seznanil se je tudi z delom Sklada v obdobju od 1.1.2005 do 30.6.2005.

Člani Nadzornega sveta so naložili strokovnim službam Sklada, da pripravijo gradivo, v katerem bodo opredelili ključne težave staršev ob razvezi in po razvezi v zvezi s preživljanjem otrok (postopki pred sodiščem za določitev preživnine, neplačevanje preživnine, postopki za izterjavo preživnine in s tem povezanimi stroški, postopki za uveljavitev brezplačne pravne pomoči). Strokovne službe Sklada so hkrati zadolžili, da pripravijo predloge za izboljšanje izterjave nadomestil preživnine in preživnin.

Člani Nadzornega sveta so na korespondenčni seji v novembru dali pozitivno mnenje k izboru razpisne komisije za direktorja Javnega jamstvenega in preživninskega sklada RS, ki je po predhodno opravljenem razpisnem postopku izbrala Ado Žerko. Direktorici mag. Lilijani Madjar je s 30.11.2005 potekel mandat.

Predsednik nadzornega sveta:
mag. Janez Drobnič



Poslanstvo in vizija

Poslanstvo

Jamstveni sklad pomaga delavcem, da uveljavijo svojo temeljno pravico do plačila za delo, ko gre podjetje v stečajni postopek ali postopek prisilne poravnave. Sklad na tem področju svetuje delavcem in sindikatom, pa tudi stečajnim upraviteljem in upraviteljem prisilnih poravnav.

Preživninski sklad pomaga otrokom, da s pomočjo zakonitih zastopnikov uveljavijo svojo pravico do prejemanja nadomestila preživnine, in svetuje pri odločitvah za uveljavljanje teh pravic. Preživninske zavezanke spodbuja k plačevanju preživnine, oziroma ureditvi odnosov z otrokovim zakonitim zastopnikom.

Izterjava dolžnikov na jamstvenem skladu je stalna naloga in zagotavlja pomemben vir prihodkov za izplačila delavcem.

Izterjava dolžnikov na preživninskem skladu je ena od prednostnih nalog, ki se ne kaže samo v prihodkih, temveč tudi v spreminjanju miselnosti zavezancev za plačilo preživnine, ki se temu želijo izogniti.

Znanje, učinkovitost in strokovnost Sklada utrjuje z **mednarodnimi izkušnjami** in pripadnostjo vseh zaposlenih.

Pomembna sestavna dela poslanstva Sklada sta **obveščanje in vzpostavljanje dialoga** z vsemi, ki jim je temeljna dejavnost Sklada namenjena.

Vizija

Jamstveni sklad želi biti prepoznan kot strokovna institucija, ki v slovenskem prostoru deluje kot pobudnik za uveljavljanje pravic delavcev do prejema plačila za delo, v primerih plačilne nesposobnosti delodajalca ali izbrisa delodajalca iz sodnega registra na podlagi Zakona o finančnem poslovanju podjetij.

Preživninski sklad želi dosegati prepoznavnost kot institucija, ki omogoča uveljavljanje pravice do prejemanja nadomestila preživnine. Dolgoročno želi skupaj z drugimi družbenimi dejavniki doseči ozaveščenost, da je pravica do preživnine temeljna pravica otrok razvezanih staršev. Sklad si bo s postopki izterjave prizadeval doseči čim večji delež tistih, ki se bodo zavedali, da se plačilo preživnine za otroka ne morejo izogniti.

Sklad želi z učinkovito in strokovno komunikacijo utrjevati svojo vlogo pri posredovanju informacij, svetovanju in uveljavljanju pravic iz področja svojega delovanja.

Sklad bo skrbel za vsebino in organizacijo dela, tako da bo zgled za oblikovanje podobnih institucij tudi v evropskem prostoru, predvsem v tranzicijskih državah.

Zaposleni na Skladu skrbimo za uresničevanje poslanstva in doseganje vizije s strokovnim znanjem in odgovornim ravnanjem.

Osebnna izkaznica Sklada

Splošno o Skladu

Ime: Javni jamstveni in preživninski sklad
Republike Slovenije
Sedež: Kotnikova ulica 28, Ljubljana
Telefon: 01 472 09 90
Faks: 01 472 09 91
Elektronski naslov: jpsklad@ess.gov.si
Spletni naslov: <http://www.jps-rs.si>

Brezplačni telefonski številki:

Jamstveni sklad: 080 11 21
Preživninski sklad: 080 14 14

Vodstvo Sklada

Direktor/ica: mag. Lilijana Madjar do vključno
30.11.2005
mag. Janez Drobnič do vključno 31.12.2005
(v funkciji predsednika Nadzornega sveta)
Ada Žerko, univ. dipl. oec. od 1.1.2006 dalje
Sekretarka: Ajda Likar, univ. dipl. iur.
Vodja pravno upravnega sektorja:
Miriam Ravnikar Šurk, univ. dipl. iur.
Vodja finančno računovodskega sektorja:
Ana Šparemblek, univ. dipl. oec.

Nadzorni svet

Predsednik: mag. Janez Drobnič, minister za delo,
družino in socialne zadeve
Člani: Alenka Bratušek, predstavnica Ministrstva
za finance
Ivana Košir Erman, predstavnica Skupnosti
centrov za socialno delo
Nevenka Lekše, predstavnica sindikatov,
reprezentativnih za območje države
Romana Tomc Lampič, predstavnica
organizacij delodajalcev, reprezentativnih
za območje države

Z dnem 20.12.2005 je prenehal mandat trem članom nadzornega sveta: Nevenki Lekše (ponovno imenovanje), predsednici Sindikata zdravstva in socialnega varstva Slovenije, Vitku Rošu, generalnemu sekretarju Združenja delodajalcev Slovenije in Nives Vogrič, direktorici Centra za socialno delo Piran.

Delovanje Sklada

Pravna oblika: javni sklad
Datum ustanovitve: 9. 5. 1997
Ustanovitelj: Republika Slovenija
Število zaposlenih: 22

Začetek delovanja:

Jamstveni sklad: 3. 11. 1997
Preživninski sklad: 18. 10. 1999

Zakonski okviri:

Zakon o Javnem jamstvenem in preživninskem skladu Republike Slovenije (Ur. l. RS, št. 25/97, 10/98, 41/99, 53/99, 119/02, 26/03)
Zakon o javnih skladih (Ur. l. RS, št. 22/2000)

Predstavitev dejavnosti

Dejavnost Javnega jamstvenega in preživninskega sklada Republike Slovenije zajema naslednja področja in vsebine dela:

Jamstveni sklad:

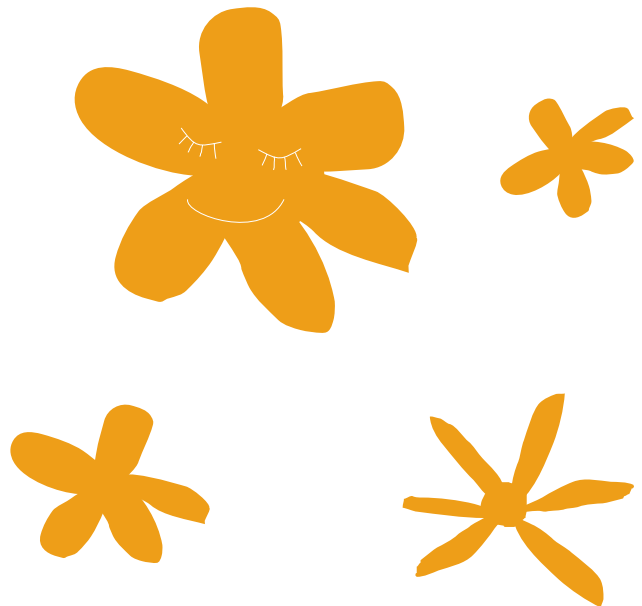
zagotavljanje pravic delavcev, ki jim je delovno razmerje prenehalo zaradi insolventnosti delodajalca (stečajni postopek ali prisilna poravnava) ali izbrisa družbe iz sodnega registra na podlagi Zakona o finančnem poslovanju podjetij.

Preživninski sklad:

zagotavljanje uveljavljanja pravice do nadomestila preživnine tistim otrokom, ki jim je s pravnomočno sodbo, začasno odredbo, oziroma dogovorom pri centru za socialno delo določena preživnina, vendar je preživninski zavezanci ne plačujejo.

Izterjava terjatev:

izterjava dolga družb, ki so postale dolžnice na podlagi izplačil delavcem, ki so izgubili zaposlitev zaradi insolventnosti delodajalca in izterjava dolga preživninskih zavezancev, ki je nastal na podlagi izplačil nadomestil preživnine upravičencem.



Ključni dosežki leta 2005 v številkah

Jamstveni sklad

Od 1. januarja do 31. decembra 2005 smo na jamstveni sklad prejeli 2.286 zahtev, ki so jih poslali zaposleni iz 110 gospodarskih družb.

Na podlagi zahtev smo izdali 3.112 odločb, od tega je bilo 3.050, oziroma 98 odstotkov pozitivnih.

Pozitivne odločbe o priznanju pravic iz naslova insolventnosti delodajalca so bile osnova za izplačilo 1.053.738.111 tolarjev nadomestil. Izplačila je prejelo 3.024 upravičencev iz 121 podjetij.

Povprečno neto izplačilo nadomestila na upravičenca je znašalo 197.648 tolarjev.

Od pričetka delovanja v letu 1997 do konca leta 2005 je Sklad izplačal 55.143 zahtev v skupni višini 9,6 milijarde tolarjev.

Preživninski sklad

V letu 2005 smo na preživninskem skladu prejeli 594 zahtev za 774 otrok.

V tem obdobju smo izdali 578 odločb za 752 otrok. 661 otrokom je bila priznana pravica do nadomestila preživnine.

Povprečno izplačilo nadomestila preživnine je v decembru 2005 znašalo 16.623 tolarjev.

Iz preživninskega sklada smo v letu 2005 izplačali 606.160.014 tolarjev nadomestil preživnin. V decembru je nadomestilo preživnine prejelo 3160 otrok.

V celotnem obdobju delovanja Sklada smo izplačevali preživnine 5.437 otrokom in izplačali skupno 2,5 milijarde tolarjev nadomestil preživnin.

Izterjava

Na jamstvenem skladu smo v letu 2005 na podlagi subrogacij prejeli 582.307.095 tolarjev vračil.

Od začetka delovanja jamstvenega sklada do konca leta 2005 so celotna vračila iz naslova subrogacij¹ znašala 3.462.036.786 tolarjev, kar pomeni 36,3 odstotke vseh izplačanih sredstev.

Sklad je imel na dan 31.12.2005 iz naslova subrogacij na jamstvenem skladu terjatve do 254 gospodarskih družb v skupnem znesku 2.584.827.105 tolarjev.

Na preživninskem skladu smo v letu 2005 izterjali 143.585.888 tolarjev, v petih letih delovanja preživninskega sklada pa skupaj 328.571.489 tolarjev.

Na zadnji dan leta 2005 je višina sredstev, ki jih preživninskemu skladu dolgujejo preživninski zavezanci ali zakoniti zastopniki, znašala 3.428.605.526 tolarjev.

¹ Z izvršitvijo odločb, ki jih izdamo na Skladu, preidejo terjatve delavca, oziroma otroka kot upnika na Sklad in sicer do višine, ki smo jo izplačali.

Pomembni dogodki v letu 2005

V letu 2005 so delo Javnega jamstvenega in preživninskega sklada RS zaznamovali naslednji večji dogodki:

Januar:

Na jamstvenem skladu smo v tem mesecu prejeli največ sredstev iz naslova subrogacij, in sicer 114,1 milijonov tolarjev.

Marec:

Na jamstvenem skladu smo 664 delavcem iz podjetja Planika Kranj v stečaju izplačali 215 milijonov tolarjev, kar je bilo največje izplačilo v letu 2005 izplačano delavcem enega podjetja.

Sodelovali smo na okrogli mizi na temo preživnin v Celju.

April:

Vlada RS je uskladila nadomestila preživnine z rastjo cen življenjskih potrebščin in plač; nadomestilo preživnine se je povišalo za 2,1 odstotka.

Junij:

Na jamstvenem skladu smo 137 delavcem podjetja Svila v stečaju, izplačali 56 milijonov tolarjev.

164 delavcev podjetja Ingrad Celje je vložilo zahteve za izplačilo iz jamstvenega sklada; Ker je šlo za večje število delavcev, smo delavci Sklada v sodelovanju z Zavodom RS za zaposlovanje organizirali pobiranje zahtev na terenu. Svetovali smo pri izpolnjevanju obrazcev in odgovarjali na vsa vprašanja v zvezi s postopkom. Sredstva so delavci prejeli v avgustu.

Sodelovali smo na okrogli mizi na temo preživnin v Kopru.

September:

Novinarska konferenca Sklada, kjer smo predstavili pregled dela Sklada v prvih osmih mesecih leta 2005.

Oktober:

Preživninski sklad deluje že šest let.

November:

Jamstveni sklad deluje že osem let.

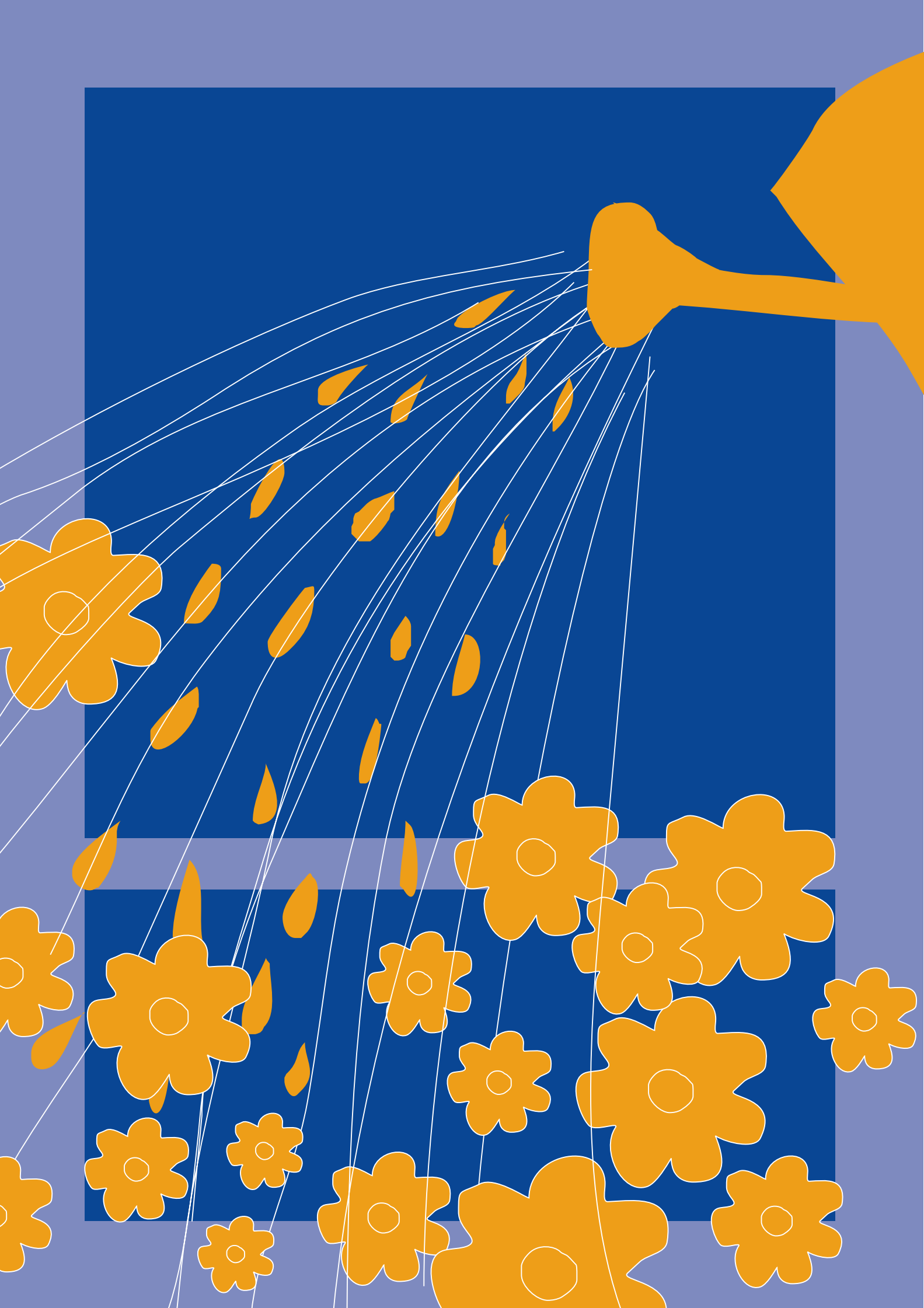
Udeležili smo se sestanka v Bruslju, ki ga je na temo spremembe direktive o varstvu delavcev v primeru plačilne nesposobnosti njihovega delodajalca, organizirala Evropska komisija.

December:

Sodelovali smo na okrogli mizi na temo preživnin v Mariboru.

Vlada RS je imenovala Ado Žerko za direktorico Javnega jamstvenega in preživninskega sklada RS s štiriletnim mandatom.

Decembra 2005 smo izplačali nadomestilo preživnine 3.160 otrokom v skupni višini 52,5 milijona tolarjev, kar je tudi najvišje izplačilo v letu 2005.



08

Jamstveni sklad v letu 2005

Delovanje jamstvenega sklada je v letu 2005 potekalo tekoče in brez pretresov. Zakonodaja, ki ureja področje jamstvenega sklada, se v letu 2005 ni spreminjala.

