

The collection of pension contributions – a comparative review of three Central European countries

1. Introduction

A number of Central and East European countries reformed their pension systems during the 1990s and early 2000s. A quite common characteristic of these reforms was that, during the preparations for these reforms, insufficient attention was given to the design of certain “infrastructure” elements, as well as administrative and institutional preparations that are vital for the successful completion of such big social projects.

In other words, the collection of pension contributions has never been at the center-stage of pension reforms. To compensate for this long neglect, the ILO has funded a research project, covering five countries of Central and Eastern Europe. The project was completed in 2003, and published by ILO in 2004. The book *Collection of Pension Contributions: Trends, Issues and Problems in Central and Eastern Europe* includes five countries: Croatia, Hungary, Poland, Romania and Slovenia. It was shown in this study that these countries adopted quite different approaches – and solutions- to the issues related to contribution collection.

Six years have elapsed since the completion of the aforementioned project, and this is a sufficient time distance to assess the validity of the conclusions reached, as well as to provide an update of developments in the field of pension contribution collection. Unfortunately, the analysis which we present here covers only Croatia, Poland and Slovenia. However, even this reduced set offers much heterogeneity. Poland was a frontrunner in pension reform, introducing an NDC system as the public pension pillar and a mandatory second pillar in 1999. Croatia legislated sweeping changes in the first pillar in 1998, and a mandatory second pillar in 1999. Slovenia passed pension reform legislation in 1999, introducing parametric changes in the first pillar and a voluntary second pillar¹.

The structure of this paper is as follows. Section 2 will provide a brief description of the procedures for registration of insured persons and procedures for the payment of contributions, together with the control procedure. Here we will also describe the flow of information from the employer to the relevant social insurance institution, to the tax authority and to the employee. The treatment of self-employed persons is somewhat different and is beyond the scope of this review. Apart from the control function, we will also look at the inspection, enforcement and record-keeping function, all in a comparative perspective. Section 3 will briefly deal with contribution compliance: the question of arrears and contribution debt, the analysis of the overall quality of contribution compliance and – last but not least – what happens to workers rights if pension contributions have not been paid. Section 4 provides some concluding remarks.

¹ The 2. pillar is mandatory only for certain hazardous occupations. For workers in these occupations, employers pay additional contributions to a special pension fund within the second pillar.

2. Registration of employees and the contribution collection system

The procedures for registration differ across the three countries, mostly with regard to whether registration is unified, so that a single registration within a social insurance institution suffices or separate registration is required for each social insurance institution. It is the employer's (contribution payer's) duty to register with the appropriate social insurance institution. In Poland it is ZUS, in Slovenia it is the Institute for Health Insurance, whereas in Croatia separate registrations for each social insurance institute are required. The employer must submit a request for registration of an employee in a similar fashion.

As for the contribution collection system, a fairly common view among experts is that combining the collection of social security contributions and taxes can improve compliance and result in a more efficient use of resources. This is the view taken by Bailey and Turner (1998) and McGillivray (2002). A similar position has also been expressed by S. Ross (2004, p.9), who states that "In principle, integration of collection activities will work best when both the social insurance agency and the tax administration are both modernized so that the task of integration can be narrowly focused on the transfer of collection functions". In practice, the transfer of functions occurred mostly as a result of the modernization of the tax administration. Not all countries in the region opted for an integration of the collection function. Thus, in Poland, which has a very strong social insurance institution (ZUS), this institution retained the contribution collection function. In Croatia, the tax administration assumed responsibility for contribution collection starting from 2002, whereas in Slovenia the newly formed tax administration assumed this responsibility starting from 1996; in the pre-transition period and up to 1996 the Central Payment Agency was responsible for contribution collection.²

The push for rapid modernization of the collection system was imposed by pension reforms, with the introduction of a mandatory second pillar. This requires that individualized monthly payments and other information for second pillar contributions have to be processed by the relevant institution (tax administration or social insurance institution), before they are transferred to the appropriate pension fund³. Extending the requirement for individualized payment records of contributions to the public pension scheme (first pillar) is but a small additional step. Clearly, countries that did not opt for a mandatory fully funded private pillar (second pillar) were under less pressure to modernize the collection procedure for the public pension scheme. However, even these countries eventually had to catch up – as witnessed by Slovenia, which switched from aggregate monthly reporting to individualized monthly reporting in 2008. Table 1 shows the monthly reporting requirements in these three countries.

² In 1996 the Central Payment Agency was merged with the Administration for public revenues (RUJP) to form the Tax administration (DURS).

³ Only in Hungary – albeit for a short time period – were contributions for the second pillar transferred directly from the employer to the appropriate pension fund. This practice ended already in 1999, so that 2. pillar contributions are collected by the tax administration, which then transfers these contributions to the pension funds.

