

Letno poročilo 2010

JAMSTVENI IN PREŽIVNINSKI SKLAD  REPUBLIKE SLOVENIJE

JAVNI JAMSTVENI
IN PREŽIVNINSKI SKLAD
REPUBLIKE SLOVENIJE
KOTNIKOVA 28, SI-1000 LJUBLJANA

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NAGOVOR DIREKTORJA

1

Spoštovani!

Zaostrene gospodarske razmere, ki smo jim bili priča že v letu 2009 so tudi v letu 2010 terjale številne stečaje in posledično odpuščanje velikega števila delavcev. Tako je Javni jamstveni in preživninski sklad Republike Slovenije (v nadaljevanju: Sklad) v minulem letu izvedel izplačalo 11.336.958 evrov za 4.098 upravičencev, ki so zaradi insolventnosti delodajalca izgubili zaposlitev.

Na preživninskem delu Sklada je bilo v letu 2010 izplačano 3.003.948 evrov nadomestila preživnine 3.398 otrokom.

Sklad je v letu 2010 deloval v skladu s svojimi zakonskimi pristojnostmi in pooblastili ter ob tem uresničeval svojo poslovno politiko, ki mora zagotavljati:

- seznanjanje čim večjega kroga ljudi s pravicami, ki jih lahko uveljavljajo pri Skladu ter kdaj, kje in na kakšen način jih lahko uveljavljajo,
- da upravičenci pravico uveljavijo čim hitreje in za njih, v skladu s predpisi, na najbolj enostaven način in
- učinkovito in čim večjo izterjavo sredstev iz postopkov insolventnosti oziroma od preživninskih zavezancev.

V preteklem letu se je močno povečala potreba po okrepljenem in osebnem svetovanju in pomoči, tistim, ki so se znašli v težki materialni in socialni stiski, pri uveljavljanju pravic, zato se je Sklad organiziral tako, da so ti posamezniki lahko vedno dobili prave in pravočasne napotke in pomoč za uveljavitev svojih pravic.

Za doseg svojega poslanstva Sklad sodeluje s sindikati, stečajnimi upravitelji oziroma upravitelji prisilnih poravnav, Zavodom RS za zaposlovanje, Centri za socialno delo ter številnimi drugimi organizacijami in organi.

Sklad svojo učinkovitost in strokovnost nenehno krepi ter z uresničevanjem svoje pomembne vloge prispeva k blažitvi stisk najbolj ranljivih skupin naše družbe. To mu omogoča znanje in pripadnost vseh zaposlenih, njihova stalna in aktivna vpetost v družbena dogajanja ter mednarodne izkušnje.



Branko Omerzu
Direktor Sklada

POROČILO NADZORNEGA SVETA

2 Poslovanje Sklada nadzoruje in usmerja nadzorni svet. V letu 2010 se je nadzorni svet sestal na petih rednih sejah. Nadzorni svet je na prvi seji izvolil predsednico in namestnika predsednice ter imenoval zapisnikarico nadzornega sveta. Sprejel je Poslovnik nadzornega sveta, podal pozitivno mnenje k Poslovnem in finančnem načrtu Javnega jamstvenega in preživninskega sklada Republike Slovenije za leto 2010 ter k Poslovni politiki Javnega jamstvenega in preživninskega sklada Republike Slovenije za obdobje 2010 - 2013. Na drugi seji je nadzorni svet podal pozitivno mnenje k revidiranem Letnem poslovnem poročilu Javnega jamstvenega in preživninskega sklada Republike Slovenije za leto 2009. Člani nadzornega sveta so se na tretji seji seznanili z informacijo o poslovanju Sklada v prvih osmih mesecih leta 2010. Na četrti seji je nadzorni svet podal soglasje k porabi sredstev namenskega premoženja jamstvenega sklada za namen izplačila upravičencem ter, da Sklad ustanovitelja zaprosi za dodatna sredstva za program jamstvenega sklada v višini 1.020.000 evrov. Na peti seji pa se je nadzorni svet seznanil z informacijo o poslovanju Sklada v letu 2010. Na vsaki redni seji so se člani nadzornega sveta seznanili s tekočimi rezultati poslovanja Sklada.

POSLANSTVO IN VIZIJA

POSLANSTVO

3

Na **jamstvenem skladu** pomagamo delavcem, da uveljavijo svojo temeljno pravico do plačila za delo, ko jim je delovno razmerje prenehalo zaradi insolventnosti delodajalca. Na tem področju svetujemo delavcem in sindikatom, pa tudi stečajnim upraviteljem in upraviteljem prisilnih poravnav.

Iz sredstev **preživninskega sklada** pomagamo otrokom, da s pomočjo zakonitih zastopnikov uveljavijo svojo pravico do prejemanja nadomestila preživnine, in svetujemo pri odločitvah za uveljavljanje teh pravic. Preživninske zavezanke spodbujamo k plačevanju preživnine, oziroma ureditvi odnosov z otrokovim zakonitim zastopnikom.

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

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

Znanje, učinkovitost in strokovnost na Skladu utrjujemo s stalnim izpopolnjevanjem ter **z mednarodnimi izkušnjami** in pripadnostjo vseh zaposlenih.

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

VIZIJA

Jamstveni sklad želi biti prepoznaven kot strokovna institucija, ki v slovenskem prostoru deluje na področju uveljavljanja pravic delavcev v primerih plačilne nesposobnosti delodajalca ali izbrisa delodajalca iz sodnega registra na podlagi Zakona o finančnem poslovanju podjetij, postopkih zaradi insolventnosti in prisilnem prenehanju.

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

Na Skladu želimo z učinkovito in strokovno komunikacijo utrjevati svojo vlogo pri posredovanju informacij, svetovanju in uveljavljanju pravic s področja svojega delovanja.

Skrbeli bomo za vsebino in organizacijo dela z namenom, da bodo postopki, ki jih izvajamo, optimalni. Zaposleni na Skladu bomo uresničevali poslanstvo in dosegali vizijo s strokovnim znanjem in odgovornim ravnanjem.

OSEBNA IZKAZNICA SKLADA

4 Splošno o Skladu

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

Brezplačni telefonski številki:

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

Vodstvo Sklada

Direktor: Branko Omerzu, univ. dipl. soc.
Sekretarka: Ajda Likar, univ. dipl. iur.
Vodja pravno upravnega sektorja: Nataša Sara Hartner, univ. dipl. iur. do 23.11.2010, od 1.1.2011 dalje mag. Lilijana Strban, univ. dipl. iur.
Vodja finančno računovodskega sektorja: Ana Šparemblek, univ. dipl. oec.
Vodja sektorja za organizacijo administracijo in kadre: Aleš Marinček, univ. dipl. iur.

Nadzorni svet

Vlada je 28. 01. 2010 imenovala nov nadzorni svet v sestavi:

Predsednica: Tadeja Pušnar, predstavnica Ministrstva za delo, družino in socialne zadeve,
Namestnik predsednice: Jože Smole, predstavnik organizacij delodajalcev, reprezentativnih za območje države,
Članice: Damjana Mlakar, predstavnica Ministrstva za finance,
Tatjana Labernik, predstavnica sindikatov, reprezentativnih za območje države,
Ivana Košir Erman, predstavnica Skupnosti centrov za socialno delo.

Delovanje Sklada

Pravna oblika: javni sklad
Datum ustanovitve: 9.5.1997
Ustanovitelj: Republika Slovenija
Število zaposlenih: 20

Začetek delovanja:

Jamstveni sklad: 3. november 1997
Preživninski sklad: 18. oktober 1999

Zakonski okviri:

Zakon o Javnem jamstvenem in preživninskem skladu Republike Slovenije (Ur. l. RS, št. 78/2006 UPB-2);
Zakon o javnih skladih (Ur. l. RS, št. 77/2008).

PREDSTAVITEV DEJAVNOSTI

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

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Jamstveni sklad:

zagotavljanje pravic delavcev, ki jim je delovno razmerje prenehalo **zaradi insolventnosti delodajalca** (stečajni postopek, postopek insolventnosti v eni od drugih držav članic Evropske unije ali evropskega gospodarskega prostora, prisilna poravnava) ali izbrisa družbe iz sodnega registra na podlagi Zakona o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju.

Preživninski sklad:

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

Izterjava terjatev:

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

KLJUČNI DOSEŽKI LETA 2010

6 V ŠTEVILKAH

Jamstveni sklad

Od 1. januarja do 31. decembra 2010 smo na jamstveni sklad prejeli 4.704 zahtev upravičencev za uveljavljanje pravic zaradi insolventnosti delodajalca iz 135 gospodarskih družb.

Na podlagi zahtev smo izdali 4.332 odločb, od tega je bilo 4.236 oziroma 97,8 odstotkov odločb, kjer smo priznali uveljavljeno pravico.

Odločbe, s katerimi smo priznali pravice iz naslova insolventnosti delodajalca so bile osnova za izplačilo 11.336.958 evrov. Izplačila je prejelo 4.098 upravičencev iz 110 podjetij.

Povprečno neto izplačilo je na upravičenca znašalo 1.583,31 evrov.

Od začetka delovanja v letu 1997 do konca leta 2010 je Sklad izplačal sredstva 67.654 upravičencem v skupni višini 68.242.165 evrov.

Preživninski sklad

Od 1. januarja do 31. decembra 2010 smo na preživninskem skladu prejeli 723 zahtev za 961 otrok.

V tem obdobju smo izdali 735 odločb za 973 otrok, 805 otrokom je bila priznana pravica do nadomestila preživnine.

Povprečno izplačilo nadomestila preživnine je v decembru 2010 znašalo 77,21 evrov.

Iz preživninskega sklada smo v letu 2010 izplačali 3.003.948 evrov nadomestil preživnin. V decembru 2010 je nadomestilo preživnine prejelo 3.393 otrok.

V celotnem obdobju delovanja Sklada smo izplačevali nadomestilo preživnine 8.388 otrokom in skupno izplačali 24.341.240 evrov nadomestil preživnin.

Izterjava

Na **jamstvenem skladu** smo v letu 2010 na podlagi subrogacij¹ prejeli 2.605.558 evrov vračil.

Od začetka delovanja jamstvenega sklada do konca leta 2010 so celotna vračila iz naslova subrogacij znašala 21.817.496 evrov, kar pomeni 32,0 odstotkov vseh izplačanih sredstev v navedenem obdobju.

Sklad je imel na dan 31. december 2010 iz naslova subrogacij na jamstvenem skladu terjatve do 250 gospodarskih družb v skupnem znesku 25.809.035 evrov.

Na **preživninskem skladu** smo v letu 2010 izterjali 1.037.256 evrov, kar pomeni 34,5 odstotkov izplačanih sredstev. V enajstih letih delovanja preživninskega sklada pa skupaj 6.555.253 evrov, kar pomeni 26,9 odstotkov vseh izplačanih sredstev v tem obdobju.

Konec leta 2010 so preživninski zavezanci in zakoniti zastopniki Skladu dolgovali 28.123.884 evrov skupaj z obračunanimi obrestmi v skladu z zakonom.

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

POMEMBNEJŠI DOGODKI V LETU 2010

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V letu 2010 so delo Javnega jamstvenega in preživninskega sklada RS zaznamovali naslednji večji dogodki:

Januar:

- Vlada Republike Slovenije je za dobo štirih let imenovala člane Nadzornega sveta Javnega jamstvenega in preživninskega sklada Republike Slovenije.

Februar:

- Sklad je prejel najvišji mesečni znesek subrogacij jamstvenega sklada v letu 2010 v višini 1.263.685 evrov.

Marec:

- Vlada Republike Slovenije je sprejela Poslovni in finančni načrt Sklada za leto 2010 in Poslovno politiko Sklada za obdobje 2010-2013.

April:

- Nadomestila preživnin so se povišala za 1,2 odstotka v skladu s količnikom uskladitve preživnin in nadomestil preživnin za leto 2010, ki ga objavlja Ministrstvo za delo, družino in socialne zadeve.

Maj:

- Vlada Republike Slovenije je sprejela revidirano Letno poročilo Sklada za leto 2009.

Junij:

- Sklad je prejel najvišje mesečno vračilo preživninskih zavezancev v letu 2010 v višini 104.288 evrov.

Avgust:

- Na jamstveni sklad je bilo vloženo najvišje mesečno število zahtev upravičencev v letu 2010 – 1.240 zahtev.

September

- Na jamstvenem skladu je bilo odločeno najvišje mesečno število odločb za upravičence v letu 2010 – 1.458 odločb.
- Sklad je sodeloval na Festivalu za 3. življenjsko obdobje.

Oktober:

- Preživninski sklad deluje že enajst let.
- Na jamstvenem skladu je bilo izplačano najvišje mesečno izplačilo v letu 2010 v višini 4.277.964 evrov za 1.482 upravičencev.
- Predstavnica Sklada je kot ekspert EU s področja jamstvenih institucij sodelovala na delavnici TAIEX v Makedoniji.

November:

- Jamstveni sklad deluje že trinajst let.
- Sklad so obiskali predstavniki jamstvene institucije iz Črne gore.

December:

- Jamstvenemu skladu so bila iz proračuna dodatno zagotovljena sredstva v višini 1.000.000 evrov.
- Na preživninskem skladu je bilo izplačano najvišje mesečno izplačilo v višini 261.943 evrov za 3.393 otrok.

DOGODKI PO ZAKLJUČKU LETA 2010

8

Vlada Republike Slovenije je dne 17.2.2011 sprejela Poslovni in finančni načrt Sklada za leto 2011.

Neodvisna revizijska hiša ABC revizija, družba za revizijo in sorodne storitve d.o.o. je februarja 2011 revidirala poslovanje Sklada za poslovno leto 2010 in izdala dva mnenja o poslovanju Sklada. Prvo mnenje je, da so naložbe premoženja, prevzete obveznosti Sklada, rezervacije in pravila o obvladovanju kreditnih tveganj na Skladu na dan 31.12.2010 skladne z določili Zakona o javnih skladih. Drugo mnenje je, da so računovodski izkazi s prilogami resničen in pošten prikaz finančnega stanja Javnega jamstvenega in preživninskega sklada Republike Slovenije na dan 31.12.2010. Izkaz prihodkov in odhodkov, izkaz računa finančnih terjatev in naložb ter izkaz financiranja so v skladu z Zakonom o računovodstvu in v skladu z zakonodajo, ki opredeljuje delovanje Sklada. Poslovno poročilo je skladno z revidiranimi računovodskimi izkazi.

S 1. aprilom 2011 smo nadomestila preživnin uskladili s količnikom uskladitve preživnin in nadomestil preživnin za leto 2011, ki ga objavlja Ministrstvo za delo, družino in socialne zadeve. Višina nadomestil preživnine od 1.4.2011 dalje je po starostnih razredih naslednja: za otroka do 6. leta starosti 70,35 evra, za otroka od 6. do 14. leta starosti 77,38 evra in za otroka nad 14. letom starosti 91,45 evra.

JAMSTVENI SKLAD

9

Pravico do izplačila sredstev iz jamstvenega sklada imajo tisti delavci, ki so izgubili delo zaradi začetka stečajnega postopka, zaradi pravnomočnega sklepa o prisilni poravnavi s finančno reorganizacijo, zaradi postopka insolventnosti v eni od drugih držav članic Evropske unije ali Evropskega gospodarskega prostora (delo pa so opravljali ali ga običajno opravljali na ozemlju Republike Slovenije) ali zaradi izbrisa gospodarske družbe iz sodnega registra v skladu z določili Zakona o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju. Poleg tega morajo delavci, ki želijo uveljavljati pravice iz Zakona o Javnem jamstvenem in preživninskem skladu Republike Slovenije (v nadaljevanju zakon), svoje terjatve prijaviti v rokih in na način, kot je določeno v Zakonu o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju oziroma zahtevati varstvo svojih pravic v rokih in na način, določen v predpisih, ki urejajo delovna razmerja.

Postopek za uveljavitev pravic se vedno začne na zahtevo upravičenca, ki odda zahtevo za poravnavo obveznosti iz naslova pravic delavcev v primeru insolventnosti delodajalca (v nadaljevanju zahteva) na območno službo Zavoda Republike Slovenije za zaposlovanje (v nadaljevanju Zavod). Rok za oddajo zahteve je 90 dni od datuma prenehanja delovnega razmerja.

Med leti 2004 in 2008 se je v Republiki Sloveniji število začetih stečajnih postopkov zmanjševalo. Z enako dinamiko se je do leta 2007 zmanjševalo tudi število podjetij, za katera se je začel stečajni postopek in so delavci uveljavljali pravico do plačila na jamstvenem skladu. Leta 2008 je število stečajev pričelo naraščati, vedno več podjetij, ki so zašla v stanje insolventnosti, ni uspelo poravnati svojih obveznosti do zaposlenih. Število stečajev v letu 2009 pa se je izjemno povečalo in na Sklad je vložilo zahteve desetkrat več upravičencev kot v letu 2008.