Pravica do izplačila

Pravico do izplačila sredstev iz jamstvenega sklada imajo tisti delavci, ki so izgubili delo zaradi začetka stečajnega postopka, zaradi pravnomočnega sklepa o prisilni poravnavi s finančno reorganizacijo ali zaradi izbrisa gospodarske družbe iz sodnega registra v skladu z določili Zakona o finančnem poslovanju podjetij. Poleg tega morajo delavci, ki želijo uveljavljati pravice iz zakona o Javnem jamstvenem in preživninskem skladu Republike Slovenije (v nadaljevanju zakon), svoje terjatve prijaviti v rokih in na način, kot je določeno v Zakonu o prisilni poravnavi, stečaju in likvidaciji, oziroma zahtevati varstvo svojih pravic v rokih in na način, določen v predpisih, ki urejajo delovna razmerja.

Vložene zahteve

Postopek za uveljavitev pravic se vedno začne na zahtevo upravičenca, ki odda zahtevo za poravnavo obveznosti iz naslova pravic delavcev v primeru insolventnosti delodajalca (v nadaljevanju zahteva) pri območni službi Zavoda Republike Slovenije za zaposlovanje (v nadaljevanju Zavod). Rok za oddajo zahteve je 90 dni od datuma prenehanja delovnega razmerja. V letu 2005 je bilo Sloveniji 687 gospodarskih družb, v katerih se je začel stečajni postopek, medtem, ko je bilo leto pred tem takšnih družb 712.

Od 1. januarja do 31. decembra 2005 smo na jamstvenem skladu prejeli 2.286 zahtev, ki so jih poslali zaposleni iz 110 gospodarskih družb. Izdali smo 3.112 odločb, od tega 3.050 pozitivnih (98 odstotkov) in 62 (2 odstotka) odločb, s katerimi smo v celoti ali delno zavrnilo zahtevo. Število izdanih odločb je večje od števila prejetih zahtev, ker so bile nekatere zahteve posredovane na Sklad konec leta 2004 in smo o njih lahko odločali šele v letu 2005.

Prikaz vloženi zahtev po posameznih mesecih kaže, da so zahteve na jamstveni sklad v letu 2005 prihajale neenakomerno. Največ smo jih prejeli v juliju in oktobru, najmanj pa februarja in novembra.

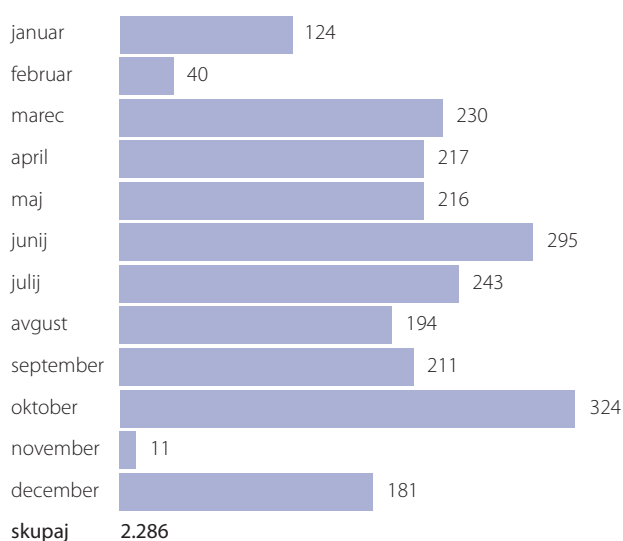
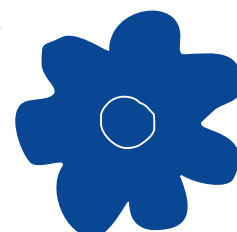


Tabela 1: Število vloženi zahtev v letu 2005 po mesecih

Na jamstvenem skladu smo v letu 2005 prejeli več kot sto zahtev iz desetih gospodarskih družb:

- Beti konfekcija Črnomelj, proizvodnja in trgovina d.o.o. – 179 zahtev,
- Ingrad, gradbeno podjetje d.d. – 164 zahtev,
- Trikon, proizvodnja oblačil, d.d. – 148 zahtev,
- Svila d.d. – 144 zahtev,
- Lesna – tovarna stavbnega pohištva Radlje d.o.o. – 136 zahtev,
- Merinka Maribor d.d. – 125 zahtev,
- Jutranjka trgovina in storitve d.d. – 121 zahtev,



- Kartonaža, grafično in embalažno podjetje Murska Sobota d.d. – 109 zahtev,
- Novoteks tkanina izdelovanje preje in tkanin d.d. – 104 zahteve,
- Jutranjka trgovina in storitve d.d. – 104 zahteve.

Statistika vloženih zahtev po območnih službah Zavoda kaže, da je lani največ zahtev prispelo iz mariborske območne službe: 469 vloženih zahtev pri tej območni službi zajema kar 20,5 odstotka vseh vloženih zahtev. Sledita ji ljubljanska območna služba s 352 zahtevami, kar predstavlja 15,4 odstotke in Celje s 327 vloženimi zahtevami, kar znaša 14,3 odstotke. Iz teh treh območnih služb smo na jamstveni sklad skupaj prejeli polovico vseh vloženih zahtev v letu 2005. Najmanj zahtev smo prejeli iz območne službe Nova Gorica (103 zahteve - 4,5 odstotka vseh zahtev). Iz območne službe Koper v letu 2005 nismo prejeli nobene zahteve.

območna služba Zavoda	vložene zahteve	odstotek
Kranj	119	5,2
Ljubljana	352	15,4
Maribor	469	20,5
Celje	327	14,3
Velenje	239	10,5
Murska Sobota	161	7,0
Nova Gorica	103	4,5
Koper	0	0,0
Sevnica	226	9,9
Novo mesto	290	12,7
Skupaj	2.286	100,0

Tabela 2: Število vloženih zahtev v letu 2005 po območnih službah Zavoda

Skupno število vloženih zahtev na jamstveni sklad se je v letu 2005 v primerjavi z letom prej sicer zmanjšalo za 6,2 odstotka, vendar se je število izdanih odločb povečalo kar za 42,4 odstotka glede na število izdanih odločb v letu 2004. Razlog je v dinamiki izdajanja odločb.

Izdane odločbe

Na jamstvenem skladu smo v letu 2005 na podlagi zahtev, ki so jih upravičenci vložili za uveljavljanje pravic zaradi insolventnosti delodajalca, izdali 3.112 odločb. 3.050 je bilo pozitivnih odločb (kar predstavlja 98 odstotkov), 62 odločb (2 odstotka) pa smo v celoti ali delno zavrnil. Negativne odločbe smo izdali zaradi neizpolnjevanja zakonskih pogojev ali zaradi tega, ker so delavci že prejeli poplačilo svojih terjatev. Na Sklad so upravičenci vložili 22 pritožb; v 4 primerih so se upravičenci pritožili proti delno pozitivni odločbi, v 18 primerih pa proti zavrnitvi odločbi, oziroma zoper odločbo, s katero je bila njihova zahteva zavrnjena.

območna služba	vložene zahteve	pozitivne odločbe	negativne odločbe	odločene skupaj	izplačane odločbe
Celje	327	333	6	339	331
Koper	0	0	0	0	0
Kranj	119	770	25	795	769
Ljubljana	352	275	16	291	258
Maribor	469	624	3	627	622
Murska Sobota	161	204	3	207	202
Nova Gorica	103	91	4	95	91
Novo mesto	290	290	0	290	290
Sevnica	226	225	1	226	225
Velenje	239	238	4	242	236
skupaj	2.286	3.050	62	3.112	3.024

Tabela 3: Število vloženih zahtev, odločb in izplačil v letu 2005 po območnih službah Zavoda RS za zaposlovanje

Opomba k tabeli:

Pri posameznih območnih službah Zavoda se pojavlja večje število odločenih zahtev od vloženih, kar je posledica tega, da so bile nekatere zahteve poslane na Sklad konec leta 2004 in smo o njih lahko odločali šele v letu 2005. Večje število izplačil od števila odločenih zahtev pri posameznih območnih službah Zavoda je prav tako posledica tega, da so nekatere, decembra 2004 izdane odločbe, postale pravnomočne januarja 2005 in so upravičenci prejeli izplačilo šele v letu 2005.

Izplačila

Znesek, ki ga upravičenci prejmejo na podlagi odločbe o priznanju pravic, lahko vključuje neizplačane plače, oziroma nadomestila plač za zadnje tri mesece pred datumom prenehanja delovnega razmerja. Ta znesek je lahko v višini največ treh minimalnih plač, določenih s posebnim predpisom na dan izdaje odločbe. Na Skladu izplačamo tudi nadomestila plače za čas neizrabljenega letnega dopusta, do katerega je bil delavec upravičen v tekočem koledarskem letu. Ta znesek lahko doseže višino največ ene polovice minimalne plače. Izplačamo tudi odpravnino v višini in pod pogoji, ki jih za presežne delavce določajo predpisi o delovnih razmerjih. Višina odpravnine je omejena z zneskom ene minimalne plače.

Upravičenci lahko od jamstvenega sklada prejmejo sredstva v skupni višini največ 4,5 minimalne plače.

Sredstva za izplačilo upravičencem jamstvenega sklada so bila zagotovljena iz proračuna (61 odstotkov izplačanih sredstev) in iz subrogacij (39 odstotkov celotne vrednosti sredstev).

območna služba	število upravičencev	odstotek
Ljubljana	258	8,5
Velenje	236	7,8
Maribor	622	20,6
Celje	331	11,0
Murska Sobota	202	6,7
Nova Gorica	91	3,0
Kranj	769	25,4
Sevnica	225	7,4
Koper	0	0,0
Novo mesto	290	9,6
skupaj	3.024	100,0

Tabela 4: Število upravičencev, ki so v letu 2005 prejeli nadomestilo, po območnih službah Zavoda

V letu 2005 je na podlagi odločb o priznanju pravic iz naslova insolventnosti delodajalca izplačila prejelo 3.024 upravičencev iz 102 podjetij v skupni višini 1.053.738.111 tolarjev.

Skupni znesek izplačil na jamstvenem skladu v letu 2005 je bil višji od izplačil v letu 2004 za 25,9 odstotkov.

Prvih deset gospodarskih družb z najvišjimi skupnimi zneski izplačil:

- Planika Kranj d.d. – 215.222.298 tolarjev,
- Ingrad, gradbeno podjetje d.d. – 87.059.124 tolarjev,
- Jutranjka trgovina in storitve d.d. – 61.280.531 tolarjev,
- Lesna – tovarna stavbnega pohištva Radlje d.o.o. – 59.325.527 tolarjev,
- Svila d.d. – 59.019.390 tolarjev,
- Merinka Maribor d.d. 56.950.280 tolarjev,
- Beti konfekcija Črnomelj proizvodnja in trgovina d.o.o. – 55.682.500 tolarjev,
- Kartonaža, grafično in embalažno podjetje Murska Sobota, d.d. – 54.452.621 tolarjev,
- Novoteks, tkanina izdelovanje preje in tkanin d.d. – 38.618.011 tolarjev,
- Soča, vodnogospodarsko podjetje, d.d. – 36.457.479 tolarjev.

Delež izplačil za navedene družbe v vseh izplačanih sredstvih je znašal 68,7 odstotka. Največ izplačil so upravičenci prejeli marca, ko je 687 upravičencev prejelo izplačila v skupnem znesku 220,7 milijona tolarjev in novembra, ko je 621 upravičencev prejelo izplačila v skupnem znesku 216,7 milijona tolarjev.

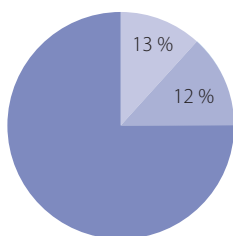
mesec	število upravičencev	izplačilo v tolarjih
januar	31	9.757.990
februar	83	34.225.126
marec	687	220.717.207
april	142	64.669.546
maj	162	65.034.993
junij	179	54.588.889
julij	454	155.634.841
avgust	317	154.577.853
september	77	26.560.883
oktober	184	35.997.673
november	621	216.731.569
december	87	15.241.541
skupaj	3.024	1.053.738.111

Tabela 5: Število upravičencev, ki so v letu 2005 prejeli nadomestilo, in skupna izplačila nadomestil po mesecih

Povprečno neto izplačilo nadomestila na upravičenca je v letu 2005 znašalo 197.647,73 tolarjev (v letu 2004 je znašalo 251.086 tolarjev). Razlika v višini povprečnega neto izplačila je posledica zvišanja stopnje akontacije dohodnine (od 1.1.2005 dalje je stopnja 25 odstotkov, prej je znašala 17 odstotkov).

	vrsta izplačila	odstotek
plača	791.703.951	75 %
dopust	126.329.419	12 %
odpravnina	135.704.741	13 %

Tabela 6: Deleži posameznih vrst izplačil v letu 2005



Lani so upravičenci največ sredstev (75 odstotkov) prejeli iz naslova neizplačanih plač in neizplačanih nadomestil plač za plačane odsotnosti z dela, 13 odstotkov vseh izplačil je obsegalo izplačilo za neizplačane odpravnine, 12 odstotkov izplačanih sredstev pa je jamstveni sklad izplačal za nadomestila plač za čas neizkoriščenega letnega dopusta. V izplačilih se povečuje delež izplačil iz naslova neizplačanih plač in nadomestil plač za plačane odsotnosti z dela na račun ostalih dveh postavk.

Terjatve

V letu 2005 smo s subrogacijami (to pomeni, da z izvršitvijo odločb, ki jih je izdal jamstveni sklad, preidejo terjatve delavca na Sklad, in sicer do višine, ki jo je Sklad izplačal) prejeli 582.307.095 tolarjev sredstev. Najvišja zneska je Sklad prejel januarja (114.113.067 tolarjev) in decembra (104.175.204 tolarjev).

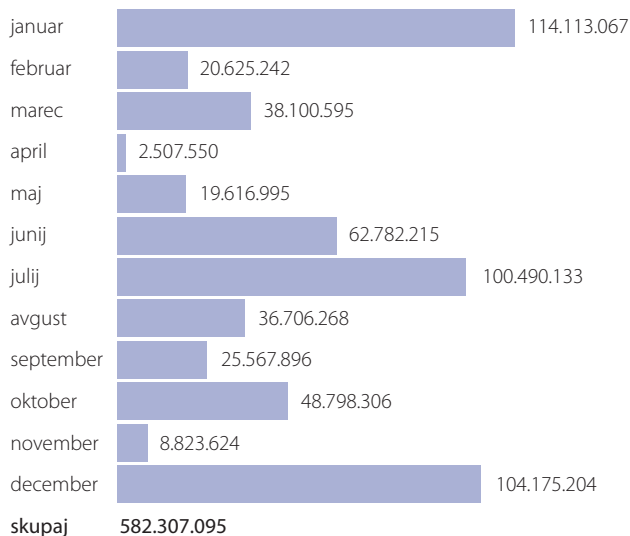


Tabela 7: Mesečna vračila v letu 2005 po mesecih v tolarjih

Na dan 31. decembra 2005 v bilanci izkazujemo neodpisane terjatve do 254 gospodarskih družb v skupnem znesku 2.584.827.105 tolarjev. Na jamstvenem skladu si prizadevamo, da bi v čim večji meri izterjali izplačana sredstva in s tem zagotovili pomemben vir sredstev za izplačila iz naslova insolventnosti delodajalcev. Ko je družba dolžnica v postopku prisilne poravnave, se skušamo v okviru veljavne zakonodaje z vodstvom družbe dogovoriti o načinu vračila dolga, ki bi bil sprejemljiv za družbo z vidika nadaljnjega poslovanja. Včasih se z družbo ne moremo dogovoriti in takrat zavarujemo terjatev tako, da vložimo tožbo. V primeru, da je postopek prisilne poravnave neuspešen in je v družbi dolžnici uveden stečajni postopek, pravočasno prijavimo terjatev.

Jamstveni sklad od začetka delovanja do leta 2005

Jamstveni sklad deluje od 3. novembra 1997. V obdobju delovanja smo izplačali finančna sredstva več kot 55.000 upravičencem v skupnem znesku 9,5 milijarde tolarjev.

Z vztrajnim in doslednim zagovarjanjem stališča, da imajo delavci v primeru plačilne nesposobnosti delodajalca tudi pravico do plačila odpravnine, smo pomembno prispevali k izoblikovanju dokončne prakse sodišč. Ustavno sodišče Republike Slovenije je namreč pritrnilo mnenju jamstvenega sklada o pravici do odpravnine delavcev, ki so izgubili zaposlitev v stečajnih postopkih in postopkih prisilnih poravnav.

V preteklih letih smo opravili analizo problematike podjetij v prisilni poravnavi, saj se je izkazalo, da vračilo dolga za ta podjetja predstavlja velik problem. Oblikovali smo temeljna izhodišča za izterjavo sredstev, ki so jih podjetja v prisilni po-

ravnavi dolžna vrniti Skladu. Zapisali smo jih v Splošne pogoje poslovanja Sklada, ki so postali osnova za dogovore s podjetji v prisilni poravnavi o načinu vračila dolga.

V zadnjem obdobju se vztrajno zmanjšuje število družb dolžnic, ki Skladu dolgujejo sredstva iz naslova izplačil sredstev delavcem, ki jim je delovno razmerje prenehalo na podlagi pravnomočno potrjene prisilne poravnave. Razloge za to najdemo v doslednejšem upoštevanju veljavne zakonodaje s strani delodajalcev, predvsem glede pravic, ki gredo delavcem v primeru insolventnosti delodajalca. Tako delodajalci praviloma sami poravnajo obveznosti do delavcev in to vsaj do višine, do katere jamči tudi Sklad. Ti delavci tako niso upravičeni do sredstev Sklada.