Table 1: Monthly reporting requirements for the employer to the tax administration (T) or social insurance institution (S) on public pension contributions paid, 2009

Croatia	Aggregate (T) and individualized (R)
Poland	Individualised (S)
Slovenia	Individualised (T)

Source: Fultz and Stanovnik (2004), communications Agnieszka Chłoń –Domińczak and Predrag Bejaković.

Note: For Croatia, individualized (R) refers to the individualized form that the employer sends to REGOS, the agency in charge of recording contributions and contribution bases for the public pension scheme (first pillar) and mandatory private pension scheme (second pillar).

The procedure for monthly reporting of mandatory second pillar (individualized) contributions is virtually the same as reporting for the first pillar contributions; in Poland this information is sent to the social insurance institution (ZUS), whereas in Croatia it is sent to the tax administration (aggregate amounts) as well as to a special agency REGOS (individual amounts) whose task is to monitor and control second pillar contributions. As can be seen from the three figures on the monthly flow of monies and information on pension contributions for the public pension pillar, the institutional arrangements and procedures are quite varied.

In Poland, the social insurance institution (ZUS) has the main role in the contribution collection process. ZUS is not only responsible for the control of data, meaning checking whether the information flow on contributions paid corresponds to the money flow; it also performs inspections, meaning on-site and in-depth inspection of a firm’s accounts and whether contributions have been paid according to the rules and regulations. Even further, ZUS has the power to allow deferred payment of contributions due and is also in charge of enforcement of contribution payment. As stated by Chłoń -Domińczak (2004, p. 188), ZUS has – in this respect – the same capacity and authority as the tax administration. However, ZUS cannot by itself write-off any part of contributions due (ibid, p.189).

With regard to the “power and competencies” criterion, the Slovene Pension and Disability Insurance Institute (ZPIZ) is in an “intermediate” position, having less authority than ZUS, but more than the Croatian Institute for Pension Insurance (HZMO). The tax administration performs the control function, checking whether the information received on the REK forms correspond to the monies received on its account within the single treasury account. Following this, the tax administration transfers these payments to the ZPIZ account within the single treasury account. The inspection of employers’ records is performed not only by the tax administration, but also by ZPIZ, which has its own staff of inspectors. However, the responsibilities of ZPIZ stop here, as ZPIZ has no power of enforcement; it can only proceed to notify the tax authority of irregularities uncovered during the inspection. After receiving such a report from ZPIZ, a separate inspection of the employers’ records is performed by the tax administration inspectors; if necessary, the tax authority initiates enforcement procedures. The power to defer payment of contributions, as well as the power to write off debt is exclusively in the domaine of the tax administration.

Of the three social insurance institutes, the Croatian Institute for Pension Insurance (HZMO) has – doubtlessly - the weakest competencies. The control function is performed by the tax authority. The tax authority also performs on-site inspections and has the exclusive right to

grant deferral of contribution payment, as well as the power of enforcement and the write-off of contribution debt. As a matter of fact, HZMO does not even disburse pensions, as contributions are not transferred to the HZMO account, but rather remain in the state treasury account for direct disbursement to pensioners (Bejaković, 2004, p.77). The pension reform in Croatia also introduced a new institution (agency), REGOS. Originally, it was envisaged that this agency would be responsible for collecting, enforcing, registering and transferring of mandatory second pillar contributions, and for registration of affiliation, switching and account management (Anušić et al. 2003, p.38). However, this tall order has been somewhat downsized during the following years, as the tax authority was strongly opposed to such an arrangement, taking this as an infringement on its powers and competencies. The tax authority won the “tug-of-war”, so that the enforcement for first pillar and second pillar contributions has not been transferred to REGOS, but has remained firmly in the domaine of the tax administration.

The flowcharts, showing the flow of information and monies (figures 1, 2 and 3), refer to current arrangements, as of 2009. Particularly important changes have occurred in the transfer of data: this is now done mostly in electronic format, as seen from Table 2, which compares the reporting modes in the early 2000s and late 2000s.

Table 2: Social contributions: changes in the monthly reporting mode, early 2000s and late 2000s

	Early 2000s	Late 2000s
Croatia	No electronic format	Electronic format
Poland	Electronic format	Electronic format
Slovenia	No electronic format	Mandatory electronic format

Source: Chlon (2004, p,163), Bejaković (2004), Vezjak and Stanovnik (2004, p.257); for late 2000 communication from Agnieszka Chłoń –Domińczak and Predrag Bejaković.

Note: for Croatia, the monthly form refers to the R-Sm form, in Slovenia it refers to the REK form.

