

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



REPORT

**ON THE MEETING WITH THE SLOVENIAN GOVERNMENT
WITHIN THE FRAMEWORK OF ARTICLE 22 PROCEDURE**

(Ljubljana, 15 September 2004)

Document prepared by the Secretariat

Situation of Slovenia on 15th September 2004

Ratifications

Slovenia ratified the Revised European Social Charter on 07/05/1999 and has accepted 95 of the Revised Charter's 98 paragraphs.

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3								= Accepted provisions			

Slovenia has agreed to be bound by the "collective complaints" procedure. It has not yet made a declaration enabling national NGOs to submit complaints.

Reports

Between 2000 and 2003, Slovenia submitted 3 reports on the Revised Charter.

Deadline for the submission of the 4th report on part of the non-hard core provisions of the Revised Charter: before 31/03/2004. Report received: 17/05/2004.

Deadline for the submission of the 5th report on hard core provisions of the Revised Charter: before 30/06/2005.

PROCEDURE PROVIDED BY ARTICLE 22 OF THE CHARTER

The Ljubljana meeting was the first under the new procedure provided by Article 22 of the Social Charter – examination of non-accepted provisions - agreed by the Committee of Ministers in December 2002¹.

The Deputies had decided that "states having ratified the Revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and had "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned".

Following this decision, five years after ratification of the Revised Social Charter (and every five years thereafter), the European Committee of Social Rights would review non-accepted provisions with the countries concerned, with a view to securing a higher level of acceptance. Experience had shown that states tended to forget that selective acceptance of Charter provisions was meant to be a temporary phenomenon. The aim of the new procedure was therefore to require them to review the situation after five years and encourage them to accept more provisions.

In the case of Slovenia, the European Committee of Social Rights had agreed with the Slovenian authorities that it would meet representatives of various ministries in Ljubljana on 15 September 2004.

The delegation comprised Mr Stein EVJU, General Rapporteur and former Chair of the Committee, Mrs Polonca KONCAR, Vice-President of the Committee, Mrs Csilla KOLLONAY-LEHOCZKY member of the Committee, Mr Henrik KRISTENSEN, deputy Executive Secretary ad interim of the European Social Charter, and Mr Stefano PIEDIMONTE, administrator at the Secretariat of the European Social Charter.

The meeting had been organised by Ms Nataša LUŽAR, Adviser at the Department for International Cooperation and European Affairs, Ministry of Labour, Family and Social Affairs and Slovenian delegate at the Governmental Committee of the European Social Charter.

¹ Committee of Ministers decision of 11 December 2002.

OUTCOME OF THE MEETING

The meeting was opened by the State Secretary for Labour Relations, Ms Nataša BELOPAVLOVIC. The discussions took place in an open and positive atmosphere and provided the opportunity both to explain to the Government certain aspects of ECSR case law and to give the CoE delegation a more complete picture of the situation in law and practice in Slovenia.

One of the main aims of the Article 22 procedure is to encourage States to accept additional provisions of the Charter and in the Slovenian case this aim seems to have been achieved: in her concluding statement, Mrs Belopavlovic, gave an express undertaking to accept Article 18§2 in the very near future insofar as following recent change to work permit legislation the situation was now in compliance with the Charter. As regards Article 13 there was agreement between the two sides that the existing nationality requirement for access to full social assistance remains an obstacle to compliance with paragraph 1 whereas the situation with respect to emergency social and medical assistance for foreigners lawfully present in Slovenia would appear to be largely in conformity with paragraph. Mrs Belopavlovic indicated that the question of the nationality requirement would be addressed in the context of an up-coming revision of social security and social assistance legislation. She was convinced that the reservation as regards these two paragraphs would be lifted eventually.

A survey of the ECSR case-law and the situation in Slovenia provision by provision is appended.

APPENDIX

SURVEY PROVISION BY PROVISION

This Appendix has been drafted on the basis of the European Committee of Social Rights Case-Law Digest, June 2004 (document prepared by the Secretariat) and on an outline of relevant Slovenian law (document prepared by the Ministry of Labour, Family and Social Affairs). It also takes into account the additional information provided during the meeting.

A - Article 18§2

“Article 18

The nationals of any one of the Parties have the right to engage in any gainful occupation in the territory of any one of the others on a footing of equality with the nationals of the latter, subject to restrictions based on cogent economic or social reasons...

