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DEVELOPMENT OF SOCIAL SECURITY LAW IN SLOVENIA

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INTRODUCTION

The initial report on developments, features and prospects of the Slovenian social security law was prepared for the Max-Planck-Institute for Social Law and Social policy in March 2012. At the same time a comparative article on German and Slovenian social security law was published.¹ In both texts fundamental features of the Slovenian social security law are explained in a more detailed manner. In March 2013 the first and in February 2014 the second annual report on most significant developments in the Slovenian social security law were produced.

The present (third annual) report covers the most recent developments in the Slovenian social security law in the period between February 2014 and February 2015, featuring the loosening of the austerity measures, the evolution of social insurances and the new parental care and family benefits scheme.

1. CURRENT ECONOMIC, POLITICAL AND SOCIAL SITUATION

1.1. Political Development

The eleventh Slovenian government (in Slovenian Vlada Republike Slovenije) was elected by the Slovenian Parliament (in Slovenian Državni Zbor) in March 2013, following the demonstrations against the austerity measures. It was composed of the Positive Slovenia, Social Democrats, Citizens' List (former Citizens' List of Gregor Virant) and Democratic Party of Pensioners of Slovenia.

The prime minister was Ms Alenka Bratušek from Positive Slovenia. However, in April 2014 the founder of this Party, the long-serving mayor of the city of Ljubljana, Mr Zoran Jankovič, decided to run for presidency of the party (temporarily lead by Ms Bratušek). He won the elections with 55.53 per cent of the votes and called Ms Bratušek to remain in the office as prime minister. However, she resigned, as announced before the elections in case of not being elected as president of the party. She was also a candidate for the post of a Commissioner for the Energy Union and one of the Vice-Presidents of the new European Commission, headed by Mr Jean-Claude Juncker. However, since she had no support in the newly elected government, she had to resign as such candidate in October 2014.

The new prime minister, dr. Miro Cerar, a professor of the Faculty of Law of Ljubljana University, was elected by the Parliament in August 2014 (there was a discussion, whether premature elections could take place during holiday months, i.e. more precisely on 13th of July, when voters are not in the country, and which party could benefit the most from it).² He had established a new party for these elections, i.e. the Party of Miro Cerar (in Slovenian Stranka Mira Cerarja – SMC),³ which was recently renamed into Party of Modern Centre (i.e. keeping the acronym SMC), and surprisingly won as many

¹ Strban, Grega: Systematisierung des slowenischen Rechts der sozialen Sicherheit im Vergleich zur Systematisierung des deutschen Sozialrechts, Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS), Jahrgang 24/25, 2010/2011, Nr. 4, S. 353-376.

² There was a 51 per cent of voters' participation at the elections.

³ More at <http://www.mirocerar.si/>

as 34.49 per cents of votes and 36 seats in the 90 seat parliament⁴ (two of which are reserved for Italian and Hungarian minorities).⁵

The majority party established a coalition together with the Social Democrats and the Democratic Party of Pensioners. It might be interesting to note that also the association of left wing parties was rather successful at the elections, but the Positive Slovenia, once largest party, could not pass the threshold and remained outside of the Parliament.⁶

1.2. An Improving Economic Situation

Despite of a rather pessimistic forecast of economic trends, the year 2014 proved to be positive for the Slovenian economic development. Short-term indicators of economic activity in Slovenia that are mainly based on foreign demand remained high at the beginning of the last quarter of 2014, while the indicators relying primarily on domestic demand declined. After rising further in the third quarter, real merchandise exports and production volume in manufacturing remained unchanged in November and exceeded their levels of November 2013. Turnover in retail trade and construction activity have been dropping in recent months (since mid-year), and were down year-on-year in November.⁷

Moreover, inflation reached the lowest level since the Slovenian independence at the end of 2014 (amounting to 0.2%)⁸ and a deflation occurred in January 2015 (as it was in the entire Euro area). After subdued growth in 2014, prices were down year-on-year in January (-0.5%). Deflation was mainly due to lower prices of energy and unprocessed food, but it was also attributable to lower prices in most other price groups. Prices of services were up (0.5 %), but their contribution declined due to the fading of the base effect.

Surprisingly, bank lending activities continue to decline, although banks received a financial injection of over five billion euro, and although certain obligations (bad loans) were transferred to the Bank Asset Management Company, a so-called bad bank.⁹ Some banks are gaining profits again, and there is an argument that since losses have been socialised, so should be the profits.¹⁰ However, other banks are making losses. In early 2015, the Slovenian Central Bank was criticised for producing unrealistic numbers, which enabled an excess of money flow to banks. Also the so-called bad bank has been under strain due to a lack of efficiency as well as due to the fact that salaries of (domestic and foreign) managers are above the Slovenian average.¹¹

⁴ More at <http://volitve.gov.si/dz2014/>

⁵ Prof Miro Cerar was also a consultant in the Parliament and was (and still is) rather popular in Slovenia, as is his father, a well-known sportsman and carrier of Olympic, World and European gold medals in athletics, advocate Miroslav Cerar (Senior).

⁶ Composition of the Parliament at <http://www.dz-rs.si/wps/portal/en/Home/ODrzavnemZboru/KdoJeKdo/PoslankeInPoslanci/SedezniRed>

⁷ IMAD, Slovenian Economic Mirror, January 2015.

⁸ IMAD, Slovenian Economic Mirror, December 2014.

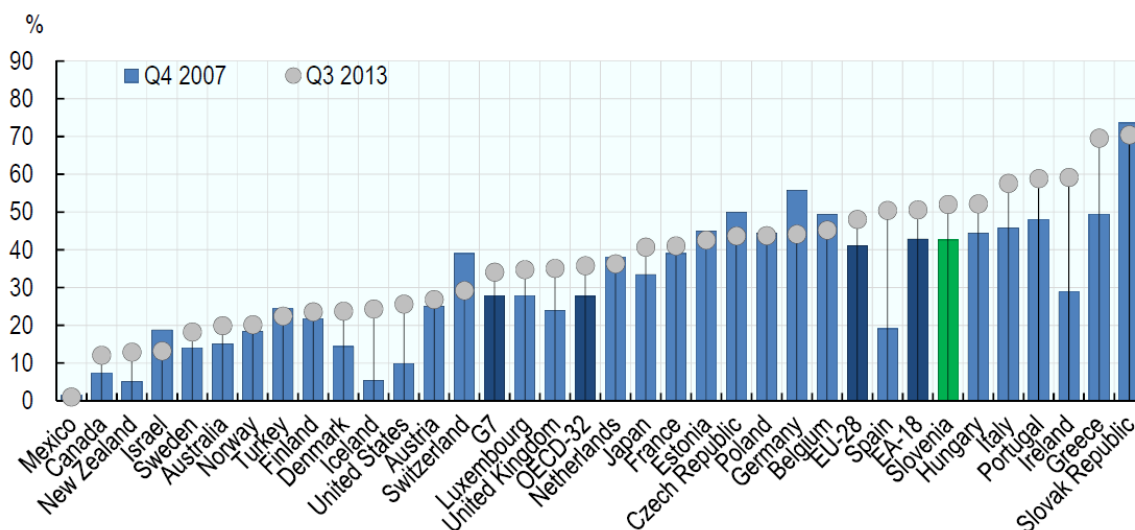
⁹ More at www.dutb.eu/en/ (February 2015).