V zadnjih letih nismo prejeli nobene zahteve za poravnavo pravic iz naslova insolventnosti delodajalca, nad katerim je bil pravnomočno uveden postopek prisilne poravnave. To kaže na dejstvo, da so delavci v primeru odpovedi delovnega razmerja v teh primerih poplačani vsaj v višini, do katere so upravičeni na podlagi zakona in na Sklad ne vlagajo zahtevkov.

JAMSTVENI SKLAD V LETU 2010

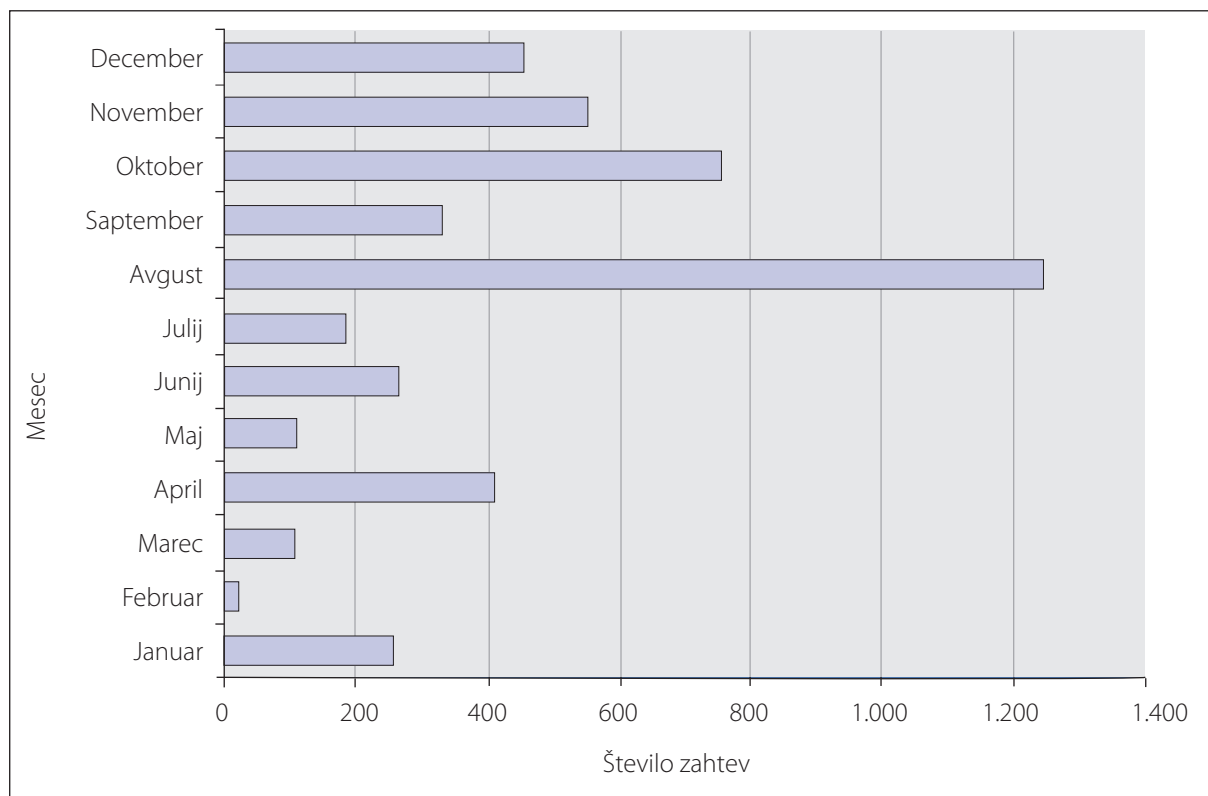
9.1. Vložene zahteve

Od 1. januarja do 31. decembra 2010 smo na jamstvenem skladu prejeli 4.704 zahtev, ki so jih poslali zaposleni iz 135 gospodarskih družb.

Tabela 1: Število vloženih zahtev v letu 2010 po mesecih

Mesec	Vložene zahteve	Odstotek
Januar	258	5,5
Februar	25	0,5
Marec	108	2,3
April	406	8,6
Maj	114	2,4
Junij	265	5,6
Julij	190	4,0
Avgust	1.240	26,4
September	332	7,1
Oktober	756	16,1
November	554	11,8
December	456	9,7
Skupaj	4.704	100,0

Graf 1: Število vloženih zahtev v letu 2010 po mesecih



Na jamstvenem skladu smo v letu 2010 prejeli največ zahtev iz naslednjih gospodarskih družb:

- Prevent avtomobilski deli d.o.o. – 1.094 zahtev,
- Vegrad d.d. gradbeno industrijsko podjetje – 573 zahtev,
- G 7 družba za varovanje d.o.o. – 398 zahtev,
- MTD proizvodno, storitveno in trgovsko podjetje d.o.o. – 211 zahtev,
- Gradis gradbeno podjetje Celje d.d. – 149 zahtev,
- Prevent Global, družba za upravljanje, investicije in razvoj d.d. – 148 zahtev,

- Vegrad – invalidska dejavnost d.o.o. – 141 zahtev,
- Nolik VIO d.o.o. – 136 zahtev,
- Prevent Mislinja delovna oblačila, rokavice in trgovina d.o.o. – 81 zahtev,
- Knjigoveznica Koper, proizvodnja, trgovina, storitve, d.o.o. – 74 zahtev,
- Mura – unikat, šivanje oblačil po meri, d.o.o. – 74 zahtev,
- Vegrad Montal, proizvodnja kovinskega stavbnega pohištva, d.o.o. – 72 zahtev.

Statistika vloženih zahtev po območnih službah Zavoda kaže, da je lani največ zahtev prispelo iz območne službe Velenje. Z 2.029 vloženimi zahtevami ta predstavlja 43,1 odstotek vseh vloženih zahtev. Sledita ji ljubljanska območna služba s 1.074 zahtevami (22,8 odstotka vseh zahtev) in mariborska območna služba s 419 vloženimi zahtevami. Najmanj zahtev smo prejeli iz območne službe Koper (33 zahtev) in območne službe Kranj (69 zahtev).

Tabela 2: Število vloženih zahtev v letu 2010 po območnih službah Zavoda

Območna služba Zavoda	Vložene zahteve	Odstotek
Velenje	2.029	43,1
Ljubljana	1.074	22,8
Maribor	419	8,9
Celje	290	6,2
Novo mesto	286	6,1
Murska Sobota	198	4,2
Nova Gorica	198	4,2
Sevnica	108	2,3
Kranj	69	1,5
Koper	33	0,7
Skupaj	4.704	100,0

9.2. Izdane odločbe

Na jamstvenem skladu smo v letu 2010 na podlagi zahtev, ki so jih upravičenci vložili za uveljavljanje pravic zaradi insolventnosti delodajalca, izdali 4.332 odločb. Odločb, v katerih je sklad priznal uveljavljeno pravico je bilo izdanih 4.236 odločb (97,7 odstotka), zavrnjenih pa je bilo 96 odločb (2,3 odstotka). Večina zavrnjenih odločb je bilo izdanih v primerih, ko je vlagateljem zahteve prenehalo delovno razmerje iz drugih razlogov in ne zaradi insolventnosti delodajalca.

Tabela 3: Število vloženih zahtev, izdanih odločb in izplačil v letu 2010 po območnih službah Zavoda

Območna služba Zavoda	Vložene zahteve	Ugoditvene odločbe	Zavrnjene Odločbe	Odločene Skupaj	Izplačane Odločbe
Velenje	2.029	1.947	17	1.964	1.888
Ljubljana	1.074	826	25	851	819
Maribor	419	408	31	439	401
Celje	290	297	7	304	295
Novo mesto	286	254	1	255	228
Murska Sobota	198	124	11	135	102
Nova Gorica	198	206	0	206	196
Sevnica	108	80	1	81	73
Kranj	69	73	3	76	76
Koper	33	21	0	21	20
Skupaj	4.704	4.236	96	4.332	4.098

Manjše število izplačanih odločb od števila ugoditvenih odločb je posledica dejstva, da so nekatere izdane odločbe v decembru 2010, postale pravnomočne januarja 2011 in so upravičenci takrat prejeli izplačilo.

9.3. Izplačila

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

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

Sredstva za izplačila upravičencem jamstvenega sklada so bila v letu 2010 zagotovljena iz proračunskih sredstev v višini 8.695.210 evrov (76,7 odstotka izplačanih sredstev) in iz sredstev subrogacij v višini 2.641.748 evrov (23,3 odstotka).

Tabela 4: Število upravičencev, ki so v letu 2010 prejeli izplačilo, po območnih službah Zavoda

Območna služba Zavoda	Število upravičencev Odstotek	Odstotek
Velenje	1.888	46,1
Ljubljana	819	20,0
Maribor	401	9,8
Celje	295	7,2
Novo mesto	228	5,5
Nova Gorica	196	4,8
Murska Sobota	102	2,5
Kranj	76	1,8
Sevnica	73	1,8
Koper	20	0,5
Skupaj	4.098	100,0

Prvih deset gospodarskih družb z najvišjimi skupnimi zneski izplačil:

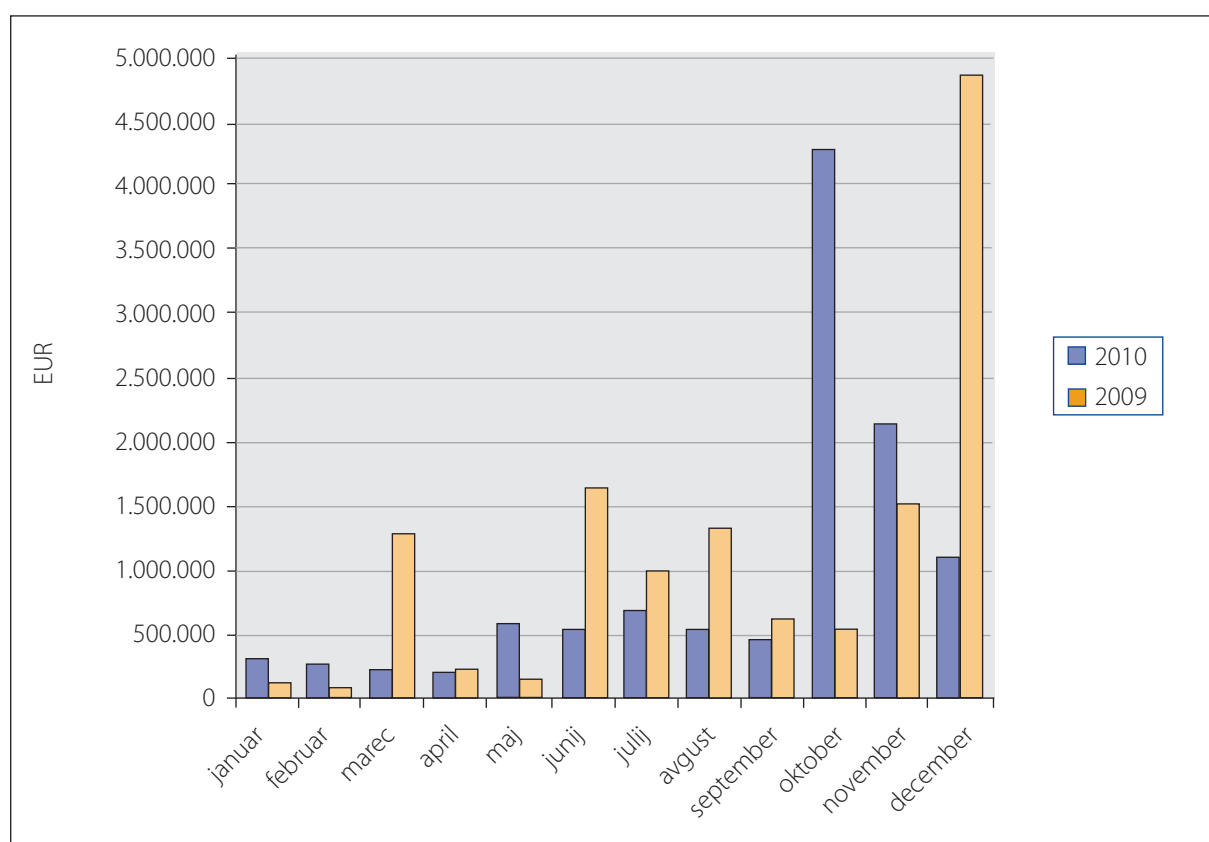
1. Prevent avtomobilski deli d.o.o. – 3.046.676,00 €,
2. Vegrad d.d. gradbeno industrijsko podjetje – 1.836.172,87 €,
3. MTD proizvodno, storitveno in trgovsko podjetje d.o.o. – 614.382,91 €,
4. Prevent Global družba za upravljanje, investicije in razvoj d.d.–453.084,84 €,
5. Vegrad – invalidska dejavnost d.o.o. – 443.304,48 €,
6. Gradis gradbeno podjetje Celje d.d. – 349.489,95 €,
7. KIK kemijska industrija Kamnik d.o.o. – 260.389,01 €,
8. Delo tiskarna INPO d.o.o. – 218.004,36 €,
9. Gradbeno podjetje konstrukcija VG d.o.o. – 206.793,47 €,
10. Vegrad Montal d.o.o. – 206.420,95 €.

Upravičenci iz navedenih desetih podjetij so prejeli 67,4 odstotka vseh izplačanih sredstev v letu 2010.

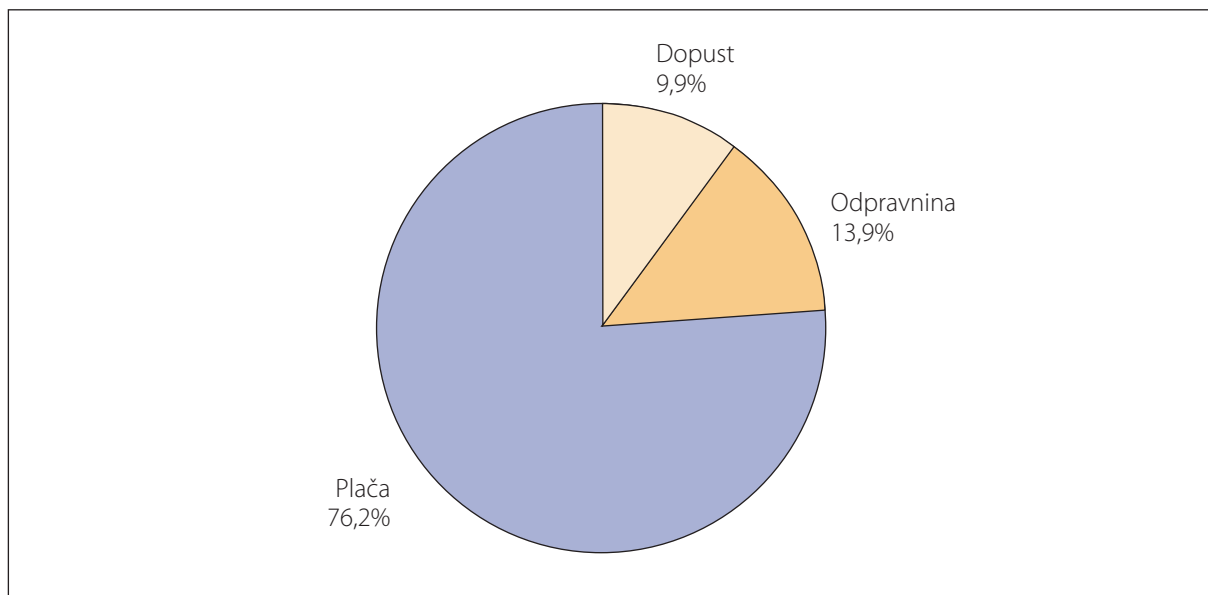
Tabela 5: Število upravičencev, ki so v letu 2010 prejeli izplačilo, in skupna izplačila po mesecih

Mesec	Število upravičencev	Izplačilo v evrih
Januar	129	317.619,99
Februar	117	262.935,19
Marec	167	235.480,92
April	98	195.480,05
Maj	262	595.142,20
Junij	219	537.191,75
Julij	261	682.403,46
Avgust	177	544.204,64
September	143	452.574,26
Oktober	1482	4.277.964,52
November	679	2.134.692,36
December	364	1.101.268,84
Skupaj	4.098	11.336.958,18

Graf št. 2: Višina izplačil upravičencem jamstvenega sklada v evrih po mesecih v letih 2010 in 2009



Povprečno neto izplačilo iz naslova pravic v primeru insolventnosti delodajalca na upravičenca je znašalo 1.583,31 evrov (v letu 2009 1.231,93 evrov).

Graf 3: Deleži posameznih vrst izplačil v letu 2010

V letu 2010 so upravičenci največ sredstev (76,2 odstotka) prejeli iz naslova neizplačanih plač in neizplačanih nadomestil plač za plačane odsotnosti z dela, 13,9 odstotkov vseh izplačil je obsegalo izplačilo za neizplačane odpravnine, 9,9 odstotkov izplačanih sredstev pa je jamstveni sklad izplačal iz naslova nadomestila plač za čas neizrabljenega letnega dopusta.