2. With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers...”

1. Summary of ECSR Case-law on Article 18§2 presented by Mrs Csilla KOLLONAY-LEHOCZKY, Member of the European Committee of Social Rights

Formalities and dues and other charges are one of the aspects of regulations governing the employment of workers covered by paragraph 3 but are dealt with specifically in this provision.

With regard to the formalities to be completed, conformity with Article 18§2 presupposes the possibility of completing such formalities in the country of destination as well as in the country of origin and obtaining the residence and work permits at the same time and through a single application. It also implies that the documents required (residence/work permits) will be delivered in a reasonable time.

Chancery dues and other charges for the permits in question must not be excessive and, in any event, must not exceed the administrative cost incurred in issuing them.

2. Summary of the Slovenian situation presented by the ministry of Labour, Family and Social Affairs

Employment or work of aliens in Slovenia is possible only upon prior acquisition of work permit or any other permit corresponding to work permit. Work permit is required unless otherwise stipulated by law or international treaty.

As a rule, a work permit is issued upon the **application of the employer**. The basic condition for issuing one is the current situation in the labor market, or lack of appropriate domestic candidates.

In special cases explicitly stated by law, **aliens themselves** can apply for a work permit. Its issuing depends on the special alien's status, or the nature of work, and is issued regardless of the situation in the labor market.

Work permit allows aliens to work or be employed, and serves as a basis to obtain the residence permit. This is a special permit and is issued by the Slovenian diplomatic-consular missions or administrative units in the RS.

Work permits are issued by the Employment Service of Slovenia which verifies:

- the quota for issuing work permits /the legal quota should not exceed 5 % of the active population;
- whether the records of the unemployed in a certain area at the Employment Service contain suitable domestic candidates who could take the offered post;
- whether the employer and the alien meet the conditions of employment or work;
- whether other special conditions have been met which are defined by law for individual types of work permits.

2.1 Types of work permits and the time validity of work permit

2.1.1 PERSONAL WORK PERMIT

2.1.1.1. Personal work permit for refugees

A personal work permit for a refugee can be requested by an alien who had been recognized a refugee status by the Ministry for Internal Affairs. The permit is issued for one year and can be extended under unchanged conditions.

2.1.1.2 Personal work permit for a self-employed alien

A personal work permit for self-employed persons can be requested by aliens who meet the legal conditions for a self-employed person /sole proprietorship or founder of a personal company/. The permit is issued for one year; however if the alien has already been self-employed during uninterrupted period of three years, the permit is issued for three years.

2.1.1.3 Personal work permit for close family members - Slovenian citizen or alien with a personal work permit for unlimited period

A personal work permit for close family members-Slovenian citizens can be requested by aliens, close family members of a Slovenian citizen, or aliens with a personal work permit for an unlimited period, who hold a valid permit for a temporary residence in the Republic of Slovenia in the period of at least three years, if they resided in the Republic of Slovenia for at least three years before applying for permit. The permit is issued for three years.

2.1.1.4 Personal work permit for aliens who have been employed for 5 uninterrupted years by the same employer

A personal work permit on this basis can be requested by aliens who have been employed for 5 uninterrupted years by the same employer. The application for a personal work permit shall be submitted at the competent department of the Employment Service where the employer is based. The permit is issued for three years.

2.1.1.5 Personal work permit for Slovenian emigrants or their descendants

A personal work permit on this basis can be requested by aliens/Slovenian emigrants or their descendants/. The permit is issued for three years.

2.1.1.6 Personal work permit for an unlimited period for aliens, holders of a permanent residence permit

A personal work permit on this basis can be requested by aliens, holders of a permanent residence permit in the RS.

2.1.2 EMPLOYMENT PERMIT

2.1.2.1 Conditions for issuing a permit:

- The quota has not been filled

- The employer fulfils the legally prescribed conditions;
- The records of unemployed persons contain no suitable candidates;
- The employment has no negative effects on the labor market;
- The applicant has not had a penalty imposed on him for committing an offence in the last two years.