¹⁰ Lukič, Mladina, 31.12.2014 (<http://www.mladina.si/163267/eno-letno-po-pričetku-velike-socializacije-izgub-bank-kaj-pa-socializacija-dobickov-bank/>).

¹¹ <https://www.rtvsllo.si/slovenija/ostro-nad-dutb-osebna-odgovornost-in-morda-dolocene-menjave/358303>

Nevertheless, the labour market situation continues to improve. The number of persons in employment rose again in November 2014 (seasonally adjusted), and was up by 6.825 in the first eleven months (compared to a year before). It was higher than the year before in most activities. With increased hiring, the number of registered unemployed fell again in January 2015 (seasonally adjusted). At the end of the month, there were 124.279 registered unemployed persons, which is 4.3% less than a year earlier. Average registered unemployment rate in the year 2014 amounted to 13 percent of the active population. The largest group of newly unemployed were persons, whose fixed-term employment contract came to an end.¹² Fixed-term (temporary) contracts are particularly prevalent among young people. Overall, the reforms have not entirely eliminated the relative attractiveness of temporary versus permanent contracts, but they have reduced it substantially. As a result, there are clear signs of a decline of a so-called labour market dualism. In the period from April to December 2013, the number of new permanent contract was 36.4% higher than in the same period 2012, while the number of new fixed term contract declined by 9.2%.¹³

It seems that next to youth unemployment also long-term unemployment is persistent. After falling in the 2000–2009 period, it has been rising ever since the onset of the crisis. Having been below the EU average until 2009, it has increased faster than in the EU overall since the beginning of the crisis and reached the EU average already in the first quarter of 2013.¹⁴



Long-term unemployment, overall (aged 15 and over), percentage of total unemployment

Note: Countries are shown in ascending order of the overall incidence of long-term unemployment in Q3 2013. Data are not seasonally adjusted but smoothed using three-quarter moving averages. OECD-32 is the weighted average of 32 OECD countries excluding Chile and Korea.

Source: OECD calculations based on quarterly national Labour Force Surveys (Cut-off date: 5 March 2014).¹⁵

Average gross earnings per employee in the first eleven months went up (compared to the previous year) in most private sector activities and in the entire public sector. The 13th month payments or

¹² Employment Service of Slovenia, www.ess.gov.si (February 2015).

¹³ OECD "Better Policies" Series, Slovenia, Reforms for a Strong and Sustainable Recovery, May 2014, p. 7.

¹⁴ IMAD (Institute of Macroeconomic Analysis and Development of the Republic of Slovenia), Development Report 2014, Ljubljana July 2014, p. 164.

¹⁵ OECD "Better Policies" Series, Slovenia, Reforms for a Strong and Sustainable Recovery, May 2014, p. 3.

Christmas bonuses were paid to slightly more employees than a year earlier, but the average amount of payments remained the same.¹⁶ Average earnings in December 2014 were 1.569,14 EUR (gross) and 1.021,37 EUR (net). Gross Domestic Product in the third quarter of 2014 grew by 3.2 percent, and GDP per capita rose to 17.550 EUR. According to the available data, the government deficit in 2013 was 14.6 percent of the GDP and public debt was 70.4 percent of the GDP.¹⁷

1.3. Social Situation

1.3.1. Abrogation of the Real Property Tax Act (2013)

The previous report mentioned that the parliament had passed the Real Property Tax Act (Zakon o davku na nepremičnine – ZDavNepr)¹⁸ in December 2013, which should be collected by the State and abolish some other (lower) taxes on real estate, until now collected by the local communities. In March 2014 the Slovenian Constitutional Court reached its final decision and abrogated the aforementioned act.¹⁹ It also held that the Real Property Mass Appraisal Act (Zakon o množičnem vrednotenju nepremičnin - ZMVN),²⁰ which should determine the value of real estate to be taxed was inconsistent with the Constitution.

The main argument of the Court was that too many matters were left to the implementing regulations. Among them were fundamental elements for the determination of the taxable base, on the basis of which the tax obligation is determined. The determination of the taxable base lies in the competence of the legislature, because it affects the legal situation of taxable persons. The models, methods, and data that determine the taxable base were not clearly and precisely regulated by the ZMVN, which was found to be inconsistent with Article 147 of the Constitution.²¹ Consequently, the taxable base determined by the ZMVN was considered as a blank provision which is against the Constitution as well.

The Court found a breach of constitutional values also with distinctive tax rates, which were differing for officially occupied residential real property in comparison with officially unoccupied residential real property and for real property pertaining to power plants in comparison with other commercial and industrial real property. It argued that the legislature has failed to demonstrate that the reasons for differentiation have a sensible connection to the subject of the regulation and the purpose of taxation. Consequently, the ZMVN was inconsistent with the second paragraph of Article 14 of the Constitution, stating that all are equal before the law.

Also the regulation of legal remedies was against the constitution, i.e. its Art. 25 on the Right to legal remedies. However, the Court found no breach of Article 142 of the Constitution (on municipal revenue). It argued that the Act foresees the division of revenue from the real property tax between the state and the municipalities. Since municipalities would be direct beneficiaries of revenue from

¹⁶ IMAD, Slovenian Economic Mirror, January 2015.

¹⁷ Statistical office of the Republic of Slovenia (www.stat.si, February 2015).

¹⁸ ZDavNepr, Official Gazette RS, Nr. 101/2013.

¹⁹ Decision Nr. U-I-313/13, 25 March 2014, ECLI:SI:USRS:2014:U.I.313.13.

²⁰ ZMVN, Official Gazette RS, Nos. 50/06 and 87/11.

²¹ Article 147 of the Constitution is on taxes. It stipulates that the state imposes taxes, customs duties, and other charges by law (i.e. legislative act). Local communities impose taxes and other charges under conditions provided by the Constitution and law.

the real property tax, it is their own tax source. But it went on in arguing that the real property tax is, by its nature, sensibly incorporated in the implementation of local self-government in municipalities in which the relevant real properties are located. Therefore, it is fundamentally a municipal tax and the predominant part of the funds collected from the real property tax should belong to the municipalities. How much this share should be is a question of appropriateness, i.e. statutory regulation. Since the ZMVN did not ensure that the predominant part of the revenue collected from the real property tax pertains to the municipalities, it is inconsistent with Article 140 of the Constitution (dealing with the scope of local self-government).

The new government committed itself not to impose new taxes, with the exception of the real property tax, which should be agreed upon in this or the next fiscal year.

1.3.2. Austerity measures

The provision that all kind of pensions and other benefits will not be adjusted (indexed) by the end of 2015 was upheld.²² This has a serious impact on pensions, which will not reach the same level, as it was before the crises, again. The only exception is minimum income,²³ a kind of officially set poverty line. Hence it will be adjusted to the raising of living costs in 2015. Of course, if the costs will actually be raised, since we are in a period of deflation.