Leto	vložene zahteve	pozitivne odločbe	negativne odločbe	odločene skupaj	izplačane	znesek izplačil v tolarjih
3. 11.-31. 12. 1997	18.676	/	/	/	/	/
1998	18.621	32.075	3.229	35.304	31.364	3.771.876.065
1999	3.984	5.199	1.059	6.258	5.150	815.167.640
2000	4.336	3.995	853	4.848	4.533	735.519.699
2001	2.651	3.121	499	3.620	3.085	599.473.483
2002	2.893	2.827	299	3.126	2.799	819.880.208
2003	3.308	3.052	137	3.189	3.008	911.393.710
2004	2.437	2.040	145	2.185	2.180	836.996.830
2005	2.286	3.050	62	3.112	3.024	1.053.738.111
skupaj	59.192	55.359	6.283	61.642	55.143	9.544.045.746

Tabela 8: Število vloženih zahtev, izdanih in izplačanih odločb ter skupni znesek izplačil po letih

Od leta 1997 do konca leta 2005 je Sklad izplačal 55.143 zahtev v skupni višini 9,5 milijarde tolarjev.

leto	Plača v tolarjih	Dopust v tolarjih	Odpravnina v tolarjih	Skupaj v tolarjih
1998	1.816.150.459	707.339.780	1.248.385.826	3.771.876.065
1999	473.794.622	134.975.008	206.398.010	815.167.640
2000	426.020.307	96.031.965	213.467.427	735.519.699
2001	350.094.019	100.148.485	149.230.979	599.473.483
2002	537.349.204	114.054.204	168.476.800	819.880.208
2003	592.121.630	115.606.435	203.665.645	911.393.710
2004	606.966.223	83.615.994	146.414.613	836.996.830
2005	791.703.951	126.329.419	135.704.741	1.053.738.111
skupaj	5.594.200.415	1.478.101.290	2.471.744.041	9.544.045.746

Tabela 9: Izplačila po pravicah v posameznih letih

Za leto 1998 je značilno precejšnje odstopanje v višini skupnega zneska izplačil in posameznih pravic v primerjavi z drugimi leti. Vzrok za to je retroaktivna veljava zakonskih določil za delavce, ki jim je prenehalo delovno razmerje zaradi insolventnosti delodajalca v obdobju od 2.1.1994 do začetka poslovanja Sklada. Ti delavci so lahko vložili zahteve na jamstveni sklad v 90 dneh po začetku delovanja Sklada, plačila pa so bila izvedena v letu 1998.

Odpravnine in nadomestila za neizkoriščen dopust v letu 1998 so predstavljali relativno visok delež (33, oziroma 18,7 odstotkov) v strukturi skupnega zneska izplačil. Razlog za to je veliko število zahtev, ki so jih delavci vložili na podlagi že omenjene retroaktivne veljave zakona in v katerih so uveljavljali predvsem pravico do odpravnine in nadomestila za neizkoriščen dopust. Delež odpravnin in nadomestil za neizkoriščen dopust v skupnem znesku izplačil, se je v naslednjih letih zmanjševal.

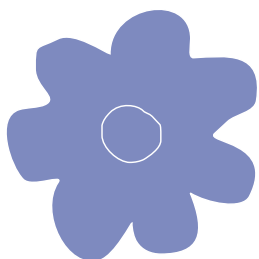
Podatki kažejo, da je vrednost izterjave na jamstvenem skladu v letu 2005 dosegla drugo najvišjo vrednost od začetka delovanja Sklada. Višjo izterjavo smo zabeležili le leta 1999.

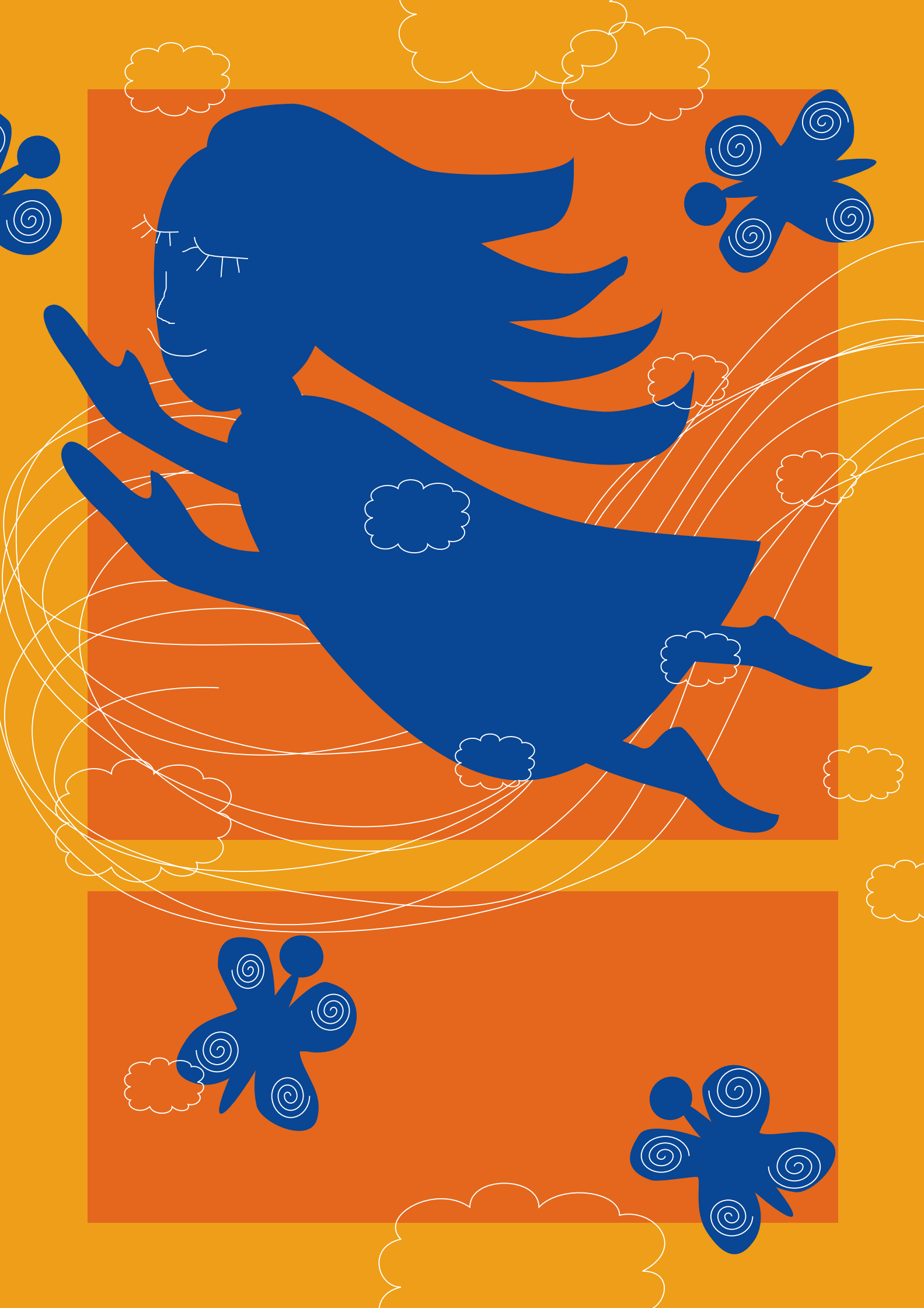
Znesek vračil s subrogacijami je v obdobju od začetka delovanja jamstvenega sklada pa do konca leta 2005 znašal 3.462.036.786 tolarjev, kar pomeni 36,3 odstotka izplačanih sredstev. Višino izterjanih sredstev je potrebno presojati v povezavi z dejavnostjo Sklada. Sklad dolgove izterjuje od gospodarskih subjektov, ki so ponavadi v velikih finančnih težavah. Potrebno je nenehno usklajevanje zakonskih obveznosti Sklada in zahteve po čim hitrejši izterjavi dolga, s širšim družbenim interesom, ki je čim hitrejša izboljšanje gospodarskega stanja podjetja v prisilni poravnavi. Vztrajanje Sklada pri takojšnjem vračilu dolga, takoj ko ta zapade v plačilo, bi veliko večino dolžnikov iz prisilne poravnave pahnilo v stečaj; hkrati pa izterjave ni mogoče odlagati v nedogled, predvsem ker imajo vračila s subrogacijami pomemben delež v proračunu Sklada. Pri izterjavi upoštevamo tudi petletni zastaralni rok tovrstnih terjatev.

Na jamstvenem skladu smo od leta 1998, ko smo začeli izterjevati terjatve, uspešno pridobili sredstva v višini skoraj 3,5 milijarde tolarjev. Ta znesek pomeni, da nam pri zagotavljanju zakonsko določenih jamstev v insolvenčnih postopkih, v takšni višini ni bilo potrebno obremeniti državnega proračuna. Konec leta 2005 znašajo terjatve jamstvenega sklada 2,5 milijarde tolarjev (254 dolžnikov). Te bomo skušali izterjati v naslednjih obdobjih.

leto	vračila v tolarjih
1998	50.955.218
1999	638.228.844
2000	467.126.216
2001	421.319.391
2002	409.786.665
2003	414.091.346
2004	478.222.011
2005	582.307.095
skupaj	3.462.036.786

Tabela 10: Znesek vračil na jamstveni sklad po letih





Delovanje preživninskega sklada je namenjeno otrokom, ki jim s pravnomočno sodbo, začasno odredbo, oziroma dogovorom pri centru za socialno delo pripada določena preživnina, ki pa je preživninski zavezanci ne plačujejo.

V letu 2005 je preživninski sklad poleg izvajanja svoje osnovne naloge, ki je priznavanje pravice do nadomestila preživnine, aktivno deloval tudi na področju izterjave dolgov preživninskih zavezancev. Rezultati se kažejo tako na področju prostovoljnih plačil dolžnikov, kot tudi v povečanem obsegu izterjanih sredstev.

Pravica do nadomestila preživnine

Upravičenec do nadomestila preživnine je otrok, ki je državljan Republike Slovenije in ima stalno prebivališče v Republiki Sloveniji, pa tudi otrok s tujim državljanstvom, ki ima stalno bivališče v Republiki Sloveniji, če je tako določeno z meddržavnim sporazumom ali ob pogoju vzajemnosti. Zakoniti zastopniki morajo razpolagati s pravnomočnim izvršilnim naslovom (pravnomočno sodbo, začasno odredbo, oziroma dogovorom pri centru za socialno delo), s katerim je določena preživnina, ki je preživninski zavezanci ne plačujejo. Poleg tega je za uveljavljanje te pravice nujno, da je zakoniti zastopnik že začel postopek izterjave, ki traja več kot tri mesece, oziroma je bil neuspešno zaključen. Pravica do izplačila nadomestila preživnine traja do otrokovega dopolnjenega 18. leta, oziroma do 15. leta, če otrok sklene delovno razmerje.

Poleg izpolnjevanja zakonskih pogojev ob sami vložitvi zahteve za priznanje pravice do nadomestila preživnine, smo na Skladu dolžni spremljati in upoštevati tudi okoliščine, na temelju katerih se spremeni samo upravičenje do nadomestila preživnine (npr. predodelitev otroka, zaposlitev otroka, dopolnitev 18. leta starosti). Spremeni se lahko tudi višina preživnine, kar pomeni spremembo nadomestila preživnine.

Spremljanje vloge, oziroma posameznega upravičenca v upravnem postopku, lahko traja tudi do 18 let. S prenehanjem pravice do nadomestila preživnine pa se spremljanje na

Skladu še ne zaključí. Izplačana nadomestila preživnine smo namreč v skladu z zakonom dolžni tudi izterjati.

Širši vpliv preživninskega sklada

Po vzpostavitvi preživninskega sklada je bilo opaziti, da se je njegovo delovanje pozitivno odrazilo tudi v širšem družbenem okolju. Že sam obstoj Sklada kot institucije, ki finančno priskoči na pomoč v primeru, ko mladoletni otrok ne prejema preživnine, ki mu je bila določena, včasih zadostuje, da se zakoniti zastopnik in preživninski zavezanec dogovorita o načinu plačevanja tekoče preživnine, oziroma poplačilu že zapadlih mesečnih zneskov.

Po ocenah Sklada je bilo tako urejeno neplačevanje preživnine za več kot 500 otrok. Ta podatek je izjemno pomemben in vsekakor ni zanemarljiv prav zaradi kompleksnosti in dolgotrajnosti reševanja teh problemov.

Na Skladu nudimo podporo zakonitim zastopnikom, ki se po (včasih) dolgoletnih neuspešnih »bojih« za sredstva, ki pripadajo otrokom za preživljanje in so velikokrat nujna za ohranitev minimalnega življenjskega standarda, lahko s svojim zahtevkom obrnejo na državo in od nje pridobijo sredstva. Včasih jim lahko nudimo tudi nasvet, kam naj se še obrnejo za pomoč.

Vložene zahteve

Postopek za uveljavljanje pravice do nadomestila preživitve začne zakoniti zastopnik z vložitvijo zahteve za uveljavitev pravice do nadomestila preživitve na posebej predpisanem obrazcu (gre za obrazec Državne založbe Slovenije, št. 8.42 – v nadaljevanju zahteva). Zahtevo mora skupaj s prilogami posredovati neposredno preživitvinskemu skladu po pošti ali osebno. Z eno zahtevo lahko zakoniti zastopnik uveljavlja nadomestilo preživitve za več otrok istega preživitvinskega zavezanca, na Skladu pa spremljamo vsakega posameznega otroka kot samostojnega upravičenca. Sklad je v letu 2005 prejel 594 zahtev za 774 otrok.

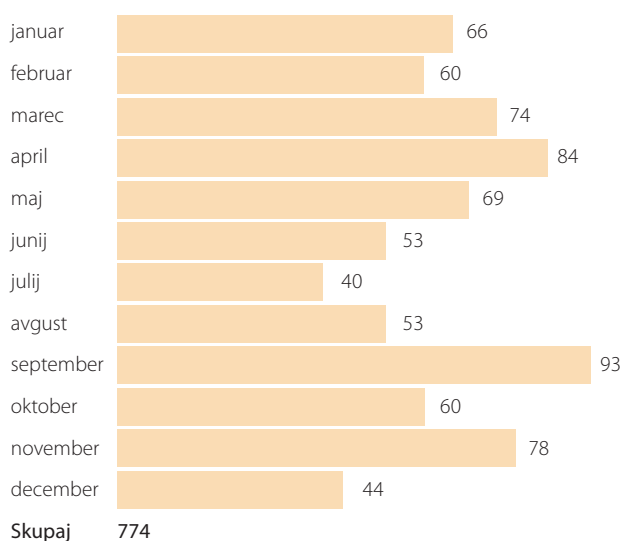


Tabela 11: Število otrok, za katere je bila v letu 2005 vložena zahteva, po mesecih

Največ zahtev smo na preživitvinskem skladu prejeli v septembru, najmanj zahtev pa julija (za 40 otrok) in decembra (za 44 otrok).

območje	št. otrok	Odstotek
Ljubljana	233	30,1
Maribor	151	19,5
Celje	67	8,9
Kranj	63	8,1
Koper	53	6,8
Murska Sobota	56	7,2
Velenje	64	8,3
Novo mesto	33	4,3
Sevnica	27	3,5
Nova Gorica	27	3,5
skupaj	774	100,0

Tabela 12: Število otrok, za katere je bila v letu 2005 vložena zahteva, po območjih

Največ zahtev je, tako kot v prejšnjih letih, v letu 2005 prispelo na preživitvinski sklad z območja Ljubljane (30,1 odstotek) in Maribora (19,5 odstotka), najmanj pa z območja Nove Gorice (3,5 odstotka) in Sevnice (3,5 odstotka).

Tudi v letu 2005 so zakoniti zastopniki z eno zahtevo uveljavljali nadomestilo preživitve za več otrok enega preživitvinskega zavezanca. V letu 2005 je povprečno število otrok na zahtevo znašalo 1,3. Največ zakonitih zastopnikov (74,9 odstotka) je vložilo zahtevo za enega otroka, 20,2 odstotka je bilo vloženih zahtev za dva otroka, 4,4 odstotkov zakonitih zastopnikov je vložilo zahtevo za tri otroke in dva zakonita zastopnika za štiri otroke.

Izdane odločbe

V letu 2005 smo izdali 578 odločb za 752 otrok. Pravico do nadomestila preživitve smo priznali 661 otrokom. 41 otrok ni izpolnjevalo pogojev za pridobitev navedene pravice, najpogosteje zaradi preseganja starosti 18 let.

Največ odločb smo izdali za otroke z ljubljanskega in mariborskega območja, najmanj pa za otroke z novogoriškega območja.

Zakoniti zastopnik lahko še pred izdajo odločbe preživitvinskega sklada umakne zahtevo. Razlog za umik zahteve je v večini primerov dejstvo, da preživitvinski zavezanec začne sproti plačevati preživitvo.

Nepopolne zahteve smo zavrgli za 33 otrok, ker jih zakoniti zastopniki kljub pozivom niso dopolnili.