9.4. Poplačila terjatev

V letu 2010 smo z izvršitvijo odločb in z vstopom v terjatev delavca kot upnika (subrogacija) prejeli 2.605.558 evrov sredstev (skoraj štirikrat več kot leto poprej). Najvišja zneska je Sklad prejel februarja - 1.263.685 evrov in septembra - 435.529 evrov.

Tabela 6: Vračila iz naslova subrogacij v letu 2010 po mesecih

Mesec	Vračila v evrih	Odstotek
Januar	360.519	13,8
Februar	1.263.685	48,5
Marec	5.001	0,2
April	104.617	4,0
Maj	23.477	0,9
Junij	10.818	0,4
Julij	76.881	3,0
Avgust	10.877	0,4
September	435.529	16,7
Oktober	29.248	1,1
November	109.115	4,2
December	175.791	6,8
Skupaj	2.605.558	100,0

Na dan 31. decembra 2010 v bilanci izkazujemo neodpisane terjatve v 250 gospodarskih družbah v skupnem znesku 25.809.035 evrov.

JAMSTVENI SKLAD OD ZAČETKA DELOVANJA DO LETA 2010

10

Jamstveni sklad deluje od 3. novembra 1997. V obdobju delovanja smo izplačali finančna sredstva 67.654 upravičencem v skupnem znesku 68.242.165 evrov.

Tabela 7: Število vloženih zahtev, izdanih in izplačanih odločb ter skupni znesek izplačil po letih

Leto	Vložene zahteve	Ugoditvene Odločbe	Zavrnilne Odločbe	Odločene skupaj	Izplačane Odločbe	Znesek izplačil v €
3.11.– 31.12.1997	18.676	/	/	/	/	/
1998	18.621	32.075	3.229	35.304	31.364	15.739.760
1999	3.984	5.199	1.059	6.258	5.150	3.401.635
2000	4.336	3.995	853	4.848	4.533	3.069.269
2001	2.651	3.121	499	3.620	3.085	2.501.558
2002	2.893	2.827	299	3.126	2.799	3.421.299
2003	3.308	3.052	137	3.189	3.008	3.803.179
2004	2.437	2.040	145	2.185	2.180	3.492.725
2005	2.286	3.050	62	3.112	3.024	4.397.171
2006	1.263	1.270	156	1.426	1.276	2.163.308
2007	472	443	56	499	430	744.805
2008	609	503	94	597	448	849.295
2009	6.184	6.334	79	6.413	6.259	13.321.203
2010	4.704	4.236	96	4.332	4.098	11.336.958
Skupaj	72.424	68.145	6.764	74.909	67.654	68.242.165

Število izdanih odločb je v celotnem obdobju delovanja jamstvenega sklada višje od vloženih zahtev. Razlog je v izdanih odločbah na podlagi obnove po uradni dolžnosti ter v izdanih dopolnilnih odločbah. Obnove so potrebne zaradi novih dejstev oziroma novega (drugačnega) podatka o višini terjatev ali zaradi poplačila s strani delodajalca pred izdajo odločbe Sklada, o kateri pa je Sklad prejel obvestilo šele po izdani in vročeni odločbi.

Tabela 8: Izplačila po pravicah v posameznih letih

v evrih

Leto	Plača	Dopust	Odpravnina	Skupaj
1998	7.578.661	2.951.677	5.209.422	15.739.760
1999	1.977.110	563.241	861.284	3.401.635
2000	1.777.751	400.734	890.784	3.069.269
2001	1.460.916	417.912	622.730	2.501.558
2002	2.242.318	475.940	703.041	3.421.299
2003	2.470.880	482.417	849.882	3.803.179
2004	2.532.825	348.923	610.977	3.492.725
2005	3.303.722	527.163	566.286	4.397.171
2006	1.592.260	229.571	341.477	2.163.308
2007	533.818	89.973	121.014	744.805
2008	628.902	89.553	130.840	849.295
2009	9.979.955	1.314.083	2.027.165	13.321.203
2010	8.638.224	1.121.904	1.576.830	11.336.958
Skupaj	44.717.342	9.013.091	14.511.732	68.242.165

Za leto 1998 je značilno precejšnje odstopanje v višini skupnega zneska izplačil in posameznih pravic v primerjavi z drugimi leti. Vzrok za to je retroaktivna veljava zakonskih določil za delavce, ki jim je prenehalo delovno razmerje zaradi insolventnosti delodajalca v obdobju od 2. januarja 1994 do začetka poslovanja Sklada. Ti delavci so lahko

vložili zahteve na jamstveni sklad v 90 dneh po začetku delovanja Sklada, plačila pa so bila izvedena v letu 1998.

Odpravnine in nadomestila plače za čas neizrabljenega letnega dopusta so v letu 1998 predstavljale relativno visok delež (33,1 odstotka, oziroma 18,7 odstotkov) v strukturi skupnega zneska izplačil. Razlog za to je veliko število zahtev, ki so jih delavci vložili na podlagi že omenjene retroaktivne veljave zakona in v katerih so uveljavljali predvsem pravici do odpravnine in nadomestila plače za čas neizrabljenega letnega dopusta. Delež izplačil za navedeni pravici se je v naslednjih letih zmanjševal in je znašal v letu 2010 13,9 odstotka za odpravnine in 76,2 odstotka za nadomestila plače in 9,9 odstotka za čas neizrabljenega letnega dopusta.

Tabela 9: Znesek vračil na jamstveni sklad po letih

Leto	Vračila v evrih
1998	212.632
1999	2.663.282
2000	1.949.283
2001	1.758.135
2002	1.710.009
2003	1.727.973
2004	1.995.585
2005	2.429.924
2006	1.822.648
2007	1.191.410
2008	1.049.385
2009	701.672
2010	2.605.558
Skupaj	21.817.496

Na jamstvenem skladu smo od leta 1998, ko smo začeli z izterjavo, do konca leta 2010 uspešno pridobili sredstva v višini 21.817.496 evrov, kar pomeni 32,0 odstotka izplačanih sredstev v enakem obdobju. Ta znesek pomeni, da nam pri zagotavljanju zakonsko določenih jamstev v insolvenčnih postopkih, v takšni višini ni bilo treba obremeniti državnega proračuna.

PREŽIVNINSKI SKLAD

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

11

Preživninski sklad poleg izvajanja svoje osnovne naloge, ki se odraža predvsem v zagotavljanju pravice do nadomestila preživnine, aktivno deluje tudi na področju izterjave terjatev do dolžnikov preživninskega sklada.

11.1. Pravica do nadomestila preživnine

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

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

Spremljanje vloge, oziroma posameznega upravičenca v upravnem postopku, lahko traja tudi do 18 let. S samim prenehanjem pravice do nadomestila preživnine pa se delo na Skladu še ne zaključi. Izplačana nadomestila preživnine smo namreč v skladu z zakonom dolžni tudi izterjati.

11.2. Širši vpliv preživninskega sklada

Od ustanovitve preživninskega sklada dalje ugotavljamo, da se delovanje preživninskega sklada pozitivno odraža tudi v širšem družbenem okolju. Že sam obstoj Sklada kot institucije, ki finančno priskoči na pomoč v primeru, ko mladoletni otrok ne prejema preživnine, ki mu je bila določena, včasih zadostuje, da se zakoniti zastopnik in preživninski zavezanec dogovorita za plačevanje tekoče preživnine, oziroma o poplačilu že zapadlih mesečnih zneskov.

V celotnem obdobju delovanja Sklada je 1.189 preživninskih zavezancev začelo plačevati svoje obveznosti po tem, ko je zakoniti zastopnik vložil na Sklad zahtevek za nadomestilo preživnine. Ta podatek je zelo pomemben prav zaradi kompleksnosti in dolgotrajnosti reševanja predmetne problematike.

Na Skladu nudimo podporo zakonitim zastopnikom, ki se lahko po (včasih) dolgoletnem neuspešnem trudu za sredstva, ki pripadajo otrokom za preživljanje in so velikokrat nujna za ohranitev minimalnega življenjskega standarda, s svojim zahtevkom obrnejo na državo in od nje pridobijo sredstva. Pogosto jim tudi svetujemo kam naj se še obrnejo za pomoč.

PREŽIVNINSKI SKLAD V LETU 2010

11.3. Vložene zahteve

Postopek za uveljavitev pravice do nadomestila preživnine začne zakoniti zastopnik z vložitvijo zahteve za uveljavitev pravice do nadomestila preživnine na posebej predpisanem obrazcu (obrazec Državne založbe Slovenije, št. 8.42 – v nadaljevanju zahteva). Z eno zahtevo lahko zakoniti zastopnik uveljavlja nadomestilo preživnine za več otrok istega preživninskega zavezanca. Na Skladu spremljamo vsakega posameznega otroka kot samostojnega upravičenca. V letu 2010 smo prejeli 723 zahtev za 961 otrok.

Tabela 10: Število zahtev, za katere je bila v letu 2010 vložena zahteva, po mesecih

Mesec	Število zahtev	Odstotek
Januar	84	11,6
Februar	61	8,4
Marec	60	8,3
April	62	8,6
Maj	64	8,9
Junij	59	8,1
Julij	44	6,1
Avgust	58	8,0
September	55	7,6
Oktober	62	8,6
November	64	8,9
December	50	6,9
Skupaj	723	100,0

Največ zahtev smo prejeli meseca januarja, najmanj pa v juliju.

Tabela 11: Število otrok, za katere je bila v letu 2010 vložena zahteva, po območjih

Območje	Število otrok	Odstotek
Ljubljana	256	26,6
Maribor	234	24,4
Kranj	89	9,3
Celje	86	8,9
Velenje	82	8,5
Koper	75	7,8
Murska Sobota	48	5,0
Novo mesto	47	4,9
Sevnica	28	2,9
Nova Gorica	16	1,7
Skupaj	961	100,0

Dobro polovico vseh zahtev smo prejeli iz območja Ljubljane in Maribora, najmanj pa z območja Nove Gorice in Sevnice.

Tudi v letu 2010 so zakoniti zastopniki z eno zahtevo uveljavljali nadomestilo preživnine za več otrok enega preživninskega zavezanca. Povprečno število otrok na zahtevo je v letu 2010 znašalo 1,33. V letu 2010 je največ zakonitih zastopnikov vložilo zahtevo za enega otroka – 71,3 odstotka, 25,1 odstotka zahtev je bilo vloženi za dva otroka, 3,1 odstotka zakonitih zastopnikov je vložilo zahtevo za tri otroke. V letu 2010 smo prejeli tri zahteve za 4 otroke in eno zahtevo za pet otrok.

11.4. Izdane odločbe

V letu 2010 je Sklad izdal 735 odločb za 973 otrok. Pravico do nadomestila preživnine smo priznali 805 otrokom. Za 73 otrok je bila izdana zavrnilna odločba.

Zakoniti zastopnik lahko še pred izdajo odločbe preživninskega sklada umakne zahtevo. Razlog za umik zahteve je v večini primerov dejstvo, da preživninski zavezanec začne redno plačevati preživnino. V letu 2010 so zakoniti zastopniki umaknili zahteve za 12 otrok.

Za 83 otrok smo zahteve zavrgli kot nepopolne, saj jih zakoniti zastopniki kljub pozivom niso dopolnili.

Tabela 12: Število otrok, za katere je bila v letu 2010 izdana ugoditvena odločba, po mesecih

Mesec	Število otrok	Odstotek
Januar	66	8,2
Februar	80	9,9
Marec	22	2,8
April	112	13,9
Maj	73	9,1
Junij	50	6,2
Julij	76	9,4
Avgust	64	8,0
September	75	9,3
Oktober	63	7,8
November	55	6,8
December	69	8,6
Skupaj	805	100,0

Največ ugoditvenih odločb smo izdali v aprilu, najmanj pa v marcu. Na Skladu smo povprečno mesečno izdali ugoditvene odločbe 67 otrokom.

Tabela 13: Število otrok, za katere je bila v letu 2010 vložena zahteva, izdana odločba in izplačano nadomestilo preživnine, po območjih

Območje	Število otrok	Ugoditvene odločbe	Zavrnilne Odločbe	Zavržbe	Umiki pred odločbo	Odložene skupaj	Izplačane
Ljubljana	256	208	26	20	2	256	1.060
Maribor	234	196	19	19	4	238	882
Kranj	89	79	3	8	0	90	348
Celje	86	77	3	5	2	87	409
Velenje	82	70	6	11	3	90	338
Koper	75	66	3	4	1	74	260
Murska Sobota	48	40	2	4	0	46	286
Novo mesto	47	35	5	6	0	46	168
Sevnica	28	21	5	2	0	28	127
Nova Gorica	16	13	0	4	0	17	59
Skupaj	961	805	73	83	12	973	3.937

Razlika med vloženimi zahtevami in seštevkom odločenih zahtev po posameznih območjih in skupaj je posledica dejstva, da so bile za nekatere zahteve prejete konec leta 2010 odločbe izdane v začetku leta 2011. Sklad je pri odločanju o pravici do nadomestila vezan tudi na dejstvo, da otroku pripada pravica do nadomestila preživnine le, če je izvršilni postopek neuspešno zaključen ali pa postopek izvršbe traja več kot tri mesece.

11.5. Izplačila

Višina nadomestila preživnine je odvisna od otrokove starosti in višine preživnine, določene s pravnomočno sodbo, začasno odredbo, oziroma dogovorom, sklenjenim pri centru za socialno delo. S 1. aprilom smo nadomestila preživnin uskladili s količnikom uskladitve preživnin in nadomestil preživnin za leto 2010, ki ga objavlja Ministrstvo za delo, družino in socialne zadeve. Nadomestila preživnine so se povišala za 1,2 odstotka. Višine nadomestil preživnine so prikazane v spodnji tabeli.

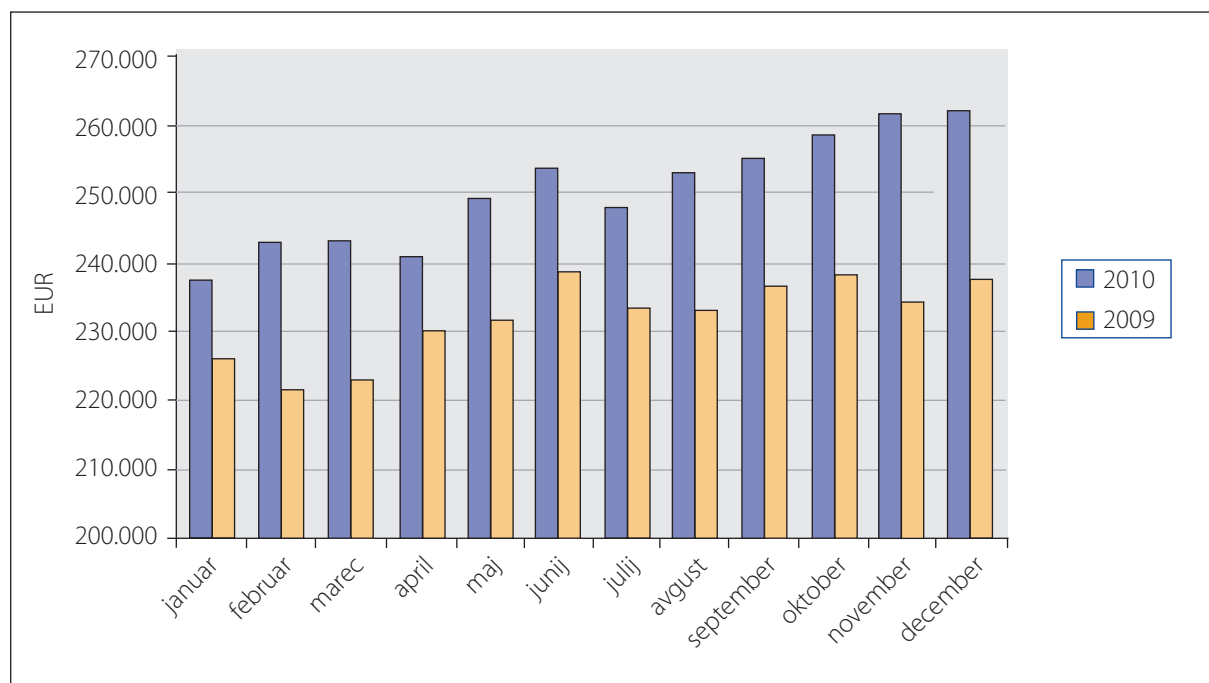
Tabela 14: Višina nadomestila preživnine po starostnih razredih

Starostni razred	Višina nadomestila v evrih
Do 6 leta	69,24
Od 6. do 14. leta	76,16
Od 14. do 18. leta	90,01

V primeru, da je preživnina določena nižje od zakonsko določenega nadomestila, otroku pripada nadomestilo v višini, določeni s sodbo, začasno odredbo, oziroma dogovorom. Povprečna višina določene preživnine v Republiki Sloveniji znaša 119,94 evrov, določeno je 67.740 preživnin (vir: internetna stran Ministrstva za delo, družino in socialne zadeve, podatki z dne 3.3.2011).

