

**SOCIAL SECURITY ACT**  
**(official consolidated text)**  
**(ZSV-UPB2)**

On the basis of Article 153 of the Rules of Procedure of the National Assembly, the National Assembly of the Republic of Slovenia at its session on 20 December 2006 approved the official consolidated text of the Social Security Act, encompassing:

- Social Security Act – ZSV (Official Gazette of the Republic of Slovenia, No 54/92 of 13 November 1992), – Amendment to the Social Security Act (Official Gazette of the Republic of Slovenia, No 56/92 of 27 November 1992)
- Act amending the General Offences Act– ZP-G (Official Gazette of the Republic of Slovenia, No. 13/93 of 12 March 1993)
- Decision of the Constitutional Court of the Republic of Slovenia on the repeal of the first paragraph of Article 76 of the Social Security Act, No U-I-137/93-24 (Official Gazette of the Republic of Slovenia, No. 42/94 of 13 July 1994)
- Replacement of the Retail Price Index by the Cost of Living Index Act – ZNIDC (Official Gazette of the Republic of Slovenia, No. 1/99 of 9 January 1999)
- The Act Amending Social Security Act – ZSV-A (Official Gazette of the Republic of Slovenia, No. 41/99 of 1 June 1999)
- Prevention of Illegal Work and Employment Act – ZPDZC (Official Gazette of Republic of Slovenia, No. 36/2000 of 26 April 2000)
- Placement of Children with Special Needs Act – ZUOPP (Official Gazette of Republic of Slovenia, No. 54/2000 of 16 June 2000)
- The Act Amending Social Security Act – ZSV-B (Official Gazette of the Republic of Slovenia, No. 26/01 of 12 April 2001)
- Act Concerning the Pursuit of Foster Care – ZIRD (Official Gazette of Republic of Slovenia, No 110/02 of 18 December 2002)
- The Act Amending Social Security Act – ZSV-C (Official Gazette of the Republic of Slovenia, No. 2/04 of 15 January 2004)
- Amendment to the Act Amending Social Security Act (Official Gazette of the Republic of Slovenia, No. 7/04 of 27 January 2004)
- Decision of the Constitutional Court of the Republic of Slovenia on the repeal of Article 27 of the Social Assistance Act, in so far as it represents the basis on which the child maintenance is included in the family` s own income No U-I-116/03-22 (Official Gazette of the Republic of Slovenia, No. 21/06 of 27 February 2006), and
- The Act Amending Social Security Act – ZSV-D (Official Gazette of the Republic of Slovenia, No. 105/06 of 12 October 2006),

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President  
of the National Assembly  
of the Republic of Slovenia  
France Cukjati, M.D.(s)

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**I. GENERAL PROVISIONS**

**Article 1**

Activities of social assistance shall include preventing and solving social problems of individual persons, families and population groups.

**Article 2**

The state shall provide and develop the functioning of social welfare institutions, provide conditions for private work in the social assistance activity, as well as support and promote the development of self-care, charity, forms of independent life of disabled persons and other forms of voluntary service activity in the field of social welfare.

The social assistance programme, adopted by the National Assembly:

- determines the strategy of social assistance development;
- specifies the priority of social assistance development sectors;
- specifies special needs and possibilities of individual areas;
- sets out the system of public services, provided by the state.

**Article 3**

The rights to social assistance under this Act include services and measures intended for preventing and eliminating social distress and difficulties of individual persons, families and population groups and the financial social assistance intended for those persons who are incapable of ensuring means of subsistence for themselves due to circumstances they cannot affect.

**Article 4**

Entitlement to services and financial social assistance shall be asserted according to the principles of equal accessibility and free choice of forms for all entitled persons under the conditions set forth by this Act.

**Article 5**

The entitled persons according to this Act are the citizens of the Republic of Slovenia with permanent residence in Slovenia and aliens having a permit for permanent residence in Slovenia.

Citizens of the Republic of Slovenia without a permanent residence in Slovenia and aliens not having permit for permanent residence in Slovenia shall apply for the rights to particular services and financial social assistance in the cases and under the conditions specified in this Act.

**Article 6**

Activities, necessary for the functioning and the development of the social assistance system include in particular the establishing, maintenance and developing of data bases from the social assistance sector, as well as the information system, research activities, experimental

and development programmes, education and training of personnel according to programmes which meet the needs of this activity and the international standards, planning and monitoring of the social policy and the social assistance policy as well as the development of the discipline.

#### **Article 7**

Activities regarding information, analyses, technical help, document files and programmes for the social assistance sector and the implementation of basic, applicable and development and research work in this sector shall be carried out by an institute, established by the state as a public institute.

#### **Article 8**

For monitoring the policy and giving initiatives and opinions to development orientations in the social assistance sector at the ministry, competent for the social assistance, the Specialist Council shall be established.

The Specialist Council performs in particular the following tasks:

- takes part in the preparation of the social assistance programme;
- monitors the needs in the social assistance sector in the Republic of Slovenia and proposes the programmes of measures;
- takes part in the preparation of norms and standards of services;
- proposes and monitors the programmes of scientific research projects in the social assistance sector;
- gives opinion to the social welfare services and programmes upon the request of the minister responsible for social welfare.

The members of the Specialist Council are appointed by the minister, competent for the social welfare, from among experts of recognised competence from the field of social policy on a proposal from the Social Chamber.

#### **Article 9**

The state cares for preventing the social deprivation in particular with the systematic measures in the field of taxation policy, employment and work, policy of granting scholarships, housing policy, family policy, health care, children's care and education, and in other fields of influence upon the social situation of inhabitants, as well as upon the development of demographically endangered areas.

The measures from the previous paragraph shall be determined by sector-specific instruments.

## **II. SOCIAL-SECURITY SERVICES**

#### **Article 10**

Social security services (hereinafter referred to as: services) intended for preventing social distress and difficulties (social prevention), include activities and help for self-care of individuals, families and population groups.

#### **Article 11**

Services intended for eliminating social distress and difficulties are:

1. first social aid,
2. personal help,
3. help to the family,
4. institutional care,
5. guidance, protection and employment under special conditions,
6. help to workers in enterprises, institutions and at other employers.

Services referred to in points 1, 2, 3, 4, and 5 from the preceding paragraph shall be implemented according to norms and standards prescribed by the minister responsible for social welfare.

#### **Article 12**

First social aid under this Act includes help in identifying and defining social distress and difficulties, estimating possible solutions and informing entitled persons about all possible types of social assistance services and benefits which they can apply for and the obligations resulting from the types of services and benefits, as well as giving information to entitled persons about the network and the programmes of performers offering social assistance services and benefits.

#### **Article 13**

Personal assistance includes according to this Act counselling, regulating and managing the affairs in order to enable the development, supplementation, maintenance and improvement of social capacities of individual persons.

#### **Article 14**

A person entitled to services referred to Articles 12 and 13 of this Act is each person who suffers social distress and difficulty.

#### **Article 15**

Help to the family under this Act shall imply help for home, help at home and social service.

Help to the family for its home shall imply professional counselling and help at re-establishing relations among family members, at taking care of children and educating the family to implement its role in everyday life.

Help to the family at home shall include social care of the entitled persons in case of disability, old age and other cases where social care at home can replace institutional care.

Social service shall include help at domestic and other chores in case of childbirth, illness, disability, old age, in cases of accidents and other cases where such help is necessary to include persons in everyday life.

#### **Article 16**

Institutional care according to this Act includes all types of help in institutions, in another family or other organized type of help used to substitute or supplement to entitled persons the functions of their home and their own family, in particular accommodation, organized meals, care and medical care.

Institutional care for children and youth, deprived of normal family life includes pursuant to this Act beside services referred to in the first paragraph also education and preparation for life.

Institutional care for children and youth with minor, moderate or serious handicaps in their mental development includes beside the services from the first paragraph of this article also training under a separate act, care and guiding.

Persons entitled to institutional care can in cases and under conditions, determined by this Act, choose a personal assistant instead of exercising the right to a whole-day institutional care.

### **Article 17**

Guidance and protection pursuant to this Act shall include organised comprehensive care for adult disabled or mentally handicapped persons, developing their personalities and their harmonic inclusion in their community and environment.

Employment under special conditions according to this Act includes such forms of work as to enable disabled persons to maintain the acquired knowledge and skills, and to develop new abilities.

### **Article 18**

Help to workers in enterprises, institutions and working for other employers include pursuant to this law counselling and help at finding solutions for difficulties to which workers are subject regarding their work in their working environment and at the termination of employment as well as help at exercising their rights from health, pension and disability insurance, and child and family assistance.

## **II.A THE CHOICE OF A FAMILY ATTENDANT**

### **Article 18a**

Entitled to the choice of family attendants shall be adult persons seriously handicapped in their mental development or ability of movement who require assistance to perform all their basic vital functions (hereinafter referred to as: disabled person).

Persons from the preceding paragraph shall be deemed to be disabled if:

- before exercising rights to choose family attendants they had been taken care of by one of the parents who received according to the regulation on parental assistance a partial allowance for partially lost income,
- or persons are disabled under the Act on social assistance for mentally and bodily handicapped persons who require attendance to perform all their basic vital functions,
- or if pursuant to this act the competent commission establishes that persons who are seriously handicapped in their mental development or ability of movement and who require attendance to perform all their basic vital functions which can only be provided by family attendants.

Disabled persons retain in case of choosing family attendants the entitlement to the allowance for care and health by another person (hereinafter referred to as: attendance allowance), received under other regulations, by attaching a written statement to the application referred to in Article 18c of this Article, permitting the disburser to pay the allowance to which they are entitled and in the amount which shall not be higher than that

determined on the basis of the first paragraph of Article 18i of this Act, at the time, when they receive assistance by family attendants, to the community competent for financing the rights of family attendants under this Act.

Disabled persons and their liable persons for subsistence (hereinafter referred to as: liable persons) shall be obliged to refund the community which finances the rights of the family attendant, regularly for the current month the funds or a part of funds which the community makes available for the rights of family attendant. This shall be guaranteed by the disabled person permitting the disburser of the attendance allowance with a written statement to disburse this, however in the amount not higher than that determined on the basis of the first paragraph of Article 18i of this Act, to the community competent for financing the rights of family attendants under this Act.

The rights of family attendants shall be additionally financed by the funds of disabled persons up to the amount of their solvency and by the funds in the amount of the contribution of liable persons. The solvency of disabled persons and the contribution of liable persons shall be determined pursuant to the regulation referred to in the third paragraph of Article 100 of this Act, in the manner that apply for determining the contribution of entitled persons and the contribution of liable persons to the payment of or additional payment to the services of attendance to families at home. When such funds, together with the funds referred to in the third paragraph of this Article, do not suffice for financing the rights of family attendants, the difference shall be paid by the municipality.

In the decision granting the right to choose family attendants, the competent social work centre shall decide on the contribution of invalid persons and liable persons or community, to the payment of the funds or part of the funds which the community makes available for the rights of family attendants, for the period starting with the day of obtaining the right to choose family attendants and if changes occur during the exercise of such right, with the first day of the following month after the day when the changes occurred.

A liable person who is at the same time family attendant, is not obliged to contribute to payment of the rights of family attendant.

If disabled persons are owners of immovable properties, in the decision granting the right to choose family attendants they can be prohibited to alienate or burden such properties in the benefit of the community which finances the rights of family attendants, in a manner and under conditions, as provided for Article 100c of this Act in the event of exercising an exemption from the payment of services of attendance to families at home.

### **Article 18b**

Family attendants are persons who offer help needed to disabled persons. Family attendants shall not be deemed to cover material expenses for disabled persons' life expenses.

Family attendants can only be persons who would in order to become family attendants cancelled their registration from the list of unemployed persons or labour market. Family attendants can also be persons who are employed with a shorter working time compared to full time by their employers.

It shall be deemed that persons who abandoned the labour market in order to become family attendants abandoned also their labour relation by renouncing a full-time employment or having concluded for that purpose a labour relation with a shorter working time compared to the full-time employment for the same or another employer, or that sole proprietors terminated or sole proprietorships (single-member companies) which do not employ other

persons, terminated to execute their activity, which shall be demonstrated by a certificate on the deletion from the business or court register.

Renouncement of employment contracts or expunging their name from the list of unemployed persons in order to become a family attendant shall not represent the grounds for exclusion from granting the entitlement of rights under the regulation on employment and insurance of case of unemployment.

#### **Article 18c**

Family attendants can be persons who have the same permanent residence as disabled persons, i.e. one of the family members of disabled persons.

Persons deemed to be family members pursuant to the preceding paragraph are persons in consideration for exercising their right to financial social assistance according to this Act, and brothers and sisters, grandmothers, grandfathers, uncles and aunts.

#### **Article 18č**

Disabled persons exercise their rights to the choice of family attendants at the social work centre, responsible in compliance with this Act for disabled persons.

Disabled persons must in their application for exercising their right to choose family attendants indicate the following personal data:

- name and surname,
- unique personal identification number,
- tax number,
- residence data (in case of foreign citizenship also the data on permit issued for residing in the Republic of Slovenia),
- data on names and surnames as well as residences of persons they want to be established as their family attendants).

In cases from the first and second indent of the second paragraph of Article 18a of this Act disabled persons are also obliged to give information about the Social Work Centre where one of the parents exercised their right to partial payment for the loss in income or the Social Work Centre where the disability of persons was established and the rules on the basis of which they receive allowances for care and help by other persons in order to perform their basic vital functions.

In cases of the third indent of the second paragraph of Article 18a of this Act disabled persons are obliged to annex to the applications the evidence proving serious handicaps in their mental development or movement ability and declare that they therefore need help in order to perform their basic vital functions.

#### **Article 18d**

Disabled persons must enclose the statement of the chosen family attendants stating that they are willing to offer disabled persons the help they need and that they are going to abandon the labour market or cancel the registration in the list of unemployed persons and whether they want to exercise their right to partial payment or for the lost income.

Statements must include the following personal data of family attendants:

- name and surname,
- unique personal identification number,
- tax number,

- residence data (in case of foreign citizenship also the data on permit issued for residing in the Republic of Slovenia),
- data on personal accounts of transactions.

Disabled persons and family attendants can also conclude agreements determining in detail the manner, type and extent of help which is going to be offered by family attendants to disabled persons. In case of concluded agreements these must also be annexed to applications.

#### **Article 18e**

In case disabled persons, before exercising their right to family attendants, are in whole-day institutional care, the competent social work centre must, before taking decisions, also seek an opinion from the institution in which they are accommodated, and forward it with all the evidence at its disposal to the commission referred to in article 18f of this Act.

#### **Article 18f**

The competent social work centre shall decide upon the choice of particular persons for family attendants based on the opinion of the invalidity commissions of the Pension and Disability Insurance Institute (hereinafter referred to as: invalidity commission).

The documentation which the social work centre provides to the invalidity commission referred to in the previous paragraph shall the social work centre attach by a preliminary opinion of the municipality competent for the financing of the rights of family attendants under this Act, about the known circumstances relevant for the formation of opinion by the invalidity commission.

The municipality competent for financing the rights of family attendants under this Act shall give a preliminary opinion referred to in the previous paragraph within the term of 10 days following the day of acceptance of the notification from the social work centre on conducting the procedure for deciding about the right to choose a family attendant. If no opinion shall be delivered by the municipality within the specified time limit, the procedure continues.

In its opinion, the invalidity commission shall establish if the relevant entitled persons are those referred to in Article 18a of this Act and if the chosen family attendants are capable of offering the necessary help.

When establishing its opinion the invalidity commission considers the conditions provided for with this Act and regulations issued on its basis, and all factors which could affect the help for invalidity persons.

#### **Article 18g**

If disabled persons choose as family attendants the parent who had already offered them care and protection and pursuant to the regulations on parents protection received partial payment for lost income, the social work centre can decide on the right to choose family attendants without the opinion of the invalidity commission referred to in the previous paragraph.

#### **Article 18h**

The competent social work centre shall issue a decision establishing that that a family attendant will provide help to the disabled person the help needed for performing basic vital



functions and simultaneously decide about the right of family attendant referred to in the first paragraph from Article 18i of this Act.

The social work centre confirms the choice of the family attendant if:

- the person deemed to be the entitled person according to Article 18,
- if the family attendant fulfils the conditions according to this Act and
- if the invalidity commission referred to in Article 18f or 18o of this Act gives a positive opinion that the chosen family attendant may perform this help, save in the case from Article 18g of this Act.

#### **Article 18i**

Family attendants shall have the right to partial payment for lost income at the level of a minimum wage or to the proportional part of payment for lost income in case of part-time work. Partial payment for lost income shall be adjusted to the growth of the minimum wage.

Family attendants shall be awarded the right from the preceding paragraph from the day after the enforceability of the decision, approving the chosen persons as family attendants. If the chosen family attendant abandoned the labour market or cancelled his registration from the list of unemployed persons at a later time, he shall be awarded the right from the preceding article with the first day after the day he abandoned the labour market or cancelled his registration on the list of unemployed persons.

If the disabled person was taken care of, before the choice of the family attendant, one of the parents who received according to the regulations regarding the parental care and protection partial payment for lost income, the parent shall be awarded the right of family attendant referred to in first paragraph of this article from the first day after the calling of rights according to the regulations on parental care and protection until the decision, with which the competent social work centre decides on the choice of family attendant and his or her rights, is final.

#### **Article 18j**

Family attendants shall provide help to disabled persons in accordance with their needs and interests, in particular:

- accommodation, care, food and chores,
- medical care through the chosen personal doctor,
- escort and participation in various social activities (culture, sports, religion, education),
- enable to the legal representative, in case the disabled persons have them, perform their functions.

Family attendants must take part in the programmes of training determined by the social chamber which also determines their contents, performers, frequency and duration.

#### **Article 18k**

Social work centres monitor all the time if family attendants provide adequate help to disabled persons. Disabled persons may at any time inform social work centres about the work of family attendants.

Family attendants are obliged to report to competent Social Work Centres at least once a year about the implementation of help to disabled persons. Social work centres must inform about the reports of family attendants the disabled persons who may give their opinions upon the reports.

In case of changes in circumstances which would impair further implementation of help family attendants shall be obliged to immediately inform competent social work centres thereof. Social work centres shall also acquire the opinions of disabled persons about the changed circumstances.

Competent social work centres draw up annual social reports upon the work of social attendants containing also the information or opinions of disabled persons referred to in the first, second and third paragraph of this article and reports or information of family attendants referred to in the second and third paragraph of this article.

In case of changed circumstances or in case social work centres shall be in doubt about the adequacy of help of family attendants, they submit the entire documentation to the invalidity commission referred to in Article 18f of this Act which must give a new opinion in accordance with this Act within the period of 30 days from the receipt of documents at the latest.