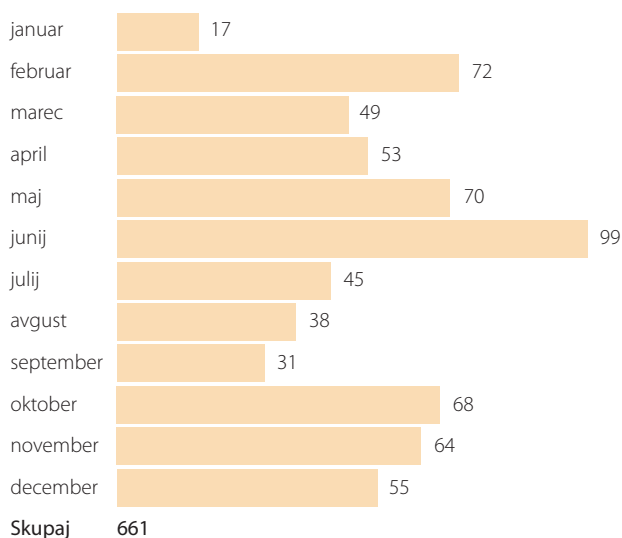


Tabela 13: Število otrok, za katere je bila v letu 2005 izdana pozitivna odločba, po mesecih

Največ odločb smo izdali v juniju (za 99 otrok). Večje število odločb smo izdali tudi februarja (za 72 otrok) in maja (za 70 otrok), najmanj pa (za 17 otrok) januarja. Povprečno število otrok, za katere so bile v posameznem mesecu izdane odločbe, je 55.

območje	vložene	Odločene					izplačane
		pozitivne	negativne	zavržbe	umiki pred odločbo	odločene	
Celje	68	61	1	3	2	67	363
Koper	55	46	3	0	4	53	239
Kranj	63	54	3	4	0	61	331
Ljubljana	234	193	22	11	1	227	1.099
Maribor	151	118	8	6	7	139	810
Murska Sobota	57	52	1	1	2	56	243
Nova Gorica	27	23	1	0	0	24	70
Novo mesto	33	27	1	5	0	33	160
Sevnica	27	26	0	2	1	29	139
Velenje	64	61	1	1	0	63	287
skupaj	779	661	41	33	17	752	3.741

Tabela 14: Število otrok, za katere je bila v letu 2005 vložena zahteva, izdana odločba in izplačano nadomestilo preživnine, po območjih

Razlika med vloženi in seštevkom odločenih vlog po posameznih območjih in v seštevku je posledica dejstva, da smo v letu 2005 odločali tudi o vlogah, ki smo jih na Sklad prejeli v letu 2004. Možna je tudi obratna situacija. Za nekatere vloge, prejete v letu 2005, bo odločba izdana v letu 2006.

Izplačila

Višina nadomestila preživnine je odvisna od otrokove starosti in višine preživnine, določene s pravnoomočno sodbo, začasno odredbo, oziroma dogovorom, sklenjenim pri centru za socialno delo. Vlada Republike Slovenije je 1. aprila 2005 uskladila nadomestilo preživnine z rastjo cen življenjskih potrebščin in plač. Nadomestila preživnine so se povišala za 2,1 odstotka. Nova višina nadomestila preživnine za otroka do 6. leta starosti je znašala 14.465 tolarjev, za otroka od 6. do 14. leta starosti 15.910 tolarjev, za otroka nad 14. letom starosti pa 18.803 tolarjev.

starostni razred	višina nadomestila v tolarjih
Do 6 leta	14.465
Od 6. do 14. leta	15.910
Od 14 do 18. leta	18.803

Tabela 15: Višina nadomestila po starostnih razredih

V primeru, da je preživnina določena nižje od zakonsko določenega nadomestila, otroku pripada nadomestilo v višini, določeni s sodbo, začasno odredbo, oziroma dogovorom.



mesec	število otrok	znesek izplačil v tolarjih
januar	3084	48.495.068
februar	3062	48.036.928
marec	3082	48.943.405
april	3109	49.484.911
maj	3126	50.481.850
junij	3108	51.399.693
julij	3162	52.359.383
avgust	3154	51.411.108
september	3142	51.130.250
oktober	3142	51.260.863
november	3122	50.627.855
december	3160	52.528.700
skupaj		606.160.014

Tabela 16: Število otrok, ki so v letu 2005 prejeli nadomestilo preživnine, ter skupna izplačila nadomestila preživnine po mesecih

V letu 2005 smo izplačali nadomestila preživnine v skupni višini 606.160.014 tolarjev. Decembra 2005 je Sklad izplačal nadomestilo preživnine 3.160 otrokom v skupni višini 52.528.700 tolarjev, kar je tudi najvišje mesečno izplačilo v letu 2005. Razlika v številu otrok je posledica tega, da nekateri preživninski zavezanci občasno plačajo preživnino in da nekaterim otrokom med letom preneha pravica do nadomestila preživnine. Povprečna višina izplačila nadomestila preživnine v decembru je znašala 16.623 tolarjev.

Višina povprečnega izplačila nadomestila preživnine je odvisna od višine preživnine, ki je določena in od strukture upravičencev po starostnih razredih. Kar tretjina otrok prejema nadomestilo preživnine v višini določene preživnine (nižji zneski kot so določeni zneski nadomestil preživnin za posamezni starostni razred).

Višina mesečne vsote izplačila nadomestil preživnin je poleg naštetega odvisna tudi od morebitnega rednega plačevanja tekoče preživnine preživninskega zavezanca neposredno zakonitim zastopnikom. Vsako plačilo preživnine namreč pomeni, da na Skladu za enako obdobje ne izplačamo nadomestila preživnine, oziroma izplačamo le razliko do višine nadomestila preživnine. V decembru leta 2005 smo za 137 otrok prejeli obvestilo, da je bila preživnina redno ali občasno plačana. Vsako tako vlogo spremljamo individualno, da ne bi prihajalo do dvojnega poplačila.

Tekoče spremljanje dokazil o plačani preživnini je izrednega pomena za kasnejši postopek izterjave, ki teče zoper preživninskega zavezanca, saj se z upoštevanjem sporočenih podatkov, zmanjša število pritožb in ugovorov dolžnika. Sodni postopki so zato krajši in učinkovitejši.

Terjatve

Zelo pomembno področje dela na preživninskem skladu je izterjava dolga preživninskih zavezancev. Sklad pa izterjuje tudi dolg zakonitih zastopnikov, ki so neupravičeno prejeli sredstva iz preživninskega sklada. Izvršilne predloge vlagamo na izvršilne oddelke sodišč po vsej Sloveniji. Večina postopkov izterjave je zelo zahtevnih, kompleksnih in dolgotrajnih. Na uspešnost izterjave močno vpliva dejstvo, da je dolžnike Sklada večinoma zelo težko izterjati, saj ne razpolagajo s prihodki ali s premoženjem.

Sklad postane na dan izplačila nadomestila preživnine zakonitim zastopnikom upnik v razmerju do preživninskih zavezancev, in sicer do višine izplačanega nadomestila, povečanega za obračunane obresti in stroške. 31. decembra 2005 je preživninski sklad izkazoval terjatve do 3.173 dolžnikov, oziroma preživninskih zavezancev.

Postopki in uspešnost izterjave

Postopke izterjave zoper preživninske zavezance vodimo že od začetka delovanja samostojno in s pomočjo odvetnikov. Število primerov, pri katerih sodelujejo odvetniki, se iz leta v leto zmanjšuje.

Veliko večino dela, povezanega z vlaganjem izvršilnih predlogov in tožb, opravimo zaposleni na Skladu. S številnimi poizvedbami in ustreznimi povezavami z zunanjimi institucijami (Centralni register prebivalstva pri Ministrstvu za notranje zadeve, Zavod za zdravstveno zavarovanje Slovenije, Ministrstvo za notranje zadeve, Klirinško depotna družba in druge) hitro in učinkovito pridobivamo podatke, potrebne za čim popolnejši izvršilni predlog.

Sodna izterjava je le del celotnega prizadevanja zaposlenih na Skladu, da bi pri preživninskih zavezancih dosegli, da začnejo plačevati nastale obveznosti. Obsežna je namreč tudi dejavnost predhodne izterjave. Gre predvsem za aktivnosti pred začetkom sodne izterjave, kamor sodi obveščanje dolžnika o stanju dolga. Želimo, da se dolžnik zave svoje obveznosti in začne odplačevati dolg in preživnino.

Z možnostjo obročnega odplačila nastalega dolga je preživninskemu zavezancu dana možnost poplačila v obrokih v finančno sprejemljivi višini. Plačilo obveznosti lahko tudi odložimo za določen čas. Pogoji je, da preživninski zavezanec ni zaposlen in nima drugih prihodkov. Dogovarjanje o dinamiki plačila dolga terja veliko mero razumevanja razlogov za neplačevanje preživnine in presojo, ali gre za relativno trajno ali pa morebiti za začasno plačilno nezmožnost dolžnika.

Odstotek sredstev, ki smo jih uspeli izterjati, znaša 24,7 v primerjavi z izplačili v istem letu. Delež izterjanih sredstev je primerljiv z odstotki v drugih evropskih državah. Zvezna republika Nemčija, ki je med evropskimi državami po ureditvi nadomestila preživnine najbližja slovenskemu modelu, dosega približno 22-odstotno izterjavo, pri čemer je treba upoštevati dejstvo, da tovrstna ustanova v Nemčiji deluje že od leta 1981 in je dohodek na prebivalca v Nemčiji precej večji kot v Sloveniji. V letu 2005 je Sklad izterjal 143 milijonov tolarjev, v šestih letih delovanja preživninskega sklada pa 328 milijonov tolarjev.

Preživninski sklad od začetka delovanja do leta 2005

Preživninski sklad RS je začel delovati 18. oktobra 1999. V letih delovanja smo pridobili številne izkušnje pri uveljavljanju pravice do nadomestila preživnine in v postopkih izterjave izplačanih sredstev. **Od začetka delovanja do konca leta 2005 je preživninski sklad prejel 5.491 zahtev za 7.111 otrok.**

leto	Število zahtev	število otrok
1999 (od 18. 10. 1999)	1.156	1.534
2000	1.119	1.441
2001	638	811
2002	619	785
2003	766	1.000
2004	599	766
2005	594	774
Skupaj	5.491	7.111

Tabela 17: Število vloženih zahtev in število otrok po letih

Opomba k tabeli: Z eno zahtevo lahko zakoniti zastopnik/zastopnica vloži zahtevo za nadomestilo preživnine za več otrok.

Največ zahtev smo na Sklad prejeli v prvih mesecih delovanja, torej na koncu leta 1999 in na začetku leta 2000. Od takrat dalje je bilo gibanje vloženih zahtev vsa leta zelo enakomerno. Takšen trend pričakujemo tudi v prihodnjih letih.

leto	izplačilo v tolarjih	Odstotek
2000	205.240.546	8,1
2001	308.832.296	12,2
2002	379.927.139	15,0
2003	476.770.155	18,8
2004	558.434.899	22,0
2005	606.160.014	23,9
skupaj	2.535.365.049	100,0

Tabela 18: Skupna izplačila nadomestil preživnine v tolarjih po letih

Število otrok in znesek izplačil iz leta v leto naraščata. Takšna gibanja je mogoče pričakovati tudi v prihodnje, saj se povečujeta število otrok, ki prejmejo nadomestilo preživnine in tudi povprečna višina nadomestila preživnine.

Leto	Vračilo v tolarjih	Odstotek
2000	6.459.408	2,0
2001	23.593.890	7,2
2002	27.997.276	8,5
2003	46.851.584	14,2
2004	80.083.443	24,4
2005	143.585.888	43,7
skupaj	328.571.489	100,0

Tabela 19: Vračila dolžnikov na preživninski sklad v tolarjih po letih

V šestih letih delovanja preživninskega sklada smo s subrogacijami zbrali 328 milijonov tolarjev. Aktivna izterjava izplačanih nadomestil preživnine od tistih, ki so jo sicer zavezani plačevati, torej od preživninskih zavezancev, pa ima še en pomemben učinek. Zaradi vstopa Sklada v razmerje zakoniti zastopnik – preživninski zavezanec, so slednji bolj pripravljeni na prostovoljno izpolnjevanje obveznosti plačevanja preživnine, ki jim ga nalaga bodisi sodba sodišča, bodisi dogovor, sklenjen pred centrom za socialno delo.

Vpetost v okolje

Mednarodna dejavnost Sklada

Z vstopom Slovenije v Evropsko unijo smo postali del večje zgodbe, ki omogoča in hkrati narekuje večje sodelovanje držav članic tudi na področju javnih storitev. Skladno z napovedanimi spremembami v zakonodaji na področju jamstvenega sklada, bo mednarodno sodelovanje postalo del redne dejavnosti Sklada. Ta dodatna dimenzija bo zagotovo prinesla večjo širino in strokovnost pri opravljanju nalog zaposlenih na Skladu. Hkrati nas bo usmerjala v oblikovanje institucije, ki bo suvereno in fleksibilno sledila spremembam na vseh področjih.

Jamstveni sklad

V letu 2005 smo se na področju delovanja jamstvenega sklada pričeli pripravljati na spremembe zakona, ki jih narekuje direktiva Evropske unije 2002/74/ES z dne 23. septembra 2002. Zaradi načel Evropske unije o prostem pretoku delovne sile, storitev, kapitala in enotnem trgu, je bilo potrebno pravila o jamčevanju za terjatve delavcev v primeru insolventnosti delodajalca prilagoditi novim razmeram. Gre predvsem za opredelitev pristojne nacionalne jamstvene institucije v tako imenovanih čezmejnih primerih, ko gre za podjetje, ki posluje na območju več držav članic in v njih zaposluje delavce. Predstavniki Sklada so se udeležili prvega sestanka predstavnikov vseh jamstvenih institucij članic Unije, ki je bil organiziran s strani Evropske komisije v Bruslju. Na njem so se že pričeli dogovori o načinu sodelovanja v čezmejnih primerih med institucijami, ki je predvideno tudi v sami Direktivi. V bodoče bo mednarodno sodelovanje v okviru članic postalo praksa. Tesnejše sodelovanje smo vzpostavili tudi s predstavniki Komisije, kar nam je bilo v pomoč tudi pri oblikovanju sprememb in dopolnitev zakonodaje v smislu Direktive.

Na področju jamstvenega sklada tako utemeljeno pričakujemo, da bo postalo mednarodno sodelovanje pomemben del rednega poslovanja Sklada. Glede na predlog zakona o spremembah in dopolnitvah Zakona o Javnem jamstvenem in preživninskem skladu Republike Slovenije, ki je bil predložen

v obravnavo Državnemu zboru v letu 2006, bo Sklad prevzel vlogo pooblaščenice institucije za sodelovanje in izmenjavo podatkov z ostalimi jamstvenimi institucijami članic Unije za potrebe medsebojnega obveščanja, sodelovanja ter usklajenega izvajanja postopkov. Izkušnje in znanje, ki ga bomo pri tem pridobili, pa bo zagotovo pripomoglo k izboljšanju našega dela.

Preživninski sklad

Evropska unija zagotovo prinaša tudi večjo pretočnost informacij. Mednarodne povezave so bogat vir dodatnih izkušenj, znanja in idej. Večja mobilnost ljudi prinaša spremembe na področju odnosov. Primeri, kjer bosta starša različne narodnosti, bodo bolj pogosti kot doslej. Prav tako bodo pogostejši primeri, ko bo Sklad moral začeti izterjavo terjatev izven meja Slovenije. Naše dosedanje povezovanje in stiki predvsem z izvajalci na področju preživninske tematike, nam bodo pri delu zagotovo v veliko pomoč.

Za zagotovitev uspešnega delovanja, ki bo kos takšnim izzivom, pa ni dovolj le poznavanje ozkega dela zakonodaje na področju preživnin in nadomestil preživnine, temveč tudi poznavanje zakonodaje, sodnih sistemov in krovne zakonodaje Evropske unije na relevantnih področjih. Pričakujemo, da se nam bo naše dosedanje znanje obrestovalo tudi na konkretnih primerih, ki jih bomo morali urediti v tujini.

Sodelovanje pri dogodkih doma

V letu 2005 so bili organizirani trije dogodki na temo preživnin. Okroglih miz v Celju, Kopru in v Mariboru smo se udeležili tudi predstavniki Sklada. Predstavili smo predloge za izboljšanje izvajanja že veljavne zakonodaje, kot tudi predloge za nekatere spremembe obstoječe zakonodaje, kot so na primer ustanovitev družinskih sodišč, spremembo zakona o zakonski zvezi in družinskih razmerjih ter nekatere druge. Problematiko neplačevanja preživnin je potrebno v javnosti bolj izpostaviti tudi s pomočjo civilne družbe, neplačevanje preživnin pa označiti kot družbeno nesprejemljivo.

Pogled v leto 2006

Leto 2006 bo v Sloveniji v znamenju intenzivnih priprav na prevzem evra. Tudi Sklad bo moral svoje delovanje prilagoditi novemu plačilnemu sredstvu. Aktivnosti bodo potekale v prehodnem obdobju dvojnega označevanja cen, ko se bomo pripravili na dokončen prevzem v začetku leta 2007.