Tabela 15: Število otrok, ki so v letu 2010 prejeli nadomestilo preživnine, ter skupna izplačila nadomestil preživnine po mesecih

Mesec	Število otrok	Znesek izplačil v evrih
Januar	3.106	237.313,08
Februar	3.115	242.687,03
Marec	3.179	242.984,98
April	3.166	240.651,36
Maj	3.227	249.457,25
Junij	3.249	253.414,79
Julij	3.252	247.811,78
Avgust	3.271	252.971,57
September	3.308	255.220,32
Oktober	3.317	258.091,64
November	3.348	261.400,84
December	3.393	261.943,62
Skupaj		3.003.948,26

Graf št. 4: Višina izplačanih nadomestil preživnine v evrih v letih 2010 in 2009 po mesecih

V letu 2010 smo izplačali nadomestila preživnine v skupni višini 3.003.948 evrov. Decembra 2010 je Sklad izplačal nadomestilo preživnine 3.393 otrokom v skupni višini 261.944 evrov. Število otrok se lahko v posameznih mesecih tudi zniža, saj nekateri preživninski zavezanci občasno plačajo preživnino, nekaterim otrokom pa med letom preneha pravica do nadomestila preživnine.

Povprečna višina izplačila nadomestila preživnine v decembru je znašala 77,21 evra. Višina povprečnega izplačila nadomestila preživnine je odvisna od višine preživnine, ki je določena in od strukture upravičencev po starostnih razredih.

Višina mesečne vsote izplačil nadomestil preživnine je poleg naštetega odvisna tudi od morebitnega rednega plačevanja tekoče preživnine preživninskega zavezanca neposredno zakonitemu zastopniku. Vsako plačilo preživnine namreč pomeni, da na Skladu za isto obdobje zakonitemu zastopniku ne izplačamo nadomestila preživnine, oziroma izplačamo le razliko do višine nadomestila preživnine. V letu 2010 je 286 preživninskih zavezancev redno ali občasno plačevalo preživnino.

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

11.6. Terjatve

Zelo pomembno področje dela na preživninskem skladu je tudi izterjava dolga preživninskih zavezancev, saj z dnem izvršitve odločbe o priznanju pravice preide terjatev otroka proti preživninskemu zavezancu (do višine pravic, zagotovljenih z zakonom) na Sklad. S prehodom terjatve (subrogacija) vstopi Sklad v položaj otroka kot upnika do višine sredstev izplačanih na podlagi odločbe o nadomestilu preživnine, povečanih za pripadajoče obresti in stroške postopkov. V primeru, ko zakoniti zastopnik za isto obdobje prejme tako preživnino kot nadomestilo preživnine, Sklad izterjuje izplačan znesek od zakonitih zastopnikov.

Izvršilne predloge vlagamo na izvršilne oddelke na krajevno pristojna Okrajna sodišča v Sloveniji. Tudi med samim izvršilnim postopkom Sklad proaktivno pristopa k izterjavi obveznosti preživninskih zavezancev, z namenom, da bi bila terjatev Sklada poravnana čim prej v celoti oz. v čim višjem odstotku. Sklad tako pridobiva skladno z zakonskim pooblastilom podatke o premoženju dolžnikov od zunanjih institucij. Veliko pozornosti Sklad posveča proaktivnemu sodelovanju s preživninskimi zavezanci, saj z njimi poskušamo doseči tudi izvensodne dogovore o poplačilu terjatev sklada ter jih vzpodbuditi k zavedanju, da je preživninska obveznost do otrok neločljiv del njihovega sklopa pravic in obveznosti.

Iz obstoječih zbirk podatkov zunanjih upravljavcev podatkov, na Skladu po uradni dolžnosti pridobivamo podatke o dolžnikih, ki so opredeljeni v matičnem zakonu, ki opredeljuje delovanje Sklada (morebitno zaposlitev dolžnikov, transakcijski računi, podatki o morebitnem lastništvu motornih vozil in o lastništvu vrednostnih papirjev). Zbrani podatki se uporabljajo izključno z namenom poplačila dolga, ki je nastal zaradi izplačil preživninskim upravičencem – otrokom. Vsi morebitni podatki o premoženju preživninskih zavezancev nam namreč omogočajo, da na pristojna sodišča pošiljamo popolne izvršilne predloge, kar pripomore k čim hitrejši in bolj učinkoviti izterjavi. Zavedamo se, da je le izvršilni predlog, ki že v začetku vsebuje vse podatke o premoženju dolžnika oziroma podatke o sredstvih izvršbe, iz katerih naj se dolg poplača, temelj za učinkovito in hitro izterjavo.

Velikokrat se dolžniki – preživninski zavezanci, šele po začetku sodne izterjave začnejo zavedati svoje finančne zaveze tako do Sklada, kot tudi do otrok. Sodna izterjava zato ne pomeni le poplačila dolga do Sklada, temveč pripomore k ozaveščanju dolžnikov, da se preživninski obveznosti ni mogoče izogniti.

11.7. Postopki in uspešnost izterjave

Postopke izterjave zoper preživninske zavezance izvajamo že od začetka delovanja Sklada samostojno in s pomočjo odvetnikov. Od leta 2006 na Skladu vodimo vse postopke samostojno. Leta 2008 smo pričeli uporabljati programsko opremo, ki omogoča učinkovitejšo, hitrejšo ter preglednejšo izterjavo dolgov.

V vseh postopkih pridobivanja podatkov, povezanih z vlaganjem izvršilnih predlogov in tožb, so nosilci zaposleni na Skladu. S številnimi poizvedbami in ustreznimi povezavami z zunanjimi institucijami (Centralni register prebivalstva pri Ministrstvu za notranje zadeve, Zavod za zdravstveno zavarovanje Republike Slovenije, Ministrstvo za notranje zadeve – register vozil, Klirinško depotna družba, Banka Slovenije) hitro in učinkovito pridobivamo podatke, potrebne za čim popolnejši izvršilni predlog. Pri izterjavi dolga od dolžnikov, ki imajo stalno prebivališče v tujini, sodelujemo s podjetjem, ki je specializirano za izterjavo v tujini.

Sodna izterjava je le del celotnega prizadevanja zaposlenih na Skladu, da bi pri preživninskih zavezancih dosegli poplačilo nastale obveznosti. Obsežna je namreč tudi dejavnost pred sodne izterjave. Gre za dejavnosti pred začetkom sodne izterjave, kamor sodi obveščanje dolžnika o stanju dolga ter poskus dogovora o načinih in rokih vračila dolga. Z možnostjo obročnega plačila nastalega dolga je preživninskemu zavezancu dana možnost poplačila v finančno sprejemljivi mesečni višini. Plačilo obveznosti lahko tudi odložimo za določen čas. Pogoj je, da preživninski zavezanec ni zaposlen in nima drugih prihodkov.

V letu 2010 smo, zaradi izterjave dolga preživninskih zavezancev, na sodišča vložili 1.461 izvršilnih predlogov. V 1.693 primerih smo prejeli sklep o dovolitvi izvršbe. V postopku sodne izterjave so bile v letu 2010 dokončno poplačane 303 terjatve do preživninskih zavezancev in 4 terjatve do zakonitih zastopnikov.

V celotnem obdobju delovanja preživninskega sklada je bilo vloženih 8.938 izvršilnih predlogov.

V letu 2010 so preživninski zavezanci in zakoniti zastopniki vrnilo 1.037.256 evrov, kar pomeni 34,5 odstotka izplačanih sredstev v letu. Konec leta smo na preživninskem skladu terjali dolžnike v skupni višini 28.123.884 evrov.

PREŽIVNINSKI SKLAD OD ZAČETKA DELOVANJA DO LETA 2010

12

Preživninski sklad RS je začel delovati 18. oktobra 1999. V tem času smo pridobili številne izkušnje na področju uveljavljanja pravic do nadomestila preživnine in v postopkih izterjave izplačanih sredstev. Od začetka delovanja do konca leta 2010 je preživninski sklad prejel 8.171 zahtev za 10.659 otrok. Z eno zahtevo lahko zakoniti zastopnik vloži zahtevo za nadomestilo preživnine za več otrok.

Tabela 16: Število vloženih zahtev in število otrok po letih

Leto	Število zahtev	Število otrok
1999 (od 18. 10. 1999)	1.156	1.534
2000	1.119	1.441
2001	638	811
2002	619	785
2003	766	1.000
2004	599	766
2005	594	774
2006	501	633
2007	438	594
2008	427	583
2009	591	777
2010	723	961
Skupaj	8.171	10.659

Največ zahtev smo na Sklad prejeli v prvih mesecih delovanja, torej konec leta 1999 in v začetku leta 2000. Število prejetih novih zahtev na preživninskem skladu je bilo do leta 2008 v rahlem upadu. Leta 2009 je poraslo kar za 38 odstotkov. Trend povečanega priliva se je nadaljeval tudi v letu 2010, glede na preteklo leto smo prejeli 22 odstotkov več zahtev. Ocenjujemo, da je eden od pomembnejših razlogov za porast števila vlog poslabšanje finančnih zmožnosti plačevanja preživnine preživninskih zavezancev.

Tabela 17: Skupna izplačila nadomestil preživnine v evrih

Leto	Izplačilo v evrih	Odstotek	Število otrok, ki so prejeli nadomestilo
2000	856.453	3,5	1.857
2001	1.288.734	5,3	2.330
2002	1.585.408	6,5	2.429
2003	1.989.526	8,2	2.856
2004	2.330.091	9,6	3.576
2005	2.529.461	10,4	3.741
2006	2.636.338	10,8	3.810
2007	2.630.612	10,8	3.697
2008	2.707.565	11,1	3.616
2009	2.783.104	11,5	3.680
2010	3.003.948	12,3	3.935
Skupaj	24.341.240	100,0	

Skupni znesek izplačil je v posameznem letu odvisen od števila otrok, ki so prejeli nadomestilo preživnine, od njihove starosti ter od dolžine obdobja v katerem so bili upravičeni do nadomestila preživnine.

Tabela 18: Vračila dolžnikov na preživninski sklad v evrih po letih

Leto	Vračila v evrih	Odstotek
2000	26.955	0,4
2001	98.456	1,5
2002	116.831	1,8
2003	195.508	3,0
2004	334.182	5,1
2005	599.173	9,1
2006	747.256	11,4
2007	1.100.255	16,8
2008	1.298.664	19,8
2009	1.000.717	15,3
2010	1.037.256	15,8
Skupaj	6.555.253	100,0

V enajstih letih delovanja preživninskega sklada smo z vstopom v terjatev otroka do preživninskega zavezanca izterjali 6.555.253 evrov sredstev, ki smo jih ponovno namenili za izplačila nadomestil preživnin.

Aktivna izterjava izplačanih nadomestil preživnine od tistih, ki so jo sicer zavezani plačevati, torej od preživninskih zavezancev, ima poleg finančnega, še en vsaj tako pomemben učinek. Zaradi vstopa Sklada v razmerje zakoniti zastopnik – preživninski zavezanec, slednji izkažejo večjo pripravljenost na prostovoljno poravnavo obveznosti iz naslova preživnine.

Splošno

V letu 2010 smo tesno in tvorno sodelovali z Ministrstvom za delo, družino in socialne zadeve. Menimo, da je eden od ključev za boljše zakonodajo, sodelovanje z institucijami, ki imajo izkušnje iz prakse. Zadovoljni smo, ker nam je bilo na obeh področjih delovanja Sklada omogočeno posredovati svoje znanje.

Na Skladu smo se tudi v letu 2010 trudili vseskozi obveščati javnost o delovanju Sklada. O vseh pomembnih dogodkih smo obveščali javnost, sodelovali smo v informativnih radijskih in televizijskih oddajah. Učinkovit način obveščanja o poslanstvu in delovanju Sklada je bil tudi preko občinskih glasil.

Sklad je jeseni sodeloval na tridnevnem Festivalu za 3. življenjsko obdobje, na katerem je uspešno predstavil svoje poslanstvo in delovanje na jamstvenem skladu in na preživninskem skladu.

Mednarodna dejavnost Sklada

Na področju mednarodnega sodelovanja se je predstavnik Sklada v letu 2010 udeležil sestanka ekspertne skupine za področje jamstva za pravice delavcev v primeru insolventnosti delodajalca, v Bruslju, ki ga je organizirala evropska komisija. Predstavnica Sklada pa je, kot ekspert EU s področja jamstvenih institucij, sodelovala na delavnici TAIEX-a v Makedoniji, kjer je bil Sklad izpostavljen kot izjemno učinkovit uresničevalec pravic delavcev. Sklad je sprejel tudi predstavnike jamstvene institucije iz Črne gore, ki jih je zanimal slovenski model jamstva za pravice delavcev v primeru insolventnosti delodajalca.

Jamstveni sklad

Slabe gospodarske in finančne razmere v gospodarstvu so se nadaljevale tudi v letu 2010, kar je bil povod za številne stečajne podjetij. Predstavniki Sklada so se udeleževali sestankov, ki so jih organizirali stečajni upravitelji in na katerih so delavci prejeli vsa navodila za vlaganje zahtev na Sklad. Zahteve smo v večjih podjetjih pobrali tudi na sedežu družbe, v podjetju Vegrad d.d. smo organizirali tudi osebno vročanje odločb upravičencem in se tudi na ta način prilagodili potrebam upravičencem v stiski. Postopke smo izvedli hitro, da so upravičenci lahko prišli do izplačil v najkrajšem možnem času.

Tesno smo sodelovali tudi z Zavodom RS za zaposlovanje, kamor delavci običajno vlagajo zahteve za Sklad.

V letu 2010 smo obveščali javnosti o poslanstvu in delovanju jamstvenega sklada, in sicer z delovanjem brezplačne telefonske linije, obvestil za javnost, posodabljanjem naše spletne strani z vsemi pomembnimi informacijami in z izdelavo zloženkov za upravičence jamstvenega sklada.

Preživninski sklad

V letu 2010 smo obveščali javnost, predvsem potencialne upravičence do nadomestila preživnine, preko brezplačne telefonske linije, najpomembnejših informacij na naši spletni strani, obvestil za javnost in izdelavo zloženkov za preživninski sklad. Na centre za socialno delo, materinske domove, varne hiše, in vrtce smo poslali zloženke z informacijami o pravici do nadomestila preživnine. Zloženke so bile na voljo tudi na blagajnah večjih železniških postaj.

V smislu odprave administrativnih ovir imamo vzpostavljen elektronski dostop do podatkov iz evidence o nadomestilih preživnine z institucijami, ki imajo po zakonu pravico do pridobitve teh podatkov.

POGLED V LETO 2011

14

Vlada Republike Slovenije je na seji v februarju 2011 sprejela Poslovni in finančni načrt Sklada za leto 2011. V njem so opredeljeni in finančno ovrednoteni vsi zastavljeni cilji Sklada.

Osnovna naloga ostaja učinkovito izvajanje obeh programov. Posebno pozornost bomo zato posvečali spremljanju zakonodaje na področjih, ki vplivajo na naše delo. Svoje delovanje bomo organizirali tako, da bomo v optimalnem obsegu zagotavljali izvajanje nalog. Delo bomo opravljali strokovno in z upoštevanjem zakonskih določil ter hkrati vestno in zavzeto. Trudili se bomo, da bomo ohranili senzibilnost za položaj strank, ki so upravičenci preživninskega ali jamstvenega sklada ter jim na pomagali uveljaviti njihove pravice na najbolj učinkovit in prijazen način.

V finančnem načrtu za leto 2011 je načrtovano, da bomo iz **jamstvenega sklada** izplačali sredstva 3.000 upravičencem v skupnem znesku 6.200.000 evrov. V proračunu Republike Slovenije je za izplačila upravičencem jamstvenega sklada zagotovljeno 4.488.454 evrov, ostala sredstva bomo zagotovili iz sredstev subrogacij. Na podlagi dinamike pripada vlog v začetku leta in napovedanih stečajih, je aprila 2011 Vlada Republike Slovenije zagotovila dodatna sredstva iz proračuna v višini 6.000.0000 €, tako, da je skupna višina zagotovljenih sredstev iz proračuna za izplačila upravičencem jamstvenega sklada 10.488.454 evrov.

Predvidevamo, da bo v letu 2011 iz **preživninskega sklada** nadomestilo preživnine prejelo 4.150 otrok. Načrtujemo izplačila v skupni višini 3.250.000 evrov. V proračunu Republike Slovenije je za izplačila nadomestil preživnin zagotovljenih 2.115.499 evrov sredstev, preostala sredstva bomo poskušali na Skladu zagotoviti iz sredstev subrogacij (izterjava).