If the invalidity commission referred to in Articles 18f or 18o of this Act establishes that disabled persons are not provided adequate help, the social work centre acts in accordance with the provision of Article 18l of this Act.

### **Article 18l**

Family attendants shall cease performing their tasks:

- at the express wish of disabled persons,
- at the express wish of family attendants,
- owing to changes in necessities of disabled persons,
- owing to performing obligations and tasks in conflict with the provisions of this Act,
- at death of family attendants,
- at death of disabled persons.

In cases of the termination of performing tasks of family attendants according to the first, second, third and fourth indent from the preceding paragraph competent social work centres shall issue decisions.

Family attendants lose the right to partial payment of lost income with the day when decisions from the preceding paragraph are final.

In cases of the termination of performing tasks of family attendants according to the sixth indent from the first paragraph of this article family attendants shall keep the right to partial payment for lost income for the period of 3 more months after the death of disabled persons.

If disabled persons during the time of being provided help by family attendants act in the contrary to the provision laid down in the third paragraph of Article 18a of this Act, such act shall be deemed to be the reason for the termination of performing the tasks of family attendants according to the first indent of the first paragraph of this Article.

### **Article 18m**

In cases of the termination of performing tasks of family attendants according to the preceding article save in case of the termination referred to in the sixth indent from the first paragraph of the preceding article disabled persons have the right to a new choice of family attendants or the right to the full-day institutional care or the new award of benefit for care and help performed by other persons.

In case disabled persons wish to return into social welfare institutions where they were accommodated before exercising the right to family attendants, they shall have the right of priority for admission into these institutions.

#### **Article 18n**

In case attendants cease to perform their tasks of family attendants according to the first, third and sixth indent of the first paragraph of Article 18.l attendants shall have rights from the title of insurance in case of unemployment as if his employment contract had involuntarily expired.

In case family attendants do not wish to offer help to disabled persons any more they are obligated to offer the necessary help to these persons until new attendance at exercising their basic vital functions is provided, or another form of care. In such a case family attendants have the rights from the title of insurance in case of unemployment, the same as if his employment contract had involuntarily expired. If family attendants in spite of the above mentioned do not offer disabled persons help they need, it shall be deemed when exercising rights under regulation on employment and insurance in case of unemployment that employment contracts of family attendants had been terminated at their own will.

In cases of termination of family attendants' rights due to exercising the right in conflict with the provisions of this Act the competent social work centre must arrange for temporary form of other help up to the enforcement of disabled persons' right referred to in Article 18m as soon as possible. In such cases it shall be deemed when exercising rights under regulation on employment and insurance in case of unemployment that employment contracts of family attendants had been terminated at their own will.

Family attendants must pursuant to this Act present themselves at the competent unit of the national office of employment of the Republic of Slovenia in order to exercise their rights from the title of insurance in case of unemployment pursuant to this Act in 30 days from the final decision referred to in the second paragraph of Article 18l of this Act or the expiry of period referred to in the second paragraph of Article 18l of this Act.

#### **Article 18o**

Against the decision of the social work centre not granting disabled persons the choice of certain persons as family attendants, disabled person shall have the right to appeal.

Against the decision referred to in the first paragraph of Article 18h of this Act in respect of the decision on the right to partial payment for the lost income, the appeal can also be filed by chosen family attendants. Both disabled persons as well as chosen family attendants can also appeal against the decision, issued on the basis of the third and fourth indent of the first paragraph of Article 18l of this Act.

Appeals against decisions referred to in the first and second paragraph of this article do not suspend the execution.

In the second stage procedures the ministry responsible for social assistance decides on the basis of the opinion of the invalidity commission which, according to the regulations on pension and disability insurance considers on the second instance opinions of the invalidity commission referred to in Article 18f of this Act.

Members of the invalidity commission which considers on the second instance opinions of the invalidity commission referred to in Article 18f of this Act, can not be persons, who participated in the first-stage procedure.

#### **Article 18p**

The minister responsible for social welfare prescribes more in detail conditions and the procedure for exercising the right to the choice of family attendants.

#### **Article 18r**

Provisions of this Act on inspection and supervision shall also apply for the supervision in the connection of exercising and implementing the right to the choice of family attendants.

### **III. FINANCIAL SOCIAL ASSISTANCE**

#### **Article 19**

Financial social assistance shall be used to provide entitled persons, during their residence in the Republic of Slovenia, with means for satisfying minimum needs to a level that guarantees subsistence.

It shall be deemed that the subsistence referred to in the preceding paragraph has been guaranteed if the entitled person is provided with income, available to him after paying tax and compulsory social protection contributions, to the level of the minimum income specified in this Act (hereinafter referred to as: minimum income).

#### **Article 19a**

Entitlement to financial social assistance shall be established and the level of financial social assistance determined exclusively by taking into account the bases and scales set forth in this Act.

#### **Article 20**

Individuals shall be obliged, to the best of their ability, to ensure that they and their family members are provided with decent subsistence.

Persons incapable of ensuring means of subsistence for themselves through work, rights arising from work or insurance, income from property or from other sources, i.e. other types of compensation or income acquired on the basis of other regulations, or assistance from those who are obliged to provide them with means of subsistence shall have the right to financial social assistance to the level and under the conditions specified in this Act.

Recipients of financial social assistance may not be in a more favourable social situation than persons who ensure means of subsistence through work or on the basis of rights arising from work.

#### **Article 21**

Financial social assistance shall be granted to those entitled persons who cannot ensure means for themselves and their family members to the level of the minimum income for reasons which were or are beyond their control, who have exercised the right to financial benefits on the basis of other regulations and the right to exemptions and relieves pursuant to this Act, and who fulfil the other conditions set forth in this Act.

### **Article 21a**

In addition to the entitled persons referred to in Article 5 of this Act, financial social assistance may be granted to persons who exercise the right to financial social assistance on the basis of international acts binding upon the Republic of Slovenia.

### **Article 22**

The basic minimum income shall amount to SIT 40,599 and shall be adjusted once a year, in January, with the consumer price index for the period of the 12 months before the month of adjustment, and shall begin to be applied on the first day of the month following the adjustment.

The adjusted level of the basic minimum income shall be published by the minister responsible for social assistance in the Official Gazette of the Republic of Slovenia.

### **Article 23**

Notwithstanding the other provisions of this Act, financial social assistance shall not be granted to a single person or a family who have savings or property exceeding the level of 60 minimum wages.

For the purposes of this Act, property shall exclude:

- the apartment in which an individual person or family live and which is set forth in regulations governing housing relations as an adequate apartment,
- property generating income which is observed in the determination of one's own income pursuant to this Act,
- objects which, pursuant to the regulations governing the execution of judgements in civil matters and the insurance of claims, are exempt from execution, except for the cash referred to in point 5 of Article 79 of the Execution of Judgements in Civil Matters and the Insurance of Claims Act (Official Gazette of the Republic of Slovenia, No. 51/98, 72/98 - CC ruling and 11/99 - CC ruling) and
- personal vehicles up to the value of 35 minimum wages.

The method of determining savings and property pursuant to this Act and the method of determining their value shall be prescribed in more detail by the minister responsible for social welfare.

### **Article 24**

Financial social assistance shall not be granted to persons who do not achieve the minimum income for reasons which they could or can influence or who, without valid reasons, reject, avoid or abandon activities which could or can lead to employment or to another method of improvement of their social situation or the social situation of their family members.

The reasons referred to in the preceding paragraph shall be deemed to be the following, in particular:

- termination of a labour relation for reasons for which insured persons cannot exercise the right to financial compensation in accordance with the regulations governing employment and unemployment insurance, unless this involves an absolute inability to work;
- reasons for which the body responsible for employment ceases to keep the person in the record of unemployed persons, except for the reasons specified in the first, fifth, sixth, seventh and eighth indents of the first paragraph of Article 70 of the Employment and Unemployment Insurance Act;

- the person`s failure to register with the body responsible for employment if the person could be deemed to be an unemployed person in accordance with the regulations governing employment and unemployment insurance;
- unjustified rejection of an appropriate work under a contract for work or a copyright contract and to appropriate temporary or casual humanitarian or other similar work;
- unjustified abandonment of the exercise of a right which could influence the social situation of the person or his or her family members;
- unwillingness to accept the call for concluding the contract on means of support referred to in Article 34a of this Act;
- the person`s refusal to conclude or failure to implement the contract on the active addressing of his or her social problems;
- the fact that the person is serving a prison sentence;
- loss of the means of subsistence or of any part of the income, notwithstanding its determination as own income or not according to this Act, for the reasons caused under the person`s own influence.

Subject to the fulfilment of other conditions for obtaining financial social assistance, the reason referred to in the first, fourth and ninth indent of the preceding paragraph shall not be taken into consideration after six months of its emergence if the entitled person concludes the contract on the active addressing of his or her problems referred to in Article 32 of this Act.

Persons in relation to whom the reasons referred to in the first and second paragraphs of this article exist shall not be taken into account in the determination of the minimum income of their family, though their income shall be taken into account.

#### **Article 24a**

Notwithstanding the reasons referred to in the first, second and third indents of the second paragraph of the preceding article, persons shall be entitled to financial social assistance, subject to the fulfilment of other conditions, if they care for:

- children or
- adult persons unable to provide for themselves,

who are deemed to be part of the family pursuant to this Act or in case such a method replaces institutional care for children or adults pursuant to this Act.

#### **Article 25**

The level of financial social assistance for entitled persons who do not have their own income pursuant to this Act shall be set at the level of the minimum income to which eligible persons are entitled under this Act.

The level of financial social assistance for other entitled persons shall be determined as the difference between the minimum incomes to which eligible persons are entitled and their income determined in the manner specified in this Act (hereinafter referred to as: own income).

The level of financial social assistance for a family shall be determined as the difference between the sum of minimum incomes to which individual eligible persons or family members are entitled, and the incomes of all the family members, determined in the manner specified in this Act (hereinafter referred to as: family`s own income).

## **Article 25a**

The level of minimum income for individual family members shall be determined in proportion to the basic level of minimum income referred to in Article 22 of this Act using the following scales:

- first adult person in the family: 1
- every next adult person in the family: 0.7
- child up to 18 years of age and an adult child whose parents must still provide due to regular schooling 0.3.

The level of the minimum income for a single-parent family shall be increased by 30% of the basic level of minimum income referred to in Article 22 of this Act.

In case of a joint care of a child the level of minimum income for the child in relation to the basic level of minimum income or the increase referred to in the previous paragraph shall be determined in one half of the amount of the scale referred to in the first paragraph of this Article or one half of the increase referred to in the previous paragraph.

The first adult person in the family shall be deemed to be a single person or one of the spouses or persons living under the cohabitation arrangement referred to in the first indent of the first paragraph of Article 26 of this Act who exercise the right to financial social assistance. The first adult person in the family shall be deemed to be also a minor without parents, except in cases referred to in the fourth indent of the first paragraph of Article 26 of this Act.

The next adult person in the family shall be deemed to be a person of full age who, pursuant to this Act, is deemed to be a family member and who is not a child in accordance with the last indent of the first paragraph of this Article.

## **Article 26**

For the purposes of this Act, a family shall be deemed to consist of the following persons or family members:

- the spouse or a person who has lived at least one year in cohabitation with the person exercising the right to financial social assistance which, pursuant to the Marriage and Family Relations Act, is equalised with marriage in terms of legal consequences,
- the children of the person exercising the right to financial social assistance, for as long as this person is obliged to provide for them pursuant to regulations governing the maintenance obligation,
- the stepchildren of the person exercising the right to financial social assistance, for as long as this person is married or is in relationship referred to in the first indent of this paragraph with one of the stepchild's parents who is obliged to provide for his or her child,
- minor grandchildren, nephews or nieces and brothers or sisters of the person exercising the right to financial social assistance, or persons from the first indent of this paragraph, if this person provides for orphan minor grandchildren, nephews or nieces, or brothers or sisters.

Notwithstanding the provision of the preceding paragraph, a family shall be deemed to include also an adult person for whom, in accordance with statute or another legal title, one of the family members is obliged to provide (to a major extent), if this person has no income of his own or property to the level of the minimum income.

Single person shall be deemed to be a person who has no family members in accordance with this Act.

### **Article 26a**

Notwithstanding the provision of the preceding article, for the purposes of this Act a family shall be deemed to exclude:

- the spouse of the person exercising the right to financial social assistance who is no longer effectively connected with the family,
- children who, upon divorce or break-up of the cohabitation referred to in the first paragraph of the preceding article, have not been given in custody to the person exercising the right to financial social assistance, or to the person referred to in the first indent of the first paragraph of the preceding article and
- children and stepchildren from the second and third indents of the first paragraph of the preceding article who get married or live in cohabitation from the first indent of the first paragraph of the preceding article or become parents and care for a child.

### **Article 27**

Own income shall be deemed to consist of successions, gifts, income and receipts representing sources liable to personal income tax and all other income and receipts, although not taxable, received at home or abroad, except the:

- attendance allowance and other receipts for care and help,
- child allowance,
- child nursing allowance,
- aid for equipment for new-born children,
- travel reimbursement and lunch at work,
- scholarships and other receipts intended for and enabling training or education,
- means intended for eliminating the consequences of catastrophes;
- financial social welfare according to this act and according to the regulations of self-governing local communities.

Notwithstanding the provisions of the previous paragraph the own income shall also be deemed to include means for care and help offered by other persons, received by persons who exercise the right to financial social welfare or their family members. If persons exercising the right to financial social welfare or their family members prove that care and help are being given in different value, own income shall be deemed to include the level of means for care and help by other persons, received by persons for whom they take care of, within this value.

Foster families income shall be deemed to include the reward for children in foster care received by foster families.

Own income is also deemed to include indirectly established income and receipts not shown by single persons or families, while it is however established that they pay for goods and services not connected with survival, which they could not afford with their established own income.

Paid survivance shall be deducted from own income in the amount of enforceable legal title.

**Note:** *This article is repealed, in so far as on their basis, child support is counted into the family's own income.*

### **Article 27a**

As own income which serves as the basis for determining the level of financial social welfare, average monthly income and receipts established for single persons or families during the



period of three calendar months before the submission of application shall be taken into consideration.

When establishing own income, all income and receipts shall be considered at a level available to the beneficiary after having paid taxes and obligatory contributions for social security

#### **Article 27b**

When, according to the method from the preceding article the determination of own income of single persons or families are to reach in the period to come cannot be established for the reason that beneficiaries failed to receive regular income, regular income shall not be considered for determining own income.

In case beneficiaries from the period referred to in the preceding article only started to receive periodical income, the level of own income to be considered is the level of the last the last received monthly income.

Periodical income pursuant to this law are salaries, pensions, survivences, rents and other income received by beneficiaries in equal or similar amounts in equal or similar periods of time.

#### **Article 27c**

Notwithstanding other provisions of this Act the income from the title of occasional work during the period referred to in Article 27a shall be considered only at a level to which they exceed the monthly average the level of minimum income to which individual beneficiaries or family members would be entitled in case they did not receive other income.

Occasional income according to this Act is the income received by the beneficiary only once for a single performed job.

#### **Article 27č**

Notwithstanding other provisions of this Act the income from the title of occasional work during the period referred to in Article 27a shall be considered only at a level to which they exceed the monthly average the level of minimum income to which individual beneficiaries or family members would be entitled in case they did not receive other income.

Occasional, non-periodical income received by beneficiaries before the period referred to in Article 27a of this Act, however, during the period of twelve months before the submission of the application, shall be considered in case they reach or exceed the level of savings or property value referred to in the first paragraph of Article 23 of this Act. This income shall be deemed to represent 1/12 of income to be taken into consideration as own income.

Occasional, non-periodical income received by beneficiaries before the period referred to in the preceding article shall be considered, as savings or property, with regard to the level or value referred to in Article 23 or Article 31 of this Act.

Occasional, non-periodical income pursuant to this Act are successions, gifts, compensations, indemnities, awards and other income received by beneficiaries only once and are not deemed to be income issuing from the title of occasional work.

#### **Article 27d**

When beneficiaries during the period referred to in Article 27a of this Act received income issuing from the title of occasional work and casual, non-periodical income, this income shall be considered at a level at which their sum exceeds monthly in average the level of minimum income to which individual beneficiaries or family members would be entitled in case they did not receive other income.

#### **Article 28**

To persons who are married, who live cohabitation referred to in the first indent of the first paragraph of Article 26 of this Act or become parents and take care of children and their parents are obliged to provide for them during studies, their own income shall be deemed to include, besides the fulfilment of other conditions under this Act, the survivorship received on the basis of enforceable legal title.

In case the level of survivorship is not determined with an enforceable legal title, the level of actually received means shall be taken into consideration for their own income. for persons referred to in the preceding paragraph.

If the social work centre establishes that parents do not contribute to the survivorship of persons referred to in the first paragraph of this article, it invites them to conclude or implement the agreement on survivorship.

#### **Article 28a**

Persons, whose family members do not have a permanent residence in the Republic of Slovenia or as aliens who do not have a permit for permanent residence in the Republic of Slovenia, shall include survivorship using the same method that is defined for persons in the preceding paragraph when fulfilling other conditions.

Persons, whose family members from the preceding paragraph reside in the Republic of Slovenia, shall include the income of this family member and is reduced for 0.7 of the basic amount of a minimum income when survivorship is not determined with an enforceable legal title when fulfilling other conditions pursuant to this Act.

#### **Article 29**

Notwithstanding the other provisions of this act the following are not taken into consideration in determining the eligibility of social welfare:

- children and stepchildren from the second and third indent of article 26 of this act, who are in foster care and for parents who are fully exempt from paying for foster care,
- children and stepchildren from the second and third indent of article 26 of this act who receive child support or a survivor's pension, which is more than the minimum income that they would be entitled to if they had other sources of income, and
- other persons who are in institutional care and are fully exempt from paying for services, and not their income«.

#### **Article 29a**

For the determination of entitlement to financial social welfare for persons registered in a same-sex civil partnership assistance, the provisions of Articles 25a, 26, 28, 28a, 29 and 35 of this Act shall be used mutatis mutandis.

### **Article 30**

Income from activities on which persons liable to tax are obliged to pay tax (tax on activity) pursuant to regulations governing income tax, shall be taken into account at the determination of own income in accordance with the methodology on taking into consideration the income from activity which shall be prescribed in more detail by the minister responsible for social welfare, with the consent of the minister responsible for finance.

### **Article 30a**

Income from agricultural activities shall be included in own income in accordance with the methodology to be prescribed in more detail by the minister responsible for social welfare, in consent with the minister responsible for agriculture and the minister responsible for the finance.