Konec leta 2005 so se že začele prve aktivnosti za uskladitev Zakona o Javnem jamstvenem in preživninskem skladu Republike Slovenije z direktivo Evropske unije 2002/74/ES. Ta nalaga državam članicam, da uvedejo jamčevanje jamstvene institucije v tako imenovanih mednarodnih situacijah. To so situacije, ko je bil insolvenčni postopek uveden nad podjetjem, ki opravlja dejavnost na ozemlju vsaj dveh držav članic. Za pokrivanje neporavnanih terjatev delodajalca je odgovorna ustanova v državi članici, na ozemlju katere delavci opravljajo delo ali ga običajno opravljajo. Sprememba zakona bo razširila krog upravičencev do sredstev jamstvenega sklada, upravičenja bodo ostala ista. V skladu z direktivo je potrebno določiti institucijo, ki bo zadolžena za izmenjavo informacij o insolvenčnih postopkih z drugimi tovrstnimi institucijami v državah članicah. Zahtevane spremembe bodo v celoti uvedene v slovenski pravni red v prvi polovici leta 2006.

V skladu s Poslovnim in finančnim načrtom Javnega jamstvenega in preživninskega sklada za leto 2006, bo posebna pozornost namenjena izterjavi. Izterjana sredstva omogočajo gospodarnейše ravnanje s proračunskimi sredstvi. Izterjava na preživninskem skladu ima tudi funkcijo ozaveščanja preživninskih zavezancev, da je preživljanje dolžnost staršev in hkrati pravica vsakega otroka. Lotili se bomo mednarodne izterjave preživninskih zavezancev in z medresorskim sodelovanjem in usklajevanjem preverili ustreznost načina izterjave preživninskih zavezancev na ozemlju Republike Slovenije.

Nove naloge in spremembe v delovanju Sklada bodo zahtevale tudi ustrezno organizacijo dela in prilagajanje informacijske podpore poslovanja. Opravili jih bomo z zavestjo, da je gospodarno ravnanje s proračunskimi sredstvi eden od osnovnih ciljev delovanja Sklada. Pri tem bo imel še posebno vlogo Nadzorni svet, ki bo ves čas nadzoroval in usmerjal delo Sklada.

Vpetost in sodelovanje z okoljem bo stalnica v Skladovem delovanju tudi v letu 2006. Posebno pozornost bomo namenili stikom s centri za socialno delo, ki bodo omogočili izmenjavo informacij in boljše delo obeh služb pri zagotavljanju pravic otrok. Sodelovali bomo seveda tudi z ostalimi institucijami, kot so Zavod za pokojninsko in invalidsko zavarovanje RS, Zavodom RS za zaposlovanje, Davčno upravo RS, s posameznimi ministrstvi in ostalimi. Javnost bomo tekoče obveščali o poslanstvu in delovanju Sklada.



Računovodski izkazi za leto 2005

Bilanca stanja na dan 31. 12. 2005

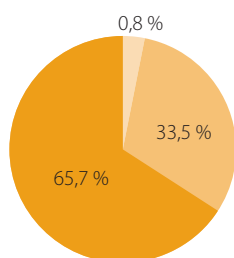
A. SREDSTVA	v 1000 tolarjih
1. DOLGOROČNA SREDSTVA IN SREDSTVA V UPRAVLJANJU	18.993
• neopredmetena dolgoročna sredstva	61.087
• popravek vrednosti neopredmetenih dolgoročnih sredstev	50.137
• oprema in druga opredmetena osnovna sredstva	41.779
• popravek vrednosti opreme in drugih opredmetenih osnovnih sredstev	34.036
2. KRATKOROČNA SREDSTVA, RAZEN ZALOG IN AKTIVNE ČASOVNE RAZMEJITVE	6.605.475
• denarna sredstva v blagajni	154
• dobroimetje pri bankah in drugih finančnih institucijah	264.273
• dani predujmi in varščine	114
• kratkoročne finančne naložbe	321.000
• kratkoročne terjatve iz financiranja	984
• druge kratkoročne terjatve	6.013.671
• neplačani odhodki	5.279
AKTIVA SKUPAJ	6.624.468
B. OBVEZNOSTI DO VIROV SREDSTEV	v 1000 tolarjih
3. KRATKOROČNE OBVEZNOSTI IN PASIVNE ČASOVNE RAZMEJITVE	6.020.048
• kratkoročne obveznosti do dobaviteljev	5.230
• druge kratkoročne obveznosti iz poslovanja	4.925.282
• neplačani prihodki	1.089.536
4. LASTNI VIRI – SKLAD NAMENSKEGA PREMOŽENJA	604.420
PASIVA SKUPAJ	6.624.468

Izkaz uspeha za leto 2005

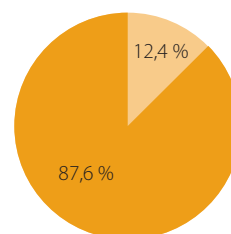
	v 1000 tolarjih
Prihodki iz proračuna RS	1.422.720
Prihodki od subrogacij	726.417
Drugi prihodki	16.427
PRIHODKI SKUPAJ	2.165.564
Izplačila upravičencem	1.659.898
Dejavnost Sklada	235.463
ODHODKI SKUPAJ	1.895.361
PRESEŽEK PRIHODKOV NAD ODHODKI	270.203

Prihodki in odhodki v letu 2005

PRIHODKI	delež v odstotkih
• prihodki iz proračuna RS	65,7
• prihodki od subrogacij	33,5
• drugi prihodki	0,8
SKUPAJ	100,0



ODHODKI	delež v odstotkih
• izplačila upravičencem	87,6
• dejavnost Sklada	12,4
SKUPAJ	100,0



Revidiranje sklada

Neodvisna revizijska hiša BDO EOS Revizija d. o. o. iz Ljubljane je februarja 2006 revidirala poslovanje Sklada za poslovno leto 2005. V poročilu je predstavila mnenje, da je bila poraba sredstev Sklada zakonita, namenska, gospodarna in učinkovita.

V skladu z določilom Ustanovitvenega akta Javnega jamstvenega in preživninskega sklada vsako leto izvedemo tudi notranje revidiranje poslovanja. V letu 2005 je notranjo revizijo za področje delovanja preživninskega sklada izvedla zunanja izvajalka Milena Gorjup, ki je državna notranja revizorka. Ugotovila je, da v primeru plačevanja nadomestil preživilin poslovanje v vseh pomembnih pogledih poteka v skladu z ustreznimi predpisi, ki urejajo to področje.





Annual Report 2005

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Statement of the Director

In 2005 the Public Guarantee and Maintenance Fund of the Republic of Slovenia successfully realised its fundamental mission.

Guaranteeing the receivables of employees who were laid off by employers subject to bankruptcy proceedings, forced settlement procedure or stricken from the Register on the basis of the Financial Operations of Companies Act was smooth and in line with the claims received. The number of claims filed was for second consecutive year lower than the average since 1999. Owing to the dynamics of claim receipt and the issuing of decisions, the Guarantee Fund paid out as much as 26% more funds than in 2004.

The situation is somewhat different as regards the Maintenance Fund, where the number of children receiving maintenance replacement and the total number of such payments made are increasing each year. In December 2005, the maintenance replacement was paid out to 3,160 children.

Recovery of debt represents an important activity of both the Guarantee and Maintenance Fund. We are pleased to establish that the total volume of recovered funds is growing from year to year. This was also the case in 2005.

We do not have much influence on the scope of funds collected in bankruptcy proceedings, since success depends mainly on the volume of the bankruptcy estate and the period in which bankruptcy proceedings are finalising. Once the Fund's claim appears in the forced settlement, the situation is different. Then we play a more active role. Often we agree with a company on debt repayment in instalments or on reduced interest rate in accordance with the General Terms and Conditions of the Fund's Operations. Thus, the obligation is spread over a longer period and we help a company to overcome difficulties.

Recovery by the Maintenance Fund, however, has quite different characteristics. As a result of the Fund entering the relationship between the child, legal guardian and the person liable to pay maintenance, we build up the pressure on the person liable, who often voluntarily starts paying maintenance. By recovery we wish to stress that both parents have the duty and the right to support their children. In the past year the issue of non-payment of maintenance was discussed by experts at round tables attended also by the representatives of the Fund, who did their best to help resolve

this problem. The said issue was discussed also by the Supervisory Board of the Fund. Professional departments of the Fund were tasked to prepare a comprehensive analysis with proposals for improvements.

In the second half of 2005 we initiated the procedure for amending the Public Guarantee and Maintenance Fund of the Republic of Slovenia Act in the section referring to international situations. This relates to harmonisation with the European Directive regulating this issue. The amendments will broaden the circle of beneficiaries eligible to receive funds from the Guarantee Fund, while the entitlements will remain the same. It has been proposed that the Fund should become a Slovene institution authorised for the provision of information relating to insolvency procedures and contacts with similar institutions in other countries of the European Community.

Dedication to work, professional qualifications and a strong altruistic attitude towards fellow human beings of all the Fund's employees represent a solid foundation of successful future operations. The reputation we have gained over the past years additionally motivates us and we will do anything to keep it.

Ada Žerko



Report of the Supervisory board

Until 20 December 2005 the Supervisory Board operated in the following composition:

Chairman: Janez Drobnič, M.Sc., Minister of Labour, Family and Social Affairs

Members: Alenka Bratušek, representative of the Ministry of Finance
Nives Vogrič, representative of the Association of Social Work Centres
Nevenka Lekše, representative of unions that are representative of the country
Vitko Roš, representative of the employers' organisations representative of the country

Following that date the Supervisory Board's composition changed. Romana Tomc Lampič, representative of the employers' organisations representative of the country, and Ivana Košir Erman, representative of the Association of Social Work Centres, became new members. The Supervisory Board in this composition met for the first time in 2006.

At its first session in 2005 the Supervisory Board discussed the auditor's report on the audit of financial statements of the Public Guarantee and Maintenance Fund of the Republic of Slovenia for 2004 and the Annual Report of the Public Guarantee and Maintenance Fund of the Republic of Slovenia for 2004. The Supervisory Board also acknowledged the Fund's work in the period between 1 January 2005 and 30 June 2005.

The members of the Supervisory Board tasked the professional departments of the Fund to prepare the material defining key problems of parents at divorce and after it with regards to maintenance of children (court procedures for determining maintenance amount, non-payment of maintenance, procedures for collection of maintenance and the related costs, procedures for obtaining free legal assistance). The professional departments of the Fund were also assigned to prepare proposals for improving the collection of maintenance replacement and maintenance.

At the correspondence session in November, the Supervisory Board members issued a positive opinion to the Tender Commission's selection of the Director of the Public Guarantee and Maintenance Fund of the Republic of Slovenia, which on the basis of the tender procedure published in advance, chose Ada Žerko. The term of office of the previous Director, Lilijana Madjar, MSc., ended on 30 November 2005.

Supervisory Board Chairman:

Janez Drobnič, MSc.

Mission and Vision



Mission

The Guarantee Fund helps employees to exercise their fundamental right to payment for their work, when a company goes into bankruptcy or forced settlement. The Fund offers advice in relation to these issues to employees and unions as well as bankruptcy and forced settlement managers.

The Maintenance Fund helps children to exercise their right to maintenance replacement payments through legal guardians and advises on decisions regarding the enforcement of these rights. The Fund urges the persons liable to pay maintenance to fulfil obligations, and settle disputes with the child's legal guardian.

Debt recovery from debtors of the Guarantee Fund is an ongoing task, which provides an important source of income for employees' payments.

Debt recovery from debtors of the Maintenance Fund is one of the priority tasks, which is not reflected only in income, but also in changing the philosophy of the persons liable to pay maintenance who wish to avoid payment.

The Fund consolidates knowledge, efficiency and professionalism by **international experience** and the commitment of all its employees.

Major constituent elements of the Fund's mission are **informing and establishing a dialog** with all those at whom the Fund's basic activity is aimed.

Vision

The Guarantee Fund wishes to be recognised as an expert institution which in the Slovene sphere operates as an initiator of the exercising of employees' rights to payment for work in cases when the employer is insolvent or stricken from the Register on the basis of the Financial Operations of Companies Act.

The Maintenance Fund strives to be recognised as an institution enabling the enforcement of the right to receive maintenance replacement. In the long run, its objective is to attain, together with other social factors, the awareness that the right to maintenance is the fundamental right of children of divorced parents. Through debt recovery procedures the Fund will try to maximise the number of people who are aware that they cannot avoid paying maintenance for a child.

By efficient and professional communication the Fund wishes to consolidate its role in the provision of information, advice and exercising of rights within the scope of its operations.

The Fund will ensure contents and organisation of work, so that it will provide an example for the establishment of similar institutions also in the European area, especially in transitional countries.

The employees of the Fund make sure that its mission is implemented and vision realised through expert knowledge and responsible actions.

General information about the Fund

Name:	Public Guarantee and Maintenance Fund of the Republic of Slovenia
Registered office:	Kotnikova ulica 28, Ljubljana
Telephone:	01 472 09 90
Fax:	01 472 09 91
E-mail:	jpsklad@ess.gov.si
Website:	http://www.jps-rs.si
Toll-free numbers:	
Guarantee Fund:	080 11 21
Maintenance Fund:	080 14 14

Fund management

Director:	Lilijana Madjar, MSc., until and including 30 November 2005 Janez Drobnič, MSc., until and including 31 December 2005 (as the Supervisory Board Chairman) Ada Žerko, B. A. Econ. Since 1 January 2006
Secretary:	Ajda Likar, LLB
Head of Legal & Administration Department:	Miriam Ravnikar Šurk, LLB
Head of Finance & Accounting Department:	Ana Šparemblek, B. A. Econ.

Supervisory Board

Chairman:	Janez Drobnič, MSc., Minister of Labour, Family and Social Affairs
Members:	Alenka Bratušek, representative of the Ministry of Finance Ivana Košir Erman, representative of the Association of Social Work Centres Nevenka Lekše, representative of unions that are representative of the country Romana Tomc Lampič, representative of the employers' organisations representative of the country

On 20 December 2005 the term of office of three members of the Supervisory Board expired: Nevenka Lekše (re-elected), President of the Trade Union of Health and Social Services of Slovenia, Vitko Roš, Secretary General of the Slovene Employers' Association, and Nives Vogrič, Director of the Centre for Social Work Piran.

Fund's operations

Legal status:	public fund
Date of founding:	9 May 1997
Founder:	Republic of Slovenia
Number of employees:	22

Start of operation:	
Guarantee Fund:	3 November 1997
Maintenance Fund:	18 October 1999

Legal base:
Public Guarantee and Maintenance Fund of the Republic of Slovenia Act (Official Gazette of the RS, nos. 25/97, 10/98, 41/99, 53/99, 119/02, 26/2003)
Public Funds Act (Official Gazette of the RS, no. 22/2000)

Presentation of activity

The activity of the Public Guarantee and Maintenance Fund of the Republic of Slovenia covers the following areas and contents:

Guarantee Fund:

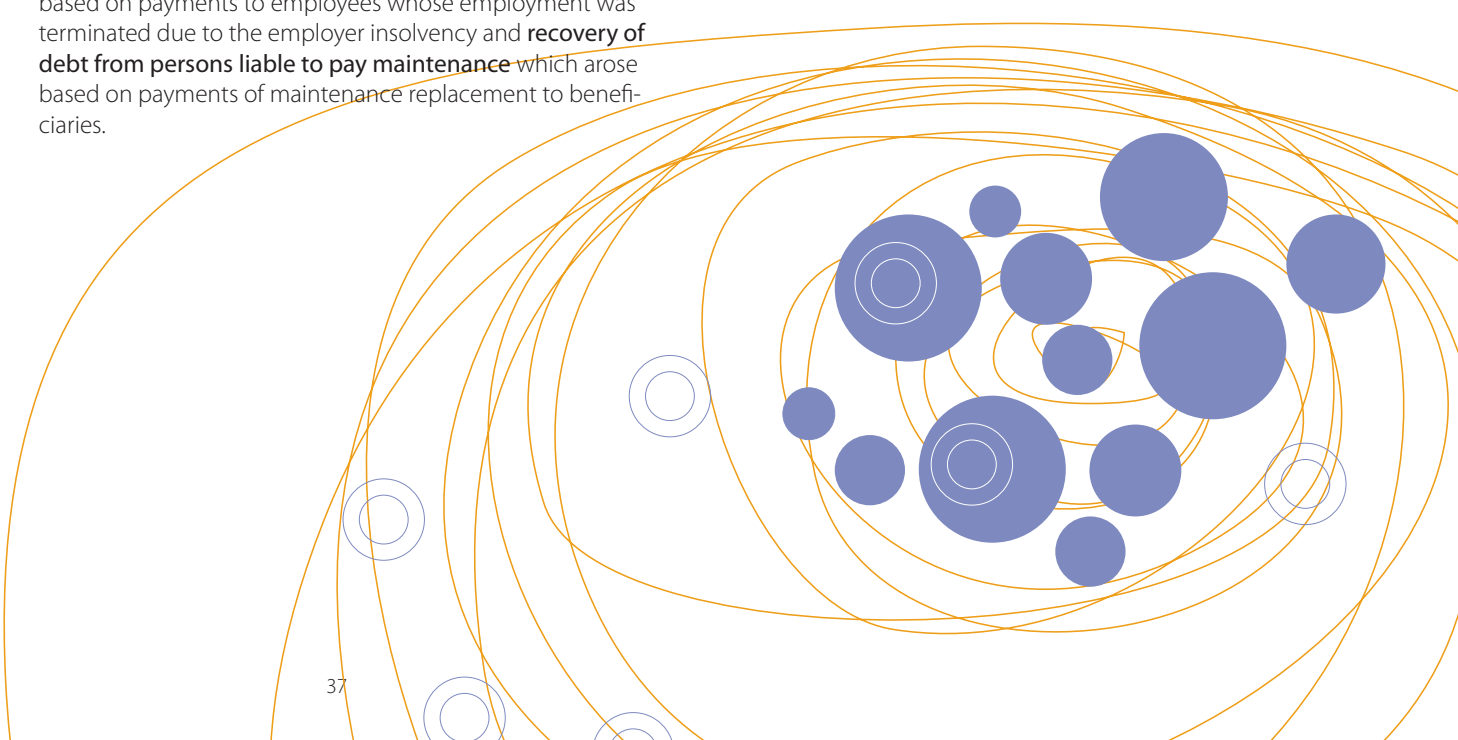
the protection of the **rights of employees** whose employment was terminated **due to insolvency of the employer** (bankruptcy or forced settlement) or the company being stricken from the Companies Register under the provisions of the Financial Operations of Companies Act.