Thus, in Croatia electronic format is not mandatory, and employers can use paper format. In Poland, in the early 2000s the electronic format was mandatory only for employers employing more than 20 persons, using predesigned software provided by ZUS. By late 2000 the bar was lowered, and electronic reporting became mandatory for firms employing more than 5 persons. Slovenia has made a “great leap forward”, and electronic monthly reporting became mandatory for all employers, starting in July 2008, and fully operational from January 2009. Before that, monthly reporting was either in paper form or the information was provided on other media (flash disks etc).

The introduction of new IT and relevant computer software is not without problems. The quite serious difficulties and “crisis” situation at ZUS, due to the delay in the introduction of the IT system, as well as problems experienced in matching identification numbers of insured persons is well documented⁴; this was particularly severe in allocating contributions to the individual accounts in the second pillar. The height of the crisis was in 1999; the situation was completely normalized only by the end of 2002. As a large amount of contributions could not be allocated to the second pillar pension funds (in spite of the fact that ZUS received payment of second pillar contributions from the employers), this was recorded as a debt of ZUS toward the pension funds. In 2003, a special law was passed in the *Sejm*, to repay this debt with

⁴ See Chłoń -Domińczak (2004, pp. 163-171)

government bonds. The unallocated contributions to the second pillar pension funds have been gradually cleared, so that reconciliation is now complete.

Slovenia introduced reporting of first pillar contributions in electronic format only by July 2008. The testing phase lasted till the end of the year, so that from January 2009 monthly reporting of contributions in electronic format is mandatory. No serious difficulties have been reported – possibly also because the individual identification numbers are well established.

What information does the tax authority and social insurance institution require, on a monthly basis, from the employer with respect to direct taxes (PIT) and social contributions paid on behalf of their employees? In Slovenia the employer must provide the monthly declaration (REK) containing individual data on social contributions and withheld PIT; this is sent to the tax authority. The information provided in the REK declaration also includes the contribution base and taxable income. In Poland, the employer must provide ZUS a monthly declaration containing data on social contributions paid. This declaration also includes information the contribution base. In Croatia the employer must send two forms: an ID declaration (containing only aggregate data on social contributions paid and withheld PIT) to the tax authority, and the individualized R-Sm declaration to REGOS, which contains only data on contribution bases and pension contributions for first and second pillar.

What information does the tax authority and social insurance institution require, on an annual basis, from the employer with respect to direct taxes (PIT) and social contributions paid on behalf of their employees? In Slovenia, the tax authority still requires an annual individualized declaration on taxable income, contribution bases, social contributions and PIT withheld; this is not because of a double check of the monthly individualized data (REK), though it might well be so. One suspects that the main reason is that the required software for handling individualized data is not fully operational⁵. The employer also sends an annual (M-4) declaration to ZPIZ, containing individualized data on the contribution base (only for pension and disability insurance), pension contributions paid and pension contributions due. The data on the M-4 form are not fully compatible with the monthly REK form, so that the M-4 data cannot be obtained by simply summing up the monthly REK forms. In Poland, the employer provides the tax authority only with annual data on PIT withheld, for each employee. There is no additional requirement, as ZUS compiles the necessary annual data from the monthly forms it received from the employer. In Croatia, the employer sends to the tax authority the annual declaration IP, containing individualized data on taxable income, contribution base, pension contributions and withheld PIT⁶.

The “who receives what and when” question is relevant, as it reveals the roles and positions of national social insurance institutions. Thus, only ZUS receives the monthly information necessary for the control of contribution payment. As the Slovene pension and disability insurance institution (ZPIZ) does not perform the control function (this is in the domain of the tax authority), it does not require monthly data; the same applies to the Croatian pension insurance institution (HZMO). However, there are differences in the competencies between the Slovene and Croatian social insurance institution: ZPIZ has an account within the

⁵ This annual form, which the employer sends to the tax authority, will quite possibly be abolished in 2010. This is strikingly similar to the situation in Poland, when ZUS required that the employees annual individualised data. As reported by Chłoń -Domińczak (2004, p.159), this was »due to problems in recording monthly declarations«.

⁶ As our analysis is confined to information with regard to employees, we do not mention separate monthly and annual forms which the employer must provide to the tax authority with regard to income and PIT withheld from contractual work.

Treasury, from which pension benefits are being disbursed, whereas HZMO does not have such an account. In Croatia, pensions are directly disbursed to pensioners from the Ministry of finance account within the Treasury⁷. Another difference is that ZPIZ receives its annual declaration M-4 directly from the employer, whereas in the case of HZMO, the Croatian pension institution receives the annual data from REGOS⁸, and not directly from the employer.

The allocation of relevant functions in the pension contribution collection process is depicted in Table 3.