Področje izterjave je za Sklad bistvenega pomena, saj z uspešno izterjavo zmanjšujemo obseg sredstev, ki jih potrebujemo, za izvajanje z zakonom določenih nalog, iz proračuna Republike Slovenije. Še posebej zahtevna je izterjava na preživninskem skladu.

Zaposlenim bomo tudi v letu 2011 omogočili izobraževanje na vseh tistih področjih, kjer je izobraževanje potrebno zaradi njihovega uspešnejšega dela in interdisciplinarne usposobljenosti, pa tudi na tistih področjih, kjer se pridobitev znanja kaže kot dodana vrednost za sam delovni proces.

Na Skladu razpolagamo z veliko znanja s področja svojega delovanja. V primeru zakonodajnih sprememb s področja delovanja Sklada in pri tekočem operativnem delu bomo zato še naprej sodelovali z institucijami iz okolja. Tu je predvsem pomembno sodelovanje z matičnim Ministrstvom za delo, družino in socialne zadeve, centri za socialno delo ter z Ministrstvom za finance.

RAČUNOVODSKI IZKAZI ZA LETO 2010

15

Bilanca stanja na dan 31. 12. 2010

V evrih

A. SREDSTVA	
1. DOLGOROČNA SREDSTVA IN SREDSTVA V UPRAVLJANJU	115.618
• neopredmetena sredstva in dolgoročne aktivne časovne razmejitev	392.825
• popravek vrednosti neopredmetenih sredstev	297.090
• oprema in druga opredmetena osnovna sredstva	134.595
• popravek vrednosti opreme in drugih opredmetenih osnovnih sredstev	115.964
• dolgoročne finančne naložbe	1.252
2. KRATKOROČNA SREDSTVA, RAZEN ZALOG IN AKTIVNE ČASOVNE RAZMEJITVE	55.409.328
• denarna sredstva v blagajni in takoj vnovčljive vrednotnice	11
• dobroimetje pri bankah in drugih finančnih ustanovah	340.580
• kratkoročne terjatve do uporabnikov EKN	1.065.381
• kratkoročne terjatve iz financiranja	95
• druge kratkoročne terjatve	53.933.586
• neplačani odhodki	69.675
AKTIVA SKUPAJ	55.524.946
B. OBVEZNOSTI DO VIROV SREDSTEV	
3. KRATKOROČNE OBVEZNOSTI IN PASIVNE ČASOVNE RAZMEJITVE	54.003.737
• kratkoročne obveznosti do zaposlenih	43.487
• kratkoročne obveznosti do dobaviteljev	19.470
• druge kratkoročne obveznosti iz poslovanja	0
• kratkoročne obveznosti do uporabnikov EKN	3.179
• neplačani prihodki	53.933.395
• pasivne časovne razmejitev	4.206
4. LASTNI VIRI IN DOLGOROČNE OBVEZNOSTI	1.521.209
• sklad namenskega premoženja v javnih skladih	941.741
• obveznosti za neopredmetena OS in opredmetena OS	115.618
• presežek prihodkov nad odhodki	463.850
PASIVA SKUPAJ	55.524.946

Izkaz uspeha za leto 2010

Prihodki iz proračuna RS za dejavnost	970.000
Prihodki od subrogacij in drugi nedavčni prihodki	3.645.063
Prihodki od obresti	14.266
Prihodki od davkov od dohodkov	67.377
Drugi nedavčni prihodki	40
PRIHODKI SKUPAJ	4.696.746
Izplačila upravičencem jamstvenega sklada	2.641.748
Izplačila upravičencem preživninskega sklada	1.094.525
Stroški za delovanje	1.084.988
ODHODKI SKUPAJ	4.821.261
PRESEŽEK ODHODKOV NAD PRIHODKI	124.516

REVIDIRANJE SKLADA

16

V letu 2010 je revizijska hiša Revizijski center d.o.o. izvedla notranjo revizijo poslovanja sklada, preverila je obstoj, ustreznost in učinkovitost delovanja notranjih kontrol, ki zagotavljajo skladnost delovanja Sklada s predpisi in notranjimi navodili posloводства na področju nabave materiala in storitev in izterjave terjatev iz naslova izplačil nadomestil preživnine. Za področje nabave materiala in storitev je bilo podano priporočilo za izdelavo organizacijskih navodil za naročanje, kar je bilo tudi izvedeno. Za področje izterjave terjatev iz naslova izplačil nadomestil preživnin je bila podana ugotovitev, da Sklad dosledno upošteva interna pravila o izvajanju postopkov sodne izterjave nadomestila preživnine.

Neodvisna revizijska hiša ABC revizija, družba za revizijo in sorodne storitve d.o.o. je februarja 2011 revidirala poslovanje Sklada za poslovno leto 2010 in izdala dva mnenja o poslovanju Sklada. Prvo mnenje je, da so naložbe premoženja, prevzete obveznosti Sklada, rezervacije in pravila o obvladovanju kreditnih tveganj na Skladu na dan 31.12.2010 skladne z določili Zakona o javnih skladih. Drugo mnenje je, da so računovodski izkazi s prilogami resničen in pošten prikaz finančnega stanja Sklada na dan 31. 12. 2010. Izkaz prihodkov in odhodkov, izkaz računa finančnih terjatev in naložb ter izkaz financiranja so v skladu z Zakonom o računovodstvu in v skladu z zakonodajo, ki opredeljuje delovanje Sklada. Poslovno poročilo je skladno z revidiranimi računovodskimi izkazi.

Annual Report 2010

JAMSTVENI IN PREŽIVNINSKI SKLAD  REPUBLIKE SLOVENIJE

JAVNI JAMSTVENI
IN PREŽIVNINSKI SKLAD
REPUBLIKE SLOVENIJE
KOTNIKOVA 28, SI-1000 LJUBLJANA

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FOREWORD FROM THE DIRECTOR

1

The extremely difficult economic situation that we already witnessed in 2009, also brought in 2010 a high number of insolvency proceedings and consequently a large number of redundancies. Thus, the Public Guarantee and Maintenance Fund of the Republic of Slovenia (hereinafter referred to as: the Fund) in the past year paid out €11,336,958 for 4,098 rightful claimants who lost their jobs due to their employer's insolvency.

In 2010, the Maintenance Fund paid out €3,003,948 of maintenance replacements to 3,398 children.

In 2010, the Fund operated in accordance with its statutory responsibilities and authorizations, while realizing its business policy which should ensure:

- *the educating of as many people as possible about their rights and the possibilities for the enforcement of their rights by the Fund, and when, where and how it is possible to enforce them;*
- *the possibility for the rightful claimants to enforce their rights as quickly as possible and in accordance with the regulations in the simplest possible manner and*
- *an effective and as large as possible recovery of assets from the insolvency proceedings and from persons liable to pay maintenance.*

In the past year the need has arisen for enhanced and personal advice and assistance for persons with economic and social hardship, and in enforcing their rights, so the Fund has organized its activities in order that these individuals were given real and timely guidance and assistance in enforcing their rights.

In order to achieve its mission, the Fund cooperates with trade unions, receivers and bankruptcy administrators, with the Employment Office of the Republic of Slovenia, the Centres for Social Services and many other organizations and authorities.

At the Fund, we have strengthened our efficiency and expertise and through the realization of the Fund's important role, we contribute towards the mitigation of the hardship of the most vulnerable groups of our society. This is achieved due to the knowledge and loyalty of all the employees, their constant and active involvement in social events and international experience.



*Branko Omerzu
Director of the Fund*

REPORT OF THE SUPERVISORY BOARD

2 The operation of the Fund is supervised and directed by the Supervisory Board. In 2010, the Supervisory Board assembled at five regular sessions. At the first session, the Supervisory Board elected the Chairwoman and her deputy and appointed the recording clerk of the Supervisory Board. It adopted the Rules of Procedure of the Supervisory Board, gave a favourable opinion of the Operations and Financial Plan of the Public Guarantee and Maintenance Fund of the Republic of Slovenia for 2010 and the Business Policy of the Public Guarantee and Maintenance Fund of the Republic of Slovenia for the period from 2010 to 2013. At the second session, the Supervisory Board gave a favourable opinion of the revised Annual Report of the Public Guarantee and Maintenance Fund of the Republic of Slovenia for 2009. At the third session, the Members of the Supervisory Board were acquainted with the operation of the Fund in the first eight months of 2010. At the fourth session, the Supervisory Board agreed that the expenditure assets dedicated to the Guarantee Fund may be used for payments to rightful claimants from the Guarantee Fund, and that the Fund may submit a request to its founder for additional funds for the programme of the Guarantee Fund in the amount of €1,020,000. At the fifth session, the Supervisory Board were acquainted with the operation of the Fund in 2010. At each of the regular sessions, the members acquainted themselves with the current business results of the Fund.

MISSION AND VISION

MISSION

3

The **Guarantee Fund** helps workers to assert their basic right to payment for their work after losing their jobs due to the employer's insolvency. We advise the workers and the unions as well as the bankruptcy administrators and receivership administrators in this field.

The **Maintenance Fund** helps children to exercise their right to maintenance replacement payments through legal guardians and advises on decisions regarding the enforcement of these rights. We encourage persons liable to pay maintenance to pay their maintenance or to regulate the relationship with the child's legal guardian.

Recovery of debts at the Guarantee Fund is an on-going task and represents a significant source of income for payments to workers.

Recovery of debts at the Maintenance Fund is one of the priority tasks, which is reflected not only in the income, but also in a change in the mentality of the persons liable to pay maintenance who wish to avoid payment.

At the Fund we are strengthening our knowledge, efficiency and expertise through continuous training and **international experience** and by the loyalty of all the employees.

The important parts of the mission of the Fund are **informing and establishing dialogue** with all those for whom the basic activities of the Fund are intended.

VISION

The Guarantee Fund strives to be recognised as a professional institution, operating within Slovenia as an initiator for asserting the rights of workers to receive payment for their work if their employer becomes insolvent or if their employer is deleted from the Register of Companies on the basis of the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act.

The Maintenance Fund seeks to be acknowledged as an institution enabling the assertion of the right to receive maintenance replacement. Its long-term plan is to promote, together with other social factors, the awareness that the right to receive maintenance is a basic right of children of divorced parents. Through debt recovery procedures the Fund will try to maximise the number of people who are aware that they cannot avoid paying maintenance for a child.

At the Fund we wish that by means of efficient and professional communication, to strengthen our role in providing information, counselling and the enforcement of rights within our field of operation.

We shall provide the content and the organisation of work with the purpose of reaching optimal procedures.

As employees of the Fund we will strive to realise our mission and reach our vision by means of expertise and responsible action.

FUND PROFILE

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General information about the Fund

Name: Public Guarantee and Maintenance Fund of the Republic of Slovenia
Headquarters: Kotnikova ulica 28, Ljubljana
Phone number: +386 1 472 0990
Fax number: +386 1 472 0991
E-mail address: jpsklad@jps-rs.si
Website: <http://www.jps-rs.si>

Free-phone telephone numbers:

The Guarantee Fund: 080 1121
The Maintenance Fund: 080 1414

Management of the Fund

Director: Branko Omerzu, BA Soc.
Secretary: Ajda Likar, LLB
Head of the legal and administrative sector: Nataša Sara Hartner, LLB until 23 November 2010, from 1 January 2011
Lilijana Strban, M.A. LLB
Head of the financial and accounting sector: Ana Šparemblek, BA Econ.
Head of the organisation/ administration and staffing sector: Aleš Marinček, LLB

Supervisory Board

A new Supervisory Board was appointed by the government on 28 January 2010, as follows:

Chairwoman: Tadeja Pušnar, representative of the Ministry of Labour, Family and Social Affairs,
Deputy Chairwoman: Jože Smole, representative of the employers' organisations, representative of the State,
Members: Damjana Mlakar, representative of the Ministry of Finance, Tatjana Labernik, representative of the unions which are representative of the State, Ivana Košir Erman, representative of the Association of Departments of Social Security.

Operation of the Fund

Legal entity type: Public fund
Date of founding: 9 May 1997
Founder: The Republic of Slovenia
Number of employees: 20

Start of operation:

The Guarantee Fund: 3 November 1997
The Maintenance Fund: 18 October 1999

Legal framework:

The Public Guarantee and Maintenance Fund of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia, No. 78/2006, Consolidated version: UPB-2);
Public Funds Act (Official Gazette of the Republic of Slovenia, No. 77/2008).

PRESENTATION OF ACTIVITY

The activities of the Public Guarantee and Maintenance Fund of the Republic of Slovenia encompass the following fields and contents of work:

5

The Guarantee Fund:

Ensuring the rights of workers who have lost their jobs **due to the insolvency of their employer** (bankruptcy, insolvency proceedings in one of the other Member States of the European Union or of the European Economic Area, winding-up) or due to their employer being deleted from the Register of Companies on the basis of the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act.

The Maintenance Fund:

Ensuring the assertion of the **right to Maintenance Replacement** for the **children** who have been granted maintenance by means of a final judgement, temporary injunction or an agreement reached at the Centres for Social Work, but are not receiving maintenance from the persons liable to pay the maintenance.

Recovery of debts:

The recovery of debts of the debtors in bankruptcy and companies which have become debtors on the basis of payments to workers who have lost their jobs due to their employer's insolvency, **and the recovery of debts from persons liable to pay maintenance**, resulting from the payment of maintenance replacement to the rightful claimants.

KEY ACHIEVEMENTS IN 2010 IN

6

FIGURES

The Guarantee Fund

From 1 January to 31 December 2010, the Guarantee Fund received 4,704 claims by rightful claimants for the assertion of their rights due to the insolvency of their employers from 135 companies.

On the basis of the claims we issued 4,332 decisions, of which 4,236 or 97.8 per cent were positive.

The positive decisions on granting the rights upon insolvency of the employer represented the basis for the payment of €11,336,958. The payments were received by 4,098 rightful claimants from 110 companies.

The average net payment per person eligible amounted to €1,583.31.

From the beginning of its operation in 1997, to the end of the year 2010, the Fund paid out 67,654 claims in the amount of €68,242,165.

The Maintenance Fund

From 1 January to 31 December 2010 the Maintenance Fund received 723 claims for 961 children.

In this period, we issued 735 decisions for 973 children. 805 children were granted the right to maintenance replacement.

In December 2010, the average payment of the maintenance replacement amounted to €77.21.

In 2010, the Maintenance Fund paid maintenance replacements in the amount of €3,003,948. In December 2010, 3,393 children received maintenance replacement.

Throughout the entire period of the operation of the Fund, we have paid maintenance replacement to 8,388 children in the total amount of €24,341,240.

Recovery

The **Guarantee Fund** in 2010 recovered €2,605,558 through subrogation¹.

From the beginning of the operation of the Guarantee Fund, to the end of 2010, the returns from subrogations amounted to €21,817,496, which constitutes 32.0 per cent of all paid funds in this period.

On 31 December 2010, the Fund's claims on 250 companies from subrogations amounted to a total of €25,809,035.

The **Maintenance Fund** recovered €1,037,256 in 2010, which constitutes 34.5 per cent of all paid funds. In eleven years of operation, the Maintenance Fund has recovered a total of €6,555,253, which constitutes 26.9 per cent of all paid funds.

At the end of 2010, the persons liable to pay maintenance and legal guardians owed a total of €28,123,884 to the Fund, including accrued interests in accordance with the law.

¹ With the execution of the decisions issued by the Fund, the claims of the worker or child as the creditor are transferred to the Fund, up to the amount paid by the Fund.

IMPORTANT EVENTS IN 2010

7

In 2010, the Public Guarantee and Maintenance Fund was marked by the following major events:

January

- The Government of the Republic of Slovenia appointed the members of the Supervisory Board of the Public Guarantee and Maintenance Fund of the Republic of Slovenia for a period of four years.

February

- The Fund received €1,263,685 from subrogations of the Fund in 2010 which is the highest monthly sum of subrogation returns.

March

- The Government of the Republic of Slovenia approved the Fund's Operations and Financial Plan for 2010 and the Business Policy of the Fund for the period 2010–2013.

April

- Maintenance replacements rose by 1.2 per cent, in accordance with the Ratio of coordinating maintenances and maintenance replacements for the year 2010, published by the Ministry of Labour, Family and Social Affairs.

May

- The Government of the Republic of Slovenia approved the revised Annual Report of the Fund for 2009.

June

- Returns to the Fund from persons liable to pay maintenance amounted to €104,288, the highest monthly sum of recoveries in 2010.

August

- The Guarantee Fund received 1,240 claims of rightful claimants which was the highest monthly number of claims for 2010.

September

- The Guarantee Fund decided on 1,458 claims of rightful claimants which was the highest monthly number of claims for 2010.
- The Fund took part in the Festival for the Third Life Period.

October

- The Maintenance Fund has now been operating for eleven years.
- The Guarantee Fund paid the highest monthly sum for 2010 in the amount of €4,277,964 for 1,482 rightful claimants.
- The Representative of the Fund as an EU expert in the field of guarantee institutions, participated in the TAIEX workshop in Macedonia.