Conversely, the yearly supplement for pensioners will be paid at a slightly higher amount than in 2014. In addition a new bracket is added for those receiving a pension between 622 and 750 euro. In this case the lowest supplement in the amount 140 Euro will be granted (the highest supplement is for pensions below 414 euro, i.e. 390 euro). Pensioners with higher pensions are not entitled to it.

In addition, low income inequality has been largely preserved during the crisis, also due to the well-functioning social security system. OECD evaluates that the income inequality has remained remarkably stable and low in Slovenia, including during the years of the crisis. Indeed, Slovenia ranks among the three most equal OECD countries, together with Iceland and Norway. Relative income poverty is also considerably below OECD average: only about 9% of Slovenians live in households with less than half the median income. Slovenia's equity and poverty indicators result largely from the relatively high effectiveness of the tax and social security (transfer) system.

In the first four years of the crisis, market income inequality rose as unemployment increased but inequality in disposable income (after taxes and social security transfers) barely changed. As a matter of fact, social transfers increased and income taxes decreased more in Slovenia than in other OECD countries. There has been a slight increase in income poverty since 2007, especially among households with children, whereas the elderly (65+) have experienced a decline in relative poverty rates. However, poverty among the elderly remains 1.7 times higher than for the total population, and twice as high as for children.²⁴

According to OECD Slovenia displays a surprisingly strong social gradient in health conditions and life satisfaction. It performs relatively well only in two of the dimensions that matter the most to

²² Article 56 of the Implementation of the Republic of Slovenia Budget for 2014 and 2015 Act (ZIPRS1415, Official Gazette RS, Nr. 101/2013).

²³ Ibidem, Art. 57.

²⁴ OECD "Better Policies" Series, Slovenia, Reforms for a Strong and Sustainable Recovery, May 2014, p. 3.

people's lives, education and skills, and civic engagement and governance. In most of the other well-being dimensions, Slovenia records scores comparable to the rest of the OECD area.²⁵

1.3.3. Equal Rights for Hetero- and Homosexual Partners

At the beginning of March 2015 the National Assembly (of the Slovenian parliament) voted²⁶ for amendments of the Marriage and Family Relations Act (*Zakon o zakonski zvezi in družinskih razmerjih* - ZZZDR),²⁷ which define family no longer as a living community of husband and wife, but as community of two persons (i.e. regardless of sex).

Hence, this amendment establishes equal treatment for same-sex couples and for matrimonial relations of a man and a woman in all fields of societal activities. These couples should have the same legal, economic and social possibilities as a marital (and extra-marital or cohabitation) community of heterosexual partners, including marriage and the adoption of children. The latter aspect (adoption) was criticised the most among the opposition in parliament, civil society and the Roman-Catholic Church. Actually, there is a veto on this amendment to the ZZZDR (introduced by the interest group of local communities) pending in the National Council (higher chamber of the Slovenian parliament, which only has the right to veto a legislative act). The civil society has announced the collection of signatures for an *ex post* legislative referendum, and the Roman-Catholic Church is strongly supporting such actions.

2. SOCIAL POLICY AND SOCIAL LAW DEVELOPMENTS

2.1. The Pension and Invalidation Insurance

2.1.1. Rising Number of Retired Persons

In 2013 the monthly average number of old-age, early, disability, survivor's, widow/er's and partial old-age pensions from mandatory insurance was 602,311, which was by 16,903 pensioners (2.9%) more than in 2012.²⁸ In January 2015 the number of (all kinds of) pension recipients rose to 612,384.²⁹ It should be noted, that in October 2014 Slovenia had a population of only 2,062,731 persons.³⁰

In 2013 the average number of *old-age pensioners* increased by 16,274 (4.1%) compared with 2012. It amounted to 431,363 recipients (i.e. app. 70% of all pension recipients) in January 2015. According to the opinion of the Pension and Invalidation Institute of Slovenia (*Zavod za pokojninsko in invalidsko zavarovanje Slovenije* – ZPIZ) the main reasons for a high growth rate in the average number of old-age pensioners in 2013 were the adoption of the ZPIZ-2 Act (Pension and invalidity insurance Act,³¹ which became applicable at the beginning of 2013). It prescribed more severe retirement conditions.

²⁵ OECD "Better Policies" Series, Slovenia, Reforms for a Strong and Sustainable Recovery, May 2014, p. 5.

²⁶ With 51 votes for and 28 against (out of 90 seats in Parliament).

²⁷ ZZZDR, Official Gazette RS, Nr. 15/1976 to 16/2004.

²⁸ ZPIZ, Pension and invalidity insurance in numbers 2013, Ljubljana 2014, p. 10.

²⁹ ZPIZ, www.zpiz.si, February 2015.

³⁰ Statistical office of the RS, Population, Slovenia, 1 October 2014 – final data, www.stat.si, February 2015.

³¹ ZPIZ-2, Official Gazette RS, No. 96/2012 and 39/2013.

Regardless of the fact that it is still possible to claim old-age pension under the ZPIZ-1 Act anytime in the future under the ZPIZ-2 transitional provisions (if the eligibility conditions were met before ZPIZ-2 entered in force), an extremely high number of the insured opted for retirement under the previous ZPIZ-1 Act towards the end of 2012 and at the beginning of 2013.³²

Other reasons of the rise in the average number of old-age pensioners in 2013 was a high retirement rate of the baby boom generation, also conditioned by the economic and financial crisis, which has been reflected in a considerable decrease of the number of the employed.³³ The Public Finance Balance Act (*Zakon za uravnoteženje javnih financ – ZUJF*)³⁴ introduced termination of civil servant's employment contract as soon as the eligibility conditions for an old-age pension are met. It is not necessary for such a civil servant to retire, since he or she could continue working in the private sector. Nevertheless, such elderly persons as a rule choose retirement.

This provision of so called "forced retirement" (or more accurately terminating the employment contract when the conditions for an old-age pension are met) was highly disputed and challenged also before the Slovenian Constitutional Court.³⁵ It did not annul the provisions of ZUJF as such. Its main argument was concerning equality of treatment of women and men, whereby also the Directive 2000/78/EC was cited. It argued that ZUJF was inconsistent with the Constitution (and the EU law) insofar as it concerns female civil servants as insured women who have not yet fulfilled the same conditions for acquiring the right to an old age pension as apply to insured men. Until such inconsistency is remedied, the employment contract of a female civil servant may be terminated only after she has fulfilled the same conditions for acquiring the right to an old age pension as apply to insured men.

However, the rules on termination of an employment contract upon reaching the retirement conditions were upheld. The Constitutional Court argued that constitutionally admissible objectives for an interference with the right of older civil servants to non-discriminatory treatment (i.e. based on age) are to ensure sustainable public finances and reduce the public sector wage bill, to ensure a balanced age structure of civil servants, and to prevent disputes regarding whether a civil servant is able to perform his or her work after a certain age. As the challenged measure is appropriate, necessary, and proportionate in the narrower sense, the interference with the right to equal treatment is constitutionally admissible.