In cases of over 63 years of age, disease, disability and other personal circumstances of entitled persons which the entitled persons could not control or prevent and agricultural or forest land has therefore not been cultivated, and income through sale, lease or rental to the National Farm Land and Forest Fund or to another legal or natural person cannot be acquired, it shall be deemed that there is or was no income from agricultural activity.

Inability to cultivate the land up to the age of 63 shall be established by the invalidity commission of the Pension and Disability Insurance Institute. The age of over 63 years shall be deemed to be a justified reason when establishing inability to cultivate the land.

Persons practising farming are not obliged to seek or accept employment when their agricultural activities ensure the generation of minimum income to which individual persons or family members would be entitled for each entitled person of family member who would otherwise be obliged to seek employment.

### **Article 31**

The social work centre may decide that financial social welfare shall not be granted or that it shall be granted at a lower level to a single person or family, for whom it is possible to deduce that they are provided with income reaching entirely or partly to the level of minimum income because:

- they are in possession of savings ensuring subsistence or property not reaching the level of savings or value of the property referred to in Article 23 of this Act
- they have been accommodated in hospital or another institution for at least 30 days and have been provided with all-day care and are not obligated to make payment or are obliged to pay only a part of the costs;
- they live with persons or are assisted by persons who are not family members pursuant to this Act or their subsistence is provided in some other manner.
- The social work centre shall take into account therein the basic purpose of social welfare in such a manner that, from the financial social welfare to which a single person or family would be entitled:
- in the case referred to in the first indent of the preceding paragraph, 1/3 of savings or the value of property is deducted;
- in cases referred to in the second and third indent of the preceding paragraph it deducts the monthly value of basic care (accommodation, food).

The social work centre may decide that financial social welfare shall not be granted or that it shall be granted at a lower level to a single person, who has a permanent residence or a temporary residence at the same address or actually lives with persons who are not family

members pursuant to this Act and have enough personal income for means of subsistence. In the case of a reduction, 30% of a minimum income is deducted from financial social welfare, which this person would be entitled to if they had not had any other sources of income.

It shall be considered that persons from the preceding paragraph who are not family members according to this Act have enough personal income for subsistence if their own income exceeds the minimum level of income, which they would be entitled to if they had not had other sources of income.

Reasons referred to in the first paragraph of this article, the method of their establishment and the methodology for taking into consideration the values referred to in the second indent of the preceding paragraph shall be prescribed in more detail by the minister responsible for social welfare.

### **Article 31a**

Financial social welfare shall be increased for the attendance allowance to persons entitled to financial social welfare who are incapable of working because of old age, disease or disability and needs the help of other persons to perform basic vital functions and does not receive allowance for attendance offered by other persons according to other regulations.

The need of help offered by other persons shall be established by the invalidity commission according to the regulations regarding pension and disability insurance.

The level of attendance allowance shall be determined at the level of attendance allowance to which entitled persons would receive if they were entitled to it according to the regulations regarding pension and disability insurance.

### **Article 31b**

Notwithstanding the other provisions of this act, a single person or family may be granted an extraordinary financial social welfare as a special form of financial social welfare if it is established that a single person or family found themselves in the situation of material hardship for reasons which are or were beyond their control.

Extraordinary financial social welfare can be granted with respect to the needs of a single person or family:

- in a lump sum in case of temporary personal hardship of single persons and families (one-time extraordinary assistance);
- for a period for which financial social welfare is granted when the social work centre finds that material hardship involved is deemed to last more than two months (extraordinary assistance).

The monthly level of extraordinary social assistance may not exceed the level of a one time minimum income for a single person or family, and the lump sum of extraordinary assistance in one calendar year cannot exceed the level of two of their minimum incomes during one calendar year.

### **Article 31c**

In the application for a one-time social welfare amount, the applicant must state the reason for the aid and exactly define the amount of funds needed.

The person entitled to a one-time social welfare amount or extraordinary welfare must use the funds for the reason they were given the amount.

The person entitled to social welfare is obligated to submit proof of how the funds were used to the competent to the social work centre within 15 days of receiving social welfare. If the person does not carry this procedure out or if it is established that the funds were not used appropriately, they shall not be entitled to a one-time social welfare payment or extraordinary welfare 18 months after the month when the extraordinary financial social welfare was received.

### **Issuing and paying out financial social welfare**

#### **Article 32**

The social work centre may together with entitled persons on the basis of the definition of social issues, distress and difficulties as well as the evaluation of possible solutions conclude contracts on active addressing of their social problems (integration in medical treatment etc.), which shall determine the obligations of entitled persons and the termination of their entitlement to financial social welfare in case of failure of their fulfilment.

#### **Article 33**

Financial social welfare shall be granted for a limited period with respect to the circumstances serving as the basis for granting and determining the level of financial social welfare.

Financial social welfare shall be initially granted for a period not exceeding three months.

Financial assistance may be renewed if the circumstances serving as the basis for granting and determining the level of financial social welfare during the period or the previous and renewed decisions have remained unchanged. It can be renewed for a period not exceeding six months.

Notwithstanding the provisions of the second and third paragraph of this article financial social welfare may be granted for a period not exceeding one year if the social situation of the entitled person cannot be expected to improve due to their being over 60 years of age, disease or disability or other circumstances.

The person entitled from the preceding paragraph and those entitled who are permanently unable to work and do not have any income, receipts or property and do not have anyone who would be able to support them and are living at home, shall be granted indefinite social welfare. Permanent inability to work shall be established by the Invalidity Commission pursuant the regulations governing pension and disability insurance.

#### **Article 33a**

Entitlement to financial social welfare shall be decided in the first instance, upon the application of entitled persons (hereinafter referred to as: applicants) by the social work centre. Applications for granting financial social welfare shall be submitted on prescribed forms, which must be accompanied by evidence on fulfilment of conditions for acquiring the right to financial social welfare.

The content and form of application forms and types of evidence shall be prescribed by the minister responsible for social welfare.

An appeal against the decision on entitlement to financial social welfare shall not suspend its execution.

#### **Article 34**

Eligible persons shall be entitled to financial social welfare from the first day of the month following the submission of application.

Financial social welfare shall be paid as a rule in cash, in certain justified cases it may also be paid partly or entirely in kind (vouchers, orders, payment of bills, etc.).

#### **Article 34a**

The social work centre shall invite, with the consent of entitled persons, the persons who are obliged to provide for them, to conclude a sur vivence agreement.

#### **Article 35**

Financial social welfare shall be granted as a single financial social welfare for the entire family, and shall be paid out as a rule to the applicant.

For the purpose of protecting the interest of entitled persons and with their consent financial social welfare may be paid out to persons who provide for the entitled persons or to the institutions where entitled persons are accommodated.

#### **Article 36**

Financial social welfare calculated in accordance with this Act which amounts to less than 10% of the basic level of the minimum income referred to in Article 22 of this Act shall be paid to a single person or a family in a lump sum for a period of three months payable in advance.

### **Employment incentives for persons entitled to financial social welfare**

#### **Article 36a**

Employers who employ a long-term unemployed person for at least a year and have received at least 12 months of financial social welfare in the last 16 months, shall be entitled to subsidies for employment in accordance with the regulations on employment and unemployment insurance and the programme of active policy of employment.

Regarding the employment of a person from the preceding paragraph, part of the defined subsidy amount for stimulating new employment for those persons who have difficulty obtaining employment shall be paid from the credits used for financial social welfare and the other part in accordance with the regulations on employment and unemployment insurance and the programme of active policy of employment.

A part of subsidy, which is paid from the credits provided to pay for financial social welfare, is paid monthly at the level of 1 basic amount of minimum income, determined by this Act, shall be paid:

- during permanent employment for 12 months from the month employment starts onwards,
- during permanent employment for 6 months from the month employment starts onwards,

The other half of the subsidy from the second paragraph of this article shall be paid monthly or in instalments

After previously establishing validity on the fulfilment of conditions from the first paragraph of this article based on the data from the information system of the social work centres and the submission of other regulated documents by the employer, National Employment Office of Slovenia, together with the employer and the person from the first paragraph of this paragraph, shall enter a three party contract on the subsidy grant, whereby the dynamics of subsidy payment is also determined.

If the employment contract of the long-term unemployed person from the first paragraph of this article is terminated based on an agreement between the employee and employer or is regularly terminated according to the employer's will or if the employer terminates the contract for an extraordinary termination of the employment contract or because of an ordinary termination of the employment contract at their own will pursuant to this Act, which regulates employment relationships, before the completion of two years from the day permanent employment starts or before the completion of one year from the day employment for a definite period starts, this person is not entitled to financial social welfare for the next six months from the month the employment relationship was terminated.

### **Working obligations of recipients of financial social welfare**

#### **Article 36b**

A person entitled to financial social welfare who is unemployed is obliged to accept any employment offer, while receiving financial social welfare including a contract for work or a copyright contract after three months of receiving financial social welfare as well as suitable temporary or casual humanitarian or similar work, which is offered to them or they are directed by the National Employment Office of Slovenia in accordance with the regulations on employment and unemployment insurance.

Suitable work within the meaning of this Article shall be work that corresponds to physical and mental abilities of an unemployed person; opinions to that effect shall be issued by the first instance rehabilitation committees functioning within regional offices of the Employment Service and appointed in accordance with regulations governing vocational rehabilitation and employment of persons with disabilities. The opinion shall only be issued when an unemployed person fulfils criteria for work and/or workplace set by the employer but refuses work offered by the Employment Service or does not agree with the referral of the Employment Service on the basis of alleged psychophysical impairments. The refusal shall not be on the part of an unemployed person when the organisation and/or the employer refuses the unemployed person referred by the Employment Service. The opinion shall be issued in accordance with the regulations on employment and unemployment insurance for the case of unemployment for suitable work.

Employment and suitable temporary or casual humanitarian or similar work defined in the first paragraph is defined in the employment plan in accordance with the regulations on employment and unemployment insurance for cases of unemployment.

#### **Article 36c**

Suitable temporary or casual humanitarian or similar work from article 36b of this act are non-profit activities in areas where they are not part of the regular work process and are carried out for the general good with the intention of improving social integration and employment opportunities of the person entitled to financial social welfare and are defined based on an active employment policy.

Work activity can be performed for a duration of at least 8 hours a week and 56 hours at the most.

### **Article 36č**

A person from article 36b of this Act who rejects or terminates an employment offer, suitable temporary or casual humanitarian or similar work, employment based on a contract for work or a copyright contract, shall lose the right to apply for financial social welfare.

The competent body of The Employment Service of The Republic of Slovenia shall determine the refusal or termination of employment, suitable temporary or casual humanitarian or similar work and employment based on a contract for work or a copyright contract from the preceding paragraph and immediately inform the competent social work centre.

The social work centre shall annul the decision regarding the financial social welfare grant the first day of the following month after the termination of employment, suitable temporary or casual humanitarian or similar work and employment based on a contract for work or a copyright contract.

In the case of the preceding paragraph the person shall not be entitled to financial social welfare for the following six months after the month of losing the right to financial social welfare.

Change in circumstances, adjustment of granted financial social welfare, and financial social welfare received without foundation.

### **Article 37**

Entitled persons must fulfil the conditions for obtaining financial social welfare throughout the entire period of receiving financial social welfare.

Entitled persons shall be obliged to report to the social work centre all income and receipts received between the time of application submission and the expiry of the period for which they were granted financial social welfare, including all facts, circumstances or changes, which affect the entitlement to financial social welfare, its level and the period of receiving it.

Entitled persons must report the changes referred to in the preceding paragraph within eight days from the day when they were informed about them.

### **Article 38**

If between the time of application submission and the expiry of the period for which financial social welfare was granted the own income of entitled person or families has changed, the particular changed income shall be taken into account by being established in the same manner as those for the period referred to in Article 27a of this Act for the period of the previous three calendar months, where the first calendar months shall be deemed to be the month of changes of income. Unchanged income established for the period referred to in Article 27a of this Act shall be taken into account at the already determined, i.e. equal level.

In case of another particular change in facts or circumstances affecting the entitlement to financial social welfare, only a separate changed fact or circumstance shall be reconsidered.



In the case of the second indent of the second paragraph of article 24 of this Act, the change in circumstances is the day when the unemployed person is no longer kept in the unemployed persons register.

### **Article 39**

The social work centre can within three years of the finalized decision on the entitlement to financial social welfare institute of its own motion a procedure for re-determining the entitlement to financial social welfare when it establishes that circumstances have emerged which would demand the issuing of a different decision on entitlement to financial social welfare, as eligible persons were not entitled to financial social welfare or were entitled to a lower level or for a shorter period of time, having submitted false data or omitted them or failed to submit data in due time and failed to act in accordance with Article 37 of this Act or given fictional data or for any other reasons. In this procedure the social work centre shall issue a decision repealing the decision with which the entitled person was granted financial social welfare, and shall either decide that entitlement to financial social welfare has terminated or determine another level of financial social welfare or establish another period of receiving financial social welfare.

The social work centre shall decide on the changes referred to in the preceding paragraph with the first day of the month following the occurrence of the circumstances.

If the competent social work centre finds out that entitled persons submitted false data, omitted data or gave fictional data prior to issuing the decision or at the time of issuing the decision with which they were granted financial social welfare, or if the decision was issued based on other illicit acts of entitled persons, it shall nullify the decision.

### **Article 39a**

The social work centre can also within the deadline from the first paragraph of the preceding paragraph institute of its own motion a procedure for re-determining the entitlement to financial social welfare, when the entitled person after the issue of a decision receives own income for the same period financial social welfare was granted.

The entitled person is obliged to inform the competent social work centre regarding the receipt of new income within 8 days of receiving the income.

The social work centre shall cancel the decision, with which financial social welfare was granted and the entitlement to financial social welfare with a new decision. In this case it is considered that the entitled person has own income at a level of a proportional part of income, which they had received for this period, regarding the number of months for which they had received income.

### **Article 40**

The level of financial social welfare granted shall be adjusted during the period of receiving it at each adjustment of the basic level of the minimum income referred to in Article 22 of this Act.

### **Article 41**

Financial social welfare received by entitled persons on the basis of the decision made by the social work centre, based on the third paragraph of article 36d, 39 and 39a of this act or based on the provisions of the act regulating the administrative procedures, revoked or invalidated and the difference between received financial social welfare and the financial

social welfare the person is entitled to based on the decision issued during the revoked or invalidated procedure, shall be deemed to have been received without foundation and the entitled person shall be obliged to repay it.

The social work centre shall decide on repayment of received financial social welfare without foundation in the case of a revoking or invalidation of a decision from the preceding paragraph in the same procedure.

The entitled person shall be obliged to return financial social welfare received without foundation within 30 days of the finality of the decision and after this deadline due interest on arrears shall apply.

Notwithstanding the provision of the preceding paragraph the social work centre and entitled persons may conclude agreements on the method and time of repayment of financial social assistance received without foundation, taking into account the level of own income of entitled persons and their social situation. Deferment of payment can be agreed on for a maximum period of three years. The entitled person is obliged to regularly submit proof of executing obligations to the social work centre in accordance with the agreement on the repayment of financial social welfare. If the entitled person delays payment of an instalment, they shall be obliged to pay interest on arrears.

Upon the application of entitled persons and subject to the prior opinion of the competent social work centre the ministry responsible for social welfare may partly or entirely write off the debt of the entitled person, but only to a level not exceeding the value of objects and receipts which, in accordance with the regulations governing the execution of judgements in civil matters and the insurance of claims, are exempt from execution. The entitled person shall submit an application for complete or partial write-off, which must contain data on ownership of property including the savings and income of the entitled person and their family members to the social work centre. Based on the data from their records, the records of other bodies and evidence submitted by the entitled person, the social work centre shall issue an opinion and together with the application shall send it to the ministry responsible for social welfare within 20 days of receiving the complete application. The debt is written off according to the criteria for writing off a tax debt incurred by taxable persons – natural persons.

#### **IV. IMPLEMENTATION OF SOCIAL WELFARE ACTIVITIES**

##### **Article 41a**

Social welfare is a non-profit activity.

##### **Article 41b**

Social welfare services may be supplied by legal or natural persons if they fulfil the conditions established by this Act and the regulations, adopted on its basis.

Services determined as public department services by this Act shall be provided within the network of public service subject to the same conditions in public social welfare institutions and by other legal and natural persons who are granted a concession following an open invitation to tender.

Social welfare services outside the network of public department shall be supplied by legal and physical persons who obtain a working permit, given and taken away by the ministry responsible for social welfare.

### **Article 41c**

Within the public department network public healthcare institutes can also perform daily institutional care services, which perform healthcare activities at the secondary level, if this activity is defined in the institutes Foundation Act and is registered in accordance with the regulations.

Public health institutes from the preceding paragraph can begin performing daily institutional care after the ministry responsible for social welfare establishes that they fulfil the minimal technical, personnel and other conditions under Article 60 of this Act.

The services from this article are performed in a way and under the conditions, which are defined by this Act and regulations issued based on it. The supervision over the implementation of this service is performed by the social inspection from Article 102 of this Act, whereby the provisions of this Act and regulations issued based on it regarding supervision shall apply accordingly.

Institutional care in a public health institute shall be implemented for persons who are entitled pursuant to this Act and regulations issued on its basis and for those whose acute treatment in this institute is finished, however their health condition does not enable them to be independent nor assure health and social care at home and a direct transfer into institutional care is still not possible.

The person referred to in the preceding paragraph shall be placed in a public health institute based on an agreement on the type, duration and method of assuring the service, which is entered by this person or their legal representative and the institute and with whom they define other mutual rights and obligations.

If the entitled persons are not satisfied with a particular service, they can lodge a complaint against the work of the professional employee with the council of the public health institute. The complaint must be submitted within eight days of the performed service, which they object to.

For the payment of services according to this Act, the provisions of this Act and regulations issued on its basis shall apply *mutatis mutandis*, which is valid for payment of daily institutional care services in public social health institutes.

### **Article 42**

Public department in the field of social welfare includes the following services:

- social prevention;
- first social aid;
- personal assistance;
- help to the family for its home and at home;
- institutional care;
- guidance, protection and employment subject to special conditions;

Criteria for the extent of public service for individual types of services from the preceding paragraph shall be determined by the social welfare programme.

### **Article 43**

The state shall provide the public department network for social prevention, first social aid, personal attendance, and help to the family for its home, for institutional care referred to in

Article 16 of this Act and for guidance, protection and employment subject to special conditions.

The municipality shall provide the public department network for help to families at home.

#### **Article 43a**

Enterprises, institutions and other employers shall provide implementation of services referred to in Article 18 of this Act.