2.1.2.2 The procedure:

- Before the application, the employer has to notify the need for employee on the PD-1 form
- The application is submitted by domestic employer on the 'TUJ 2/1' form (application)

2.1.2.3 Enclosures to the applications include:

- the evidence on meeting the conditions for applicants
- the evidence on meeting the conditions for aliens
- the employment contract
- the notice of the Employment Service on the (non)existence of appropriate domestic job-seekers
- the evidence on having paid the fees for application and permit

If the application is complete, the competent body shall decide on its contents based on Article 11(2) of the Act, therefore the permit is issued only if the Employment Service has no records of adequate domestic unemployed persons. The work permit shall be issued for no more than one year, or for the period requested by the employer if shorter than one year.

In cases of the first employment of aliens in Slovenia, the employment permit shall be issued for a period of 4 months, in case of regulating residence and social insurance (the evidence is the M1 form), the permit without a repeated procedure of verifying the existing domestic job-seekers shall be issued for the rest of the requested period.

2.1.2.4 Employment permit without checking the situation and conditions on the labor market

In cases of employing special categories of aliens /sportsmen, artists, scientists, lecturers..., the employment permit can be issued without checking the situation on the labor market. In such cases, the central service of the Employment Service shall decide on issuing a permit.

2.3. WORK PERMIT

2.3.1 Conditions for issuing a permit:

- The quota for individual purpose has not been filled;
- No checking of the situation and conditions on the labor market;
- After the expiry of the work permit validity, no employment permit or personal work permit (w.p.) can be issued without meeting the condition of having provisionally interrupted to work within the country, save in the cases prescribed by law;

2.3.2 Work Permit for the cross-border provision of services /Article 13 of the ZZDT Act

The permit may be issued for the period of the service duration but no longer than three months.

2.3.3. Work Permit for movement of persons within companies /Article 16

The permit may be issued for a period of up to 1 year.

2.3.4 Work Permit for the provision of services with posted workers /Article 17 of the ZZDT Act

The permit may be issued for a period of up to 1 year.

2.3.5 Work Permit for training and advanced training /Article 18 of the ZZDT Act

The permit may be issued for a period of up to 18 months.

2.3.6. Work Permit for seasonal work /Articles 19 and 20 of the ZZDT Act

The permit may be issued for the following periods:

- For general seasonal work: for a period of up to 3 months
- For seasonal work in agriculture: for a period of up to 6 months
- For seasonal construction work: for a period of up to 9 months.

2.3.7 Work Permit for alien managers /Article 22(3) of the ZZDT Act/

The permit may be issued for the duration of the mandate.

2.3.8 Work Permit for contractual services of aliens /Article 23 of the ZZDT Act

As a rule, the permit shall be issued for the period up to 3 months, and for services in the field of science, culture, sports, health and education for up to 1 year.

2.3.9 Administrative fees for work permits

A fee shall be paid for all applications and permits /except permits for seasonal work in agriculture/ in line with the provisions of the administrative fees act. The fee equals SIT 17,000, or 1000 points for fixed term permits, and SIT 34,000 or 2000 points for indefinite term permits, respectively.

Upon issuing the permits for cross-border services and the permits for posted workers, a payment of SIT 10,000 of compensation for special costs shall be made.

2.3.10 The procedure of extending the work permits

The procedure of extending the work permits is carried out in a similar way as the issuing of the first permit; the evidence checked upon the first application are not verified again.

2.3.11 Interdependence of work permit and residence permit

Work permit and residence permit are two different permits issued by two different bodies /Employment Service of Slovenia and Administrative Units/ but they are linked with each other.

Work permit allows aliens the employment or work in the RS and is issued by the Employment Service of Slovenia, while the residence permit enables the aliens to enter and reside in the country. The latter is issued by consular missions of the RS abroad, or by administrative units in which the alien is going to reside.

As a rule, a work permit serves as a basis to obtain the residence permit which is issued for equal period; the early termination of work permit serves as grounds to withdraw the residence permit.

2.3.12 Duration of the procedure for issuing a work permit

The procedure for issuing a work permit is carried out in line with the law governing the general administrative procedure.

Article a rule, applications for issuing the employment permits and the work permits for seasonal workers are submitted at the Employment Service regional offices where the employer is based, while others are submitted at the Central Office of the Employment Service which decides on the issuing of permits at first instance.