In fact, by the challenged regulation the legislature determined a new reason for the termination of an employment contract and thus interfered with on-going legal relationships. In such manner, it interfered with the expected rights of civil servants. However, the Court went on arguing that it had sound reasons that were supported by an overriding and legitimate public interest in the interference. In addition, it was not necessary to determine a transitional period, as when weighing statutory objectives against the adverse effects on the legal position of civil servants precedence must be given to the objectives that are pursued by the challenged regulation.

³² ZPIZ, Pension and invalidity insurance in numbers 2013, Ljubljana 2014, p. 11.

³³ ZPIZ, Pension and invalidity insurance in numbers 2013, Ljubljana 2014, p. 11.

³⁴ ZUJF, Official Gazette RS, No. 40/2012 to 95/2014.

³⁵ Constitutional Court decision No. U-I-146/12, 14 November 2013, ECLI:SI:USRS:2013:U.I.146.12, Official Gazette RS, No. 107/2013. There were three dissenting opinions (out of nine judges).

Hence, a forked tongue social policy may be observed. On one hand, employment of the elderly should be promoted, but on the other hand, civil servants have to retire upon reaching the legally prescribed retirement age (together with a certain insurance period).

2.1.2. Admissible Economic Activities of Pensioners

Since there is a rising number of pensioners, as a rule at the age of 60 (with at least 40 years of pension period) or 65 (with at least 15 years of insurance period), not taking possibilities of lowering the retirement age and transitional provisions of ZPIZ-2 into account, many are still fit and want to be economically active.

Hence, one of the main questions in Slovenia in 2014 related to the kind of work that can be exercised by retired persons, on which legal grounds it could be performed and how it influences the pension level.

According to ZPIZ-2 there is a general rule of inadmissibility of performing economic activity and receiving an old-age pension at the same time. However, there are exceptions. One of them is partial pension, which is recognised as a right of a worker.³⁶ It can be received if an insured person remains active after meeting the retirement requirements for at least half of the full working time (i.e. four hours a day or 20 hours weekly).³⁷ For the remaining time a partial pension is provided as a proportion of a full pension. In addition, it is raised by five percent for insured persons between 60 and 65 years of age, actually stimulating to work (be it part-time) after reaching the retirement conditions.³⁸ It should be mentioned, that ZPIZ-2 also opened the possibility of a partial pension to self-employed insured persons. It was not explicitly regulated in the former ZPIZ-1, but self-employed persons were acknowledged the right to a partial pension by the judiciary.³⁹

Another possibility is that a pensioner resumes economic activity. If such activity is performed on a part-time basis (i.e. at least with for half of the full working time), a proportionate part of a pension is provided.⁴⁰ The distinction with the above mentioned possibility is that in this case the employment contract was terminated and a new one has to be concluded (depending also of the will of an employer).

As a rule, people performing economic activity on any legal basis (also other than employment or self-employment) should be insured in pension and invalidity insurance. However, this does not apply to pensioners.⁴¹ They may perform certain work on the grounds of authorship agreement or (civil) work agreement, without having the status of insured person (again). However, those paying

³⁶ Article 198 of the Labour relations act (*Zakon o delovnih razmerjih – ZDR-1*), Official Gazette RS, No. 21/2013 and 78/2013.

³⁷ Article 40 ZPIZ-2.

³⁸ It is also possible to receive 20 percent of an old-age pension, if a person fulfils the retirement conditions, but continues unreduced working between the age of 60 and 65. This could hardly be considered as a pension (since there is no materialisation of a social risk, i.e. income loss or reduction due to old-age), but is more likely to be an active employment measure targeted at the elderly.

³⁹ E.g. judgement of the Slovenian Supreme Court no. VIII Ips 172/2006, 25.10.2007, ECLI:SI:VSRS:2007:VIII.IPS.172.2006.

⁴⁰ Article 116 ZPIZ-2.

⁴¹ Article 18 ZPIZ-2.

them have to pay employers contributions for accidents at work and occupational diseases⁴² (if they cause invalidity or death of the insured person).

According to the amendments to the Labour Market Regulation Act (*Zakon o urejanju trga dela – ZUTD*)⁴³ temporary and occasional work of pensioners is being regulated since 2013. It is based on a specific agreement, which may entail some elements of a labour relation. Such work is limited (to 60 hours a month, should be paid at least 4,20 euro per hour and not more than 3600 euro per year) and rather expensive for employers (contributions for accidents at work and occupational diseases and a special tax of 25 percent have to be paid). Hence, it is rarely used in practice.

Since the beginning of 2015 supplementary work of pensioners is being regulated by the new Prevention of Undeclared Work and Employment Act (*Zakon o preprečevanju dela in zaposlovanja na črno - ZPDZC-1*).⁴⁴ Such supplementary work has to be declared at the local administrative unit. It is based on a voucher system. A voucher has to be acquired for a certain month, irrespective of the amount of payment and the hours worked (for the same contractor). It amounts to nine euro and covers social security contributions. It can be performed as house help, instructions for children or care of young children, home art products etc.

New is also the regulation of short-time work in the ZPDZC-1. It is unpaid work in a micro company or institute with at least one and not more than 10 employees, if it is performed by a spouse or a (registered same sex) partner, or a parent or a child of the owner. It is limited to 40 hours per month and such assisting family members are not covered by mandatory pension and invalidity insurance.

Another possibility is additional activity on a farm, i.e. from farming to touristic activities. This may also be performed by a pensioner, who is older than 63 years of age. It is regulated by the Agriculture Act (*Zakon o kmetijstvu - ZKme-1*).⁴⁵

The most debated issue was the possibility to be retired and self-employed at the same time. The new ZPIZ-2 sets as a rule, that self-employed persons (with some exceptions) have to be covered for a full time. One argument was that self-employed have earned their pension and should have the option to remain self-employed. However, this option is not possible for workers. It also does not apply in any other insurance (e.g. if you do not get sick in a given year, you do not receive a basket of pharmaceuticals at the end of the year, although you might have “earned” it). More convincingly, a pay-as-you-go system of financing pension insurance and “earning” a (capitalised) pension does not fit. It is risk oriented, and if a person can still be active, then there is no need to provide a (full) pension. Hence, it may be reduced, after a certain amount of other (additional) income is gained.

This being said, it also has to be emphasised that the majority of pensions in Slovenia are of a rather low amount. Also the European Committee of Social Rights of the Council of Europe has concluded that the situation in Slovenia is not in conformity with Article 12 paragraph 1 of the revised European Social Charter, since “the minimum level of pension benefit is manifestly inadequate.”⁴⁶

⁴² According to Article 20 ZPIZ-2.

⁴³ ZUTD, Official Gazette RS, No 80/2010 to 100/2013.

⁴⁴ ZPDZC-1, Official Gazette RS, No 32/2014.

⁴⁵ ZKme-1, Official Gazette RS, No 45/2008 to 26/2014.

⁴⁶ Conclusions on Slovenia for the year 2013, Council of Europe, November 2014.

2.1.3. New Rules on Exporting Pensions?

Under many constitutions (including the German and Slovenian ones) contributory pensions are protected under the right to private property. The legal position of the individual is protected more, if the State has to respect not only the social state principle and fundamental social rights, but other principles and human rights as well. Traditional concepts of private property usually afford the (oldest and) strongest legal protection.