#### **a1. Concessions for providing public department services**

#### **Article 44**

Concessions for providing public department services referred to in the first paragraph of Article 43 of this Act shall be awarded on the basis of the opinion of the Social Chamber by the ministry responsible for social welfare.

Concessions for providing public department services referred to in the second paragraph of Article 43 of this Act shall be awarded on the basis of the opinion of the Social Chamber or of Specialist Council for social welfare by the municipality authority responsible for social welfare.

The granting authority shall be the state in the case referred to in the first paragraph of this Article, and the municipality in the case referred to in the second paragraph.

The concession shall be granted for a limited period of time, due account being taken of the level of assets contributed by the concessionaire for the provision of the providing of the service for which the concession is granted. The duration of concession can be extended at most for the period of time the concession contract was entered and under the conditions defined in the regulation of Article 48 of this Act, and in the concession contract.

The concession is granted following the invitation to tender.

#### **Article 45**

The ministry responsible for social welfare or the local council in accordance with the national social welfare programme shall determine with the Concession Act the nature and extent of services for which an invitation to tender shall be published for granting the concession.

The Concession Act must determine for individual types of services, which are the object of concession, the following:

- the area of providing services;
- number or extent of concessions to be granted following individual invitations to tender for a particular area of supplying individual types of services.

#### **Article 46**

The text for publication of the invitation to tender must include:

- indication that the concession shall be granted in accordance with this Act and the regulation referred to in Article 48 of this Act;
- services which are the object of concession;
- extent of individual type of service;
- the estimated date of starting to supply the service and the period of the duration of concession;

- the area for which the invitation to tender for the concession is being published to supply a particular service;
- indication of extent or number of concessions to be granted following the invitation to tender for a particular area;
- users of service for whom the concession is being published;
- statement that employment relationships of the employees shall be regulated in accordance with collective agreements, laws and other acts applicable to employees in public institutes in the field of social welfare;
- types of proofs on the fulfilment of prescribed conditions and skills necessary to supply services which are the object of concession;
- time limit for the submission of tender;
- selection criteria for choosing among tenders;
- the authority which will decide on granting the concession and the authority authorised to conclude the concession contract;
- the person responsible for giving information during the period of the tender publication;
- other information important for the determination and providing the service.

The granting authority must during the publication of the tender enable tenderers to have access to tender documentation, and hand them over at their request.

The tender documentation must include all the necessary information for the tenderers to draw up an accomplished application.

#### **Article 47**

For examination and estimation of received tenders the authority responsible for granting concessions appoints an expert commission consisting of at least three members (hereinafter referred to as: commission for concessions).

At least one member of the commission must be employed by the above mentioned authority.

#### **Article 47a**

Tenderers are allowed to supplement or change their tenders up to the expiry of the time limit of the invitation to tender.

Tenderers do not have the right of access to tenders of other tenderers at the same invitation to tender.

Tenderers may submit only one tender for the same location of providing services at the invitation to tender.

Tenders which arrived to the authority responsible for granting concessions after the expiry of the time limit of the invitation to tender shall be deemed to have arrived too late.

To the expiry of time limit tenderers may take part in the procedure only by submitting tenders in the manner determined in the invitation to tender documentation.

#### **Article 47b**

The commission for concessions opens the received tenders within the period of 30 days after the expiry of the time limit for the submission of tenders.

Each tenderer is allowed to be present at the opening of tenders following the invitation to tender.

The commission establishes for each tender if it arrived on time, if it was submitted by a tenderer fulfilling the prescribed conditions, if the tender was given for the area of providing a particular type of service determined in the invitation to tender and whether it is complete regarding the text of the invitation to tender or not.

Tenders which did not arrive on time or are not complete or were not submitted for the area of providing a particular type of service determined in the invitation to tender or were not submitted by tenderers fulfilling prescribed conditions, shall be rejected with the decision of the authority responsible for granting concessions.

The commission for concessions seeks an opinion from the Social Chamber about each tender which arrived on time, which was submitted by a tenderer fulfilling the prescribed conditions and for the area of providing a particular type of service determined in the invitation to tender, and is complete. The Chamber must give its opinion in 20 days from the receipt of the written request of the commission otherwise the commission for concessions draws up a proposal on granting concessions without this opinion.

The commission for concessions shall no later than 60 days after having acquired the opinion of the Social Chamber or after the expiry of the time limit from the preceding paragraph examine and estimate the complete tenders according to the conditions and criteria published in the invitation to tender and upon this basis, taking into account the opinion of the Social Chamber in case it was given, prepare to draw up a proposal of granting concessions.

#### **Article 47c**

The authority responsible for granting concessions shall issue one decision about all the tenders regarding a particular area of providing individual types of services granting the concession to the most favourable tenderer or tenderers and determine the duration of concession in accordance with the invitation to tender and reject the unsuccessful tenders. In the procedure of issuing the decision only those tenderers who submitted their tender for a particular area of providing an individual type of services shall have the status of a party.

In the decision the period of time shall be determined after serving the final decision within which the chosen tenderer must conclude the concession contract.

In case the regulation by the minister referred to in Article 48 of this Act determines that certain conditions for the start of providing services can be fulfilled by the concessionaires after the granting of a concession and concluding the contract, the time period shall be determined in the decision within which the concessionaires are obliged to fulfil the conditions and the manner how they must fulfil them.

The authority which issued the decision may extend the period of time referred to in the second and third paragraph of this Article for justified reasons.

#### **Article 47č**

Against the decision on granting a concession there shall be no appeal, however a administrative dispute is admissible.

Parties in the administrative dispute can only be the tenderers who were parties in the procedure of issuing the decision.

The court cannot deliver a judgement on this matter of its own accord.

In case the abolishing of a decision meant a disproportionate burden for the person implementing the concession contract so far, the court does not abolish the decision however, it awards a compensation to the plaintiff at their request.

#### **Article 47d**

In case the concession contract is concluded with a person who is not the person to whom the concession was granted by the decision, the concession contract is void. In case the concession is concluded without issuing the decision it is equally void.

The concession contract shall be void also in the case where the abolishment of decision is already valid and another concessionaire was chosen during the procedure of selection for the same concession.

The nullity referred to in the first and second paragraph of this article shall be established ex officio by the authority responsible for granting the concession.

#### **Article 47e**

With the concession contract the awarding authority and the concessionaire regulate their concessionary relationship and the relations to the users, in particular:

- the nature and extent of the service which is the object of concession,
- the start of performing the concession,
- the period for which the concession contract shall be concluded,
- the price or method of evaluating services;
- the credits provided to the concessionaire for providing services which are the object of concession by the awarding authority, and the manner of financing;,
- duty and manner of reporting of the concessionaire to the awarding authority,
- obligations of the concessionaire towards users,
- contract sanctions imposed for not performing or performing the concession incorrectly,
- method of financial, expert and administrative control performed by the awarding authority,
- manner of changing the concession contract or concession relationship;
- termination of concession contract and its eventual extension,
- obligations of concessionaire in case of prior termination of the contract,
- other provisions important for determination and providing services which are the object of this concession.

The concession contract not concluded in written form is void, and equally its supplements and changes

#### **Article 47f**

The awarding authority keeps a register of granted concessions which includes:

1. the consecutive number of the issued decision on granting of concession,
2. the name and seat of the concessionaire, name of the responsible person and legal status of the concessionaire,
3. the area, extent and type of social services for which the concession was granted;
4. the start of performing the concession,
5. the period of duration of a concession.

Data entered into the register, personal data excluded, are public.

#### **Article 47g**

Professional and administrative control as well as the inspection upon the implementing of the public service on the basis of concession shall be performed in accordance with this Act and other regulations.

The provisions of this Act referring to a social welfare institution or a private person shall be applied by analogy also for the concessionaire.

#### **Article 47h**

In spite of the changed circumstances the concessionaire shall be obliged to perform public service which is the object of the concession and fulfil the obligations from the concession contract.

In case of changed circumstances which make the fulfilling of obligations of the concessionaire essentially burdensome and to such an extent that in spite of the particular nature of the concession contract it would be unjust to shift the burden only to the concessionaire, the concessionaire shall have the right to request the change of contract from the awarding authority.

The concessionaire cannot request changes of contract because of changed circumstances if he should have taken them into consideration at the conclusion of the contract or if he could have avoided them or surmounted them.

#### **Article 47i**

The awarding authority may at the proposal by the concessionaire or in agreement with them transfer the concession to another person who is granted the concession for performing public service which is the object of the concession and if it is possible to presume that the taker of the concession will perform the public service in accordance with the regulations and the concession contract, effectively and in accordance with the interests of users.

The awarding authority transfers the concession by issuing a decision to the new concessionaire about granting them the concession and repealing the previous decision. Against the decision on granting a concession there shall be no appeal, however a contentious administrative matter is admissible.

The concession shall be transferred subject to equal conditions under which it was granted to the original concessionaire and for the remaining time of the concession duration.

After the deliverance of a final decision referred to in the second paragraph of this article the new concessionaire shall enter a new concession contract with the awarding authority.

A proposal from the concessionaire or an agreement with them is not necessary for the transfer of a concession in cases from Articles 47k and 47m of this Act.

#### **Article 47j**

Unless determined otherwise by this Act, the rules of the law on obligations shall apply by analogy for the termination of the concession contract.



The concessionaire may not cancel the concession contract for the breaches of the awarding authority, except in cases when the awarding authority does not fulfil its obligations ensuing from the concession contract in such a manner that it impedes to the concessionaire to implement the concession contract.

The concession relationship terminates because of the termination of the concessionaire except in case that the awarding authority transfers in accordance with the preceding article the concession to the legal successors in title of the concessionaire.

#### **Article 47k**

In case of concession termination, except for the cases referred to in Articles 47m and 47n of this Act, the concessionaire must proceed to perform the activity which is the object of concession subject to the conditions in the concession contract until the awarding authority ensures the performance of this activity within the framework of a public institute or until the new concessionaire starts performing this activity, but for three years at most.

The awarding authority must immediately start providing possibilities, so that the activity which is the object of concession shall be taken over by a public institute or that in accordance with this Act transfers the concession to the new concessionaire or immediately starts the procedure of granting a new concession.

If it is in favour of users, in particular in case of public service of institutional care, it is urgent that a public institute or the new concessionaire continues to perform the activity on the same premises in which the activity was performed by the previous concessionaire, the previous concessionaire or any owner of these premises are obliged to lease these premises to the new provider of services, however, for the remaining period of the duration of the original concession at most.

Regarding the obligation of lease the authority responsible for granting concessions shall decide in a decision issued by official duty and with which it determines the lessee, the surface of premises, subject to the obligation of leasing, the duration of leasing, the level of rent and other conditions of leasing.

The rent may not be lower than the level of costs for the premises which were acknowledged to the previous concessionaire in the price of service, in accordance with the methodology in force for forming the prices of social welfare services.

The authority responsible for granting concessions may at the request of the lessor or lessee change the decision on leasing in case the actual situation, based on which the decision which was issued, has changed. In case the lease is not urgent in favour of users any more, the authority cancels the decision

There shall be no appeal against the decision on granting a concession; however a contentious administrative matter is admissible.

#### **Article 47l**

The authority responsible for the granting of a concession may deprive the concessionaire of the concession if:

- the concessionaire does not sign the concession contract within the period determined in the decision on granting the concession, and the awarding authority does not extend this period in accordance with the law; if the concessionaire within the period determined in the decision on granting the concession does not fulfil certain conditions for starting to provide services, which is determined in the decision on granting the

decision that the concessionaire shall fulfil after having been granted the concession and after having concluded the contract, the awarding authority does not extend this period of time in accordance with the law;

- if the concessionaire does not perform public services in accordance with the regulations and the decision on the concession;
- if the concessionaire does not act in accordance with the decisions issued within the framework of control upon performing the concession;
- if as a result of a poor financial situation of the concessionaire, a high level of outstanding liabilities, business loss during a longer period of time, considerable derogation from the projection of business operations, which they submitted in their tender or for other financial reasons, it is justifiably presumed that they will not be able to adequately perform the activity which is the subject of concession;
- in case the needs for providing services, which are the subject of the concession, diminishes and therefore must restrain the extent of performing public service, which is the subject of the concession in a particular area and the awarding authority and the concessionaire do not agree about the corresponding change of the concession contract or a mutual agreement on its dissolution.

The competent authority of the awarding authority, warns the concessionaire in written form, about the reason of cancelling the concession, determines a suitable period of time for them to abolish the breaches, poor financial situation or for a mutual agreement on change or dissolution of the contract and warns them that on the contrary, it shall institute the procedure for cancelling the concession.

If the concessionaire does not abolish the breaches within the given period of time, poor financial situation or for a mutual agreement on change or dissolution of the contract, the competent authority of the awarding authority issues an ex officio decision with which it deprives the concessionaire of the concession.

There shall be no appeal against the decision on granting a concession, however a contentious administrative matter is admissible.

#### **Article 47m**

If the concession was terminated because of deprivation or for other reasons which do not allow the concessionaire to continue to perform their activity, which is the object of concession, and this activity needs to be performed further, the awarding authority must ensure that a public institute continues to perform this activity or another concessionaire in the facility or premises in which it was performed until the termination of the concession and if necessary, also with the employees who performed this activity for the previous concessionaire.

For these purposes the previous concessionaire or any other owner are obliged to lease these premises and the corresponding equipment necessary to perform public service to the new provider of this public service, i. e. for three years from the termination of the concession at the most.

Regarding the obligation of lease the authority responsible for granting concessions shall decide in a decision issued by official duty and with which it determines the lessee, the surface of premises, subject to the obligation of leasing, the duration of leasing, the level of rent and other conditions of leasing. There shall be no appeal against the decision on granting a concession; however a contentious administrative matter is admissible.

The rent may not be lower than the level of costs for the premises which were acknowledged to the previous concessionaire in the price of service, in accordance with the methodology in force for forming the prices of social welfare services.

The awarding authority must immediately start providing possibilities, so that the activity which is the object of concession shall be taken over by a public institute or that in accordance with this Act transfers the concession to the new concessionaire or immediately starts the procedure of granting a new concession.

After the expiry of three years from the termination of concession the provisions of the third, fourth, fifth and sixth paragraph of Article 47k of this Act with regard to the lease shall apply.

#### **Article 47n**

On the day when according to the law legal consequences arise from the bankruptcy proceedings introduced against the concessionaire, the concession relationship shall be terminated according to the law, except in the case when the liquidator in accordance with Article 47o of this Act is still obliged to perform the concession during the bankruptcy proceedings.

Facilities and equipment intended for the performing of the concession do not become a part of the bankruptcy estate of the concessionaire, they, however, become the property of the awarding authority on the day of the termination of the concession relationship. A body of the awarding authority responsible for granting the concession, with a decision in an administrative procedure shall determine, which facilities and equipment shall be intended for the performing of the concession. There shall be no appeal against the decision on granting a concession; however a contentious administrative matter is admissible. The competent body of the awarding authority may decide that facilities and equipment of the concession remain a part of the bankruptcy assets.

In case it was not determined in the concession contract that facilities and equipment of the concession which are the object of separation after the termination of concession do not become the property of the awarding authority, the awarding authority shall be obliged to pay into bankruptcy assets the entire value of facilities, equipment and devices of concession, reduced for the eventual outstanding liabilities which they have towards the concessionaire.

In case it was determined in the concession contract that facilities and equipment of the concession which are the object of separation after the termination of concession become the property of the awarding authority, free of costs or at a determined price (purchase price), the awarding authority shall be obliged to pay into bankruptcy assets such a share of the value of facilities and equipment of the concession, as it corresponds to the time remaining from the termination of concession due to the introduction of bankruptcy proceedings up to the expiry of the period of concession compared to the entire period of concession, increased for the purchase price and reduced for the eventual outstanding liabilities they have towards the concessionaire.

In order to determine the value of facilities and equipment of concession according to this article, rules used for determining the value of real estate in the procedure of expropriation shall be applied.

The level and the period of payment for facilities and the equipment of concession shall be determined by the bankruptcy senate, whereas the time limit may not be shorter than 1 year.

## **Article 47o**

The liquidator must ensure that the concessionaire performs the concession also during the bankruptcy, until a public service, which is the subject of the concession according to the provisions of Article 47 m of this Act starts to be performed by another person. The awarding authority is obliged to give facilities and equipment of the concession, which are the object of separation from the bankruptcy assets at the disposal of the liquidator.

For the continuation of providing a public service which is the subject of concession, restrictions in force for the continuation of production and current business operations do not apply.

On contracts of the concessionaire with users of public department activity services which is the subject of concession, the introduction of bankruptcy proceedings has no legal consequences. Users may reject the payment of a service, which is the subject of the concession, before the service is provided.

The facilities and equipment, which in accordance with the preceding Article become the property of the awarding authority, can be sold by the awarding authority to a new concessionaire, whereby the sale regulations, leasing state property or the property of local communities are not used. The assets gained by sales are intended for the payment of these facilities and equipment to be included in the liquidation assets.

If the body, responsible for awarding a concession decides that the facilities and equipment remain a part of the bankruptcy mass in accordance with the second paragraph of Article 47n of this Act, they shall simultaneously decide on the lease of premises in accordance with the second, third, fourth, fifth and sixth paragraphs of Article 47m of this Act.

## **Article 48**

The minister responsible for social welfare prescribes in more detail the manner of granting concessions and other issues of concessionary relationship, in particular:

- the duration of the concession for various types of services which are the object of concession and the conditions and limitations of concession duration;
- conditions which the concessionaire must fulfil and proof of their fulfilment;
- possibility of subsequent fulfilment of particular conditions and manner of fulfilling them;
- manner of paying the concessionaire for services provided on the basis of concession;
- working method of the commission for concessions;
- manner of concluding concession contracts and their detailed contents;
- method of financial and other reporting to the awarding authority by the concessionaire;
- other questions about implementing the provisions of this Act on the concession of public service in the field of social welfare.

### **1. Public Social Welfare Institutions**

## **Article 49**

Social work centres perform the tasks entrusted to their care by the law as public authorities and tasks laid on them by other regulations.

Social work centres also provide the services of social prevention, first social help, personal attendance, help to families for their home and organise common actions for socially deprived population groups.

Social work centres can provide services of attendance to families at home for municipalities.

Social work centres can also provide other types of services and tasks if necessary for the reasons of mitigating social distress and difficulties in particular environments.

Social work centres shall be established as public social welfare institutions.

#### **Article 50**

Senior citizen's centres provide institutional care for older people referred to in the first paragraph of Article 16 of this Act and help individual persons and families at home.

Senior citizen's centres also perform tasks including preparation of the environment, families and individuals for old age.