November

- The Guarantee Fund has now been operating for thirteen years.
- The representatives of guarantee institutions from Montenegro visited the Fund.

December

- The Guarantee Fund was granted additional funds from the state budget in the amount of €1,000,000.
- The Maintenance Fund paid the highest monthly sum in the amount of €261,943 for 3,393 children.

EVENTS AFTER THE END OF THE YEAR

8 2010

The Government of the Republic of Slovenia adopted the Business and Financial plan of the Fund for 2011 at its session on 17 February 2011.

The audit company ABC revizija, družba za revizijo in sorodne storitve, d.o.o., audited the operations of the fund in February 2011 for the fiscal year 2010 and expressed two opinions regarding the operation of the Fund. The first opinion was that the asset investments, assumed obligations of the Fund, provisions and regulation on the management of credit risks in the Fund on 31 December 2010, complied with the provisions of the Public Funds Act. The second opinion was that the accounting records, along with its enclosures, were a real and honest reflection of the financial state of the Public Guarantee and Maintenance Fund of the Republic of Slovenia on 31 December 2009. The statement of revenue, the statement of the financial assets and liabilities account and the financing statement for the then ended year were consistent with the Accounting Act and with the legislation, defining the operation of the Fund. The business report was consistent with the audited financial reports.

On 1 April 2011, we adjusted the maintenance replacement in accordance to the quotient for 2011, published by the Ministry of Labour, Family and Social Affairs. From 1 April 2011, the amount of maintenance by age classification is as follows: a child up to 6 years receives €70.35, a child from 6 to 14 years receives €77.38 and a child above 14 years receives €91.45.

THE GUARANTEE FUND

9

The right to receive payment from the Guarantee Fund belongs to workers who have lost their jobs due to the initiation of bankruptcy or insolvency proceedings, due to a final decision of compulsory settlement by financial reorganization, due to insolvency proceedings in one of the other Member States of the European Union or of the European Economic Area (while they were usually performing their jobs in the Republic of Slovenia) or due to the company being deleted from the Register in accordance with Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act provisions. Furthermore, workers who want to assert their rights provided by the Guarantee and Maintenance Fund of the Republic of Slovenia Act (hereinafter the Act) must submit their claims within the deadlines and in the manner prescribed by the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act, or they must seek protection of their rights within the deadlines and in the manner pursuant to the regulations concerning employment relationships.

The right assertion procedure is always initiated upon the request of the rightful claimant, who submits a claim for the settlement of liabilities from the rights of workers in the case of insolvency of their employer (hereinafter called the claim) at the Employment Office of the Republic of Slovenia (hereinafter called the Employment Office). The deadline for submission of the claim is 90 days from the date of termination of employment.

Between 2004 and 2008, the number of initiated bankruptcy proceedings in the Republic of Slovenia had decreased. By 2007, the number of companies for which bankruptcy proceeding had started and the number of workers who asserted their right to payment at the Guarantee Fund due to this had also decreased equally dynamically. In 2008, the number of bankruptcies began to rise, and more and more companies which had fallen into insolvency failed to pay out to their employees. In 2009, the number of bankruptcies increased sharply and ten times as many claims were submitted to the Fund compared to 2008.

In recent years we have not receive any claims for the settlement of rights arising from employer insolvency, which would be subject to forced settlement. This shows that, in the case of termination of employment, workers are paid at least the amount they are legally entitled to, and do not file claims to the Fund.

THE GUARANTEE FUND IN 2010

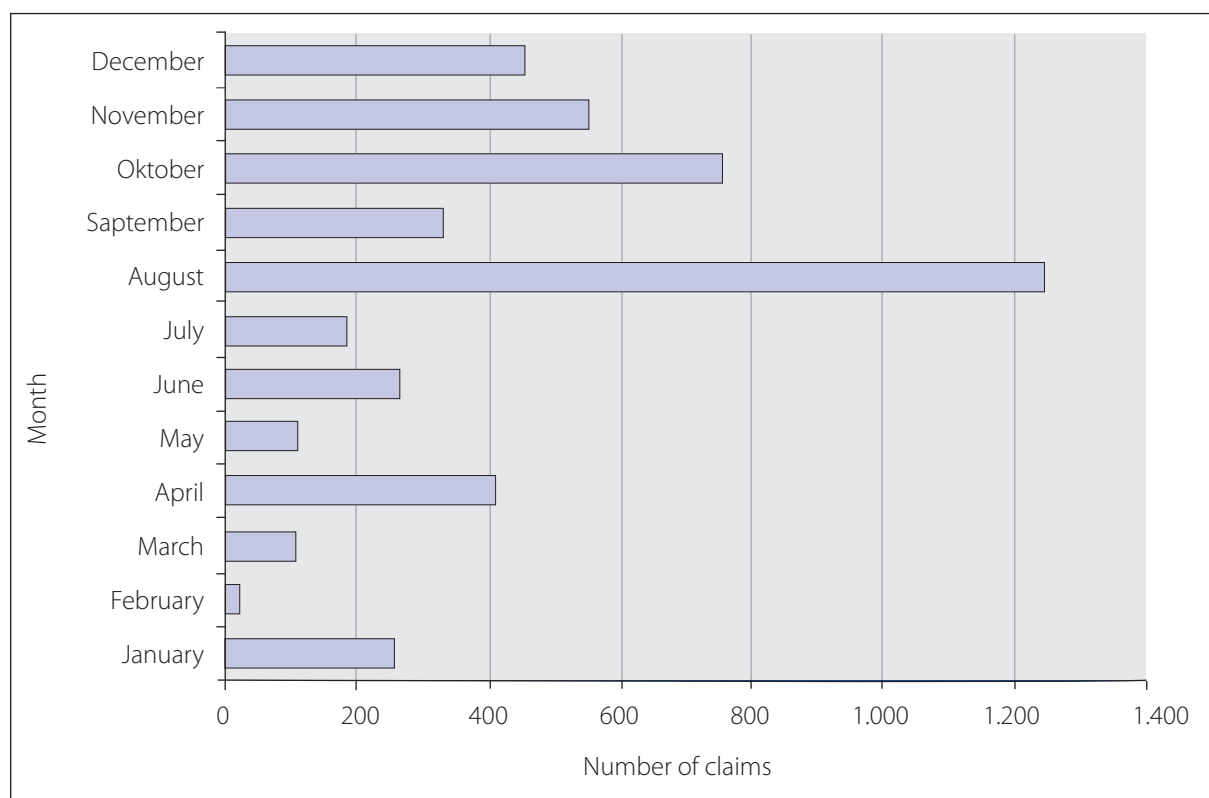
9.1. Claims filed

From 1 January to 31 December 2010, the Guarantee Fund received 4,704 claims sent by 135 companies.

Table 1: The number of claims filed in 2010, by month

Month	Claims filed	Percentage
January	258	5.5
February	25	0.5
March	108	2.3
April	406	8.6
May	114	2.4
June	265	5.6
July	190	4.0
August	1,240	26.4
September	332	7.1
October	756	16.1
November	554	11.8
December	456	9.7
Total	4,704	100.0

Graph 1: The number of claims filed in 2010, by month



In 2010, the Guarantee Fund received the most claims from the following companies:

- Prevent avtomobilski deli d.o.o. – 1,094 claims,
- Vegrad d.d. gradbeno industrijsko podjetje – 573 claims,
- G 7 družba za varovanje d.o.o. – 398 claims,
- MTD proizvodno, storitveno in trgovsko podjetje d.o.o. – 211 claims,
- Gradis gradbeno podjetje Celje d.d. – 149 claims,
- Prevent Global, družba za upravljanje, investicije in razvoj d.d. – 148 claims,
- Vegrad – invalidska dejavnost d.o.o. – 141 claims,

- Nolik VIO d.o.o. – 136 claims,
- Prevent Mislinja delovna oblačila, rokavice in trgovina d.o.o. – 81 claims,
- Knjigovoznica Koper, proizvodnja, trgovina, storitve, d.o.o. – 74 claims,
- Mura – unikat, šivanje oblačil po meri, d.o.o. – 74 claims,
- Vegrad Montal, proizvodnja kovinskega stavbnega pohištva, d.o.o. – 72 claims.

The statistics of claims filed to regional Employment Service offices show that most of the claims came from the Employment Service office of Velenje. With 2,029 filed claims, it represents nearly 43.1 per cent of all claims. It is followed by the Employment Service office of Ljubljana with 1,074 claims (22.8 per cent of all claims) and the Employment Service office of Maribor with 419 claims filed. The least number of claims were filed to the Employment Service office of Koper (33 claims) and the Employment Service office of Kranj (69 claims).

Table 2: The number of claims filed in 2010 according to regional Employment Service offices

Regional Employment Service office	Claims filed	Percentage
Velenje	2,029	43.1
Ljubljana	1,074	22.8
Maribor	419	8.9
Celje	290	6.2
Novo mesto	286	6.1
Murska Sobota	198	4.2
Nova Gorica	198	4.2
Sevnica	108	2.3
Kranj	69	1.5
Koper	33	0.7
Total	4,704	100.0

9.2. Decisions Issued

In 2010, pursuant to the claims filed by the rightful claimants for the assertion of rights due to insolvency of their employer, the Guarantee Fund issued 4,332 decisions. There were issued 4,236 approved decisions (97.7 per cent) and 96 denied decisions (2.3 per cent). Most of the denied claims were issued in cases where the claimant's employment was terminated for reasons other than insolvency of the employer.

Table 3: The number of filed claims, issued decisions and payments in 2010, according to regional Employment Service offices

Regional Employment Service Office	Claims filed	Approved decisions	Denied decisions	Decided Total	Paid decisions
Velenje	2,029	1,947	17	1,964	1,888
Ljubljana	1,074	826	25	851	819
Maribor	419	408	31	439	401
Celje	290	297	7	304	295
Novo mesto	286	254	1	255	228
Murska Sobota	198	124	11	135	102
Nova Gorica	198	206	0	206	196
Sevnica	108	80	1	81	73
Kranj	69	73	3	76	76
Koper	33	21	0	21	20
Total	4,704	4,236	96	4,332	4,098

The number of paid decisions being less than the number of positively decided claims is the consequence of the fact that some of the decisions issued in December 2010 did not become final until January 2011, and the rightful claimants thus received their payment only then.

9.3. Payments

The payments received by rightful claimants pursuant to the decision on the acknowledgement of rights may include unpaid salaries or salary compensations for the last three months prior to the date of their employment termination. This amount must not exceed the amount of three minimum salaries on the day the decision has been issued as stipulated in special regulations. The Fund also pays out salary compensations for unused annual leave to which an employee is entitled in the current calendar year. This amount can be up to one half of the minimum salary. We also pay out severance pay, in the amount and subject to the conditions stipulated in the regulations on employment relationships for redundant employees. The amount of severance pay is limited to the amount of one minimum salary.

Rightful claimants may receive from the Guarantee Fund funds in the total amount of 4.5 minimum salaries.

The funds for payments to rightful claimants of the Guarantee Fund were provided in 2010 by a budget in the amount of €8,695,210 (76.7 per cent of all payments) and by payments from subrogations, which amounted to €2,641,748 (23.3 per cent of all payments).

Table 4: The number of rightful claimants who received a payment in 2010, according to regional Employment Service offices

Regional Employment Service Office	Number of rightful claimants	Percentage
Velenje	1,888	46.1
Ljubljana	819	20.0
Maribor	401	9.8
Celje	295	7.2
Novo mesto	228	5.5
Nova Gorica	196	4.8
Murska Sobota	102	2.5
Kranj	76	1.8
Sevnica	73	1.8
Koper	20	0.5
Total	4,098	100.0

The top ten companies with the greatest total sums of payments:

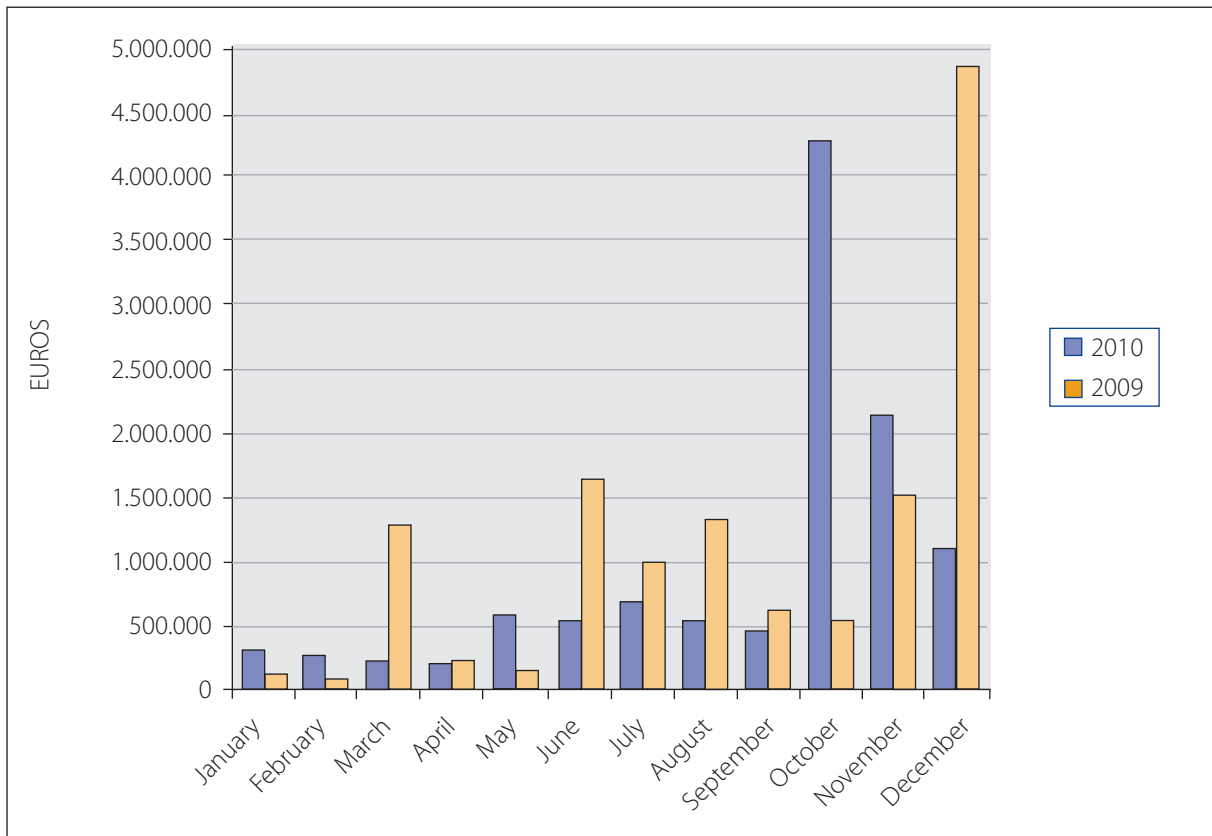
1. Prevent avtomobilski deli d.o.o. – €3,046,676.00,
2. Vegrad d.d. gradbeno industrijsko podjetje – €1,836,172.87,
3. MTD proizvodno, storitveno in trgovsko podjetje d.o.o. – €614,382.91,
4. Prevent Global družba za upravljanje, investicije in razvoj d.d.– €453,084.84,
5. Vegrad – invalidska dejavnost d.o.o. – €443,304.48,
6. Gradis gradbeno podjetje Celje d.d. – €349,489.95,
7. KIK kemijska industrija Kamnik d.o.o. – €260,389.01,
8. Delo tiskarna INPO d.o.o. – €218,004.36,
9. Gradbeno podjetje konstrukcija VG d.o.o. – €206,793.47,
10. Vegrad Montal d.o.o. – €206,420.95.

The rightful claimants from the companies listed here received 67.4 per cent of the sum of all payments in 2010.