The Slovenian Constitution guarantees the right to private property⁴⁷ and the Constitutional Court has applied it numerous times, particularly in the last years also to protect the right to a pension.⁴⁸ In addition, Slovenia is bound by the ECHR and its interpretation by the European Court of Human Rights (ECtHR). This Court has not only extended the notion of “civil rights and obligations”⁴⁹ to social security rights and duties,⁵⁰ but has also applied the property protection arguments⁵¹ to social security rights. It considered a social security right as a pecuniary right without it being necessary to rely solely on the link between entitlement to social security right and the obligation to pay “taxes or other contributions”.⁵²

Property protection of social security rights was debated also at the annual conference of labour and social court judges in October 2014, especially in relation to the export of pensions. It was emphasised that one of the latest decisions of the ECtHR could influence the export of (also Slovenian) pensions.

It was the case *Pichkur v. Ukraine*.⁵³ Mr Pichkur worked for forty years in Ukraine, retired and began receiving a retirement pension there. Later he authorised his mother to receive his pension, and he moved to Germany. Prior to his departure, he was supposed to inform the Pension Fund that he was leaving for permanent residence abroad and to receive six months’ pension payments in advance, with subsequent termination of all pension payments during the whole period of his stay abroad. He did not follow this procedure and his mother continued to receive his pension after his departure.

The ECtHR essentially argued that the rise of population mobility, the higher levels of international cooperation and integration, as well as developments in the area of banking services and information technologies no longer justify largely technically motivated restrictions in respect of beneficiaries of social security payments living abroad, which may have been considered reasonable in the early 1950s when the 1952 ILO Convention was drafted. No justification had ever been advanced by the authorities for depriving the applicant of his pension solely because he was living abroad.

⁴⁷ Article 33 of the Slovenian Constitution.

⁴⁸ Bubnov Škoberne, Anjuta, Strban, Grega, Pravo socialno varnosti (The law of social security), GV Založba, Ljubljana 2010, p. 413.

⁴⁹ Article 6 of the ECHR (the Right to a fair trial).

⁵⁰ E.g. the Court acknowledged that disputes concerning social security contributions are disputes on civil obligations and thus protected by Art. 6 of the ECHR (*Schouten and Meldrum v. the Netherlands*, 9.12.1994, A 304).

⁵¹ Article 1 of the Protocol No. 1 to the ECHR.

⁵² E.g. *Gaygusuz v. Austria* (16.9.1996, Reports 1996-IV). *Klein v. Austria* (Application no. 57028/00), 3.3.2011, Final 3.6.2011.

⁵³ Case of *Pichkur v. Ukraine* (Application no. 10441/06), 7.11.2013, Final 7.2.2014.

Hence the ECtHR concluded that the difference in treatment (of pensioners living in Ukraine from those living abroad) was in breach of Article 14 of the ECHR (prohibition of discrimination) taken in conjunction with Article 1 of Protocol No. 1 (the right to private property).⁵⁴

This means, that Slovenian social courts might (have to) follow this decision and export pensions from Slovenian pension insurance to any country in the world, even if the EU social security coordination mechanism does not apply and there is no bi- or multilateral agreement with the country concerned. However, this seems justified. It would not be just to refuse a pension to a person, who has been contributing to the pension insurance for years or even decades, just because s/he is a foreigner⁵⁵ and moves to a country which has no legal ties with the country paying the pension.

2.2. Modifications of the Mandatory Health Insurance

2.2.1. Proposals for Modernising the Healthcare System

The new minister of health, Ms Milojka Kolar Celarc, has announced passing the reforms on modernising the healthcare system (including mandatory health insurance) by the end of 2015. So far no concrete legislative proposals have been presented and submitted to the public discussion procedure.

2.2.2. The Slovenian Constitutional Court's Decision on Cross-Border Healthcare

In November 2013, the Directive 2011/24/EU on the application of patients' rights in cross-border healthcare⁵⁶ has been transposed in the Slovenian legal order (with ZZVZZ-M).⁵⁷ It might be noted, that the authorisation procedure under the Directive has been introduced and is applied equally as such procedure under the Regulation 883/2004 on the coordination of social security systems.

The number of insured persons using the path of the Directive was growing also in 2014. The health insurance carrier has received 24 applications for prior authorisation according to the Directive (9 of them were approved), and 1250 claims for reimbursement of costs for specialist ambulatory treatment according to the Directive (without prior authorisation, of which 1098 were decided positively by the end of 2014).⁵⁸

In addition, the Slovenian Constitutional Court has issued an interesting decision on the possibility of cross-border healthcare. The starting point was, that the domestic law of a Member State can always regulate the right to cross-border healthcare more favourably (i.e. with less restrictions) than under EU law. The Slovenian Health Care and Health Insurance Act (*Zakon o zdravstvenem varstvu in*

⁵⁴ A prior similar decision of the Ukrainian Constitutional Court made the decision of the ECtHR somewhat easier.

⁵⁵ A special rule applies to Slovenian nationals. They are entitled to receiving a pension in any country, if they permanently move there. Foreigners may be entitled only if there is an agreement or if a reciprocity rule with that country applies, Article 120 ZPIZ-2.

⁵⁶ OJ L 88/45, 4. 4. 2011.

⁵⁷ ZZVZZ-M, Official Gazette RS 91/2013.

⁵⁸ In addition, there were 558 applications based on national law and 127 based on the Regulation 883/2004. Rataj, Primož, *Odobritev čezmejnega zdravstvenega varstva (Authorisation of cross-border healthcare)*, Delavci in delodajalci, Vol. XV, 2015, No. 1, in print.

zdravstvenem zavarovanju – ZZVZZ)⁵⁹ mentions the right to medical treatment outside of Slovenia (in any country, be it the EU or non-EU country),⁶⁰ which is more extensively regulated in the Rules of Mandatory Health Insurance,⁶¹ issued by the Health insurance institute of Slovenia (*Zavod za zdravstveno zavarovanje Slovenije – ZZS*) with consent of the minister of health.

Such regulations in the Rules of mandatory health insurance have long been contested, since they contain legislative substance and should be regulated in the ZZVZZ itself. They might dissect the legal norm only to the extent not determining (or even limiting) the rights and duties determined by the legislative act.⁶² This was (again) confirmed by the Constitutional Court in Decision no. Up-1303/11, U-I-25/14, from 21 March 2014.⁶³

The Court argued that according to ZZVZZ, the payment of health care services of at least 90 percent of the value of medical care abroad is ensured to Slovenian insured persons. Until the implementation of the ZZVZZ-M, ZZVZZ did not define the conditions that would limit this right, neither did it determine the manner or procedure in which it would be decided whether medical care is justified. ZZVZZ did not authorise the ZZS to determine by the Rules of Mandatory Health Insurance either the conditions under which the right to health care may be exercised abroad or the manner in which such right may be exercised.