Maintenance Fund:

providing for the enforcement of the **right to maintenance** of those children who have been allocated maintenance under a final court ruling, a temporary injunction or an agreement with the Centre for Social Work which the person liable is not paying.

Debt recovery:

recovery of debt from the companies which are debtors based on payments to employees whose employment was terminated due to the employer insolvency and **recovery of debt from persons liable to pay maintenance** which arose based on payments of maintenance replacement to beneficiaries.



Key achievements in 2005 in figures

Guarantee Fund

Between 1 January and 31 December 2005 the Guarantee Fund received 2,286 claims filed by employees of 110 companies.

The Fund issued 3,112 decisions on the basis of these claims, of which 98% or 3,050 were positive.

Positive decisions on the recognition of rights arising from employer insolvency provided the basis for payment of compensation in the amount of SIT 1,053,738,111. Payments were made to 3,024 beneficiaries from 121 companies.

Average net compensation per beneficiary equalled SIT 197,648.

Since 1997, when it started operating, and until the end of 2005, the Fund paid 55,143 claims in the total amount of SIT 9.6 billion.

Maintenance Fund

In 2005, the Maintenance Fund received 594 claims for 774 children.

In this period 578 decisions were issued relating to 752 children. The right to maintenance replacement was acknowledged to 661 children.

Average maintenance replacement in December 2005 stood at SIT 16,623.

In 2005, the Maintenance Fund paid out SIT 606,160,014 in maintenance replacement. In December the maintenance replacement was received by 3,160 children.

In the overall period of the Fund's operations, maintenance replacement was paid to 5,437 children in the total amount of SIT 2.5 billion.

Recovery

The **Guarantee Fund** in 2005 received SIT 582,307,095 recoveries through subrogation.¹

From the start of its operations and until the end of 2005, total recovered amount through subrogation was SIT 3,462,036,786 or 36.3% of all paid funds.

As at 31 December 2005, the Guarantee Fund had claims on 254 companies arising from subrogation, totalling SIT 2,584,827,105.

In 2005, the **Maintenance Fund** recovered SIT 143,585,888. In the five years the Maintenance Fund has been operating, the respective figure was SIT 328,571,489.

On 31 December 2005, the funds owed to the Maintenance Fund by persons liable to pay maintenance or legal guardians amounted to SIT 3,428,605,526.

¹ As the Fund issues a decision, the claims of the employee or child as the creditor are transferred onto the Fund up to the amount paid by the Fund.

Highlights in 2005

In 2005, the operations of the Public Guarantee and Maintenance Fund of the Republic of Slovenia were characterised by the following major events:

January:

The Guarantee Fund received most funds from subrogation, i.e. SIT 114.1 million.

March:

The Guarantee Fund paid SIT 215 million to employees of Planika Kranj in bankruptcy, which was the biggest payment in 2005 made to employees of a single company.

We participated in the round table on maintenance in Celje.

April:

The Government of the RS adjusted the maintenance replacement to the increase in consumer price index and salaries; the maintenance replacement rose by 2.1%.

June:

The Guarantee Fund paid SIT 56 million to 137 employees of Svila in bankruptcy.

Claims for payments from the Guarantee Fund were filed by 164 employees of Igrad Celje;

As the number of employees was high, the Fund in co-operation with the Employment Service of Slovenia organised submitting of claims in the field. We provided advice as to the filling in of forms and answered any questions regarding the procedure. The employees received the funds in August.

We participated in the round table on maintenance in Koper.

September:

The Fund held a press conference, where its work in the first eight months of 2005 was presented.

October:

The Maintenance Fund has been operating for six years.

November:

The Guarantee Fund has been operating for eight years.

We attended a meeting in Brussels, organised by the European Commission. The topic discussed was the amendment to the Directive on the protection of employees in the event of the insolvency of their employer.

December:

We participated in the round table on maintenance in Maribor.

The Government of the RS appointed Ada Žerko Director of the Public Guarantee and Maintenance Fund of the RS for a four-year term of office.

In December 2005, the Fund paid maintenance replacement to 3,160 children in the total amount of SIT 52.5, which is the highest payment in 2005.



Guarantee fund in 2005

The operations of the Guarantee Fund in 2005 were smooth and uninterrupted. The legislation governing the remit of the Guarantee Fund has not been amended in 2005.

Right to payment

The right to payment of funds from the Guarantee Fund is enjoyed by those employees whose employment was terminated due to the initiation of bankruptcy, a valid decision on forced settlement with financial reorganisation or the company being stricken from the Companies Register under the provisions of the Financial Operations of Companies Act. Moreover, the employees who wish to claim the rights stipulated in the Public Guarantee and Maintenance Fund of the Republic of Slovenia Act (hereinafter: the Act) have to register their claims by the deadlines and in the manner prescribed in the Compulsory Settlement, Bankruptcy and Liquidation Act or exercise protection of their rights by the deadlines and in the manner set in the regulations governing employment relationships.

Claims filed

The procedure for claiming entitlements always begins with an application to the Regional Employment Office of the Employment Service of Slovenia by a beneficiary who files a claim for compensation of debt arising from employer insolvency (hereinafter: the claim). The deadline for submitting the claim is 90 days from the day of termination of employment. In 2005, bankruptcy proceedings were in Slovenia initiated against 687 companies, while the respective number the year before was 712.

Between 1 January and 31 December 2005 the Guarantee Fund received 2,286 claims filed by employees of 110 companies. 3,112 decisions were issued, of which 3,050 were positive (98%), while in 62 the Fund completely or in part rejected the claim (2%). The number of decisions issued is greater than the number of claims received as some claims were filed with the Fund at the end of 2004 and could only be resolved in 2005.

The overview of filed claims by month shows there was an unequal distribution of claims through the year 2005. The bulk was received in July and October, and the fewest in February and November.

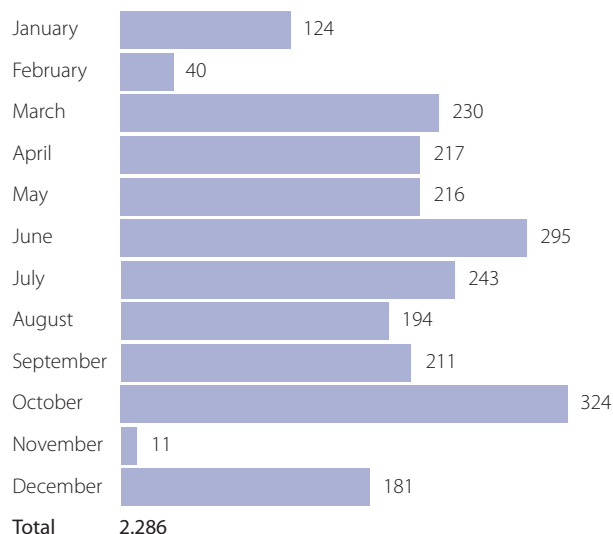


Table 1: Number of claims by month, 2005

In 2005, the Guarantee Fund received more than 100 claims from ten companies:

- Beti konfekcija Črnomelj, proizvodnja in trgovina d.o.o. – 179 claims;
- Ingrad, gradbeno podjetje d.d. – 164 claims;
- Trikon, proizvodnja oblačil, d.d. – 148 claims;
- Svila d.d. – 144 claims;
- Lesna – tovarna stavbnega pohištva Radlje d.o.o. – 136 claims;
- Merinka Maribor d.d. – 125 claims;
- Jutranjka trgovina in storitve d.d. – 121 claims;
- Kartonaža, grafično in embalažno podjetje Murska Sobota d.d. – 109 claims;
- Novoteks tkanina izdelovanje preje in tkanin d.d. – 104 claims;
- Jutranjka trgovina in storitve d.d. – 104 claims.

The statistics of claims filed by Regional Employment Office show that most claims in 2005 were forwarded from the Maribor Regional Employment Office: 469 claims, accounting for as much as 20.5% of the total. This is followed by the Ljubljana Regional Employment Office with 352 claims (15.4%) and Celje Regional Employment Office with 327 claims (14.3%). From the above three Regional Employment Offices the Guarantee Fund in 2005 received almost half of all filed claims. Fewest claims were filed with the Nova Gorica Regional Employment Office (103 claims or 4.5% of the total). In 2005, no claims were forwarded from the Koper Regional Employment Office.

Regional Employment Office	Claims filed	Percentage
Kranj	119	5,2
Ljubljana	352	15,4
Maribor	469	20,5
Celje	327	14,3
Velenje	239	10,5
Murska Sobota	161	7,0
Nova Gorica	103	4,5
Koper	0	0
Sevnica	226	9,9
Novo mesto	290	12,7
Total	2.286	100,0

Table 2: Number of claims filed by Regional Employment Office, 2005

Total number of claims filed with the Guarantee Fund in 2005 dropped by 6.2% compared to the year before, however, the number of issued decisions increased by as much as 42.4% over 2004. The reason behind this increase is the dynamics of decision issuing.

Decisions issued

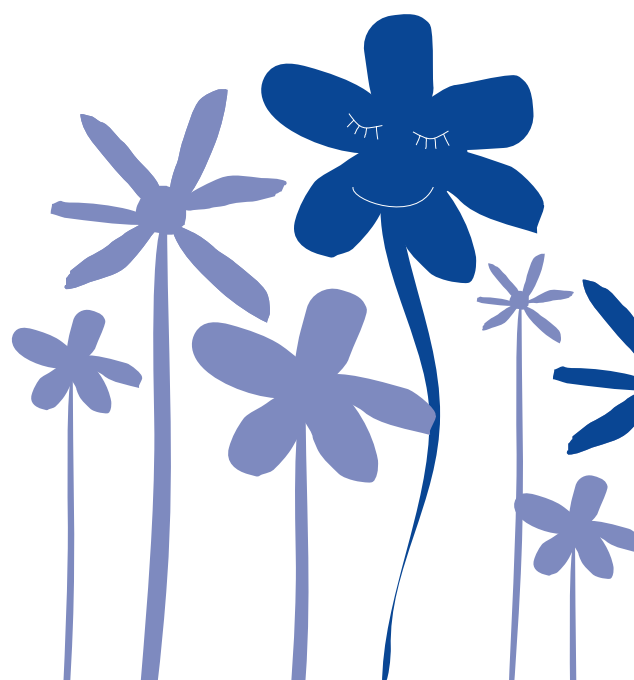
Based on claims filed by beneficiaries for entitlements stemming from employer insolvency 3,112 decisions were issued by the Guarantee Fund in 2005. Of these, 3,050 were positive (98%) and 62 (2%) were fully or partly denied. Negative decisions were issued as a result of failure to meet legal requirements or on the grounds of workers having already received compensation for their claims. 22 appeals were filed. In 4 cases beneficiaries appealed against partly positive decisions and in 18 cases against negative decisions, i.e. decisions denying their claims.

Regional Employment Office	Claims filed	Positive decisions	Negative decisions	Decided total	Paid decisions
Celje	327	333	6	339	331
Koper	0	0	0	0	0
Kranj	119	770	25	795	769
Ljubljana	352	275	16	291	258
Maribor	469	624	3	627	622
Murska Sobota	161	204	3	207	202
Nova Gorica	103	91	4	95	91
Novo mesto	290	290	0	290	290
Sevnica	226	225	1	226	225
Velenje	239	238	4	242	236
Total	2.286	3.050	62	3.112	3.024

Table 3: Number of claims filed, decisions and payments by Regional Employment Office, 2005

Note to the table:

In certain Regional Employment Offices the number of decided claims is higher than the number of filed claims, which is the result of the fact that some claims were forwarded to the Fund at the end of 2004 and the Fund could decide on them only in 2005. The fact that the number of paid claims is higher than the number of decided claims in some Regional Employment Offices is the consequence of some claims, issued in December 2004, becoming valid in January 2005, so that the beneficiaries received payment only in 2005.



Payments

The amount received by beneficiaries under the decision on entitlement can include unpaid wages and allowances for the last three months prior to the termination of employment. This amount can equal no more than three minimum salaries as stipulated by a special regulation in force on the day of issuing of the decision. The Fund also pays salary replacement for unused annual leave to which the beneficiary was entitled in the given calendar year, but no more than one half of one minimum salary. Moreover, the Fund pays a severance pay in the amount and under the conditions prescribed by labour regulations. Severance pay equals one minimum salary maximum.

The beneficiaries can receive a maximum of 4.5 minimum salaries from the Guarantee Fund.

Funds for the payment of claims to Guarantee Fund beneficiaries were provided from the National Budget (61%) and through subrogation (39% of the total).

Regional Employment Office	Number of beneficiaries	Percentage
Ljubljana	258	8,5
Velenje	236	7,8
Maribor	622	20,6
Celje	331	11,0
Murska Sobota	202	6,7
Nova Gorica	91	3,0
Kranj	769	25,4
Sevnica	225	7,4
Koper	0	0,0
Novo mesto	290	9,6
Total	3.024	100,0

Table 4: Number of beneficiaries receiving compensation in 2005 by Regional Employment Office

Based on decisions recognising entitlement to compensation due to employer insolvency 3,024 beneficiaries from 102 companies in 2005 received compensation in the total amount of SIT 1,053,738,111.

The total amount of payments by the Guarantee Fund in 2005 was 25.9% above the 2004 figure.

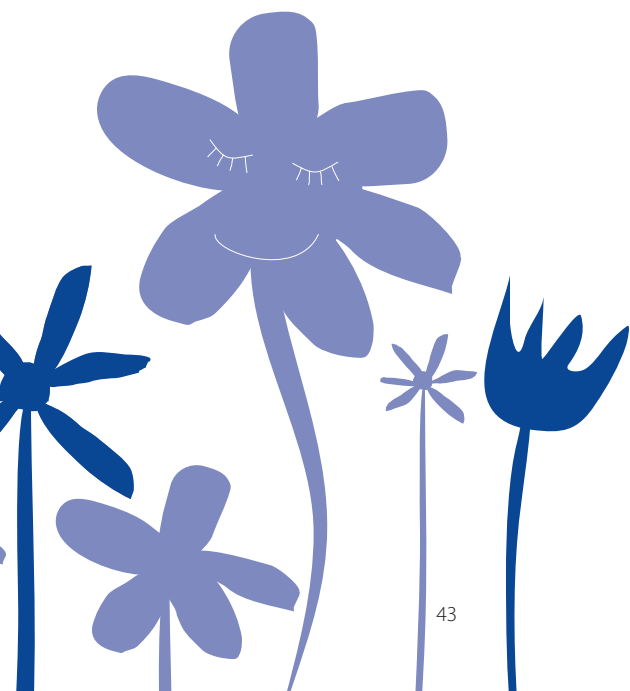
The ten biggest cumulative payments by company were as follows:

- Planika Kranj d.d. – SIT 215,222,298;
- Ingrad, gradbeno podjetje d.d. – SIT 87,059,124;
- Jutranjka trgovina in storitve d.d. – SIT 61,280,531;
- Lesna – tovarna stavbnega pohištva Radlje d.o.o. – SIT 59,325,527;
- Svila d.d. – SIT 59,019,390;
- Merinka Maribor d.d. – SIT 56,950,280;
- Beti konfekcija Črnomelj, proizvodnja in trgovina d.o.o. – SIT 55,682,500;
- Kartonaža, grafično in embalažno podjetje Murska Sobota d.d. – SIT 54,452,621;
- Novoteks tkanina izdelovanje preje in tkanin d.d. – SIT 38,618,011;
- Soča, vodnogospodarsko podjetje, d.d. – SIT 36,457,479.

The payments from the above-mentioned companies accounted for 68.7% of the total. Most payments were made in March, 687 beneficiaries receiving a total of SIT 220.7 million, and in November, when SIT 216.7 million was paid to 621 beneficiaries.

Month	Number of beneficiaries	Payment in SIT
januar	31	9.757.990
februar	83	34.225.126
marec	687	220.717.207
april	142	64.669.546
maj	162	65.034.993
junij	179	54.588.889
julij	454	155.634.841
avgust	317	154.577.853
september	77	26.560.883
oktober	184	35.997.673
november	621	216.731.569
december	87	15.241.541
Total	3.024	1.053.738.111

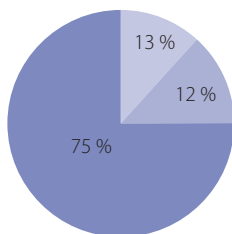
Table 5: Number of beneficiaries receiving compensation and total payments by month, 2005



The average net payment of compensation per beneficiary in 2005 equalled SIT 197,647.73 (SIT 251,086 in 2004). The difference is the consequence of higher personal income tax rate (since 1 January 2005 25%, previously 17%).

Type of payment	Percentage
Salary	75 %
Leave	12 %
Severance pay	13 %

Table 6: Types of payments in 2005



In 2005, most funds (75%) were paid to beneficiaries as compensation for unpaid salaries and unpaid salary replacement for paid leave, while 13% of all payments covered unpaid severance pay and the remaining 12% of payments were made by the Guarantee Fund to compensate for unused annual leave. The share of funds paid out for unpaid salaries and unpaid salary replacement for paid leave is increasing, while the other two items are decreasing.