In case senior citizen's centres provide institutional care referred to the first paragraph of Article 16 of this Act for younger disabled persons, they organise the provision of these services into special units.

Senior citizen's centres may also perform economic activity if the latter is intended for a better quality of life and protection of older people.

#### **Article 51**

Special social welfare institutions for adults (hereinafter referred to as: a special institution) provide special forms of institutional care for mentally and physically disabled adults according to the first paragraph of Article 16 of this Act. Special institutions may also perform economic activity in case it is intended for a better quality of life and protection of older people.

#### **Article 52**

Centres for protection and training perform tasks of guidance and protection and organise employment subject to special conditions for mentally and physically disabled adults.

Besides services referred to in the preceding paragraph they may also provide institutional care of mentally and physically disabled adults according to the first paragraph of Article 16 of this Act and help to families of mentally and physically disabled adults at home.

Centres for protection and training may also perform special forms of preparation for employment.

#### **Article 53**

Children's homes perform tasks of institutional care for children and youth deprived of normal family life according to the first paragraph of Article 16 of this Act.

#### **Article 54**

Social welfare institutions for training provide institutional protection of children and youth who are moderately, seriously and heavily mentally disabled referred to in the first paragraph of Article 16 of this Act.

## **Article 54a**

Consent is given by the minister responsible for social welfare regarding the Job Systemisation Act in public social welfare institutions, which was founded by The Republic of Slovenia.

## **The Bodies of the Institute**

### **Article 55**

Social welfare institutions shall be managed by the Institution Council, which besides the representatives of the founder and workers, also consists of :

- the representatives of local communities in social work centres; the representatives of local communities and the representatives of people in care in senior citizen's centres,
- the representatives of disability organisations in special institutions referred to in Article 51 of this Act and in centres for protection and training referred to in Article 52 of this Act,
- the representatives of legal representatives of people in care in special institutions and in centres for protection and training,
- the representatives of parents or legal representatives of children and youth in children's homes and social welfare institutions for training.

The founder determines in more detail the composition and relation to the number of representatives in the Institution Council in the Trust Instrument. The Trust Instrument also specifies the manner of appointing or electing the members of the Council.

### **Article 56**

Professional work and providing services in a social welfare institution are organised and managed by a director who must have:

- a high professional or university degree of education referred to in Article 69 of this Act, five years of work experience and the professional examination passed according to this Act;
- in senior citizen's centres they may have a high professional or university degree of other social science or health or medical education, five years of work experience and the professional examination passed according to this Act.

The mandate of the social welfare institution director lasts five years.

In social welfare institutions in which the management and the managing of professional work are separated in accordance with the Trust Instrument, notwithstanding the provision referred to in the preceding paragraph, the person who is appointed director and organises work and manages the business performance of the institution may also have a high professional or university degree and five years of work experience in the field of social welfare or other activity in connection with the social welfare activity. For managing professional work in this institution a manager for professional work who must have a professional degree of education according to Article 69 of this Act, five years of work experience and the professional examination passed according to this Act, is appointed.

The directors of the social welfare institution must, besides the conditions referred to in the first or second paragraph of this article, pass the programme for managing a social welfare institution, determined by the social chamber in agreement with the Specialist Council of the Republic of Slovenia for general education.

Notwithstanding the provisions of the first or second paragraph of this article a candidate who has not passed the programme for managing from the preceding article may be appointed director, but they must pass it within one year at the latest from the start of performing their duties. In case they do not pass this programme during this time limit their appointment is terminated based on this Act.

A director is appointed and relieved by the founder of the institution.

In case the founder of the public social welfare institution is the Republic of Slovenia, a director is appointed and relieved by the Institution Council with the agreement of the minister responsible for social welfare after having acquired the opinion of the competent authority of the local community in which the institution is established.

Notwithstanding the provision from the preceding paragraph the minister responsible for social welfare alone may appoint the director in case the director has not been appointed by the Institution Council within the period of three months after the expiry of the mandate or after the appointment is relieved. The minister alone may also relieve the appointment in case they establish that:

- the director does not perform their tasks imposed on them by the law or breaches the law during their work,
- the director has objective responsibility for poor financial performance of the institution,
- the competent body of the institution rejected the work programme proposed by the director,
- that the Court of Audit gave a negative opinion regarding the financial performance of the institution,
- that the commission for professional and administrative control found serious professional mistakes in the performance of the institution activity,
- that he did not take care of publishing the invitation to tender for appointing a director within the time limits determined by the statute of the institution.

#### **Article 57**

Notwithstanding the provision from the first paragraph of the preceding article a person who organises professional work and business performance of the social welfare institution and has completed higher professional education referred to in Article 69 of this Act, twenty years of work experience, of which at least on posts of business head or manager in the field of social welfare and the professional examination passed according to this Act, can be the director.

Social welfare institutions, whereby the management and the managing of professional work are separated in accordance with the Trust Instrument, notwithstanding the provision referred to in the second paragraph of the preceding article, the person who is appointed director and organises work and manages the business performance of the institution may also have higher professional education referred to in Article 69 of this Act, twenty years of work experience, of which at least on posts of business head or manager in the field of social welfare activity performed by this social welfare institution.

#### **Article 58**

The Specialist Council of the social welfare institution is a professional collegiate body of the institution.

Tasks, composition and manner of forming the Specialist Council shall be determined by the statute or the regulations of the institution in accordance with the Trust Instrument.

## **2. Other Public Social Welfare Institutions**

### **Article 59**

Subject to conditions determined by this Act shelters, mothers' homes, counselling offices, condominium groups, centres for independent life of disabled persons and other forms of organisations can also be organized as social welfare institutions.

## **3. Common Provisions**

### **Article 60**

Social welfare institutions or other legal persons may start performing their work if, besides fulfilled general conditions for establishing an institution or, for other legal persons, the minimum technical, staff and other conditions prescribed by the minister responsible for social welfare are fulfilled.

The fulfilment of conditions from the previous paragraph shall be verified by the ministry responsible for social welfare.

### **Article 60a**

For appeal against provided services, for professional and administrative control and for keeping collections of data, for other legal persons the provisions referred to in Articles 94, 103, 106, 111, 112 and 114 of this Act shall by analogy also apply.

### **Article 61**

The founder of social welfare institutions must provide for the means for investment maintenance and other obligations determined by the law and the Trust Instrument.

The founder provides a part of means for regular investment maintenance to the social welfare institution if they establish that the value of investment maintenance exceeds the means of depreciation or the means for investment maintenance provided by the social welfare institution in accordance with the methodology for forming prices of services according to this Act.

## **4. Charity Organisations, Self-Care Organisations and Disability Organisations**

### **Article 62**

Charity organisations shall be voluntary and non-profit organisations established by individual persons in accordance with the law or by religious communities for the purpose of mitigating social distress and difficulties of the population.

### **Article 63**

Organisations for self-care shall be voluntary and non-profit organisations established by individual persons in accordance with the law or by religious communities for the purpose of mitigating the social needs of their members.

### **Article 64**

Disability organisations shall be voluntary and non-profit organisations established by disabled persons and other individual persons in accordance with the law for the purposes of



implementing special social programmes and services based on the characteristics of disability according to individual functional handicaps threatening the social situation of disabled persons.

Activities of disability organisations may also include particular constituents of charity and self-care.

## **5. Private work**

### **Article 65**

Social welfare services may be provided by private persons who fulfil the following conditions:

- they have the appropriate professional education according to Articles 69 and 70 of this Act;
- they passed the professional examination and obtained the opinion of the social chamber;
- they passed the professional examination and obtained the opinion of the social chamber;
- they are not in an employment relationship; there is no final decision of the court prohibiting them to perform their occupation;
- they have premises, equipment and staff provided for if the nature of work so requires.

Notwithstanding the preceding paragraph particular services may be provided within the framework of public service in accordance with the law, by a foster parent or a third person provided that they conclude a contract with the social service centre.

### **Article 66**

The ministry responsible for social welfare shall establish whether the private person fulfils the conditions from the first paragraph of the preceding article or not.

Private persons fulfilling the conditions referred to in the preceding paragraph or legal persons fulfilling the conditions referred to in Article 60 may start providing social welfare activities with the day of issue of the decision upon the entry into the register of private undertakings and legal persons providing social welfare services.

### **Article 67**

The register of private undertakings and legal persons providing social welfare services shall be kept by The Ministry responsible for social welfare.

The register of private undertakings and legal persons shall be available to the public.

### **Article 68**

The expunging of the name from the register of private undertakings and legal persons providing social welfare services shall be done if: the private person or the legal person cancel the provision of social welfare services;

- the private person dies or the legal person stops performing its activity;
- the private person or the legal person are prohibited to perform their occupation or activity with a final decision of the court;
- the person does not start providing services within one year after the entry into the register;
- it is established that such a person does not fulfil the prescribed conditions for providing services any more.

A decision shall be issued on expunging private undertakings and legal persons from the register.

## **5.a Communities of Social Welfare Institutions**

### **Article 68a**

Social welfare institutions providing social welfare services may form communities.

Communities from the preceding article may include concessionaires and other legal and natural persons who in accordance with this Act provide services in the field of social welfare.

Communities in particular perform the following tasks:

- they co-ordinate development activities within the framework of the activity and co-operate at creating the policy of social welfare development,
- co-operate in determining conditions for performing the activity,
- realise common tasks and interests of providers in individual fields.

Communities may acquire a public power for implementing administrative tasks in the field of social welfare. The tasks to be implemented by communities as public authority shall be determined by the law.

Implementing public authorities from the preceding paragraph shall be financed from the national budget.

### **Article 68b**

The community of social welfare institutions of Slovenia in the field of institutional care of older people and in the field of care for special population groups performed by senior citizen's centres and special social welfare institutions for adults (hereinafter referred to as: field of community activity) shall implement the following tasks as public authorities:

1. it sets up and keeps a uniform information system in the field of community activity and guarantees its inclusion into the uniform information system of social welfare,
2. it establishes, keeps, maintains and controls the central data base from the field of community activity and is the operator of the central data base of the personal data in this area,
3. it plans and performs education for workers who are not professional workers or assistants in the field of community activity according to this Act,
4. in accordance with the norms and standards in force referred to in the second paragraph of Article 11 of this Act, it determines in more detail the standards for implementing individual types of care and the criteria for the determination of types of care regarding the needs of service users in the field of community activity.

### **Article 68c**

The community of social work centres of Slovenia in the field of implementing the activity of social work centres shall implement the following tasks as public authorities:

1. it determines the catalogue of tasks performed by social work centres:
  - as social welfare services,
  - as tasks they are entrusted by the law as public authorities, and
  - as tasks entrusted by the law as public authorities, which serves for this field of activity as the basis for the functioning of the uniform information system of social welfare;
2. it determines standards and norms for performing individual types of tasks:

- tasks entrusted to the social work centres by the law as public authorities, and
- tasks imposed upon the social work centres by other regulations

## **6. Workers Performing Social Welfare**

### **Article 69**

Social welfare services shall be performed by professional workers and assistants.

Professional workers according to this Act shall be workers who finished higher or high degree schools of education for social work and completed internship and passed the professional examination for the work in the field of social welfare.

Professional workers according to this Act shall also include the workers who finished higher or high degree of education in the branches of psychology, pedagogy and its special disciplines, administration, law, sociology, medical orientation – work therapy and theology with the appropriate specialization and have one year of work experience in the field of social welfare, completed internships and passed the professional examination.

Professional workers in children's homes and social welfare institutions for training shall be professional workers referred to in the first paragraph of this article and workers who have a higher or high degree of education in the branches of pedagogy, social pedagogy, psychology and defectology a completed internship and passed the professional examination.

### **Article 70**

Professional assistants according to this Act shall be the workers who perform particular social welfare services and completed programmes of education in accordance with special regulations and completed internship and passed the professional examination.

The Social Chamber determines the types and degrees of educational programmes from the preceding article, which provide the appropriate qualification for professional assistants to perform individual services.

### **Article 71**

The Social Chamber determines the conditions and manner of completing internships and passing the professional examination in a general act and also organises and examines the knowledge for passing the professional examination in the field of social welfare.

### **Article 72**

Individual welfare services may also be performed under the guidance of a professional worker with voluntary and amateur work by laymen for whom professional education is not separately prescribed.

### **Article 73**

Professional workers and professional assistants in public social welfare institutions shall be obliged to follow the educational and training courses.

The Social Chamber shall determine in more detail the education and training from the preceding paragraph.

#### **Article 74**

Professional workers and professional assistants with a higher degree of education may be promoted to the titles of mentor and counsellor, and professional workers and professional assistants with a higher degree of education to the title of independent counsellor and higher counsellor.

The promotion of professional workers and professional assistants shall be determined by the minister responsible for social welfare.

#### **Article 75**

The Republic of Slovenia grants professional workers, professional assistants and laymen in the field of social welfare awards and acknowledgements as special social acknowledgements for exceptional success at their work in the field of social welfare.

The minister responsible for social welfare prescribes in more detail the conditions for granting awards and acknowledgements from the preceding paragraph, the commission composition and the procedure for granting awards and acknowledgements.

### **V. SOCIAL CHAMBER**

#### **Article 76**

The Social Chamber is a legal entity.

#### **Article 77**

The Social Chamber takes care of connectedness, development and professional improvement of social welfare activity.

The Social Chamber performs as public authorities the following tasks:

- it determines the programmes of training determined by this Act,
- it plans and organises permanent professional education and training referred to in Article 73 of this Act for professional workers and professional assistants;
- it determines the types and degrees of educational programmes for professional assistants in social welfare according to Article 70 of this Act and determines for which case it shall be necessary to check their ability before the start of performing individual services and tasks in the field of social welfare,
- it determines the conditions and manner of completing internship and monitors the internship, and it controls the performing of internship according to the general act referred to in Article 71 of this Act,
- it determines the conditions and manner of doing the professional examination and it organises and performs the examination of knowledge for acquiring the professional examination in the field of social welfare.
- it prepares and adopts the catalogues of necessary skills and checks the ability for performing individual services and tasks in the field of social welfare,
- it plans and organises the supervision of professional work of professional workers,
- it solves or examines appeals referred to Article 94 of this Act,
- it organises and performs instructive counselling in accordance with Article 108b of this Act.

The Social Chamber also performs other tasks, in particular:

- it adopts the Code of Ethics of workers in the field of social welfare, promotes and controls its implementation and takes measures at its breaching,
- it gives opinions in the procedures for granting concessions and authorisations to work;
- it monitors and performs the projects of supervision of work of professional workers,
- it performs the training of professional workers and professional assistants,
- takes part in the preparation or regulations and in the preparation of professional bases for the social welfare programme;
- it proposes members for the Specialist Council referred to in Article 8 of this Act.

The Social Chamber also performs tasks for its members and service users.

#### **Article 78**

The work of the Social Chamber is financed from:

- the contributions of members;
- donations and legacies;
- other sources;
- national budget for tasks referred to in the second paragraph of the preceding article.

#### **Article 79**

The Chamber shall adopt a statute which will define its organisation, bodies and their competencies.

During the composition of the chamber bodies it is necessary to take into consideration the principle of representation of workers in public institutions, other social welfare institutions, charity organisations, self-care organisations, disability organisations and private undertakings.

When the competent bodies of the chamber decide upon matters referred to in points 6 and 7 of the second paragraph of Article 77 of this Act, the workers from the preceding article must be proportionally represented.

The Government of the Republic of Slovenia gives its consent to the statute of the chamber in the part referring to public authorities.

### **VI. SOCIAL WELFARE SERVICES PROVIDED OUTSIDE OF SOCIAL WELFARE ACTIVITIES**

#### **Article 80**

In case individual social welfare services according to this Act are provided by social departments organised as part of the uniform system of education and training, health service, employment and administration of justice, these services are performed according to norms and standards referred to the second paragraph of Article 11 of this Act.

Social departments referred to in the preceding article may also perform the tasks of social prevention for the field of work for which they were established.

### **VII. PROCEDURES**

#### **1. Territorial Jurisdiction**

## **Article 81**

Territorial jurisdiction in all matters of competency in social work centres shall be determined according to the permanent residence of the person in need of assistance and attendance. In case a person has no permanent residence the territorial jurisdiction shall be determined regarding their temporary residence, and in case the person does not have neither of them, then it shall be deemed according to their last permanent residence or last temporary residence.

In case the territorial jurisdiction cannot be determined according to the preceding paragraph, it shall be determined according to the place where the cause for the procedure arose.

Territorial jurisdiction for minors shall be determined according to permanent or temporary residence of both parents. For minors territorial jurisdiction for minors shall be determined according to permanent or temporary residence of that parent with whom the minor person lives or to whom they were given custody. In case the parents are not known, the territorial jurisdiction shall be determined according to the preceding paragraph.

Territorial jurisdiction in matters, whereby by the eligibility right is established for the entire family and their family members have a permanent or temporary residence at different addresses, is determined according to the actual residence of the majority of family members or according to the permanent or temporary residence of the majority of family members. In case the territorial jurisdiction cannot be determined, it shall be determined according to the place where the cause for the procedure arose.

If the constituent instrument of the social work centre determines that internal organisational units are operating within the social work centre performing the tasks of the social work centre for a particular area according to this Act and other regulations for a particular area, the competent organisational unit in the particular area has the territorial jurisdiction for performing the tasks of the social work centre, the jurisdiction of which shall be determined in the Trust Instrument, taking into account the provisions of the first, the second and the third paragraph of this Article. In such a case the head of the competent organisational unit is authorised for entertaining the proceedings and making decisions regarding the performance of tasks of the social work centre.

## **Article 82**

In case the circumstances on the basis of which the territorial jurisdiction was established according to this Act change during the proceedings, the proceedings shall continue regarding the changed circumstances of the competent social work centre.

## **Article 83**

If a dispute on competence arises, the social work centre which started the proceedings must perform its work until the dispute is settled.

## **Article 84**

In disputes of territorial jurisdiction among social work centres in the territory of the Republic of Slovenia the ministry responsible for social welfare shall decide.

## **Article 85**

The ministry responsible for social welfare may determine, for the proceedings in the implementation of public authorities, a social work centre other than the centre with territorial

jurisdiction if it is evident that the proceedings shall thus be performed in an easier manner and if other substantial reasons for that exist.

The decision according to the preceding paragraph shall be issued by the ministry responsible for social welfare at the proposal of the party who threw out the proceedings or at the proposal of the social work centre.

## **2. Deciding on Implementing Public Authorities**

### **Article 86**

When social welfare institutions in implementing public authorities decide upon rights, obligations and legal interests of individual persons, they follow the General Administrative Procedure Act unless particular issues of the procedure in this or other act are regulated otherwise.