The determination of the conditions for the exercise of the right to health care and the manner of its exercise are, according to the Constitution, explicitly reserved for a legislative act. Only such act may thus determine the conditions under which medical care is ensured and the manner of the exercise of the right to health care as such in the event of medical care abroad. As Article 135 of the Rules of Mandatory Health Insurance regulated the conditions for the payment of medical services without a statutory basis, it was inconsistent with the right to health care determined by Article 51 in conjunction with Article 50 (the right to social security) of the Constitution.

Therefore the Slovenian Constitutional Court abrogated the judgments challenged by the constitutional complaint that were based on the provision of the Rules of Mandatory Health Insurance that was found to be inconsistent with the Constitution.

It has to be emphasised that ZZVZZ does authorise ZZS and the minister of health to more precisely determine the scope of rights, procedure for claiming them and their standards. In this part the Constitutional Court decision might not be very convincing, since ZZVZZ defines the framework and grounds for normative action of the ZZS. The latter is issuing autonomous acts (or according to the Constitutional Court rules and regulations for the execution of public authorisation, which are sub-legislative acts). However, the Constitutional Court argued that ZZS could not be authorised to issue such acts, since such authorisation (delegation of legislative power) would be against the Constitution. But this provision of the ZZVZZ was not tackled by the Constitutional Court.

⁵⁹ ZZVZZ, Official Gazette RS, No. 9/1992 to 91/2013.

⁶⁰ Point 2 Paragraph 1 Article 23 ZZVZZ.

⁶¹ Official Gazette RS, No. 79/1994 to 85/2014.

⁶² Decision of the Constitutional Court U-I-125/97, 24.6.1998.

⁶³ Official Gazette RS, No. 25/2014.

This decision of the Constitutional Court raised many questions. Among them, was the right to healthcare abroad, until it became regulated by the ZZVZZ (i.e. with ZZVZZ-M at the end of 2013), in essence unlimited, i.e. the costs of services, which are not among the benefits from mandatory health insurance (e.g. helicopter transport), could be successfully claimed (reimbursed). It was argued that medical services abroad should still fall in the “basket of benefits” provided in Slovenian mandatory health insurance, since the right to medical treatment abroad is regulated in ZZVZZ and not outside of it. In addition, the decision influences only cases still pending before the social courts and the question was, could they be decided distinctively from the already final cases (in both cases before ZZVZZ-M was passed). Would it not be discriminatory? Even broader issues about the validity of many other provisions of the Rules on mandatory health insurance could be questioned.⁶⁴

Nevertheless, it seems that in the pending cases the social courts followed the decision of the Constitutional Court and recognised the unlimited right to cross-border healthcare for the aforementioned period⁶⁵ (whereby also the question of solidarity might be raised).⁶⁶

2.3. Changes in the Unemployment Insurance

The provisions of the Labour Market Regulation Act (Zakon o urejanju trga dela – ZUTD)⁶⁷ providing benefits to elderly unemployed persons continues to stay in force also in 2014 and 2015. Persons who have exhausted the unemployment benefit and could retire in the following two years remain entitled to be covered by the mandatory pension and invalidity insurance, and the Employment Service of Slovenia pays the insurance contributions. The condition is that they are older than 57 years of age or have more than 35 years of insurance. This two-year prolongation is foreseen only until 1 March 2018.⁶⁸ If an unemployed person could not make use of this provision, e.g. because of insufficient insurance record, the basic rule, which is not restricted *ratione temporis*, of one year payment of pension insurance contributions for insured persons who could retire in this additional one year, could be invoked.⁶⁹

Application of the Emergency Measures in the field of the Labour Market and Parental Care Act (Zakon o interventnih ukrepih na področju trga dela in starševskega varstva – ZIUPTDSV), which was foreseen by the end of 2014 was prolonged until the end of 2015.⁷⁰ Hence, the measure of promoting employment of young job-seekers for an indefinite period of time is still promoted in 2015. Employers are relieved of paying all social security contributions (i.e. for all social insurance branches). According to their nature, such benefits to employers (relieving them of the duty of paying social insurance contributions) should be considered as active employment measures, financed by the state budget, rather than social insurance measures.

⁶⁴ Strban, Grega: Izzivi obveznega zdravstvenega zavarovanja, Iskanje ravnovesja med javno in zasebno odgovornostjo za zdravje (*Challenges of mandatory health insurance, Searching for balance between public and private responsibility for health*), Delavci in delodajalci, Vol. XIV, 2014, št. 2-3, str. 343-365.

⁶⁵ E.g. judgement of the Higher Labour and Social Court Psp 430/2014, 11.9.2014, ECLI:SI:VDSS:2014:PSP.430.2014.

⁶⁶ E.g. discussion with the social courts judges at the occasion of the annual conference of labour and social court judges in October 2014.

⁶⁷ ZUTD, Official Gazette RS, No. 80/2010 to 100/2013.

⁶⁸ Article 38 ZUTD-A.

⁶⁹ Article 68 ZUTD.

⁷⁰ Article 5 ZIUPTDSV-A, Official Gazette RS, No. 95/2014.

2.4. New Parental Care Insurance and Family Benefits Scheme

The government has prepared a draft of the new parental care and family benefits act, in order to properly transpose the Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.⁷¹ It was passed by the parliament in 2014 as Parental Care and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih – ZSDP-1) and became applicable as of 26 April 2014. Only the provision on paid breastfeeding leave became applicable as of 1 September 2014. For full realisation of the rights enshrined in ZSDP-1 a certain transitional period is foreseen.

2.4.1. Leave

One of the most notable modifications is the renaming of the leaves in case of parenthood. According to the former ZSDP, the distinction was made between birth leave, paternity leave, child-care leave and adoption leave. All were considered as forms of a more generic notion of parental leave. The new ZSDP-1 distinguishes only between maternity, paternity and parental leave. Adoption leave is integrated in parental leave, and there is no longer a general notion, which would cover all forms of leaves in case of parental care. The notion used is just “leave”, which might be too broad, since there are also other forms of leave (e.g. annual leave of workers, or sickness leave).

Maternity leave remains comparable to previous birth leave (28 days before and 77 after birth), but the duration of paternity benefit has changed. It lasts for 30 days (according to former ZSDP it was 75 days, but only for 15 days paternity benefit is provided, for the rest only contributions from minimum salary are being paid). The first 15 days should be used until the child reaches six months of age (it might be used as full or part-time absence from work). By way of an exception it could be used until the child reached the age of 12 months, for instance, if the father is on a longer uninterrupted business trip, in case of longer hospitalisation of a child, or if paternity was established later on. The second 15 days of paternity leave should be used after parental leave, until the child completes the first year of primary schooling.

In addition, paternity leave is no longer provided only to fathers, but may be used also by other persons taking care of a child, like the mothers (new) spouse, the extramarital partner or registered same-sex partner of a mother (in this case the notion of paternity leave might not be the most appropriate one, since it will be exercised by a woman). However, entitlement of other persons is of a subsidiary legal nature and a father still has priority. Others may be entitled, for the duration of paternity leave not used by the father of a child.

Parental leave (under former ZSDP leave for caring and upbringing of a child) lasts for 260 days (the same as under ZSDP) immediately after the maternity leave of 105 days (i.e. together 365 days or one year). However, these 260 days should be equally divided among the parents. Each of them should be entitled to 130 days. At the same time, the mother could transfer 100 days to the father. Conversely, the father could transfer all 130 days to the mother. However, it seems that such solution might bring less, not more equality, since the mother has to use 30 days of parental leave and the father is not obliged to do so.