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Debt recovery

In 2005, the Guarantee Fund received SIT 582,307,095 from subrogation (whereby the enforcement of decisions issued by the Guarantee Fund transfers the worker's claims on employers onto the Fund up to the amount compensated for by the Fund). The highest amounts were received by the Fund in January (SIT 114,113,067) and December (SIT 104,175,204).

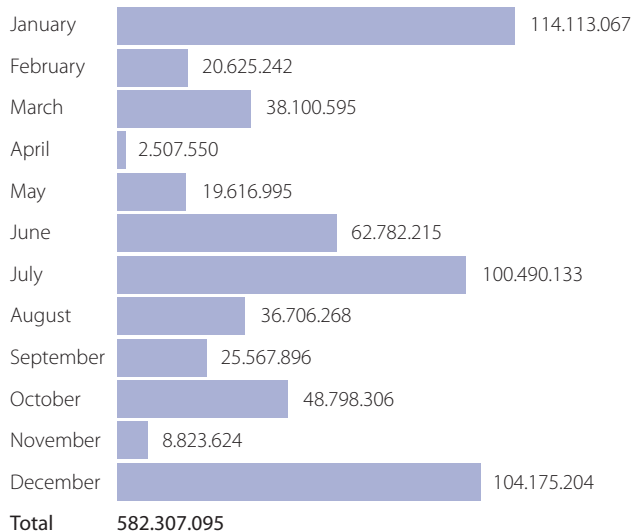


Table 7: Recovery by month, 2005

As at 31 December 2005, the Fund had outstanding claims on 254 companies in the total amount of SIT 2,584,827,105. The Guarantee Fund's activity is aimed at recovering most of the compensation it pays, thus providing an important source of funding for compensation stemming from employer insolvency. In cases where the debtor company is in forced settlement, the Guarantee Fund attempts to achieve, within the scope of applicable legislation, an agreement with the company's management on the method of payment of the outstanding debt that would be acceptable to the company from the perspective of future operation. When sometimes an agreement cannot be reached, the Guarantee Fund files suit for debt recovery in order to secure its claim. In the event of unsuccessful forced settlement proceedings and a resulting bankruptcy, the Fund files its claim by the required deadline.

Guarantee fund from the beginnings until 2005

The Guarantee Fund has been operating since 3 November 1997. In these years it paid more than 55,000 beneficiaries SIT 9.5 billion in total.

By persistently and constantly advocating the belief that employees are in the event of employer's insolvency entitled to severance pay, we have significantly contributed to the final shaping of court practice. Namely, the Constitutional Court of the Republic of Slovenia supported the opinion of the Guarantee Fund that the employees whose employment was terminated in bankruptcy proceedings and forced settlement are entitled to severance pay.

Over the past years, we have analysed the problems of companies in forced settlement, as it turned out that debt repayment represents a major problem for these companies. We have established basic stances on the recovery of funds owed to the Fund by the companies in forced settlement. These stances were included in the General Terms and Conditions of the Fund's Operations, which provide the basis for reaching agreements on debt recovery with companies which are in forced settlement.

In the recent period a decrease was recorded in the number of companies indebted to the Fund due to payments to employees whose employment was terminated in forced settlement. The reasons for the above are more consistent adherence to the applicable legislation by employers, especially as regards the rights of employees in the event of employer insolvency. Thus, employers usually discharge the liabilities to employees, at least to the amount guaranteed by the Fund. Such employees are therefore not entitled to any payments from the Fund.

Year	Claims filed	Positive decisions	Negative decisions	Total decided	Paid	amount in tolar
3. 11.-31. 12. 1997	18.676	/	/	/	/	/
1998	18.621	32.075	3.229	35.304	31.364	3.771.876.065
1999	3.984	5.199	1.059	6.258	5.150	815.167.640
2000	4.336	3.995	853	4.848	4.533	735.519.699
2001	2.651	3.121	499	3.620	3.085	599.473.483
2002	2.893	2.827	299	3.126	2.799	819.880.208
2003	3.308	3.052	137	3.189	3.008	911.393.710
2004	2.437	2.040	145	2.185	2.180	836.996.830
2005	2.286	3.050	62	3.112	3.024	1.053.738.111
Total	59.192	55.359	6.283	61.642	55.143	9.544.045.746

Table 8: Number of claims filed, issued and paid up decisions and total payments by year

Between 1997 and the end of 2005 the Fund paid 55,143 claims in the total amount of SIT 9.5 billion.

Year	Wages in tolar	Holidays in tolar	Severance pay in tolar	Total in tolar
1998	1.816.150.459	707.339.780	1.248.385.826	3.771.876.065
1999	473.794.622	134.975.008	206.398.010	815.167.640
2000	426.020.307	96.031.965	213.467.427	735.519.699
2001	350.094.019	100.148.485	149.230.979	599.473.483
2002	537.349.204	114.054.204	168.476.800	819.880.208
2003	592.121.630	115.606.435	203.665.645	911.393.710
2004	606.966.223	83.615.994	146.414.613	836.996.830
2005	791.703.951	126.329.419	135.704.741	1.053.738.111
Total	5.594.200.415	1.478.101.290	2.471.744.041	9.544.045.746

Table 9: Payments by right in individual years

Considerable deviation with regard to the total paid amount and individual rights occurred in 1998 compared with other years. The reason was retroactive application of legal provisions regarding employees for whom employment was terminated due to insolvency of their employers in the period from 2 January 1994 until the Fund started to operate. These employees were allowed to file a claim with the Guarantee Fund within 90 days after the Fund has begun to operate, and payments were made in 1998.

Severance pay and remittances for unused leave in 1998 had a relatively high share (33 and 18.7%, respectively) in the total amount paid. The reason was a high number of claims filed by employees on the basis of the aforementioned retroactive application of the law, in which they primarily claimed the right to severance pay and remittance for unused leave. The share of severance pay and remittances for unused leave decreased in the subsequent years.

Data show that the amount of recovery by the Guarantee Fund in 2005 was the second highest since the Fund began to operate. Higher recovery was recorded only in 1999.

The amount recovered through subrogation in the period from the beginning of the Guarantee Fund's operations until the end of 2005 totalled SIT 3,462,036,786, i.e. 36.3% of the total amount paid. The recovered amount must be viewed in relation to the Fund's activity. The Fund usually recovers debt from companies in grave financial difficulties. This requires constant weighing of the Fund's legal obligations and the requirements for the fastest possible debt recovery against the wider social interest of improving the economic conditions of the company undergoing forced settlement as soon as possible. The Fund's insistence on immediate repayment of the debt, as soon as it is due, would force the large majority of debtors in forced settlement to bankruptcy but, having said that, the recovery cannot be postponed indefinitely, particularly as the recovery through subrogation forms an important share of the Fund's budget. The recovery also takes into account the five-year period of limitation for such claims.

The Fund has succeeded in obtaining funds totalling nearly SIT 3.5 billion since 1998, when such recoveries began. Consequently when providing the legally prescribed guarantees in insolvency proceedings, the Fund was able to relieve the government's budget by not claiming the same amount. Claims of the Guarantee Fund as at the end of 2005 amounted to SIT 2.5 billion (254 debtors). The Fund will attempt to recover this amount in the following years.

Year	Recovery in SIT
1998	50.955.218
1999	638.228.844
2000	467.126.216
2001	421.319.391
2002	409.786.665
2003	414.091.346
2004	478.222.011
2005	582.307.095
Total	3.462.036.786

Table 10: The amount of recoveries by the Guarantee Fund by year



Maintenance fund in 2005

Operations of the Maintenance Fund are intended for children who have been allocated maintenance under a final court ruling, a temporary injunction or an agreement with the Centre for Social Work but which the persons liable are not paying.

In 2005, the Maintenance Fund in addition to performing its primary task, i.e. recognising the right to maintenance replacement, was also actively involved in collection of debt from persons liable to pay maintenance. The results were evident both in voluntary repayments by debtors and in increased volume of collected funds.

The Right to Maintenance Replacement Payment

Any child who is a Slovene national permanently residing in the Republic of Slovenia or a child of foreign nationality permanently residing in the Republic of Slovenia if so agreed by bilateral agreement or by way of reciprocity is entitled to maintenance replacement. Legal guardians must possess a final title of execution (a final court ruling, a temporary injunction or an agreement with the Centre for Social Work) specifying maintenance, which the persons liable are not paying. In order to enforce this right the legal guardian must initiate appropriate proceedings for recovering maintenance and such proceedings must be unsuccessfully concluded or ongoing for over three months. The right to payment of maintenance replacement will expire at the age of 18, or 15 if the beneficiary takes up employment.

In addition to fulfilling of legal conditions upon submitting the application for entitlement to maintenance replacement payment, the Fund must also monitor and take into account conditions on the basis of which the entitlement to the maintenance itself may change (e.g. changed custody of a child, entering of a child into employment, turning the age of 18). The amount of maintenance may also change, resulting in changed maintenance replacement payment.

Follow-up of an application and individual beneficiaries in the

administrative procedure may last up to 18 years. However, the Fund's follow-up is not concluded when the entitlement to maintenance replacement expires. In accordance with the law, the Fund must also collect the maintenance replacement paid.

Wider Impact of the Maintenance Fund

It has been noticed from establishing of the Maintenance Fund that its operations had a positive impact on the wider social environment. The very existence of the Fund as an institution offering financial existence in cases when a minor child is not receiving maintenance specified for her/him, is sometimes sufficient for the legal guardian and the person liable for payment of maintenance to agree on the payment method for the due maintenance or for payment of overdue monthly amounts.

We estimate that in this way maintenance payment for as many as 500 children was resolved. This information is extremely important and should not be disregarded, because of complexity and long periods of solving these cases.

The Fund offers support to legal guardians, which can after (sometimes) long years of unsuccessfully "fighting" for the funds awarded to children for maintenance, which are in many cases crucial for maintaining the minimum living standard, turn to the state for funding. In some cases they also receive advice on where else to turn for help.

Filed Applications

The procedure for claiming the right to maintenance replacement begins by the legal guardian submitting the application for claiming the right to maintenance replacement on the prescribed form (a form printed by Državna založba Slovenije no. 8.42 – hereinafter referred to as: the Application). The Application and attachments thereto is submitted directly to the Maintenance Fund by mail or in person. A legal guardian can by a single application claim maintenance replacement for several children of the same person liable to pay maintenance, although the Fund keeps records of each child separately. In 2005, the Fund received 594 applications for 774 children.

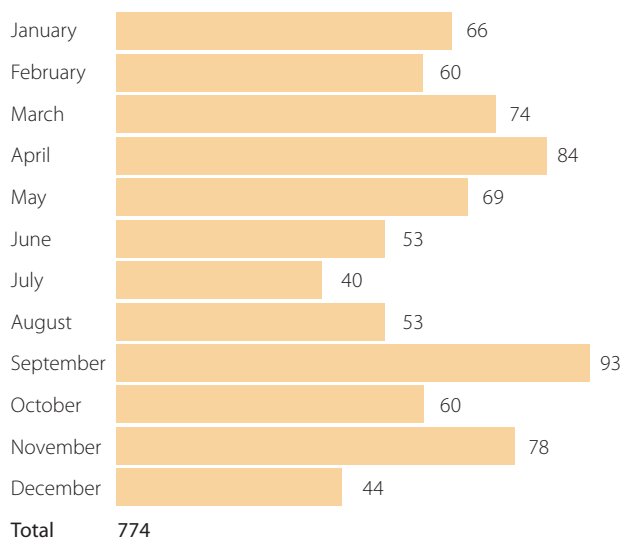


Table 11: Number of children for whom claims were filed in 2005, by month

The highest number of applications was received by the Maintenance Fund in September, and the lowest in July (40 children) and December (44 children).

Region	No. of children	Percentage
Ljubljana	233	30,1
Maribor	151	19,5
Celje	67	8,9
Kranj	63	8,1
Koper	53	6,8
Murska Sobota	56	7,2
Velenje	64	8,3
Novo mesto	33	4,3
Sevnica	27	3,5
Nova Gorica	27	3,5
Total	774	100

Table 12: Number of children for whom applications were filed in 2005, by region

In 2005, as was the case in previous years, the Fund received most claims from the Ljubljana (30.1%) and the Maribor regions (19.5%), and least from the Nova Gorica (3.5%) and the Sevnica (3.5%) regions.

In 2005, legal guardians also used one application to file for maintenance replacement for all children of one person liable to pay maintenance. In 2005, the average number of children per application was 1.3. Most legal guardians (74.9%) filed for one child, 20.2% filed for two children, while 4.4% of legal guardians filed for three children and two legal guardians filed for four children.

Decisions Issued

In 2005, 578 decisions were issued relating to 752 children. The right to maintenance replacement was approved for 661 children, and 41 children did not comply with the conditions for obtaining this right, primarily because they were over 18.

The bulk of decisions was issued for children from the Ljubljana and Maribor regions, and the least for those from the Nova Gorica region.

The legal guardian can withdraw the application before the decision of the Maintenance Fund is issued. The reason for withdrawing of the application in majority of cases was that persons liable for payment began to pay maintenance on time.

The Fund rejected incomplete applications for 33 children as the legal guardians failed to produce the required documentation in spite of being called on to do so.

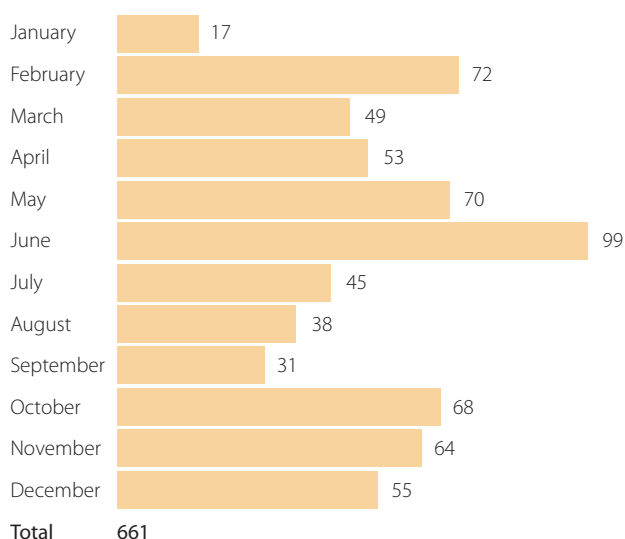


Table 13: Number of children for whom applications were approved in 2005, by month

The biggest number of decisions was issued in June (99 children). A larger number of decisions was also issued in February (72 children) and May (70 children), while the least decisions were issued in January (17 children). The average number of children for whom decisions were issued in one month was 55.

Region	Filed	Decisions					Paid
		Positive	Negative	Dismissed	Withdrawn prior to decision	Decided	
Celje	68	61	1	3	2	67	363
Koper	55	46	3	0	4	53	239
Kranj	63	54	3	4	0	61	331
Ljubljana	234	193	22	11	1	227	1.099
Maribor	151	118	8	6	7	139	810
Murska Sobota	57	52	1	1	2	56	243
Nova Gorica	27	23	1	0	0	24	70
Novo mesto	33	27	1	5	0	33	160
Sevnica	27	26	0	2	1	29	139
Velenje	64	61	1	1	0	63	287
Total	779	661	41	33	17	752	3.741

Table 14: Number of children for whom applications were filed, decisions issued and replacement payments made in 2005, by region

The difference between the submitted applications, and the sum of decided applications by region and the total sum is the result of the fact that the Fund in 2005 also decided on application received in 2004. A reversed situation would also be possible. For some of the applications received in 2005, the decision will be issued in 2006.

Payments

The amount of maintenance replacement depends on the child's age and on the amount of maintenance specified in a final court ruling, a temporary injunction or an agreement with a Centre for Social Work. The Government of the Republic of Slovenia aligned the amount of maintenance replacement with consumer prices and wages growth on 1 April 2005. The maintenance replacement increased by 2.1%. The new maintenance replacement for a child of up to 6 years old equalled SIT 14,465, and for a child from 6 to 14 years old and above 14, the respective numbers were SIT 15,910 and SIT 18,803.

Age group	Amount of maintenance replacement in SIT
Up to 6 years	14.465
From 6 to 14 years	15.910
From 14 to 18 years	18.803

Table 15: Amount of maintenance replacement by age group

In case maintenance is set below the legally defined maintenance replacement, the child will receive maintenance replacement in the amount specified in the court decision, temporary injunction or agreement.

Month	Number of children	Paid amounts in tolar
January	3084	48.495.068
February	3062	48.036.928
March	3082	48.943.405
April	3109	49.484.911
May	3126	50.481.850
June	3108	51.399.693
July	3162	52.359.383
August	3154	51.411.108
September	3142	51.130.250
October	3142	51.260.863
November	3122	50.627.855
December	3160	52.528.700
Total		606.160.014

Table 16: Number of children receiving maintenance replacement payments in 2005 and total payments by month

In 2005, the Fund paid maintenance replacement in the total amount of SIT 606,160,014. In December 2005, the Fund paid maintenance replacement to 3,160 children in the total amount of SIT 52,528,700, which was also the highest monthly payment in 2005. The difference in the number of children stems from the fact that certain persons liable for payment occasionally pay maintenance and that some children lose the right to maintenance replacement during the year. The average maintenance replacement payment in December amounted to SIT 16,623.