Table 5: The number of rightful claimants who received payments in 2010 and total payments by month

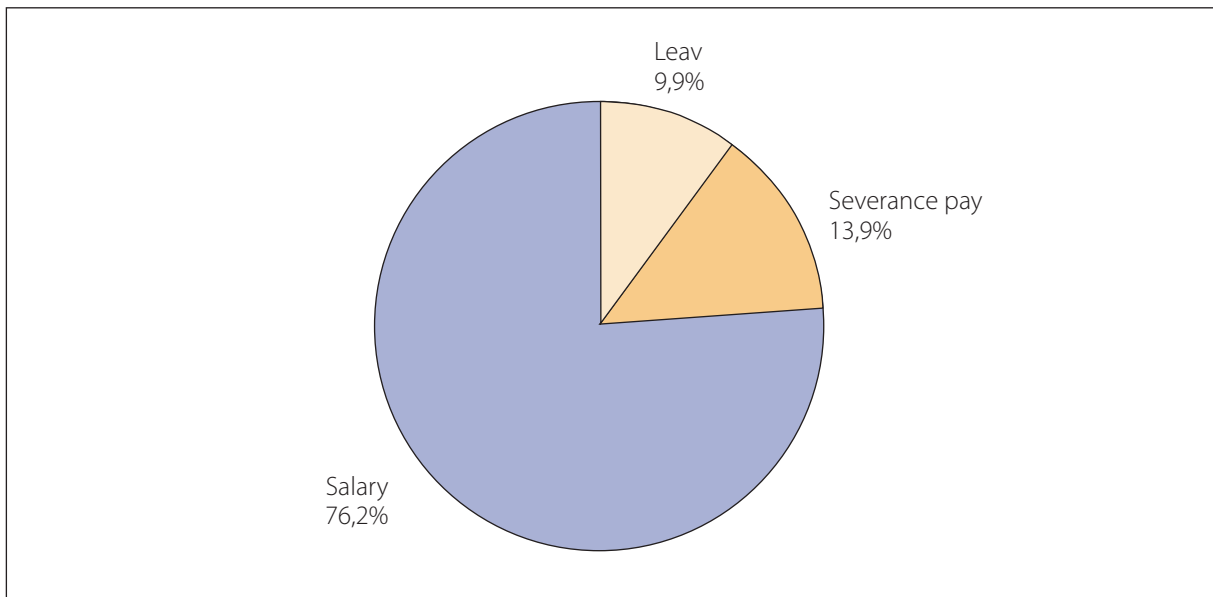
Month	Number of rightful claimants	Payment in euros
January	129	317,619.99
February	117	262,935.19
March	167	235,480.92
April	98	195,480.05
May	262	595,142.20
June	219	537,191.75
July	261	682,403.46
August	177	544,204.64
September	143	452,574.26
October	1,482	4,277,964.52
November	679	2,134,692.36
December	364	1,101,268.84
Total	4,098	11,336,958.18

Graph 2: Payments to rightful claimants of the Guarantee Fund in 2010 and 2009 in euros, by month



The average net payment arising from the assertion of rights in the event of insolvency of an employer, amounted to €1,583.31 per rightful claimant (in 2009, it amounted to €1,231.93).

Graph 3: Types of payments in 2010



In 2010, most of the funds received by rightful claimants (76.2 per cent) were for unpaid salaries and unpaid salary compensations for paid leave, 13.9 per cent of all payments were payments of unpaid severance pay, and 9.9 per cent of all funds paid by the Guarantee Fund were for salary compensation for unused annual leave.

9.4. Repayment of claims

In 2010, we received €2,605,558 of funds from the execution of decisions and by entering the claim of a worker as a creditor (subrogation) (almost four times more than in the previous year). The Fund received the highest amounts of funds in February (€1,263,685) and in September (€435,529).

Table 6: Returns from subrogation in 2010, by month

Month	Repayments in euros	Percentage
January	360,519	13.8
February	1,263,685	48.5
March	5,001	0.2
April	104,617	4.0
May	23,477	0.9
June	10,818	0.4
July	76,881	3.0
August	10,877	0.4
September	435,529	16.7
October	29,248	1.1
November	109,115	4.2
December	175,791	6.8
Total	2,605,558	100.0

On 31 December 2010, the balance sheet shows that claims against 250 companies were not written off, in the total amount of €25,809,035.

GUARANTEE FUND FROM THE BEGINNING OF ITS OPERATION TO 2010

10

The Guarantee Fund has been in operation since 3 November 1997. During the course of our operation, we have paid out funds in the amount of €68,242,165 to 67,654 rightful claimants.

Table 7: The number of filed claims, issued and paid decisions and the total sum of payments, by year

Year	Claims filed	Approved Decisions	Negative Decisions	Decided total	Paid Decisions	Amount of payments in euros
3 November–31 December 1997	18,676	/	/	/	/	/
1998	18,621	32,075	3,229	35,304	31,364	15,739,760
1999	3,984	5,199	1,059	6,258	5,150	3,401,635
2000	4,336	3,995	853	4,848	4,533	3,069,269
2001	2,651	3,121	499	3,620	3,085	2,501,558
2002	2,893	2,827	299	3,126	2,799	3,421,299
2003	3,308	3,052	137	3,189	3,008	3,803,179
2004	2,437	2,040	145	2,185	2,180	3,492,725
2005	2,286	3,050	62	3,112	3,024	4,397,171
2006	1,263	1,270	156	1,426	1,276	2,163,308
2007	472	443	56	499	430	744,805
2008	609	503	94	597	448	849,295
2009	6,184	6,334	79	6,413	6,259	13,321,203
2010	4,704	4,236	96	4,332	4,098	11,336,958
Total	72,424	68,145	6,764	74,909	67,654	68,242,165

The number of issued decisions throughout the entire course of the operation of the Guarantee Fund is higher than the number of filed claims. The reason for this are the decisions issued on the basis of renewal under compulsory powers and issued subsidiary decisions. Renewals are necessary due to new facts or new (different) information about the amount of claims or due to repayments by employers prior to the Fund issuing a decision, of which the Fund was notified only after the decision had been issued and served.

Table 8: Payments by rights according to individual years

Year	Salary	Leave	Severance pay	Total
1998	7,578,661	2,951,677	5,209,422	15,739,760
1999	1,977,110	563,241	861,284	3,401,635
2000	1,777,751	400,734	890,784	3,069,269
2001	1,460,916	417,912	622,730	2,501,558
2002	2,242,318	475,940	703,041	3,421,299
2003	2,470,880	482,417	849,882	3,803,179
2004	2,532,825	348,923	610,977	3,492,725
2005	3,303,722	527,163	566,286	4,397,171
2006	1,592,260	229,571	341,477	2,163,308
2007	533,818	89,973	121,014	744,805
2008	628,902	89,553	130,840	849,295
2009	9,979,955	1,314,083	2,027,165	13,321,203
2010	8,638,224	1,121,904	1,576,830	11,336,958
Total	44,717,342	9,013,091	14,511,732	68,242,165

in euros

1998 is characterised by a noticeable difference in the amount of total payments and individual rights in comparison with other years. The reason for this lies in the retroactive application of the statutory provisions for employees

whose employment was terminated due to their employer's insolvency in the period from 2 January 1994, to the beginning of the Fund's operation. These employees could file a claim to the Guarantee Fund within 90 days after the Fund began its operation and the payments were made in 1998.

In 1998, severance pay and salary compensations for unused annual leave constituted a relatively high percentage (33.1 per cent and 18.7 per cent, respectively) of the total payment amount structure. The reason for this lies in the large number of claims filed by employees on the basis of the aforementioned retrospective application of the legislation and claims in which they claimed mainly the rights for severance pay and salary compensation for unused annual leave. The proportion of payments for these rights reduced in the subsequent years and in 2010, it amounted to 13.9 per cent for severance pay, 76.2 per cent for salary compensation and 9.9 per cent for unused annual leave.

Table 9: The amount of returns to the Guarantee Fund, by year

Year	Repayments in euros
1998	212,632
1999	2,663,282
2000	1,949,283
2001	1,758,135
2002	1,710,009
2003	1,727,973
2004	1,995,585
2005	2,429,924
2006	1,822,648
2007	1,191,410
2008	1,049,385
2009	701,672
2010	2,605,558
Total	21,817,496

From 1998, when we had commenced the recovery of debts, to the end of 2010, the Guarantee Fund successfully obtained resources in the amount of €21,817,496, which constituted 32.0 per cent of the fund paid out in the same period of time. This amount means that the state budget did not need to be charged for this amount in order to provide the statutorily stipulated guarantees in insolvency proceedings.

THE MAINTENANCE FUND

The operation of the Maintenance Fund is dedicated to children who have been allocated maintenance under a final judgement, an interim injunction or an agreement with the Department of Social Security, but which the persons liable to pay are not paying.

11

The Maintenance Fund, in addition to performing its primary task, which is particularly reflected in providing the right to maintenance replacement, was also actively involved in the recovery of debt from the Maintenance Fund's debtors.

11.1. The right to Maintenance Replacement Payment

Any child who is a Slovenian citizen and whose permanent residence is in the Republic of Slovenia or a child who is a foreign citizen but has a permanent residence in the Republic of Slovenia, if so agreed by an international agreement or by condition of reciprocity, is entitled to maintenance replacement. The legal guardians must possess a legally binding writ of execution (a final judgement, an interim injunction or an agreement with the Department of Social Security), determining the maintenance which the persons liable are not paying. Furthermore, in order to assert this right, the legal guardian must have initiated beforehand the appropriate proceedings for maintenance recovery, which have to have been ongoing for over three months, or were unsuccessfully concluded. The right to the payment of maintenance replacement expires at the age of 15, or 18, if the rightful claimant takes up employment.

In addition to establishing whether or not the legal conditions are met upon the submission of a claim for the recognition of maintenance replacement, and upon the issuing of decisions, the Fund must also monitor and take into account the conditions on the basis of which the entitlement to the maintenance itself may change (e.g. changed custody of a child, a child entering into employment, turning the age of 18). The amount of maintenance may also change, resulting in a changed amount of maintenance replacement.

The monitoring or the claim, or of individual rightful claimants in the administrative procedure, may last for up to 18 years. But the expiry of the right to maintenance replacement does not conclude the work of the Fund. In accordance with the law, the Fund must also obtain payment for the maintenance replacement.

11.2. The wider impact of the Maintenance Fund

Since the establishment of the Maintenance Fund, we have found that the operation of the Maintenance Fund also has a positive impact on the wider social environment. The very existence of the Fund as an institution providing financial assistance in cases where a minor is not receiving the maintenance specified for them is sometimes sufficient for the legal guardian and the person liable to pay maintenance to reach an agreement on the payment of the current maintenance or on the payment of overdue monthly amounts.

During the entire course of the Fund's operation, 1,189 persons liable to pay maintenance began to pay their obligations after the legal guardian filed a maintenance replacement claim at the Fund. This fact is especially important as resolving these problems is both complex and time-consuming.

The Fund offers support to legal guardians, who can, after (sometimes) long years of unsuccessfully striving to obtain the funds awarded to children for maintenance, which are in many cases crucial for maintaining the minimum standard of living, turn to the state for funding. We also often give advice on where else to turn to for help.

THE MAINTENANCE FUND IN 2010

11.3. Claims filed

The procedure for the assertion of the right to maintenance replacement begins with the legal guardian submitting a claim for asserting the right to maintenance replacement on a prescribed form (a form printed by the National publishing house of Slovenia, namely form No. 8.42 – hereinafter referred to as the claim). A legal guardian can enforce maintenance replacement for several children of the same person liable to pay maintenance with a single claim. The Fund follows each child as an individual rightful claimant. In 2010, we received 723 claims for 961 children.

Table 10: The number of children, for whom claims were filed in 2010, by month

Month	Number of claims	Percentage
January	84	11.6
February	61	8.4
March	60	8.3
April	62	8.6
May	64	8.9
June	59	8.1
July	44	6.1
August	58	8.0
September	55	7.6
October	62	8.6
November	64	8.9
December	50	6.9
Total	723	100.0

We received the most claims in the end of January and the least claims in July.

Table 11: The number of children for whom claims were filed in 2010, by region

Region	Number of children	Percentage
Ljubljana	256	26.6
Maribor	234	24.4
Kranj	89	9.3
Celje	86	8.9
Velenje	82	8.5
Koper	75	7.8
Murska Sobota	48	5.0
Novo mesto	47	4.9
Sevnica	28	2.9
Nova Gorica	16	1.7
Total	961	100,0

We received a good half of all claims from the regions of Ljubljana and Maribor, and the least claims from the regions of Nova Gorica and Sevnica.

In 2010, legal guardians also enforced maintenance replacement for several children of the same person liable to pay maintenance with a single claim. The average number of children per claim in 2010 was 1.33. In 2010, most legal guardians filed a claim for one child – 71.3 per cent, 25.1 per cent of the claims were filed for two children, 3.1 per cent of the legal guardians filed a claim for three children. In 2010, we received three claims for four children and one claim for five children.

11.4. Decisions Issued

In 2010, the Fund issued 735 decisions for 973 children. The right to maintenance replacement was granted to 805 children. Negative decisions were issued for 73 children.

The legal guardian can withdraw their claim prior to the Maintenance Fund issuing the decision. The reason for withdrawing the claim in the majority of cases was that persons liable to pay maintenance had started paying. In 2010, legal guardians withdrew claims for 12 children.

Claims for 83 children were refused as incomplete, because the legal guardians did not supplement them despite our appeals.

Table 12: The number of children for whom claims were approved in 2010, by month

Month	Number of children	Percentage
January	66	8.2
February	80	9.9
March	22	2.8
April	112	13.9
May	73	9.1
June	50	6.2
July	76	9.4
August	64	8.0
September	75	9.3
October	63	7.8
November	55	6.8
December	69	8.6
Total	805	100.0

The most approved decisions were issued in April, and the least in March. The Fund issued approximately 67 approved decisions every month.

Table 13: The number of children for whom claims were filed, decisions issued and maintenance replacements paid in 2010, by region

Region	Number of children	Approved decisions	Negative decisions	Refused	Withdrawals prior to a decision	Decided Total	Paid
Ljubljana	256	208	26	20	2	256	1,060
Maribor	234	196	19	19	4	238	882
Kranj	89	79	3	8	0	90	348
Celje	86	77	3	5	2	87	409
Velenje	82	70	6	11	3	90	338
Koper	75	66	3	4	1	74	260
Murska Sobota	48	40	2	4	0	46	286
Novo mesto	47	35	5	6	0	46	168
Sevnica	28	21	5	2	0	28	127
Nova Gorica	16	13	0	4	0	17	59
Total	961	805	73	83	12	973	3,937

The number of filed claims and the sum of decided claims in individual regions in total differ on account of the fact that decisions for some claims from 2010 will not be issued until 2011. The Fund, when deciding on the right of maintenance replacement, is also bound to the fact that a child is only entitled to maintenance replacement if the proceedings for maintenance recovery were unsuccessfully concluded or have been ongoing for more than three months.

11.5. Payments

The amount of maintenance replacement is determined by the child's age and the amount of the maintenance determined by a final judgement, an interim injunction or an agreement with the Department of Social Security. On 1 April, we adjusted the maintenance replacement in accordance with the quotient published by the Ministry of Labour, Family and Social Affairs. Maintenance replacement rose by 1.2 per cent. The amounts of maintenance replacement are displayed in the table below.

Table 14: The amount of maintenance replacement, by age classification

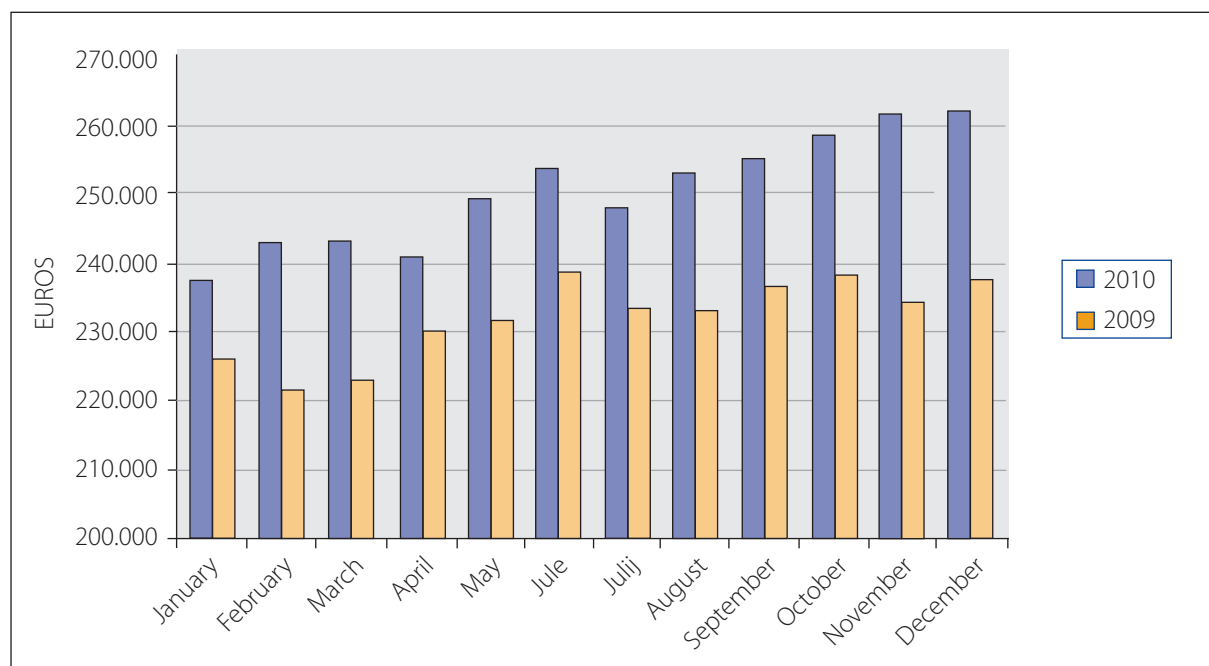
Age classification	Amount of compensation, in euros
Up to 6 years	69.24
From 6 to 14 years	76.16
From 14 to 18 years	90.01

If the maintenance is lower than the legally determined replacement, the child is entitled to replacement in an amount determined by a judgement, an interim injunction or an agreement. The average amount of maintenance in the Republic of Slovenia is €119.94, 67,740 maintenances have been determined (source: website of the Ministry of Labour, Family and Social Affairs, data from 3 March 2011).