⁷¹ OJ L 68/13, 18.3.2010.

2.4.2. Benefit

The Directive 2010/18/EU seems not to oblige Member States to provide social security benefits during the period of leave.⁷² Nevertheless, Slovenia is providing benefit during the aforementioned forms of leave. Only in this way, parental leave may be effective. Empirically, 75 days of paternity leave without benefit (paying only contributions according to the former ZSDP) was not often applied for.

There are still two groups of insured persons entitled to a benefit from parental care insurance, i.e.:

- those who have been insured for at least one year in the previous three years (which is beneficial for workers with fixed-term contracts and loopholes in their professional career), and
- those who have the right to leave (i.e. were insured for at least one day before taking the leave).

It is provided during the entire period of leave, which applies also to paternity leave, according to ZSDP-1.

For the missing months of insurance, the calculation base is 55 percent of the minimum wage. However, the calculation is not based on the minimum wage valid at the time the benefits are claimed, but on the minimum wage from 2006 in an adjusted (indexed) amount according to the Act Regulating adjustments of transfers to individuals and households in the Republic of Slovenia (*Zakon o usklajevanju transferjev posameznikom in gospodinjstvom v Republiki Sloveniji – ZUTPG*).⁷³ The amount of actual minimum wage has been raised since 2006, and the distinction may be rather important (app. 100 euro).⁷⁴

The benefit level is 100 percent of the calculation base (or a proportionate amount if part-time absence is chosen). However, the ZSDP-1 prolongs the rules of the Financial Balance Act (*Zakon za uravnoteženje javnih finance -ZUJF*) and the benefit is reduced to 90 percent for insured persons whose benefit is higher than 763,06 euro. These rules are limited *ratione temporis* and should apply until the following year of the year in which GDP growth exceeds 2.5 percent.

The already mentioned Emergency Measures in the field of the Labour Market and Parental Care Act (*Zakon o interventnih ukrepih na področju trga dela in starševskega varstva – ZIUPTDSV*) also modified the maximum amount of the maternity benefit, which should as a rule always be paid at 100 percent of the calculation base. Since August 2013, the maternity benefit is also limited to two

⁷² According to the Directive (Clause 5 of the Agreement) all matters regarding social security are for consideration and determination by Member States and/or social partners according to national law and/or collective agreements, taking into account the importance of the continuity of the entitlements to social security cover under the different schemes, in particular health care. According to the Recital 19 of the agreement (implemented by the Directive 2010/18/EU) budgetary situation in the country may be taken into account when shaping social security entitlements.

⁷³ ZUTPG, Official Gazette SR, No. 114/2006, to 85/2010.

⁷⁴ Strban, Grega in Strban, Grega; Kresal, Barbara: Zakon o starševskem varstvu in družinskih prejemkih (ZSDP-1), z uvodnimi pojasnili (*Parental care insurance and family benefits act with extensive introduction*), Uradni list RS, Ljubljana 2014, p. 59.

average salaries in Slovenia. This limitation should also apply until the year following the year in which the economic growth exceeds 2.5 percent of the GDP.

Conversely, the breastfeeding benefit is not an income replacement benefit. It is provided to a full time employed mother until the ninth month (or exceptionally 18 month) of a child's age, for one hour a day. The benefit level is set as a proportional part of the minimum wage (as it was in 2006 and later indexed). Hence, it is a lump-sum benefit for all breastfeeding female workers. It is being questioned, whether such rules are in accordance with the ILO Convention No. 183 on maternity protection and the (revised) European Social Charter as interpreted by the European Committee on Social Rights.⁷⁵

2.4.3. Part-Time Work due to Parenthood

The right to work part-time due to parenthood has remained in the ZSDP-1 as well. It is a measure of providing benefits to workers (and self-employed persons) with families, who should be able to cope with professional and business responsibilities. They have more time for the family, but at the same time it means lower income. Since it is usually used by mothers, family workers might be in a worse position on the labour market.⁷⁶

According to the ZSDP-1 one of the parents has the right to work part-time until the child reaches the age of three years.⁷⁷ With two children the duration is prolonged to the end of the first year of primary schooling of the younger child. In case of four or more children, one of the parents may leave the labour market, until the youngest child completes his or her first year of primary schooling. A special rule applies for a child with special needs. In this case part-time work may be performed until the child reaches maturity, i.e. 18 years. After that a family assistant to the disabled adult may be (continuously) provided.

There are some novelties, e.g. that a parent of four or more children, who wishes to leave the labour market for a longer period, has to show a certain insurance period of parental care insurance (of at least one year in previous three years, or the same period of job-seeking). After exhausting this right the parent is considered unemployed without his or her will and entitled to unemployment benefit.

Nevertheless, the criticism of such regulation remains. For the remaining time to full-time work, only social security contributions from a proportionate part of minimum wage (or from entire minimum wage in case of four or more children, when labour market is left entirely) are provided from parental care insurance. The question is, whether such regulation is not discriminatory against women (they become more dependent on the partner, income replacement benefits, including old-

⁷⁵ Kresal, Barbara, Nova pravna ureditev materinskega, očetovskega in starševskega dopusta (*New regulation of maternity, paternity and parental leave*), Podjetje in delo, Vol. 40, 2014, No. 3-4, p. 442.

⁷⁶ Strban, Grega; Kresal, Barbara: Zakon o starševskem varstvu in družinskih prejemkih (ZSDP-1), z uvodnimi pojasnili (*Parental care insurance and family benefits act with extensive introduction*), Uradni list Republike Slovenije, Ljubljana 2014, p. 63.

⁷⁷ Article 50 ZSDP-1.

age pension may be considerably lower) and against families with lower income (who might not afford reduction of income, since only contributions and no direct cash benefit is provided).⁷⁸

2.4.4. Regulation and Deferment of Rights – a Case of Non-Existing Rights?

According to the transitional provisions, the application of many rules (and full realisation of many benefits) is deferred to the period of higher economic growth (the year following the year in which GDP grows for more than 2 or 2.5%). A legally relevant question might be, whether such regulation is in line with the Constitution. It could be argued that not rights, but legal promises (of certain rights) are regulated, and they might be modified again, even before the rules become fully applicable.

This has to be distinguished from the regulation of benefits for which long insurance periods are required (like pensions), where legal expectations are reasonable and protected (to a certain extent). One has the impression, that the legislator adopted the new ZSDP-1 merely to satisfy the rules of EU law. Whether this strategy is successful remains to be seen.