### **Article 87**

When implementing public authorities from the preceding article social welfare institutions shall use a seal.

The seal shall be round. In the outer circle it has the inscription "Republic of Slovenia", and in the middle the coat-of-arms of the Republic of Slovenia. The seal also contains the name and seat of the institution

### **Article 88**

When social work centres decide on administrative matters on the rights and interests of children according to Articles 105, 106, 114, 120 and 121 of the Marriage and Family Relations Act (Official Gazette of the Socialist Republic of Slovenia, No. 15/76 and 1/89), they must in a special procedure for establishing facts before the decision acquire the opinion of the professional commission and conduct a hearing.

The professional commission from the preceding article is appointed by the Specialist Council of the social work centre unless a special commission is determined by another act.

### **Article 89**

The ministry responsible for social welfare shall decide upon appeals against the decisions of social welfare institutions.

## **3. Procedures in Exercising the Right and Implementing Services**

### **Article 90**

The procedure for exercising the right to services according to this Act shall be introduced at the request of the entitled person or his legal representative. The social work centre institutes the procedure at its own motion if it gets the information about circumstances resulting in a well-founded reason from which the necessity for services according to this Act arises.

### **Article 91**

The initiative for instituting the procedure ex officio can be given by the spouse, the children living in a common household with the person needing assistance and attendance, the employer and a trade union.

Authorities, institutions and other organisations, which during their work establish that children, minors or persons who were deprived of their legal business capacity are endangered, are obliged to inform about this fact to the social work centre in their area.

#### **Article 92**

When a social welfare institution or a professional worker at exercising the right to the service finds that the matter is in their competence they shall be obliged to try to come to an agreement with the entitled person about the duration, type and manner of providing the service.

The concluded agreement about the duration, type and manner of providing the service of institutional care shall be deemed to be the act with which the entitled person shall be accommodated into the institution or transferred within the institution or into another institution.

#### **Article 93**

Procedures for providing services must be guided in such a manner that they guarantee the confidentiality of data, personal integrity and dignity of the entitled person.

Professional workers and professional assistants providing social welfare services shall be obliged to protect professional secret the data on financial and social distress and difficulties of individual persons, causes, circumstances and consequences of such situations.

People who are provided with data from the preceding paragraph because of the nature of their work are bound to protect this data as a professional secret.

Data referred to in the second paragraph of this article may neither be given to other persons or the public nor be published in such a manner that they would reveal the identity of individuals to whom they refer. Professional workers or assistants can be relieved of their duty to protect professional secrets by the involved person themselves or the court, and for minors and persons in custody by their parents or guardians.

#### **Article 94**

In case the entitled person is not satisfied with a particular service, he may lodge an appeal against the work of the professional worker or assistant at the Council of the social welfare institution, and against the service provided by a private undertaking at the Social Chamber.

The appeal must be filed within the period of eight days from the provided service against which the entitled person appeals.

#### **Article 95**

The Council of the social welfare institution or the Social Chamber examines the appeal, determines the measures to be taken and informs thereof the entitled person having made the appeal within fifteen days from the receipt of the appeal.

#### **Article 96**

If an agreement about the duration, type and manner of providing the service of institutional care referred to in Article 92 of this Act cannot be made, the social welfare institution shall decide upon the accommodation, transfer or dismissal of the entitled person from the



institution according to the provisions of the General Administrative Act, unless individual issues of administrative procedure are not provided otherwise by this Act. The appeal against the decision on accommodation or transfer does not withhold the execution of the decision.

## **VIII. FINANCING**

### **Article 97**

Social assistance activity is financed from the budget of the republic and municipality.

Funds for financing social assistance activity are also assured by service payments, contributions from charity organizations and self-help organizations and disability organizations, donor contributions, and other sources.

### **1. Financing Social Assistance Activity from the Budget of the Republic of Slovenia**

#### **Article 98**

The following are financed from the budget of the Republic of Slovenia:

- activities needed for the operations and development of the social assistance system under Article 6 of this Act;
- social prevention;
- first social aid;
- help to the family for home;
- execution of public authorities;
- institutional care under Article 16 of this Act, except for the costs of services in institutions for adults, when a entitled person or another liable person is partially or entirely exempt from payment;
- guidance, protection and employment under special conditions;
- cash social assistances;
- investments into social welfare institutions;
- common tasks of social welfare from the programme determined every year by the National Assembly;
- tasks of the Social Chamber from the second paragraph of Article 77 of this Act;
- personal assistance;
- tasks performed by communities referred to in Article 68 a of this Act as public authorities;
- development and supplementary programmes important for the state and the co-operation with non-governmental organisations.

Notwithstanding the provisions of this Act, the costs of services in the institutions for adults shall also be financed from the budget of the Republic of Slovenia if the entitled person before registering their permanent residence on the basis of the fourth paragraph of Article 8 of the Residence Registration Act (Official Gazette of the Republic of Slovenia no. 9/01) at the address of asylum or at the address of the institution in which he or she is accommodated, had no registered permanent residence.

### **2. Financing Social Assistance Activity from the Budget of the Municipality**

#### **Article 99**

The following shall be financed from the budget of the municipality:

- the rights to the family attendants;
- help to families at home, at least at the level of 50 % of subsidy to the price of service and at the level for which the entitled person or other person liable for payment is partially or entirely exempt from payment;
- help at using the apartment (rent) referred to in the fourth paragraph of Article 24 and the third paragraph of Article 31 of this Act;
- the costs of services in the institutions for adults when the entitled person or other person liable for payment is partially or entirely exempt from payment ;
- development and supplementary programmes important for the municipality and the co-operation with non-governmental organisations.

The assets for financing rights and contributions or services and help from the preceding paragraph shall be financed from the budget of municipality in the area in which the person entitled to services and help has his permanent residence registration.

Notwithstanding the provision of the preceding paragraph the costs of services from the fourth indent of the first paragraph of this article in case of permanent residence registration at the address of the social welfare institution on the basis of the fourth paragraph of Article 8 of the Residence Registration Act (Official Gazette of the Republic of Slovenia, 9/01) shall be financed from the budget of municipality in which the entitled person had the permanent residence registration before the permanent residence registration at the address of the institution.

### **3. Payment of Services**

#### **Article 100**

Entitled persons and other persons liable to payment shall be obliged to pay according to this Act all the provided services, except the services of social prevention, first social help and institutional care in social welfare institutions for training, which shall be free for all entitled persons.

Recipients of permanent financial social assistance and recipients of disability allowance according to the Act on social protection of bodily and mentally handicapped adults (Official Gazette of the Republic of Slovenia, 41/83) shall be exempt from payment for all the services, except the services of institutional care referred to in the first paragraph of Article 16 of this Act.

The Government of the Republic of Slovenia lays down the criteria according to which the exemptions for beneficiaries and other persons liable to payment shall be determined at paying for services, partly or entirely.

At the request of persons entitled to social assistance services social work centres shall decide on partial or entire exemption from payment in accordance with the criteria from the preceding article.

Social work centres may determine higher exemption for entitled persons or persons liable to payment than they would determine according to the criteria referred to in the third paragraph of this article in case entitled persons urgently need the service and their health or life could be endangered if the service had not been made available or if this results from special social circumstances or for other important reasons in favour of entitled persons or persons liable to payment.

In case of lodging a request for exemption from payment of service the social work centre shall decide on the exemption from payment and on determination of the contribution of

entitled person and person liable to payment or about municipality for payment or additional payment of service for the period from the day of providing the service onwards, and in case of changes during the providing of service from the first day of the following month after the day when the change occurred onwards.

The costs in respect of services referred to in Article 18 of this Act shall be covered by the enterprise, institution and other organisations providing these services.

The social work centre may determine for the person entitled to institutional care the exemption according to criteria referred to in the third paragraph of this article and also in cases when entitled persons were provided a substitution form of accommodation and care outside the network of public service.

#### **Article 100a**

Notwithstanding the provision referred to in the third paragraph of Article 100 the municipality may determine additional exemptions at the payment of costs for the help at home and at the payment of services in the institutions for adults.

The competent municipality authority shall decide on exemptions from the preceding article.

#### **Article 100b**

In case the user of the service exercising the right to exemption from payment of institutional care is the owner of real estate they shall be forbidden with the decision on exemption from payment to alienate or encumber the real estate in their ownership, in favour of the municipality financing the institutional care for them.

The competent social work centre decides on the ban of alienation and encumbrance of the real estate in favour of the municipality in the findings of the decision on the exemption from the payment of institutional care service.

The ban of alienation and encumbrance of real estate shall be noted in the cadastral book on the basis of the final decision from the preceding paragraph.

For the note of the ban of alienation and encumbrance of real estate referred to in the first paragraph of this article, provisions of the act on keeping cadastral book refer to the ban of alienation and encumbrance of real estate.

#### **Article 100c**

In case the user of the service exercising the right to exemption from payment of help to family at home is the owner of real estate, they shall be forbidden with the decision on exemption from payment to alienate or encumber the real estate in their ownership, in favour of the municipality financing help to family at home for them, only in case of an explicit request of the municipality and if the real estate is deemed to be the real estate on which the service user does not have the permanent residence registration.

The municipality must lodge the request from the preceding article within a period of 20 days from the receipt of a notice from the social work centre about the fact that it entertains the proceedings in which it shall decide upon the exemption from payment for the service of help to family at home.

#### **Article 101**

The methodology for pricing of services referred to in points 1 to 5 of Article 11 of this Act shall be prescribed by the minister responsible for social assistance.

In accordance with the methodology from the preceding article the price of service shall be determined by a management body of the legal person or the natural person itself.

Prices for services shall be given consent by the ministry responsible for social assistance with the exception of prices for the service of help to a family at home for which consent shall be given by a competent municipality authority.

## **IX. SUPERVISION**

### **Article 102**

Control over the work of public social welfare institutions, concessionaires and other legal or natural persons providing social assistance services on the basis of authorisation for work (hereinafter referred to as: activity performers), shall be organised and performed by the social inspectorate within the framework of a body incorporated in the ministry responsible for social assistance (hereinafter referred to as: supervision controls), which is lead by the director. Supervision controls shall be implemented by inspectors for social matters (hereinafter referred to as: inspectors), who are workers with special authorizations and responsibilities.

For implementing supervision and controls according to this Act, the provisions of this Act, which regulates supervision and controls shall apply, unless particular issues are regulated otherwise by this Act.

### **Article 102a**

In case special knowledge is needed for establishing or judging a fact regarding supervision, which the inspector does not master, the director may at the proposal of the inspector also decide that individual types of professional work are to be performed by a person (hereinafter referred to as: professional assistant) who is not employed in the body organising and implementing supervision and controls according to this Act. The professional assistant shall be named from the list of professional assistants determined by the Council of Experts for Social Welfare.

Professional assistant referred to in the preceding paragraph draws up a report on his findings.

### **Article 103**

An inspector must have:

- a high professional or a university degree of the same education as determined by this Act for professional workers in the field of social welfare;
- ten years of work experience in performing or managing services and social assistance programmes or in the work of development, research and counselling, or at managing established projects in the field of social welfare or organising and administrative managing of social welfare activities;
- passed professional examination for inspector.

The inspector shall have to do the periodical test of skills and knowledge every three years.

## **Article 104**

Supervision and controls according to this Act include:

1. control over implementing this Act and regulations issued on its basis and control over the implementation of other acts or regulations issued on their basis determining public authorizations or other tasks for individual performers of social assistance activities;
2. control over the implementation of tasks imposed by this Act upon local communities (hereinafter referred to as: municipality).

Within the framework of the supervision and controls according to point 1 of the preceding article the inspector shall control the implementation of provisions, use of professional methods, competent performance of work while providing services and performing programmes, and the quality of services within the framework of acts and regulation acts governing in particular the following fields of activity:

- matters of status of performers,
- personnel, technical and other conditions for performing the activity,
- concession contracts, authorisations to work and contracts of co-financing programmes;
- entitlements to services and receipts,
- contributions of users and other persons liable for payment
- prices of services,
- realising rights and obligations of users;
- realising rights and obligations of professional and other workers of the performer for which other supervision bodies are not competent;
- keeping documents and reporting,
- performing tasks the performers are entrusted with as public authorizations,
- the situation regarding the organisation of professional work;
- fulfilling of conditions to be acquired by professional workers and professional assistants,
- appropriate application of professional procedures and methods of professional work;
- system for professional development of employees;
- quality and extent of provided services,
- realising the rights and satisfaction of the service users.

Supervision referred to in the second point of the first paragraph of this article over performing tasks imposed upon municipalities by the law includes in particular the control of:

- the extent of public service network in the responsibility of municipality;
- the consents for the prices of services issued by the competent municipality authority.

## **Article 105**

Supervision shall be performed as regular or extraordinary control.

Regular supervision and control shall be performed for each performer of activity at least once within the period of three years. The programme of regular supervision and controls shall be determined by the chief inspector at the proposal of the director of supervision.

The director of supervision shall order, each time they consider it necessary, the inspector to perform exceptional supervision and controls. The chief inspector shall also order extraordinary inspection control:

- at the request of persons entitled to services or their legal representative or other persons who had during the procedure the position of the party, of founder of activity performers or managing body of activity performers;
- following a well-founded incentive of family members of entitled persons or association of users,

- at the request of the representative trade union at the employer.

Before the implementation of extraordinary control the inspector may:

- invites the submitter of the request or the incentive to complete the request or the incentive or to set forth additional reasons
- requests from activity performer or municipality a written report and appropriate documents,
- gives expert evaluation of alleged activities by activity performer or municipality,
- suggests that the performer and the user should, with the professional support of the inspector, conclude an agreement on co-operation for eliminating eventual misunderstandings.

The inspector shall not perform an extraordinary inspection control at the request or incentive if they establish that:

- the request or incentive refers to procedures or services, for which the applicant of request or incentive has already received written explanations and findings from the ministry;
- from the submitted documents and reports of the activity performer the procedures and provided services were conducted in accordance with the regulations, professional and ethical principles which apply in the field of social welfare, or that the established irregularities and deficiencies are not such as to essentially affect the conclusion of the procedure or the contents, quality or extent of service,
- that the applicant of request or incentive is not satisfied with a particular service and did not file a complaint against the work of the professional worker or professional assistant according to Article 94 of this Act;
- that the applicant of request or incentive has the possibility to use other ordinary judicial review determined by procedural regulations and which they have not used yet;
- that the request or incentive refers to procedures or services the legitimacy or professional adequacy of which shall be established by the bodies of supervision and controls determined according to other regulations;
- that the service provider at the request of the inspector has already remedied the deficiencies referred to as disputable in the request or incentive,
- that supervision and controls have already been performed for the same matter or that a professional evaluation of procedures and the performance of the service provider has already been submitted;
- that regular control has been ordered for the provider.

The inspector shall inform the applicant of the request or incentive and the service provider, the director of supervision and the chief inspector that he or she will not for the purposes referred to in the first paragraph of this article perform the control. The notice shall indicate the reasons for which an extraordinary inspection control had not been carried out.

### **Article 106**

The inspector draws up an inspection report about the performed inspection control.

The inspection report contains information on the implementation of the control, performed deeds of control, findings of the inspection and measures taken by the inspector.

In the case referred to in Article 102a of this Act the report of the professional assistant shall be annexed to the inspection report.

## Article 107

If the inspector finds that minor mistakes, irregularities and deficiencies which essentially do not affect the service providing or performance legitimacy, expertise of work, providing rights of users or the prescribed quality of services, the managing of procedures or exercising the rights of users, they shall orally point out the deficiencies and their consequences and determine the time limit for their remedy, which shall all be stated in their report. If deficiencies are not remedied within the determined time limits, the inspector imposes other measures in accordance with the law.

In case the inspector finds that the public service is not being performed in accordance with the regulations or that the activity performer:

- provides services although not registered for,
- provides services although they are not entered in the register of private undertakings,
- does not perform services and programmes in accordance with the norms and standards
- does not provide the prescribed quality;,,
- does not use effective professional methods at his or her work;,,
- does not entertain proceedings in accordance with the regulations,
- does not provide the exercising of rights of individual persons which results in deficiencies or faults considerably affecting the legitimacy of performance, expertise at work, providing the rights of users or the prescribed rights of the prescribed quality of services, imposes the necessary measures and determines time limits for their implementation with a decision.

In cases referred to in the preceding paragraph the inspector shall propose or impose in particular the following measures:

- to issue or adjust general acts with the provisions of the constituent instrument and other regulations,
- to issue or adjust individual acts with the regulations
- to complete the organizational structure;
- to adopt the professional basis for imposing measures and deciding about individual measures;
- to determine professional criteria on the basis of which the appropriate method of work shall be selected,
- to report regularly in writing on the work in individual fields of activity,
- to keep a special evidence about individual professional procedures;
- to perform additional training and education of employees in their own or in other verified institutions,
- to adopt a special programme of activity for the rise in quality of service providing
- to introduce internal control over the providing of services or entertaining of proceedings,
- to renew the examination on knowledge about the General Administrative Procedure Act,
- to repeat individual parts of the professional examination,
- to write an apology to the user involved or his legal representative,
- to institute the procedure for establishing the incapability of a worker,
- to institute the procedure of withdrawal of the title obtained in accordance with this Act from the professional worker or the professional assistant,
- to obligatorily include the supervisor,
- to propose to the competent body the instituting of procedure to evaluate the adequacy of the responsible person performing the function of director or head specialist,
- to propose to the competent body the instituting of procedure to relieve the director or the head specialist,

- to propose to the competent body the instituting of procedure for the withdrawal of the work permit or the cancelling of a concession contract,
- to prohibit temporarily the performing of activity to the provider until the remedy of deficiencies.

#### **Article 107a**

The minister responsible for social welfare determines more closely the manner of performing supervision and controls.

#### **Article 108**

An appeal can be lodged at the ministry responsible for social affairs against the decision about the measures imposed by the inspector. The appeal shall be lodged within a period of 8 days from its notification.

#### **Article 108a**

In addition to the control over the work of activity performers referred to in the first paragraph of Article 102 of this Act, inspectors also perform supervision and controls over the work of other providers performing supplementary, development and prevention programmes in the field of social assistance and protection of children and families according to special contracts on co-financing.

For performing supervision and controls referred to in the preceding paragraph, provisions on extraordinary supervision and controls of this Act shall apply *mutatis mutandis*.

#### **Article 108b**

Activity performers referred to in the first paragraph of Article 102 of this Act and performers referred to in the first paragraph of preceding article, shall also be provided, besides supervision and controls, instructional counselling organised by the Social Chamber and performed by three-member commissions of experts named by the competent body of the Social Chamber.