Applications are submitted using the prescribed 'TUJ forms'. If the application is complete, the **Employment Service has to make a decision on issuing the work permit not later than within 60 days.**

The complaints shall be dealt with by the Ministry of Labour, Family and Social Affairs.

Conclusion

The Slovenian authorities explicitly stated that the situation in Slovenia was in conformity with Article 18§2 and therefore this provision could be accepted in the near future.

B) Article 13§§1 and 4

With a view to ensuring the effective exercise of their right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition...
2. ...to apply the provisions referred to in paragraphs 1,2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and medical Assistance, signed at Paris on 11 december 1953.

1. Summary of ECSR Case-law on Article 13§1 presented by Mr Stein EVJU, General Rapporteur of the European Committee of Social Rights

1.1 Article 13§1

According to Article 13§1, all nationals and resident foreigners who are without adequate resources have an individual right to adequate social and medical assistance.

For the purpose of this provision, social assistance covers cash benefits and benefits in kind payable primarily on the basis of need. Benefits restricted to certain beneficiaries as well as universal benefits come within the scope of this provision (social allowances, social pensions, minimum integration income, etc).

Medical assistance covers access to free or subsidised health care, or payments enabling people to afford the care they require.

Since it is an individual right, the right to social and medical assistance must be:

- clearly defined in law and based on objective criteria;
- not subject to any condition other than need;
- enforceable.

In particular, the individual right to social assistance is genuine when:

- assistance is provided to all those in need;
- the level of benefits is adequate.

Since need is the only criterion referred to in Article 13§1, any restrictive conditions, as for example a lower age limit (e.g. twenty–five years) or budgetary feasibility, are contrary to the Charter.

The right to social assistance must be maintained for as long as the state of need persists. However, linking social assistance with willingness to look for work or undergo vocational training is in conformity with the Charter, provided that these conditions are reasonable and in keeping with the aim pursued, namely to find a lasting solution to the person's problems. In this context, reduction or suspension of social assistance benefits may be in conformity with the Charter only if they do not deprive the needy persons of any sources of subsistence.

1.2 Article 13§4

Article 13§4 applies to nationals of the other Parties who are lawfully present in a Party's territory, but do not reside lawfully or work regularly there. Since their presence is temporary, appropriate forms of social and medical assistance do not necessarily include all the benefits available under the general scheme.

Temporary assistance in an emergency is sufficient (food, accommodation, clothing, emergency medical care). In such cases, assistance must be given, regardless of local or national resources.

Persons covered by this provision may be repatriated, but the relevant provisions of the 1953 European Convention on Social and Medical Assistance must be respected.

2. Summary of the Slovenian situation with regard to Article 13§§ 1 and 4 presented by the ministry of Labour, Family and Social Affairs

The European Social Charter stipulates in Article 13 the right to social and health assistance. Under the legislation of the Republic of Slovenia the right to social assistance is governed by the Social Assistance Act (Official Gazette of the RS, 36/04), which stipulates in Article 5 that beneficiaries under this Act are citizens of the Republic of Slovenia with permanent residence in Slovenia, and aliens with a permanent residence permit in Slovenia.

Citizens of the Republic of Slovenia without permanent residence in Slovenia and aliens without a permanent residence permit in Slovenia exercise their rights to

individual services and financial social assistance in cases and under conditions stipulated by this Act.

Article 14 stipulates that anybody who finds himself in social distress and hardship is entitled to services referred to in Article 12 and 13 of this Act, i.e. the right to first social assistance and the right to personal assistance.

Under Article 21a, financial social assistance – in addition to beneficiaries referred to in Article 5 – may also be claimed by persons who exercise the right to financial social assistance on the basis of international acts binding on the Republic of Slovenia.

In discussion of potential withdrawal of the restraint to point 1 and 4 of Article 13 of the European Social Charter the following must be emphasized:

1. The organization of the social assistance system in the Republic of Slovenia is identical to its organization in other European countries, which –as does Slovenia – conditions receipt of social assistance on citizenship and residence. The residence registration system is under the authority of the Ministry of Interior Affairs.
 2. The general principle of the Social Assistance Act, which governs the social assistance system, is the equal provision of social welfare rights and social assistance to citizens of the Republic of Slovenia and citizens of other countries. The Act conditions some of these rights on permanent residence in the country. The right to first social assistance and to personal assistance are guaranteed to all. However, the right to financial social assistance and the right to other social security services (which primarily means the right to institutionalized care) are conditioned on permanent residence in the Republic of Slovenia. Aliens with permanent residence regulated according to regulations governing it, have their rights guaranteed to the same extent.
 3. In view of the provisions of point 4, withdrawal of the restraint would represent the extension of this right to anybody legally in the country (i.e. Slovene citizens not residing in the country; aliens without a permanent residence permit and all persons temporarily in the country for the purpose of transit or for other temporary reasons, such as health treatment, participation at a seminar, organized travel tour with no intention of residing). Such an extension would entail new obligations for the country, which it would not be capable of fulfilling in terms of its financial and spatial capacities. It is impossible to provide a real estimate of the impact of such an obligation on the country, since we do not have available information on potential number of new beneficiaries.
3. **Summary of the Slovenian situation with regard to Article 13§4 presented by the ministry of Health**

Health insurance of aliens in Slovenia is governed by Article 26, 27 and 55 of the Aliens Act (Official Gazette of RS; no. 61/99) and Article 7 of the Health Care and Health Insurance Act (Official Gazette of RS; no. 9/92, 13/93, 9/96, 29/98, 6/99, 99/01, 60/02 and 126/03).

Article 26 of the Aliens Act defines the types of residence permit:

(1) A residence permit shall be issued as:

- a) a permit for temporary residence; or**
- b) a permit for permanent residence.**

(2) A permit for temporary residence shall be issued for a specific purpose and for a specific period of time

(3) A temporary residence permit, not bound to a specific purpose, may be issued as a non-related permit for temporary residence to specific aliens under conditions stipulated by this Act.

(4) A permanent residence permit is issued with no limitations in terms of duration and purpose of stay in the Republic of Slovenia.

Article 27 of the Aliens Act further specifies the conditions of the issue of a residence permit:

1) A residence permit shall be issued at the request of an alien who wishes to reside in the Republic of Slovenia. An application for a residence permit of an alien in the Republic of Slovenia may also be filed by another natural or legal person in the cases laid down in this Act.

2) The application for a residence permit must specify the purpose of residence in the Republic of Slovenia. The applicant may not change the stated purpose of residence during the procedure.

3) An alien who wishes to reside in the Republic of Slovenia must be in possession of a valid travel document whose validity must be minimum three months longer than the intended residence in the Republic of Slovenia, appropriate health insurance and sufficient funds for livelihood during his residence in the country, or other guarantees that his livelihood will be provided during his residence.

4) In addition to the conditions under the preceding paragraph, an alien who wishes to reside in the Republic of Slovenia must fulfil the conditions which pursuant to this Act are required to be fulfilled for issuing individual types of residence permit.

5) The applicant must attach to the application for a residence permit the valid travel document referred to in the third paragraph of this article or a certified copy of this document and other evidence and documents proving the fulfilment of the conditions under the third and fourth paragraphs of this article. At the request of the competent body the applicant must contact the body in person.

6) The residence permit must be clearly and visibly entered in the travel document or issued in the form of a decision. A residence permit, except for first-residence permit, may be issued in the form of a decision if the alien whose identity is uncontested does not have and cannot obtain a travel document of his country of origin. In such cases an alien shall be issued ex officio with an alien identification card.

7) A residence permit shall be handed over in person to the alien for whom the permit is issued or to his legal representative.

8) A legal act or international treaty may lay down that specific aliens shall have the right to reside in the Republic of Slovenia under the conditions set forth in the legal act or international treaty.

Article 55 of the Aliens Act specifies the rights of an alien to whom temporary residence has been granted:

An alien who has been permitted to reside temporarily in the Republic of Slovenia shall have the right to basic health care in accordance with the Act regulating health care and health insurance, the right to basic subsistence, and aliens who are minors and liable to education, the right to basic school education .