2.4.5. Family Benefits

The family benefits scheme was only marginally modified. The restrictions introduced, by the amendments to the Exercise of Rights to Public Funds Act (*Zakon o uveljavljanju pravic iz javnih sredstev* – ZUPJS)⁷⁹ in December 2013, remain in force. The child benefit should again be provided to all families, whose income is below the average wage per family member (beneficiaries should again be divided in eight classes). However, it remains limited to 64 percent of the average wage (and hence to only six classes of beneficiaries) until the year following the year in which the economic growth in Slovenia exceeds two percent of the GDP.⁸⁰

2.5. The Social Assistance Scheme

In 2014 no major amendment or modifications of the social assistance scheme were introduced. The amount of minimum income (the officially set poverty line) remains one of the very few, who is adjusted (indexed). Moreover, it was raised by 0.1 for certain groups of beneficiaries, like disabled adults, second and subsequent adults and children in the family.

Since August 2014 the basic amount of the minimum income amounts to 269,20 euro for a single adult person. There are weights (ponders) for other family members and social assistance is calculated as the difference between minimum income (of a family) and own income (of a family). A certain amount of any gained income may be kept, and does not influence the social assistance. It should provide a “trampoline” out of poverty.⁸¹

⁷⁸ Strban, Grega; Kresal, Barbara: *Zakon o starševskem varstvu in družinskih prejemkih (ZSDP-1), z uvodnimi pojasnili (Parental care insurance and family benefits act with extensive introduction)*, Uradni list Republike Slovenije, Ljubljana 2014, p. 66.

⁷⁹ ZUPJS, Official Gazette RS, No. 62/2010, last amendment 99/2013.

⁸⁰ Articles 7 and 25 ZUPJS-C.

⁸¹ More info at the webpage of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, http://www.mddsz.gov.si/si/delovna_podrocja/sociala/denarna_socialna_pomoc/, February 2015.

3. INTERNATIONAL AGREEMENTS IN SOCIAL SECURITY

There were no new bi- or multilateral social security agreements concluded or ratified by Slovenia in the year of 2014 and the beginning of 2015.

4. IMPORTANT ACTS OF PARLIAMENT

4.1. Legislative Acts

Authentic interpretation of fifth paragraph of article 206 of the Pension and Invalidation Insurance Act (Avtentična razlaga petega odstavka 206. člena Zakona o pokojninskem in invalidskem zavarovanju), Official Gazette RS, No. 44/2014.

Registration of Insured Persons and Persons Entitled from Pension and Invalidation insurance Act (Zakon o matični evidenci zavarovancev in uživalcev pravic iz pokojninskega in invalidskega zavarovanja – ZMEPIZ-1), Official Gazette RS, No. 111/2013, 97/2014.

Parental Care Insurance and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih – ZSDP-1), Official Gazette RS, No. 26/2014.

Fiscal Balance Act (Zakon za uravnoteženje javnih financ – ZUJF), Official Gazette RS, No. 40/2012, 105/2012, 85/2014 and 95/2014.

Emergency Measures in the field of Labour Market and Parental Care Act (Zakon o interventnih ukrepih na področju trga dela in starševskega varstva – ZIUPTDSV), Official Gazette RS, No. 63/2013 and 95/2014.

Implementation of the Republic of Slovenia Budget for 2014 and 2015 Act (Zakon o izvrševanju proračunov Republike Slovenije za leti 2014 in 2015 - ZIPRS1415, Official Gazette RS, No. 101/2013 38/2014, 84/2014, 95/2014 and 14/2015).

Prevention of Undeclared Work and Employment Act (Zakon o preprečevanju dela in zaposlovanja na črno - ZPDZC-1), Official Gazette RS, No. 32/2014.

Labour Inspection Act (Zakon o inšpekciji dela – ZID-1), Official Gazette RS, No. 19/2014.

Vocational Rehabilitation and Employment of Disabled Persons Act (Zakon o zaposlitveni rehabilitaciji in zaposlovanju invalidov - ZZRZI), Official Gazette RS, No. 63/2004, last amendment 98/2014.

War Disability Act (Zakon o vojnih invalidih - ZVojl), Official Gazette RS, No. 63/1995, last amendment 19/2014).

War Veterans Act (Zakon o vojnih veteranih - ZVV), Official Gazette RS, No. 63/1995, last amendment 32/2014.

Personal Income Tax Act (Zakon o dohodnini – ZDoh-2), Official Gazette RS, No. 13/2011, 96/2013, 50/2014.

4.2. Rules and Regulations

Rules of mandatory health insurance (Pravila obveznega zdravstvenega zavarovanja), Official Gazette RS, No. 79/1994, last amendments 25/2014 and 85/2014.

Order on the list of health services, for which prior authorisation is required (Odredba o seznamu zdravstvenih storitev, za katere se zahteva predhodna odobritev), Official Gazette RS, No. 6/2014. – it concerns prior authorisation for cross-border healthcare according to the Directive 2011/24.

Rules on procedures for exercising rights arising from parental protection insurance (Pravilnik o postopkih za uveljavljanje pravic iz zavarovanja za starševsko varstvo), Official Gazette RS, No. 89/2014.

Rules on procedures for exercising rights to family benefits (Pravilnik o postopkih za uveljavljanje pravic do družinskih prejemkov), Official Gazette RS, No. 89/2014.

Rules on criteria for exercising rights for children in need of special care and attendance (Pravilnik o kriterijih za uveljavljanje pravic za otroke, ki potrebujejo posebno nego in varstvo), Official Gazette RS, No. 89/2014.

5. SELECTED MONOGRAPHS AND ARTICLES

5.1. Books and Book Chapters

Strban, Grega; Kresal, Barbara: Zakon o starševskem varstvu in družinskih prejemkih (ZSDP-1), z uvodnimi pojasnili ter stvarnim kazalom Luke Tičarja (*Parental care insurance and family benefits act with extensive introduction*), Uradni list Republike Slovenije, Ljubljana 2014, 154 p. [ISBN 978-961-204-529-6]

Strban, Grega: Razmerje med pravico do zdravljenja v tujini in pravico do zdravljenja v domači državi (*Relationship between the right to medical care abroad and the right to medical treatment in the home state*), v: Suzana Kraljič, Jelka Reberšek Gorišek, Vesna Rijavec (uredniki), *Medicina in pravo, Sodobne dileme III (Medicine and Law, Contemporary dilemmas III)*, Univerza v Mariboru, Pravna fakulteta, Maribor 2014, 377 p., pp. 91-110. [ISBN 978-961-6399-73-9]

Strban, Grega: Constitutional protection of the right to social security in Slovenia, 2014, 21 p., in print.

Strban, Grega: Analyse des slowenischen Sozialrechts, Einfluss der Wirtschaftskrise und des Rechts der Europäischen Union auf deren Entwicklung, Universidad Autónoma de Baja California, Facultad de Derecho Mexicali, 28 p., summaries in German, Spanish and Portuguese, 2014, in print.

5.2. Articles

Kresal, Barbara: Nova pravna ureditev materinskega, očetovskega in starševskega dopusta (New regulation of maternity, paternity and parental leave), *Podjetje in delo*, Vol. 40, 2014, No. 3-4, pp. 433-446. [ISSN: 0353-6521]

- Mihalič, Renata; Strban, Grega: Vpliv univerzalnega temeljnega dohodka na sistem socialnih zavarovanj (Possible influence of the universal basic income on social insurances), *Podjetje in delo*, Vol. 41, 2015, No. 1, pp. 160-173. [ISSN 0353-6521]
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