Instructional counselling shall include professional performance of professional workers and professional assistants performing individual services or programmes independently or under the guidance of the head of service.

The purpose of instructional counselling shall be to monitor the use of professional methods, the performing of professional guidelines determined by the development documents in the field of social welfare and to monitor the professional instructions adopted by the Specialist Council for social welfare, to establish new professional approaches and good practice, and to perform the code of ethical principles used in the field of social welfare.

Instructional counselling shall be performed on the incentive of the professional body of performers or the incentive of the founder.

The Social Chamber and the ministry responsible for social welfare shall determine in more detail the manner of performing and the extent of instructional counselling in public social welfare institutions and for concessionaires.



## **X. DATA BASES**

### **Article 109**

For collecting, processing, filing, communicating and use of data contained in data bases and for the protection of information privacy of individual, provisions of the law on protection of personal data shall apply, unless otherwise provided for individual cases by this Act.

### **Article 110**

For the purposes of implementing social assistance activity determined by the law, for planning the social welfare policy, monitoring the situation and for the purposes of scientific research and statistics, databases are being kept in the social welfare area involving the entire national system of social welfare.

Data bases shall contain data on:

- services,
- cash social welfare,
- other assistance to individuals pursuant to this Act,
- exemptions from payment for services,
- providers of social welfare activities,
- financing of social welfare activities,
- Implementation of other tasks, which are by law entrusted to providers of activities as public authorities and tasks which are imposed on providers of activities by other regulations.

### **Article 111**

The data bases referred to in the first, second, third and fourth indent of the second paragraph of the preceding article shall contain the following personal data for individuals, which the right and obligation according to this Act, and of their legal representative, refer to:

- first name and surname,
- birth data,
- sex,
- unique personal identification number,
- Information on citizenship,
- data on the permit for residence for an alien,
- information on residence,
- data referring to family relations (number of family members, type of family, relation to the applicant),
- information on the household,
- data referring to the type of relationship (marriage or cohabitation)
- data on status (data on schooling, employment, retirement, etc.);
- data on education,
- data on health condition and disability,
- data on wages and other income and receipts,
- - data on property,
- data on social distress and difficulties of individual persons, families and population groups,
- data on exemption from payment for services,
- tax number,
- number of current account or other account,
- data referring to housing and accommodation conditions.

Individual data bases may also contain data which are not personal but which are necessary for achieving the purpose referred to in the first paragraph of the preceding article.

### **Article 112**

Data bases referred to in Article 110 shall be kept and maintained by social welfare institutions and other legal and natural persons implementing social assistance activity pursuant to this Act and the institute referred to in Article 7 of this Act (operators of data bases) and operators of central data bases established by this Act.

The ministry responsible for social welfare shall process the personal data contained in the data bases on financial social assistance and other types of assistance to individual persons pursuant to this Act and on exemptions from payment for services which the same content as those processed by social work centres, and shall be the manager and establish, administer, maintain and supervise the central data base on financial social assistances acquired free of charge from data bases kept and maintained by social work centres.

The Community of Social Institutions of Slovenia processes personal data from the bases of personal data from the area of institutional care and the care and protection of adult special population groups with the same content as those processed by social welfare institutions and other legal and natural persons providing institutional care in accordance with this Act, shall be the manager and establish, administer, maintain and supervise the central data base in this area, which it acquires free of charge from data bases kept and maintained by social welfare institutions and other legal and natural persons providing this service.

### **Article 113**

Data on individual persons and their family members shall be collected directly from them, as well as from other official data bases kept in Slovenia by authorised bodies and organisations. Individual persons to whom the right or obligation refers pursuant to this Act or his legal representative shall be obliged to give the competent social welfare institution or other legal or natural person implementing social assistance activity all data for which social welfare institutions or providers of services keep data bases.

The ministry responsible for social welfare and social welfare institutions and other legal and natural persons implementing social assistance activity pursuant to this Act, shall acquire, free of charge, the data contained in existing data bases from the following operators:

- Ministry of the Interior - data on the entitled person and his family members (name and surname, data on birth, uniform personal identification number, data on citizenship, data on residence) and data referring to family relations from the central register of population, data on the permit for residence for an alien, and data on the household from other records kept by the Ministry of the Interior and data on automobile ownership from record of registered vehicles.
- The Ministry of Education, Science and Sport and providers of educational and schooling activities- data on enrolment in education institutions,
- Ministry of Health, Public Health Institute of the Republic of Slovenia and other providers of health care service activities - data on health condition or disability,;
- Pension and Disability Insurance Institute of Slovenia - data on insured persons covered by the pension and disability insurance, data on paid pension, disability allowance, supplementary allowance, assistance and attendance allowance, benefits from pension and disability insurance, and other financial rights arising from pension and disability insurance,
- Health Insurance Institution of Slovenia – data on insured persons covered by health insurance; data on paid benefits from health insurance,

- Employment Service of the Republic of Slovenia – data on unemployed persons, allowances paid in respect of insurance in the event of unemployment, financial assistances, grants and related material rights and data on the date and reasons for termination of the keeping persons in the record of unemployed persons, as well as the reasons for the termination of payment of material rights
- Guarantee and Maintenance Fund of the Republic of Slovenia - data on paid allowances for alimony and data on payments in the event of insolvency of employers,
- Tax Administration of the Republic of Slovenia - data on tax number, dependents, taxable income and property of persons liable to tax, data on paid taxes and income tax paid on taxable income, data on paid social protection contributions and other special contributions introduced on the basis of acts, data on capital investment, data on relieves and exemptions applicable at the establishing tax for income from agricultural activities and tax from business activities,
- social work centres - data on paid maternity benefits, paternity benefits, child care and protection allowances, adoptive parental benefits, parental allowances, childbirth allowances, child benefits, large family allowances, special child care allowances, partial payments for lost income, foster care benefits and costs, survivences, financial social assistances, exemptions from payment for services and payments to family attendants,
- Social Assistance Institute, Community of Social Welfare Institutions and other providers of social assistance activity - data on use and provision of services, and social distress and difficulties of individual persons, families and population groups,
- administrative units - data on material rights according to the regulations on war veterans, victims of military violence and the war disabled, and data on the protection of the family members of persons in compulsory military service,
- employers - data on employment, data on payments of wages and compensations, and data on other payments
- Administration for Enforcement of Sentences – data on the start and finish of serving sentences for persons serving the prison sentence and data on the start and finish of a detention order at a youth detention centre,
- register administration of transaction accounts – data on transaction accounts: account number and title of the provider of payment services who keeps the transaction account.

In the cases referred to in the first and second paragraph of this Article, it shall not be necessary to inform in advance the individual persons to whom this data refer.

### **Article 113a**

The ministry responsible for social welfare and social work centres may process personal data which they keep in their data bases, and data which they acquire from the operators of bases of personal data referred to in the preceding article exclusively for the purpose of conducting procedures for adopting decisions, performing activities and keeping records pursuant to this Act, and the ministry responsible for social welfare also for effecting central payments, exercising supervision, monitoring the situation, analyses and for the purposes of scientific research and statistics.

The ministry responsible for social welfare can, as the controller of the central data base of cash social welfare, use this base for the purpose of establishing the rights to cash social welfare pursuant to this Act and also compares this data with controllers from the preceding paragraph and forwards it to the competent social work centre, which of its own motion triggers a proceeding for establishing eligibility in accordance with this Act.

The Social Assistance Institute shall acquire, free of charge, data from the collections of data kept by the operators of central data bases, established by this Act, and social welfare

institutions and other legal and natural persons implementing social assistance activities in accordance with this Act, and shall use it for analyses and for purposes of scientific research and statistics in a form that disclosing of identity shall be prevented. The collected data can be forwarded to other operators of data bases by the Social Assistance Institute for performing activities pursuant to this Act.

The Community of Social Welfare Institutions of Slovenia shall process personal data contained in accordance with this Act for the purposes of implementing its activities based on public authorities and other tasks determined by this Act. Data, which is managed by the central data base, can also be forwarded to other controllers of data base for carrying out activities in accordance with this Act.

Other legal and natural persons performing the social assistance activity pursuant to this Act shall process personal data kept in their collections of personal data for the purposes of implementing the activity for which they are authorised by law and by the instrument of constitution or for which they were granted a concession or given the work permit.

#### **Article 114**

The personal data referred to in the first paragraph of Article 111 of this Act shall be stored for 10 years following the expiry of the right.

Once the time limit referred to in the preceding paragraph expires, the data shall be filed in archives.

The data referred to in the second paragraph of Article 111 of this Act shall be stored until the expiry of the purpose referred to in the first paragraph of Article 110 of this Act.

#### **Article 115**

More detailed instructions on the form of processing data pursuant to this Act contained in individual data bases, and on the distribution by content into individual data bases, shall be prescribed by the minister responsible for social welfare.

### **XI. PENAL PROVISIONS**

#### **Article 116**

A penalty for an offence from SIT 1.000.000 to SIT 10.000.000 shall be imposed upon a legal person and an individual independent entrepreneur who:

- performs social assistance services and does not have the work permit for that (Article 41b),
- starts to work although he or she does not fulfil the conditions referred to in Article 60 of this Act.

A penalty from SIT 50.000 to SIT 300.000 shall be imposed upon an individual person who commits an offence from the preceding paragraph.

A penalty from SIT 200.000 to SIT 1.000.000 shall also be imposed upon the responsible person of the legal entity or the responsible person of an individual independent entrepreneur who commits an offence from the first paragraph of this article.

### **Article 117**

A penalty for an offence from SIT 500.000 to SIT 5.000.000 shall be imposed upon a legal person and an individual independent entrepreneur who:

- performs the procedures by not protecting the confidentiality of data and the personal integrity and dignity or breaches the obligation of protecting business secrecy (Article 93).

A penalty from SIT 10.000 to SIT 100.000 shall be imposed upon an individual person who commits an offence from the preceding paragraph.

A penalty from SIT 50.000 to SIT 500.000 shall also be imposed upon the responsible person of the legal entity or the responsible person of an individual independent entrepreneur who commits an offence from the first paragraph of this article.

### **Article 118**

(deleted)

**Social Security Act - ZSV (Official Gazette of the Republic of Slovenia, 54/92) contains the following transitional and final provisions:**

## **XII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 119**

The Government of the Republic of Slovenia must submit a proposal of a social welfare programme referred to in the second paragraph of Article 2 of this Act for adoption by the National Assembly in the period of six months from bringing this Act into force.

### **Article 120**

With 1 January 1993 the Republic of Slovenia takes over the rights and obligations of the founder of social welfare institutions, whereby the founder before the enforcement of this Act was the municipality.

Property in public ownership managed by the institutions from the preceding paragraph becomes the property of the Republic of Slovenia on the day this Act is put into effect.

### **Article 121**

The existing social welfare institutions must adjust their organisation to this Act until 31 December 1992.

### **Article 122**

In municipalities in which social work centres have not been founded until the bringing into force of this Act, the competent municipality authorities shall perform social assistance services referred to in the second and third paragraph of Article 49 of this Act until the foundation of social work centre.

Until the foundation of social work centres in the municipalities in Laško and Slovenske Konjice, the Social Work Centre of Celje decides on administrative matters and the Social

Work Centre of Maribor until the foundation of social work centres in the municipalities in Pesnica and Ruše.

#### **Article 123**

(provision expired)

#### **Article 124**

The Social Chamber shall be established within six months from the enforcement of this Act.

#### **Article 125**

The competent authority shall be obliged to publish the first invitation to tender for granting the concession for performing all social assistance services within the framework of public office within two years from the enforcement of this Act.

#### **Article 126**

The minister responsible for social welfare issues implementing regulations referred to in this Act within a period of six months from the enforcement of this Act.

The Government of the Republic of Slovenia issues an implementing regulation referred to in the third paragraph of Article 100 of this Act within in the period of six months from the enforcement of this Act.

#### **Article 127**

Until the issue of implementing regulations referred to in the first paragraph of Article 60 and in Article 71 the implementing regulations issued on the basis of the Act on Social Welfare (Official Gazette of the Republic of Slovenia, 34/79, 1/89 and Official Gazette of the Republic of Slovenia, 8/90) shall apply in so far as they do not intervene with this Act.

#### **Article 128**

Social work centres shall be obliged to establish within a period of three months on their own motion, if entitled persons who received financial social assistance according to the hitherto regulations fulfil the conditions for being granted benefits under this Act.

#### **Article 129**

Persons entitled to the payment or partial payment of a supplement for the costs of care in social welfare institutions, institutions for training or in foreign families and persons entitled to payment or partial payment for attendance allowance at home and persons entitled to the payment of foster-care benefit who were awarded the rights according to the regulations valid so far, maintain the right in the manner and at the level in which it was awarded until new decisions shall be issued in accordance with this Act.

Persons entitled to the payment or partial payment of a supplement for the costs of care in organisations for training according to the Act on Education and Training of Children and Youth Handicapped in their Bodily and Mental Development (Official Gazette of the Republic of Slovenia, 19/76 and Official Gazette of the Republic of Slovenia, 8/90), maintain the right according to the regulations valid so far until 31 December 1992, with the exception of persons entitled to the payment or partial payment of a supplement for the costs of care in social welfare institutions for training referred to in Article 54 of this Act.

For entitled persons exercising one of the rights referred to in the first and the second paragraph of this article during the period of time between the enforcement of this Act and the issue of the implementing regulation referred to in the third paragraph of Article 100 of this Act, legal financial provisions of the self-management agreement on exercising rights to social security apply (The Official Gazette of the Socialist Republic of Slovenia, No. 26/84 and 14/89).

#### **Article 130**

The provision referred to in the fifth indent of Article 98 of this Act shall apply with 1 January 1993.

#### **Article 131**

Notwithstanding the provisions of the Organisation and Financing of Education and Training Act (Official Gazette of The Republic of Slovenia, No. 12/91-I) for social welfare institutions for training children and youth moderately, seriously and very seriously handicapped in their mental development, for the part referring to performing social assistance activity, the provisions of this Act on founding institutions and other matters of status, granting concessions, financing and supervision shall apply.

#### **Article 132**

With the day of enforcement of this Act the provisions of the Act on the Procedure for Exercising the Right to Social Security (Official Gazette of the Republic of Slovenia No. 23/91) in the part referring to the procedure of acquiring cash aid according to the Social Security Act (Official Gazette of Socialist Republic of Slovenia No. 35/79 and 1/89 and Official Gazette of the Republic of Slovenia No. 8/90) shall cease to apply.

On the day that this Act takes effect the following shall cease to have effect:

- Social Security Act (Official Gazette of the Socialist Republic of Slovenia No. 35/79 and 1/89 and Official Gazette of the Republic of Slovenia, 8/90);
- Act on Institution on Protection and Training of Ponikve (Official Gazette of the Socialist Republic of Slovenia No. 29/72).

#### **Article 133**

This Act shall come into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

**Act on Amendments of the Social Security Act - ZSV-A (Official Gazette of the Republic of Slovenia No. 41/99) contains the following final provision.**

#### **Article 22**

This Act shall come into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

**Act on Amendments of the Social Security Act - ZSV-B (Official Gazette of the Republic of Slovenia No. 26/01) contains the following transitional and final provisions:**

#### **Article 14**

Entitled persons who at the time of the start of application of this Act receive financial supplements shall receive financial social assistance until the expiry of the period for which they were granted financial supplements, in accordance with the regulations referred to in Article 25 a of this Act and the basic level of the minimum income valid during the time of receiving the assistance. The social work centre shall notify the recipient of the new level of financial social assistance upon the first payment following the implementation of this Act.

#### **Article 15**

Social work centres shall be obliged, within three months from the implementation of this Act, to establish on their own motion whether, the entitled persons who at the start of application of this Act receive financial aid as the sole means of subsistence fulfil the conditions for the allocation of financial social assistance pursuant to this Act and to issue appropriate decisions thereupon.

#### **Article 16**

Procedures for granting financial supplements and financial aid as the sole means of subsistence for which up to the start of application of this Act decisions have not been issued in the procedures pending before social work centres, shall be subject to the provisions of this Act.

In the procedures referred to in the preceding paragraph and instituted at the request of entitled persons who would be entitled to social assistance benefits in cash pursuant to the regulations valid so far and are not entitled to financial social assistance according to this Act, financial supplements or financial aid as the sole means of subsistence according to the regulations valid until the start of application of this Act, shall be granted until this Act is implemented.

#### **Article 17**

Until the entry into force of the regulation referred to in Article 30 a of this Act, the Rules on the Methodology for Taking into Account the Agricultural Activities Income in Acquiring the Right to Receive Social Assistance Benefits in Cash and Financial Aid (Official Gazette of the Republic of Slovenia No 57/94 and 60/99) still apply, in so far as they do not contravene this Act.

#### **Article 18**

Executive acts referred to in the third paragraph of Article 23, Article 30, the first paragraph of Article 30a, the third paragraph of Article 31, the second paragraph of Article 33a and Article 115 of the Social Security Act shall be issued by the competent minister until the implementation of this Act.

#### **Article 19**

In the implementation of acts and other regulations governing relations bound to the receipt of financial supplements or financial aid as the sole means of subsistence, it shall be deemed



that these relations are bound to the receipt of financial social assistance or permanent financial social assistance.

#### **Article 20**

The level of the minimum income specified in this Act for the first adult person in the family and for a single person shall be fully enforced on 1 January 2003.

During the period between the start of application of this Act and the entry into force of the level of minimum income for the first adult person in the family and a single persons in full, the scale applied to 1 July 2002 as the level of minimum income for the first adult person in the family shall be 0.8 in proportion to the basic level of the minimum income determined by this Act, and the 0.9 scale during the period between 1 July 2002 and 1 January 2003.

#### **Article 21**

During the period between the start of application of this Act and the entry into force of the level of minimum income for the first adult person in the family in full, subject to the fulfilment of other conditions specified in this Act, family shall receive financial social assistance at least at the level of the social assistance benefits in cash which they would receive on the basis of scales pursuant to the regulations valid until the start of application of this Act.

#### **Article 22**

Until the legal regulation of subsidised rents in accordance with the National Housing Programme and with the regulations governing the area of housing, financial social assistance for persons entitled to financial social assistance who are obliged to pay housing rent shall be increased by the level of the non-profit rent they would be obliged to pay in social housing, but not exceeding the level of 25% of the basic amount of minimum income specified in this Act.

Until the legal regulation of allocation of rented social housing in accordance with the National Housing Programme and with regulations governing the area of housing, entitlement to rented social housing shall be subject to the provisions of Article 26 of the Social Security Act (Official Gazette of the Republic of Slovenia No. 54/92, 42/94 – Constitutional Court Decision, 1/99, 41/99, 36/2000 and 54/2000).