The amount of average maintenance replacement payment depends on the amount of maintenance awarded to children and the structure of beneficiaries by age group. A third of children is receiving maintenance replacement in the amount of awarded maintenance (lower amounts than specified as maintenance replacement for particular age group).

In addition to the above, the amount of monthly maintenance replacement payments also depends on any regular payments of the due maintenance by the person liable for payment directly to legal guardians. Any payment of maintenance means that the Fund does not pay the maintenance replacement for the same period or pays only the difference to the amount of maintenance replacement. In December 2005, the Fund received notice for 137 children that maintenance was regularly or occasionally paid. Each such file is monitored individually so that double remittances are prevented.

Prompt monitoring of documents proving paid maintenance is crucial for later collection proceedings already underway against the person liable for payment of maintenance, as taking into account reported data reduces the number of appeals and objections filed by the debtor. This results in shorter and more expedient court proceedings.

Debt recovery

A very important area of work of the Maintenance Fund is recovery of debt from persons liable for payment of maintenance. The Fund also recovers funds from legal guardians receiving funds from the Maintenance Fund without grounds. Execution proposals are submitted to execution departments of courts all over Slovenia. The majority of collection proceedings are highly complex, complicated and take a long time to complete. The success rate of collection is highly influenced by the fact that the Fund has great difficulties in recovering debt from its debtors as the majority of them has no income or property.

As at the day of payment of maintenance replacement to legal guardians, the Fund becomes a creditor in relation to the person liable to pay maintenance, up to the amount of the paid replacement topped by accrued interest and costs incurred. As at 31 December 2005, the Maintenance Fund had outstanding claims to 3,173 debtors, i.e. persons liable for payment of maintenance.

Proceedings and Success Rate of Recovery

Execution proceedings against persons liable to pay maintenance have been initiated since the start of the Fund's operations, either independently or with the assistance of lawyers. The number of cases involving lawyers has been decreasing in time.

The bulk of work related to filing execution proposals and lawsuits is made by the Fund's employees. The Fund quickly and effectively obtains data required for completion of execution proposals by conducting numerous inquiries and by appropriate links to external institutions (the Central Registry of Population kept by the Ministry of the Interior, the Health Insurance Institute of Slovenia the Clearing and Deposit House and other).

Court collection is only a part of the range of efforts undertaken by the Fund's employees to make persons liable for payment of maintenance to pay their obligations. The activities of preliminary collection are also intensive. These primarily include activities preceding court collection, which include informing debtors on the balance of their debt. The Fund's intention is for the debtors to become aware of their obligation and start to pay the debt and maintenance.

The option of payment of overdue debt in instalments gives the person liable for payment of maintenance the possibility to repay in instalments of financially acceptable amounts. Repayment can also be postponed for a certain period of time. The condition is that the person liable for payment of maintenance is unemployed and has no other income. Agreeing on the terms of debt repayment requires a large extent of understanding of the reasons underlying the non-payment of maintenance and the judgement whether it is a relatively permanent or perhaps temporary insolvency of the debtor.

The percentage of funds, collected by the Fund, equals 24.7% of all payments made in the same year. The percentage of collected funds is comparable to that in other European countries. The Federal Republic of Germany, which has a model closest to Slovenia as regards regulation of maintenance replacement, has roughly 22% collection rate, but it should be taken into account that the German counterpart of the Fund has been operating since 1981 and that income per capita is much higher in Germany than in Slovenia. In 2005, the Fund collected SIT 143 million, and during its six years of operations, the respective number equals SIT 328 million.

Maintenance fund from the beginnings until 2005



The Maintenance Fund of the Republic of Slovenia started its operations on 18 October 1999 and has since acquired much experience in exercising the right to maintenance replacement and the proceedings for collecting the paid funds. Since the beginning of operations until 2005, the Maintenance Fund has received 5,491 applications for 7,111 children.

Year	Number of applications	Number of children
1999 (from 18 October 1999)	1.156	1.534
2000	1.119	1.441
2001	638	811
2002	619	785
2003	766	1.000
2004	599	766
2005	594	774
Total	5.491	7.111

Table 17: Number of submitted applications and the number of children, by year

Note to the table:

The legal guardian may by submitting one application claim maintenance replacement for several children.

The biggest number of applications was received by the Fund in the first months of operations, i.e. at the end of 1999 and in the beginning of 2000. From then on, the number of submitted applications has held steady. Similar trend is expected in the next few years.

Year	Payment in SIT	Percentage
2000	205.240.546	8,1
2001	308.832.296	12,2
2002	379.927.139	15,0
2003	476.770.155	18,8
2004	558.434.899	22,0
2005	606.160.014	23,9
Total	2.535.365.049	100,0

Table 18: Total payments of maintenance replacement in SIT by year

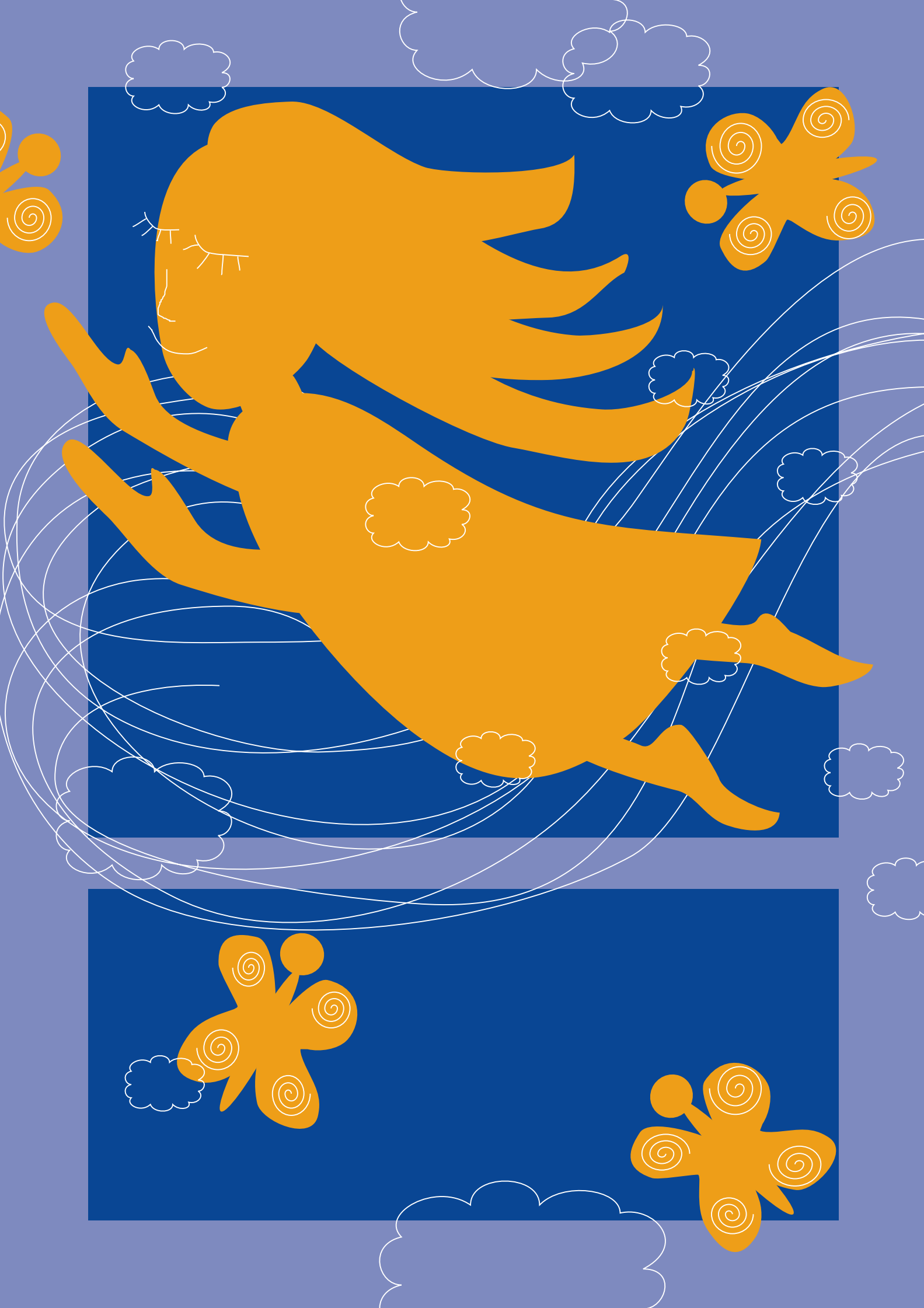
The number of children and the amount paid has been steadily increasing. Such trend can be expected in the future as the number of children receiving maintenance replacement and its average amount are increasing.

Year	Recovery in SIT	Percentage
2000	6.459.408	2,0
2001	23.593.890	7,2
2002	27.997.276	8,5
2003	46.851.584	14,2
2004	80.083.443	24,4
2005	143.585.888	43,7
Total	328.571.489	100,0

Table 19: Repayments by debtors to the Maintenance Fund in SIT by year

In six years of operations the Maintenance Fund collected SIT 328 million by subrogation. Active debt recovery from those liable to pay maintenance has another important effect. As a result of the Funds entering in the legal guardian - debtor relationship, the latter are more willing to voluntarily pay maintenance as stipulated by a court ruling or an agreement with a Centre for Social Work.





Activities in the wider environment

International Activities

By Slovene accession to the European Union, the Fund has become a part of the bigger picture, enabling and at the same time requiring co-operation between Member States in the area of public services. In line with the proposed amendments to the legislation related to the Maintenance Fund, international co-operation will become a part of the Fund's regular activities. This additional dimension will undoubtedly result in expanding the horizons and improving professionalism in task performance by the Fund's employees. At the same time it will lead to making of an institution, which will be confident and flexible in adjusting to changes in all areas.

Guarantee Fund

In 2005, the Guarantee Fund started the preparations related to amendments of the legislation due to the European Union Directive 2002/74/EC of 23 September 2002. Because of the European Union's principle on the flow of work, services, capital, and the common market, the rules related to guarantees for claims of employees in case of insolvency had to be adjusted to the new situation. This primarily involved specifying the competent national guarantee institutions in the so-called cross-border cases, when a company operates and employs in several Member States. The Fund's representatives attended the first meeting of representatives of all guarantee institutions in EU Member States organised by the European Commission in Brussels. Talks on methods of co-operation between institutions in cross-border cases, as envisaged by the Directive itself, have already started at the meeting. In the future, co-operation between Member States will become a common practice. Closer co-operation was also established with the European Commission, which also assisted in preparing amendments and supplements to the legislation within the meaning of the Directive.

As regards the Guarantee Fund, we are thus confident that international co-operation will become an important part of the Fund's regular activities. In line with the bill on amendments and supplements to the Guarantee and Maintenance Fund of the Republic of Slovenia Act presented to the National Assembly in 2006, the Fund will assume the role of the authorised

institution for co-operation and exchange of data with other guarantee institutions of the EU Member States for the purpose of mutual informing, co-operation and co-ordinated procedure implementation. The experience and knowledge obtained in the process will undoubtedly help the Fund to improve its work.

Maintenance Fund

The European Union certainly improves the flow of information. International links are a rich source of additional experience, knowledge and ideas. Increased mobility of people also brings changes in human relations. Cases where parents have different nationality will be more frequent than was the case in the past. Cases in which the Fund will have to start collection outside Slovenian borders will also become more frequent. Our previous co-operation and links, notably with institutions working in the field of child support payments, will undoubtedly be of great assistance in our work.

For achieving success in the Fund's activities, which will be able to cope with such challenges, it is not enough only to be familiar with the legislation relating solely to child support payments and maintenance replacement, but also knowledge of legislation, judiciary systems and the framework European legislation in the relevant areas. We expect that the knowledge we have obtained so far will bring fruits in concrete cases we will be dealing with abroad.

Participating in Events in Slovenia

Three events related to maintenance replacement were organised in 2005. The Fund's representatives participated in roundtables in Celje, Koper and Maribor. We have presented proposals for improving implementation of applicable legislation as well as the proposals for amendments of certain pieces of legislation, such as for example establishing of family courts, amendments to the Marriage and Family Relations Act and some other proposals. The issue of non-payment of maintenance should also be more exposed in the public with the help of the civil society, and non-payment of maintenance should be labelled as socially unacceptable.

A look in 2006

The year 2006 will be marked in Slovenia by intensive preparations for adoption of the euro. The Fund too, will have to adjust its operations to the new currency. Activities will be implemented in the period of double pricing when the Fund will prepare for the final adoption of the euro in the beginning of 2007.

The first activities for aligning the Guarantee and Maintenance Fund of the Republic of Slovenia Act with the European Union Directive 2002/74/EC began at the end of 2005. The Directive stipulates that the Member States introduce guarantees by the guarantee institution in the so-called cross border situations. These include cases where insolvency proceedings were initiated against a company engaged in business activities in at least two Member States. Covering of unsettled claims on the employer will be the responsibility of the institution in the Member State where employees perform or usually perform work. The amendments to the Act will broaden the circle of beneficiaries eligible to receive funds from the Guarantee Fund, while the entitlements will remain the same. The Directive stipulates specifying the institution in charge of exchanging information on insolvency proceedings with other similar institutions in Member States. The required amendments will be fully introduced into Slovenia law in the first half of 2006.

In accordance with the Business and Financial Plan of the Public Guarantee and Maintenance Fund for 2006 special attention will be given to collection. Recovered funds enable better management of funds allocated from the government budget. Collection by the Maintenance Fund also has the function of raising awareness among persons liable for payment of maintenance that child support is the duty of parents and at the same time the right of every child. The Fund will engage in international collection from persons liable for payment of maintenance replacement and use inter-ministerial co-operation and co-ordination to check the appropriateness of collection methods regarding persons liable for payment of maintenance in the Republic of Slovenia.

New tasks and changes in operations of the Fund will require appropriate organisation of work and adjusting of IT support. They will be performed with awareness that economic, efficient and effective management of funds allocated from the government is one of the main tasks of the Fund. A special role with that regard is given to the Supervisory Board, which will constantly monitor and direct the Fund's work.

Inclusion in and co-operation with the environment will remain a constant of the Fund's activities in 2006. Special attention will be given to contacts with Centres for social work, enabling exchange of information and better work of both services in ensuring children's rights. We will of course also co-operate with other institutions, e.g. the Pension and Disability Insurance Institute of the Republic of Slovenia, the Employment Service of Slovenia, the Tax Administration of the Republic of Slovenia, individual ministries and other. Public will be regularly informed on the Fund's mission and activities.

Financial statements for 2005

Balance sheet as at 31 December 2005

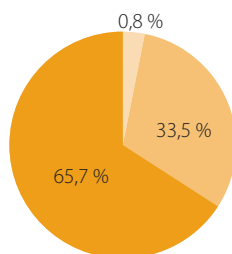
A. ASSETS	In SIT thousand
1. LONG-TERM ASSETS AND ASSETS UNDER MANAGEMENT	18,993
• Intangible long-term assets	61,087
• Value adjustment of intangible long-term assets	50,137
• Equipment and other tangible fixed assets	41,779
• Value adjustment of equipment and other tangible fixed assets	34,036
2. SHORT-TERM ASSETS; EXCLUDING INVENTORIES, AND DEFERRED ITEMS	6,605,475
• Cash In hand	154
• Balances with banks and other financial institutions	264,273
• Advances and deposits made	114
• Short-term financial investments	321,000
• Short-term financing receivables	984
• Other short-term receivables	6,013,671
• Unpaid expenses	5,279
TOTAL ASSETS	6,624,468
B. LIABILITIES	In SIT thousand
3. SHORT-TERM LIABILITIES AND ACCRUED ITEMS	6,020,048
• Short-term trade creditors	5,230
• Other short-term operating liabilities	4,925,282
• Unpaid revenues	1,089,536
4. OWN RESOURCES – FUND OF APPROPRIATED ASSETS	604,420
TOTAL LIABILITIES	6,624,468

Profit & Loss Statement for 2005

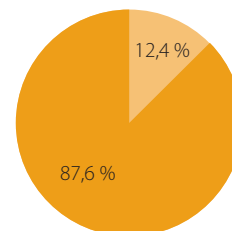
	In SIT thousand
Revenues from the Budget of the RS	1,422,720
Revenues from subrogation	726,417
Other revenues	16,427
TOTAL REVENUES	2,165,564
Payments to beneficiaries	1,659,898
Fund's operations	235,463
TOTAL EXPENSES	1,895,361
SURPLUS OF REVENUES OVER EXPENSES	270,203

Revenues and expenses in 2005

REVENUES	Share in %
• Revenues from the Budget of the RS	65,7
• Revenues from subrogation	33,5
• Other revenues	0,8
TOTAL	100,0



EXPENSES	Share in %
Payments to beneficiaries	87,6
Fund's operations	12,4
TOTAL	100,0



Note to the financial statements:
As at 31.12.2005 exchange quotation for 1 EUR was 239,5756 SIT.

Auditing of the fund

Independent audit company BDO EOS Revizija d.o.o. from Ljubljana audited operations of the Fund for the business year 2005 in February 2006. The report presents their opinion that the Fund operated legally, purposefully, and under the principles of sound management and efficiency.

Internal audit of operations is also performed each year in accordance with the Articles of Association of the Public Guarantee and Maintenance Fund. The internal audit of the Maintenance Fund for 2005 was performed by the outsourced contractor Milena Gorjup, who is a state internal auditor. She found that as regards the payment of maintenance replacement, operations are in line with the underlying regulations in all material aspects.



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Uporaba podatkov je dovoljena le z navedbo vira.

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