Table 15: The number of children who received maintenance replacement in 2010, and the sum of payments, by month

Month	Number of children	Sum of payments, in euros
January	3,106	237,313.08
February	3,115	242,687.03
March	3,179	242,984.98
April	3,166	240,651.36
May	3,227	249,457.25
June	3,249	253,414.79
July	3,252	247,811.78
August	3,271	252,971.57
September	3,308	255,220.32
October	3,317	258,091.64
November	3,348	261,400.84
December	3,393	261,943.62
Total		3,003,948.26

Graph 4: The amount of paid maintenance replacements in euros in 2010 and 2009, by month



In 2010, we paid out €3,003,948 in maintenance replacements. In December 2010, the Fund paid out maintenance replacements in the sum of €261,944 to 3,393 children. The number of children may be lower in individual months, as some of the persons liable to pay maintenance occasionally pay the maintenance, and some of the children cease to be eligible for maintenance replacement during the year.

The average amount of maintenance replacements paid in December was €77.21. The average amount of maintenance replacements paid depends on the amount of maintenance and on the age classification structure of rightful claimants.

Besides the listed factors, the amount of maintenance replacement payments also depends on the potential regular payment of current maintenance by persons eligible to pay maintenance to the legal guardians. This is because every payment of maintenance means that the Fund will not pay out maintenance replacement to the legal guardian in the same period, or that only the difference in the amount of the maintenance replacement will be paid out. In 2010, 286 persons liable to pay maintenance, regularly or occasionally paid the maintenance.

The close monitoring of paid maintenance is of crucial importance for a later process of recovery of debt from the person eligible to pay maintenance, as by taking the reported data into account reduces the number of complaints and appeals from debtors. Court procedures are thus shorter and more efficient.

11.6. Recovery of debt

Also a very important field of operation of the Maintenance Fund is the recovery of debt from persons liable to pay maintenance, since the claim of the child towards the person liable to pay maintenance (up to the statutory agreed rights) is transferred to the Fund on the date of the execution of the decisions on granting the rights. With the transition of the claim (subrogation), the Fund shall assume the position of the child as a creditor towards the amount of funds paid pursuant to the maintenance replacement decision, increased by the associated interests and costs. If a legal guardian receives both maintenance and maintenance replacement in the same period, the Fund recovers the paid amount from the legal guardian.

Proposals for enforcement are filed at the enforcement divisions of the competent District courts across Slovenia. During the execution proceedings, the Fund shall proactively address the recovery of obligations of persons liable to maintenance with the purpose of fully settling the claims towards the Fund as soon as possible in the highest possible percentage and thus acquire data about the debtors' property from external institutions pursuant to statutory authorization. The Fund invests much attention to proactive cooperation with persons liable to pay maintenance and tries to achieve an out-of-court settlement on the repayment of claims towards the Fund and try to make them aware that their maintenance obligation towards their children is an integral part of their rights and obligations.

The Fund is legally bound to obtain information on the debtors, as defined under the Act regulating the Fund's operation (potential employment of debtors, transaction accounts, potential ownership of motor vehicles and of the ownership of stocks), from existing data records managed by external parties. The gathered data are used solely for the purpose of repaying the debt which arose as a result of payments to the persons relying on receiving maintenance – the children. All possible data about the property of persons liable to pay maintenance allow us to file complete proposals for enforcement to the competent courts, which contributes to a more rapid and more efficient recovery. We are aware that only a proposal for enforcement which contains information on the debtor's property or data on resources from which the debt is to be repaid can present a basis for the efficient and rapid acquisition recovery.

Quite often, after the commencement of the court collection, debtors – persons liable to pay maintenance – become aware of their financial liability to both the Fund and the children. A court collection does therefore not only serve as a means for repayment of debts to the Fund, but also helps the debtors to become aware that maintenance liability cannot be avoided.

11.7. The proceedings and success rate of recovery

Since the beginning of its operation, the Fund has conducted debt recovery proceedings against persons liable to pay maintenance, either independently or through lawyers. Since 2006, the Fund has been conducting all proceedings independently. Since 2008, the Fund has been using software which enables the recovery of debt to be more efficient, speedier and more easily manageable.

All procedures involving the acquisition of data related to filing proposals for enforcements and lawsuits are conducted by the employees of the Fund. With numerous inquiries and by appropriate connections to external

institutions (the Central Registry of Population kept by the Ministry of the Interior, the Health Insurance Institute of the Republic of Slovenia, the Ministry of the Interior – register of vehicles, the Clearing and Depot House, the Bank of Slovenia), the Fund speedily and efficiently obtains the information needed for the completion of proposals for enforcement. With debtors who live abroad, the Fund cooperates with a company which specialises in the recovery of debt from abroad.

Court collection is only a part of the effort undertaken by employees of the Fund in order to succeed in the recovery of debt from persons liable to pay maintenance. The activity of preliminary collection is also extensive. This consists of activities which precede court collection, including informing debtors of the status of the balance of their debt, and efforts to achieve an agreement on the method and deadline of payment. The option of paying the debt in instalments gives persons liable to pay maintenance the ability to repay their debt in financially acceptable monthly instalments. Repayments can also be postponed for a certain period of time. The condition for this is that the person liable to pay maintenance is unemployed and receives no other income.

In 2010, the Fund filed 1,461 proposals for enforcement for the purpose of recovery of debt from persons liable to pay maintenance. In 1,693 cases, the Fund received an authorization decision. 303 debts from persons liable to pay maintenance and 4 debts from legal guardians were completely repaid in 2010 through court collection.

During the entire course of operation of the Fund, 8,938 proposals for enforcement were filed.

In 2010, a total of €1,037,256 was recovered from persons liable to pay maintenance and legal guardians, which amounted to 34.5 per cent of payments made in that year. At the end of the year, the Maintenance Fund pursued the debtors for the total sum of €28,123,884.

THE MAINTENANCE FUND FROM THE BEGINNING OF ITS OPERATION TO 2010

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The Maintenance Fund of the Republic of Slovenia began its operation on 18 October 1999. Since that day, it has gained extensive experience in the field of assertion of the right to maintenance replacement and proceedings concerning the recovery of debt. From the beginning of its operations, to the end of 2010, the Maintenance Fund received 8,171 claims for 10,659 children. Legal guardians may claim maintenance replacement for multiple children using a single claim.

Table 16: The number of filed claims and children, by year

Year	Number of claims	Number of children
1999 (from 18 October 1999)	1,156	1,534
2000	1,119	1,441
2001	638	811
2002	619	785
2003	766	1,000
2004	599	766
2005	594	774
2006	501	633
2007	438	594
2008	427	583
2009	591	777
2010	723	961
Total	8,171	10,659

The Fund received the largest number of claims in the first months of its operation, i.e. at the end of 1999 and in the beginning of 2000. Until 2008, the number of new claims had been slightly decreasing. In 2009, it increased by 38 per cent. The trend of increased inflow continued in 2010; whereas, we have received 22 per cent more claims compared to the previous year. The Fund's opinion is that one of the most important reasons for the increase in the number of claims is the decline in the ability to pay by persons liable to pay maintenance.

Table 17: The total amount of paid maintenance replacements, in euros

Year	Payment in euros	Percentage	Number of children who received maintenance replacement
2000	856,453	3.5	1,857
2001	1,288,734	5.3	2,330
2002	1,585,408	6.5	2,429
2003	1,989,526	8.2	2,856
2004	2,330,091	9.6	3,576
2005	2,529,461	10.4	3,741
2006	2,636,338	10.8	3,810
2007	2,630,612	10.8	3,697
2008	2,707,565	11.1	3,616
2009	2,783,104	11.5	3,680
2010	3,003,948	12.3	3,935
Total	24,341,240	100.0	

The total sum of payments in individual years depends on the number of children who received maintenance compensation, their age and the duration of the period during which they were eligible to receive maintenance compensation.

Table 18: Returns from debtors to the Maintenance Fund, in euros, by year

Year	Repayments in euros	Percentage
2000	26,955	0.4
2001	98,456	1.5
2002	116,831	1.8
2003	195,508	3.0
2004	334,182	5.1
2005	599,173	9.1
2006	747,256	11.4
2007	1,100,255	16.8
2008	1,298,664	19.8
2009	1,000,717	15.3
2010	1,037,256	15.8
Total	6,555,253	100.0

In eleven years of operation, the Maintenance Fund has collected a total of €6,555,253 by subrogation, which was reallocated for maintenance compensation payments.

Active debt recovery from persons liable to pay maintenance has, in addition to the financial effect, another important effect. As a result of the Fund entering the legal guardian – debtor relationship, the latter are more willing to voluntarily perform their duty of paying maintenance.

INTEGRATION WITH THE ENVIRONMENT

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General

In 2010, we closely cooperated with the Ministry of Labour, Family and Social Affairs. We believe that one of the keys to better legislation is cooperation with institutions which possess practical experience. We are pleased with being able to offer our expertise in both areas of operation of the Fund.

In 2010, the Fund also tried to continuously keep the public up to date with their operation. The public were notified about all the important events, and the Fund took part in radio and television shows of an informative nature. An effective method of notifying the public about the Fund's mission and operations is also through the local media.

In the autumn, the Fund participated at the three-day Festival for the third life period, on which they successfully introduced their mission and operation at the Guarantee and Maintenance Fund.

International activities of the Fund

In view of the international cooperation in 2010, the Fund's representative participated in an expert group meeting from the field of the guarantee for the rights of employees in the event of the employer's insolvency, that was held in Brussels by the European Commission. The Representative of the Fund as an EU expert in the field of guarantee institutions, participated in the TAIEX workshop in Macedonia, where the Fund was presented as a successful institution of realizing employees rights. The Fund also hosted the representatives from the Guarantee Institution from Montenegro, who were interested in the guarantee model for the rights of employees in the event of the employer's insolvency.

The Guarantee Fund

Poor economic and financial conditions continued in 2010, which caused the bankruptcies of numerous companies. The Fund representatives attended meetings organised by bankruptcy managers, where workers were given all the necessary instructions for filing claims to the Fund. Claims were also collected at the headquarters of large companies. In Vegrad d.d., we organized the personal delivery of decisions to claimants and thus adapted to the needs of claimants in distress. The proceedings were conducted quickly, enabling the workers to be paid in the shortest possible time.

We also cooperated closely with the Employment Service of Slovenia, where workers usually file claims to the Fund.

In 2010, we informed the public of the mission and operation of the Guarantee Fund via our toll-free telephone line and public announcements, by updating our website with important information and by preparing leaflets for rightful claimants of the Guarantee Fund.

The Maintenance Fund

In 2010, we informed the public, but predominantly potential claimants of maintenance compensation via our free-phone telephone line, important information on our website, public announcements and by preparing leaflets for the Maintenance Fund. At the Centre for Social Services, mother's homes, safe houses and kindergartens were sent leaflets containing information about the right to receive maintenance replacements. Leaflets were also available at the cash register at major railway stations.

So as to eliminate administrative obstacles, we provide electronic access to recorded information on maintenance compensations to institutions which are permitted to access this data by law.

A LOOK INTO 2011

14

The Government of the Republic of Slovenia adopted the Business and Financial plan of the Fund for 2011 at its session in February 2011. The effective implementation of both programmes still remains the Fund's basic task.

Special attention will therefore be dedicated to the successful execution of both programmes. Special attention will therefore be dedicated to the monitoring of legislation in the areas which affect our works. Our operation shall thus be organised in a way that enables us to optimally ensure the performance of our tasks. We shall perform our work professionally, with regard to the legal provisions and with utmost care and commitment. We shall strive to maintain sensitivity to the circumstances of our clients – the beneficiaries of the Maintenance or Guarantee Fund – and help them to exercise their rights in an efficient and friendly manner.

In the 2011 fiscal year, we plan that the **Guarantee Fund** pays out funds in the amount of €6,200,000 to 3,000 rightful claimants. The budget of the Republic of Slovenia has allocated funds in the amount of €4,488,454 for this purpose, the remainder of the funds we shall procure from subrogations. Based on the dynamics of the rightful claimants in the beginning of the year and the announced bankruptcies, in April 2011 the Government of the Republic of Slovenia ensured additional resources from the budget in the amount of €6,000,000, thus the total amount of ensured resources from the budget for payment to rightful claimants of the Guarantee Fund is €10,488,454.

We anticipate that in 2011, the **Maintenance Fund** will pay out maintenance compensations to 4,150 children. The total amount of payments anticipated is €3,250,000. The budget of the Republic of Slovenia has allocated funds in the amount of €2,115,499 for this purpose, the remainder of the funds we shall procure from subrogations (recovery).

The area of recovery of debt is extremely important for the Fund, as successful recovery lowers the amount of funds needed for the execution of tasks defined under law from the budget of the Republic of Slovenia. The recovery at the Maintenance Fund is particularly difficult.

As in previous years, in 2011, we will provide our employees with education in all areas which require education to ensure the successfulness of the employees' work and to ensure their interdisciplinary qualification, as well as other fields, where the acquisition of knowledge is reflected as value added to the work process itself.

The Fund possesses a wealth of knowledge related to the area of its operation. In the case of legislative amendments regarding the area of the Fund's operation, and during our current operative work, we thus intend to maintain cooperation with other institutions. Of special importance is the cooperation with the Ministry of Labour, Family and Social Affairs, Centres for Social Work and the Ministry of Finance.

FINANCIAL STATEMENTS FOR 2010

Balance sheet as of 31 December 2010

In euros

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A. ASSETS	
1. LONG-TERM ASSETS AND ASSETS UNDER MANAGEMENT	115,618
• intangible assets and long-term deferred items	392,825
• value adjustment of intangible assets	297,090
• equipment and other tangible fixed assets	134,595
• value adjustment of equipment and other tangible fixed assets	115,964
• long-term financial investments	1,252
2. SHORT-TERM ASSETS, EXCLUDING INVENTORIES AND DEFERRED ITEMS	55,409,328
• assets in hand and immediately realizable valuables	11
• balances with banks and other financial institutions	340,580
• short-term receivables from EKN users	1,065,381
• short-term financial receivables	95
• other short-term receivables	53,933,586
• unpaid expenses	69,675
ACTIVE TOTAL	55,524,946
B. LIABILITIES	
3. SHORT-TERM LIABILITIES AND ACCRUED ITEMS	54,003,737
• short-term liabilities to employees	43,487
• short-term liabilities to suppliers	19,470
• other short-term operating liabilities	0
• short-term liabilities to EKN users	3,179
• unpaid expenses	53,933,395
• accrued items	4,206
4. OWN RESOURCES AND LONG-TERM LIABILITIES	1,521,209
• assets dedicated to public funds	941,741
• liabilities for tangible and intangible fixed assets	115,618
• surplus of income over expenditure	463,850
PASSIVE TOTAL	55,524,946

Profit and loss statement for 2010

Revenues from the budget of the Republic of Slovenia for the activity	970,000
Revenue from subrogation and other untaxed income	3,645,063
Revenue from interest	14,266
Revenue from income tax	67,377
Other untaxed income	40
TOTAL INCOME	4,696,746
Payments to rightful claimants of the Guarantee Fund	2,641,748
Payments to rightful claimants of the Maintenance Fund	1,094,525
Operating costs	1,084,988
TOTAL EXPENSES	4,821,261
SURPLUS OF INCOME OVER EXPENDITURE	124,516

AUDITING OF THE FUND

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In 2010, the audit company Revizijski center d.o.o., carried out the internal audit of the Fund operation, verified the existence, adequacy and efficiency of the internal control operation that ensures the smooth running of the Fund's operation with the regulations and internal instruction provided by the Management in the field of materials and services procurement and recovery of claims under the maintenance replacement payment. A recommendation was made for the material and service procurement regarding the preparation of organizational instructions for procurement, which had already been executed. A statement for the recovery of claims under the maintenance replacement payments was provided that the Fund strictly follows the internal rules on the execution of the judicial proceedings of the maintenance replacements.

The audit company ABC revizija, družba za revizijo in sorodne storitve, d.o.o., audited the operations of the fund in February 2011 for the fiscal year 2010 and expressed two opinions regarding the operation of the Fund. The first opinion was that the asset investments, assumed obligations of the Fund, provisions and regulation on the management of credit risks in the Fund on 31 December 2010, complied with the provisions of the Public Funds Act. The second opinion was that the accounting records, along with its enclosures, were a real and honest reflection of the financial state of the Fund on 31 December 2009. The statement of revenue, statement of the financial assets and liabilities account and the financing statement for the then ended year were consistent with the Accounting Act and with the legislation, defining the operation of the Fund. The business report is consistent with the audited financial reports.

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