#### **Article 23**

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia and shall start to apply on 1 September 2001.

**Act on Amendments of the Social Security Act - ZSV-C (Official Gazette of the Republic of Slovenia No. 2/04) contains the following transitional and final provisions:**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 41**

The provisions of Articles 18 a to 18 r and modified Article 99 of the Act, relating to the family attendant shall start to apply six months after this Act enters into force, except in case that a

disabled person chooses as his family attendant the parent who had already offered him care and protection and pursuant to the regulations on parents protection received partial payment for lost income.

Until the start of implementing the right to personal assistance according to a special act the work of a family attendant may be performed pursuant to the conditions referred to in this Act also by a person who is not a family member.

The choice of the right to a family attendant does not exclude the right to exercise the right to personal assistance which will be regulated by a corresponding act.

#### **Article 42**

The social work centre issues to one of the parents who has on the day of entering into force of this Act the right to partial payment for lost income based on Article 87 of the Parental Protection and Family Benefit Act (Official Gazette of the Republic of Slovenia No. 97/01 and 76/03), at its own motion, without the opinion of the commission referred to in Article 18f of this Act, the decision cancelling this right and awarding them the right of a family attendant to the partial payment of lost income according to this Act, except in the event that the disabled person within the period of two months from the day of start of applying the provisions of this Act, referring to the family attendant, or within two months after completing 18 years of age chooses another person as their family attendant or exercises the right to protection in accordance with the regulations from the field of social protection in another manner.

In case the disabled person within a period of two months from the day of start of applying provisions of this Act, referring to a family attendant, or within two months after the completed 18 years of age chooses another person as his family attendant or exercises the right to protection in accordance with the regulations from the field of social protection in another manner, the right to partial payment of lost income received by one of the parents based on Article 87 of the Parental Protection and Family Benefit Act shall be cancelled with the day when the decision with which the competent social work centre shall decide about the choice of another person as his family attendant becomes final, and in case of another form of implementing protection with the day of starting to provide this service.

The social work centre must before issuing the decision referred to in the first and second paragraph of this article acquire the opinion of the disabled person and the parent who has the right to partial payment for lost income based on Article 87 of the Parental Protection and Family Benefit Act.

#### **Article 43**

The minister responsible for social welfare issues the regulation referred to in Article 18p within six months of this Act entering into force subject to taking into account, by analogy, of the provisions of the Rules on Procedures for Claiming the Right to Family Benefits (Official Gazette of the Republic of Slovenia No. 15/03) and the Rules on Criteria for Exercising Rights with regard to Children Needing Special Nursing (Official Gazette of the Republic of Slovenia No. 105/02), referring to nursing and protection of the child who needs special protection and exercises the right to the partial payment for lost income.

#### **Article 44**

Up to the arrangement of pension and disability insurance of the family attendant, his health insurance, insurance in case of unemployment and insurance for parental protection according to regulations arranging these insurances, and the arrangement of payment of contributions for these insurances with the regulations determining the levels of contributions

for social safety, the family attendant shall have compulsory pension and disability insurance, insurance in case of unemployment and insurance for parental protection. The contribution of the insured is paid by the family attendant, and the contribution of the employer the municipality in accordance with the amended Article 99 of the Act.

During this period, the family attendant has also compulsory health insurance for disease and injuries out of work, insurance for the rights to health services, travel reimbursement, funeral allowance and a death grant.

Contributions referred to in the first and second paragraph of this article shall be paid at rates stipulated by law determining the rates social security contributions.

The period of performing tasks of a family attendant shall be counted into the age for insurance or pension which is governed by the regulations referred to in the first paragraph of this article.

In case one of the parents cared for the disabled person before exercising the right to the choice of a family attendant who was pursuant to regulations regarding parental protection receiving partial payment for lost income, the parent is in the events of the first and second paragraph of this article insured from the first day after the rights had been cancelled according to the regulations on parental security until the decision with which the competent social work centre shall decide about the choice of family attendant and their rights become final.

The social work centre responsible for deciding about the choice of a family attendant files the application for the insurance of the family attendant on forms prescribed thereof.

In case the family attendant terminates to perform his tasks the competent social work centre removes his name from the register of insurances referred to in the first and second paragraph of this article with the day of the termination of right to partial payment for lost income in accordance with this Act.

#### **Article 45**

The provisions of modified Articles 43, 44, 98 and 98 of the Act, relating to personal attendance shall start to apply six months after this Act is put into force.

Within a period of six months after this Act is put into force the competent municipality authority shall give consent for the prices of personal attendance service.

#### **Article 46**

The minister responsible for social welfare shall issue a regulation based on the modified Article 48 of this Act one month from the implementation of this Act.

Up to the enforcement of the regulation from the preceding article Rules on Concessions in the Sector of Social Welfare applies (Official Gazette of the Republic of Slovenia No. 72/97, 57/99, 54/01 and 21/03), in so far it does not contravene this Act.

#### **Article 47**

The procedures of granting a concession for which an invitation was published before the enforcement of this Act shall be terminated according to particular regulations in force before the enforcement of this Act. The condition for cancellation specified in the decision shall be

deemed to be the period for the fulfillment of conditions referred to in the third paragraph of Article 47c of this Act.

The concession contract shall also in the cases referred to in the preceding article be concluded according to the provisions of this Act.

The provisions of Articles 47d and 47g to 47o of the Act shall also be used for concession relationships with regard to which the contract was already concluded at the enforcement of this Act.

#### **Article 48**

The concessions of the public service in the sector of social assistance which were granted for a permanent period of time shall change into concessions for a limited period of time which shall be determined by the minister responsible for the social welfare determines in a regulation from the modified Article 48 of the Act as the time of concession duration for various types of services

The body responsible for granting concessions in twelve months after the enforcement of this Act shall issue at its own motion a decision with which they determine the time of concession duration in accordance with this Act, due account being taken in particular of the benefits of users of services, the invested assets of the concessionaire and the actual duration of the concessionary relationships.

The concession shall terminate after the expiry of the time period specified in the decision from the previous paragraph regardless of the provisions of the concession contract.

#### **Article 49**

The provisions of the modified Article 56 of the Act referring to the programme for the management of social welfare institutions which shall be determined by the Social Chamber in agreement with the Specialist Council of the Republic of Slovenia for general education shall apply with 1 January of the year following the start of this programme implementation. Notwithstanding these provisions at the calls for applications for the director of a social welfare institution in the first year of the programme implementation can include a candidate who did not complete the programme, however they must complete it in the period of time equal to a double period of duration for training according to this programme, otherwise his mandate shall be terminated based on this Act.

Directors appointed according to the regulations before this Act entered into force perform the tasks of the director until the expiry of the period for which they were appointed, regardless of the provisions referred to in the modified Articles 56 and 57 of this Act.

Notwithstanding the compliance of other legal acts with the provisions of this Act referring to the appointment of a director shall apply with the day of entering into force of this Act at the new appointment of the social welfare institution director.

#### **Article 50**

The Social Chamber shall issue two general acts referred to the modified Articles 71 and 73 of the Act and adjusts its statute with the provisions of this Act within a period of six months from the entry into force of this Act.

#### **Article 51**

The procedures on deciding about exemptions from payment of services, introduced before the entry into force of this Act shall terminate according to the provisions of this Act.

#### **Article 52**

Municipalities, which with the day of entry into force of this Act (partially) pay the supplement of the costs of care in the institutions for adults contrary to the provisions of the modified Articles 98 or 99 of this Act, may lodge an application at the social work centre in the area in which the entitled person has registered their permanent residence for establishing the obligations for (partial) payment of the costs of care by the state or another municipality.

The competent social work centre determines the obligation of the state or another municipality in accordance with this Act for the period from the first day of the following month after the lodging of the request of municipality on.

#### **Article 53**

The provisions of Articles 102 to 108 b of this Act governing supervision and control shall apply starting with the day of performing social control referred to in Article 102 of this Act which shall be organised and starts working within a period of 6 months from the entry into force of this Act.

Until the start of work of social control, the provisions referred to in Chapter IX of the Social Security Act (Official Gazette of the Republic of Slovenia No. 54/92, 56/92, 13/93, 1/99, 41/99, 36/2000, 54/2000, 26/01, 6/02, 110/02 and 5/03) regarding control shall continue to apply for the control of performing social welfare activity according to this Act.

The Social Chamber shall begin to implement instructional counselling from article 108b on the day when social inspections start.

#### **Article 54**

The penalties, as set out by this Act, shall be imposed until the application of the General Offences Act (Official Gazette of the Republic of Slovenia, No. 7/03) as pecuniary penalties in general offences proceedings within the limits determined for penalties in the first paragraph of Articles 116 and 117 of the Act, except for responsible persons of individual independent entrepreneurs.

For offences specified in the second paragraph of Article 116 of this Act a pecuniary penalty of SIT 50.000 to SIT 150.000. shall be imposed upon individual persons until the application of the General Offences Act referred to in the preceding paragraph.

For offences specified in the third paragraph of Article 116 of this Act a pecuniary penalty of SIT 200.000 to SIT 500.000. shall be imposed upon individual persons until the application of the General Offences Act referred to in the first paragraph of this Article.

#### **Article 55**

With the entry into force of this Act the Act on Protection of Family Members of Persons in Compulsory Military Service shall cease to apply (Official Gazette SFRJ No. 18/76).

On the day that this Act takes effect the following shall cease to have effect:

- Rules on the Internships and Professional Examinations for the Work in the Field of Social Assistance (Official Gazette of the Republic of Slovenia No. 64/95 and 61/98)

- Rules on Education and Training of Professional Workers and Assistants in the Field of Social Assistance (Official Gazette of the Republic of Slovenia No. 57/94);
- Rules on Professional and Administrative Control in the Field of Social Assistance and Social Services (Official Gazette of the Republic of Slovenia, No. 105/2000);
- Rules on Concessions in the Field of Social Assistance (Official Gazette of the Republic of Slovenia No. 72/97, 57/99, 54/01 and 21/03) and
- Act on Protection of Family Members of Persons in Compulsory Military Service (Official Gazette of the Socialist Republic of Slovenia No. 8/78).

Provisions of the Rules from the first indent of the preceding article shall apply, in so far as they do not intervene with this Act, until the issuing of the regulation referred to in the modified Article 71 of the Act, and the provisions of the Rules referred to in the second indent of the preceding article and until the issuing of the regulation from the modified Article 73 of the Act.

Provisions of the Rules from the third indent of the second paragraph of this Article shall apply, until the issuing of the regulation referred to in the modified Article 107.a of the Act, in so far as they do not intervene with this Act.

To family members of persons in compulsory or voluntary military service after the termination of application of the Act referred to in the first paragraph of this article and the termination of validity of the Act referred to in the fifth indent of the second paragraph of this Article shall have the rights pursuant to this Act.

Procedures for exercising the right to supplements introduced before the entry into force of this Act shall terminate according to the regulations referred to in the fifth indent of the second paragraph of this article.

#### **Article 56**

This Act shall come into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

**The Act Amending The Social Security Act - ZSV-D (Official Gazette of the Republic of Slovenia No 105/06) contains the following transitional and final provisions.**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 35**

The proceedings for deciding on the right to a family attendant, which had begun prior to the implementation of this Act, shall terminate according to the provisions of this Act. If an opinion by the commission from the Social Security Act had already been issued in these proceedings, then this opinion is taken into consideration as the opinion of the authorized commission according to the provisions of this Act.

The family attendant, which has been chosen and in the opinion of the commission from the Social Security Act is deemed to be the family attendant that can offer assistance to the disabled individual, has the right to a partial payment of lost income from the day defined by the Social Welfare Act.

## **Article 36**

Disabled persons, who obtained the right to select a family attendant before this Act was put into effect and disabled persons, whereby the opinion of the commission from the Social Security Act was issued before the use of provisions on the competent commission according to this Act and those responsible for them are obliged to report to the competent social work centre all data regarding family members, about their and their own income in accordance with the regulations of the third paragraph in Article 100 of the Social Welfare Act, necessary for determining the contributions for disabled persons and those liable to the municipality, which finances the rights of the family attendant.

Disabled persons of the preceding paragraph have the right to choose institutional care instead of exercising their right to select a family attendant according to the provisions of this Act.

In the case that a disabled person from the first paragraph of this Article chooses institutional care, this counts as a reason for terminating the tasks of a family attendant upon request of the disabled person in the first indent of Article 18I of the Social Security Act.

In case disabled persons from the preceding paragraph wish to return to the institutions where they were accommodated before exercising their right to a family attendant, they shall have the right of priority for admission into these institutions.

The competent social work centre calls upon the disabled person from the first paragraph of this Article to send them all necessary data in accordance with the first or second and third paragraphs of this Article within 15 days of receiving the notice.

A disabled person who does not submit the data in accordance with the notice from the preceding paragraph, shall be deemed as a disabled person that has acted in contrast to the provision in Article 2 of this Act (third paragraph of Article 18 a) and thus this action shall be deemed as a reason for terminating the tasks of a family attendant under the first indent of the first paragraph of Article 18I of the Social Security Act.

The competent social work centres issue a decision on the contributions of disabled persons from the first paragraph of this Article, and those liable to them and municipality within 30 days of the implementation of this Act with the validity of the provisions from the day of implementation of this Act.

In case a disabled person is the owner of real estate, the social work centre can, based on the decision from the preceding paragraph, prevent the alienation or encumbering of real estate that this person is the owner of for the benefit of the municipality, which finances the rights of the family attendant with a method and under the conditions that are defined in Article 100c of the Social Security Act in the case that the pardoned payment for home care services for families is implemented.

## **Article 37**

A disabled person for which attendance allowance was at a standstill based on a standstill decision according to the Social Security Act, makes a written statement that allows the payer of the supplement, for which he or she is justified and at the most for an amount determined on the basis of the first paragraph of Article 18i of the Social Welfare Act, on the date that the Act takes effect and during the time when a family attendant offers help, is paid to the municipality that is competent for financing the rights of the family attendant.

Disabled persons of the preceding paragraph have the right to choose institutional care instead of exercising their right to select a family attendant according to the provisions of this Act.

In case that a disabled person from the first paragraph of this Article chooses institutional care, this counts as a reason for terminating the tasks of a family attendant upon request of the disabled person in the first indent of Article 18I of the Social Security Act.

In case disabled persons from the preceding paragraph wish to return to the institutions where they were accommodated before exercising their right to a family attendant, they shall have the right of priority for admission into these institutions.

The competent social work centre calls upon the disabled person from the first paragraph of this Article to send them a statement from the first paragraph of this Article within 15 days of receiving the notice or notify them that they had in accordance with the second paragraph of this Article chosen institutional care instead of continuing their right to a family attendant according to the provisions of this Act.

A disabled person who does not submit the statement or communication in accordance with the notice from the preceding paragraph, shall be deemed as a disabled person that has acted in contrast to the provision in Article 2 of this Act (third paragraph of Article 18a) and thus this action shall be deemed as a reason for terminating the tasks of a family attendant after the first indent of the first paragraph in Article 18I of the Social Security Act.

If this are not the cases from the third or sixth paragraph of this article, the payer of the attendance allowance for disabled persons from the first paragraph of this Article shall terminate the standstill decision on the allowance on the date when the Act comes into effect and decides on the payment of the allowance in accordance with article 2 of this Act.

### **Article 38**

Until the adoption of a new framework legislation, which arranges the financing of municipalities, whereby the costs for financing the rights of a family attendant exceeding 0.35% of the appropriate use are calculated for the current budgetary year in accordance with the act governing the financing of municipalities and the established difference exceeding this amount after the completion of the budgetary year is ensured by state budget.

The necessary funds for this purpose are ensured by budget of the ministry responsible for labour, family and social affairs.

### **Article 39**

The provisions of Article 21 of this Act shall not be used for persons entitled to financial social assistance that was granted to them for the period that had started before this Act had come into effect.

### **Article 40**

The procedure for re-determining the entitlement to financial social assistance which had begun prior to the implementation of this act, shall be terminated according to the provisions of this Act.

### **Article 41**



In the case of removing or revoking a decision in accordance with article 39 of the Social Security Act before the implementation of this Act, the provision in the fourth paragraph of Article 41 of the Social Security Act shall apply.

#### **Article 42**

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia and shall and shall begin to apply three months after its entering into force.

#### **Corrigendum of the Official Consolidated Text of the Social Security Act (ZSV-UPB2)**

The Official Consolidated Text of the Social Security Act (ZSV-UPB2), which was confirmed by the National Assembly of the Republic of Slovenia at a session on 20 December 2006, and was published in the Official Gazette of the Republic of Slovenia No. 3/07 dated 12 January 2007, contained an editorial mistake and thus the National Assembly of Slovenia by applying mutatis mutandis based on article 153 of the Rules of Procedure of the National Assembly of Slovenia during a session on 9 March 2007, confirmed the following:

#### **CORRIGENDUM**

#### **Corrigendum of the Official Consolidated text of the Social Security Act (ZSV-UPB2)**

I. The first paragraph of Article 22 regarding the minimum amount of income in the Official Consolidated Text of the Social Security Act should state: »37.943 tolar«.

II. Thus, Article 27 should be formed so that there are no notes at the end of the article.

No. 540-01/91-5/46  
Ljubljana, 9 March 2007.  
EPA 1280-IV

President  
of the National Assembly of  
the Republic of Slovenia  
France Cukjati, MD (s)

#### **Corrigendum to The Social Security Act – official consolidated text (ZSV-UPB2)**

Based on the fourth paragraph of article 11 of The Official Gazette of the Republic of Slovenia Act (The Official Gazette of the Republic of Slovenia No. 112/05 – officially consolidated text) the editorial board of The Official Gazette of the Republic of Slovenia publishes:

#### **CORRIGENDUM**

#### **Correction to The Social Security Act – official consolidated text (ZSV-UPB2)**

In the Social Security Act – official consolidated text (ZSV-UPB2) published in the Official Gazette of the Republic of Slovenia No. 3/07, dated 12 January 2007, Article 29 shall read as follows:

## **Article 29**

Notwithstanding the other provisions of this Act the following are not taken into consideration in determining the entitlement to financial social assistance:

- children and stepchildren from the second and third indent of article 26 of this Act, who are in foster care and for who parents are fully exempt from paying for foster care,
- children and stepchildren from the second and third indent of article 26 of this Act who receive maintenance or survivor's pension, which is more than the minimum income that they would be entitled to if they had other sources of income, and
- other persons who are in institutional care and are fully exempt from paying for services, and not their income«.

Ljubljana, 9 March 2007

Editorial Board