An alien's rights to medical care are determined by Article 7 of the Health Care and Health Insurance Act (ZZVZZ). Indents 13 in 14 specify that the Republic of Slovenia shall provide funds from the budget for:

- payment of medical services for detainees serving prison time, for minors undergoing the educational measure of being placed in an educational facility, for persons on whom the security measure has been imposed of obligatory psychiatric treatment and care in a health institution and/or obligatory treatment of alcoholics and drug addicts, **and for aliens who have been granted the status of refugee by the Republic of Slovenia;**

- **urgent medical care of persons of unknown residence, aliens from countries with which no international agreements have been concluded, and aliens and citizens of the Republic of Slovenia with permanent residence abroad, temporarily residing in the Republic of Slovenia and/or in transit through the Republic of Slovenia, and for whom payment of medical services cannot be provided.**

In June 2002, in the journal of the Medical Chamber of Slovenia »ISIS«, the Ministry of Health published Instructions no. 022-44/02 of 18.04.2002 to providers of medical services, on the provision of health care of persons without regular health insurance. On the basis of the Health Care and Health Insurance Act,

Asylum Act, and Aliens Act, the instructions specify the right to urgent medical assistance and urgent ambulance transport and the right to urgent dental assistance for persons without regular health insurance. Funds for the payment of these services are provided from the budget of the Republic of Slovenia, if such payment cannot be provided in another way (the payer may also be the patient himself, with subsequent reimbursement by his own insurance company, if he is medically insured, or under an international agreement, if concluded through ZZZS (Health Insurance Institute of Slovenia).

In the first section, the instructions specify persons affected by the instructions:

1) persons referred to in indent 14 of Article 7 of the Health Care Act, as follows:
1.1 – persons of unknown residence; 1.2. - aliens from countries with which international agreements have not been concluded; 1.3 – aliens and citizens of the Republic of Slovenia with permanent residence abroad temporarily residing in the Republic of Slovenia or in transit through the Republic of Slovenia.

2) Alien persons, legally or illegally residing in the Republic of Slovenia under specific regulations (asylum seekers; aliens with a specific form of protection whose request for asylum has been legally rejected; illegal refugees; persons that have acquired the right to asylum; persons with temporary asylum).

In the second section the instructions define the procedures of accounting medical services to the debit of the budget of the Republic of Slovenia.

They also define the extent of urgent medical care:

1) The right to urgent medical assistance and urgent ambulance transport (based on the decision of the doctor), and the right to urgent dental assistance.

2) The right to urgent medical treatment based on the decision of the assisting doctor, specified in Article 25 of the Health Care and Health Insurance Act and in Article 103 of the Regulations on compulsory health insurance (Official Gazette RS 79/1994). This right includes urgent medical services of resuscitation, preservation of life and prevention of aggravation of medical condition of the sick or injured person. The urgency of treatment is evaluated by a personal doctor and/or by a competent medical committee according to the general memorandum of the Health Insurance Institute of Slovenia.

3) The right to medical care of women: contraceptives, abortion, medical care during pregnancy and during childbirth.

Bearing in mind the comments of the European Board for Social Rights, we have demonstrated that one of the conditions for the issue of a temporary residence permit to aliens (and/or an entrance permit to RS for persons from specific countries) is proof of adequate medical insurance. If aliens temporarily residing in the Republic of Slovenia (for example tourists) are not insured on the basis of an international agreement, they must cover their own costs of medical treatment. If they are insured against such risk by commercial insurance companies, such costs are covered by the latter, otherwise reimbursement depends on the arrangement in the country in which they are insured. If the payment cannot be charged to an alien, the costs of urgent medical treatment are covered from the budget of the Republic of Slovenia. As a result, urgent medical treatment is provided to any person in Slovenia without discrimination.

The legal order in Slovenia in the area of co-ordination of social security systems has been adjusted to the *aquis communautaire*, and consequently health insurance of citizens of EU member countries and of the EU economic community during a temporary stay in Slovenia has been adequately regulated. Slovenia has already concluded bilateral agreements on social security with some other parties to the European Social Charter; in the period following compilation of the first report of the Republic of Slovenia, agreements with Macedonia, Italy, The Netherlands and Luxemburg have already entered into force, while negotiations for the conclusion of agreements with some other parties are still ongoing. Slovenia is willing to conclude agreements with any party with which a mutual interest exists.

Conclusion

The existing nationality requirement for access to full social assistance remains an obstacle to compliance with Article 13§1. The situation with respect to emergency social and medical assistance for foreigners lawfully present in Slovenia appears to be in conformity with paragraph 4. The Slovenian Government will address the issue of the nationality requirement in the context of the up-coming amendments of social security and social assistance legislation.