Table 3: Allocation of relevant functions in the pension contribution process in Croatia, Poland and Slovenia

Function	Croatia	Poland	Slovenia
Control of contribution payments	Tax authority	ZUS	Tax authority
On-site inspection	Tax authority	ZUS	ZPIZ and Tax authority
Enforcement	Tax authority	ZUS	Tax authority
Granting deferrals and write-off of contribution debt	Tax authority	ZUS	Tax authority
Record-keeping of relevant employee information	HZMO	ZUS	ZPIZ

Source: Chlon (2004), Bejaković (2004), Vezjak and Stanovnik (2004) and communication from Agnieszka Chłoń -Domińczak and Predrag Bejaković.

The role of ZUS is exceptional, and it defies the usual allocation of functions, according to which the only “core” function of the pension insurance institution is record-keeping of information on employees, i.e. information which will be relevant for the calculation of pensions upon retirement. That the pension insurance institution should be responsible for the collection of relevant employee information is quite obvious, as the natural competency of the tax authority is not the long-term storage of data relevant for the granting of social insurance benefits. As for Slovenia and Croatia, it must be stated that relinquishing certain functions by the social insurance institutions was relatively recent. Thus, up to mid-2001, Croatia had separate systems for collection of social insurance contributions and PIT (Bejaković, 2004, p.69), with HZMO responsible for the collection of pension contributions, control and on-site inspection of contribution payments, as well as deferral and write-off of contribution debt. From 2003 onward, all these functions were allocated to the tax administration. In Slovenia, ZPIZ had the authority to grant deferrals and write-off contribution debt⁹; changes in the pension and disability insurance act, enacted in 2005, ceded this function to the tax authority (starting from 2006).

⁷ HZMO provides the Treasury the necessary information for pension payments to be made (see Bejaković, 2004, p. 77)

⁸ The annual data are compiled from the monthly R-Sm forms.

⁹ This was stipulated in the 1999 Pension and Disability Insurance Act (article 228).

Here, we shall not describe in detail the five functions depicted in Table 3, and the procedures and regulations that stipulate precisely how national tax authorities and national social insurance institutions should perform these functions. We can briefly mention that procedures differ between countries. Thus, with regard to the control function, in Croatia the employers' bank is required by law to inform the tax authority on paid wages no later than eight days after wages were paid. As stated by Bejaković (2004, p.75), this requirement is not being enforced. In Slovenia, where there is a similar requirement for the reporting of banks (Vežjak and Stanovnik, 2004, p. 257), the tax authority relies more on the monthly REK forms; if the tax authority does not receive this declaration, it sends a notice to the employer. If this notice is ignored, tax inspection follows. Generally speaking, the control of contribution payment is mostly concerned with (a) checking whether the required monthly data are – at all - provided by the employer and (b) checking their internal consistency. Only on-site inspection can reveal more subtle omissions and underreporting of incomes and contributions paid. Similarly to the collection of contributions, the enforcement function for social contributions is the “natural” purview of the tax authority. Employers who do not pay social contributions typically also do not pay personal income taxes, and it is best that a single institution be delegated the authority to enforce the payment of both taxes and contributions. As for the deferrals and writing-off of contribution debt, it is an ever-present problem. In the early years of transition, with big state enterprises forced into restructuring, special laws were enacted in many ex-socialist countries (including Poland, Slovenia and Croatia), granting the deferral of payment of contributions for these enterprises¹⁰. At present, there are no new laws that would grant deferrals (or write-off); consequently, the granting of deferrals is now less transparent and is in the purview of the tax authority. Of course, there are certain conditions which have to be met, as well as a time limit: for example, in Slovenia contributions cannot be deferred for more than 24 months.

3. Contribution compliance and social insurance rights

How well does the tax authority or social insurance institution perform its function of contribution collection? In other words, what can we say about contribution compliance? Contribution compliance cannot be viewed in isolation, without taking into account the overall economic development of a country, and the size of its formal sector. The three countries – Croatia, Poland and Slovenia - have experienced satisfactory economic growth rates in the 2000s; however, in all the three countries the economic and financial crisis had an impact. Poland and Croatia will still have slightly positive GDP growth in 2009, whereas Slovenia will experience a significant drop in GDP (at least 7 percent). All three countries have fairly high GDP per capita and high tax revenues (measured as percentage of GDP)¹¹. Therefore, one could assume that the three countries have satisfactory tax and contribution compliance – otherwise they would not be able to collect so much tax revenue.

There are various indicators for measuring the quality of contribution compliance; these are described in greater detail in Stanovnik and Fultz (2004, p.45). The main indicator that we will use here is the covered wage bill, expressed as a percentage of GDP. This measure shows the hypothetical wage bill of the economy that would have, given the statutory contribution rate (employer + employee), produced the actual (observed) contribution revenues collected. Low values of this indicator can of course also mean that wages represent a low share of GDP. However, a decreasing trend-value of this indicator does suggest deteriorating contribution

¹⁰ In Slovenia, the Slovene Railways are still repaying their contribution debt.

¹¹ Thus, GDP per capita in 2008 was (in USD) 27.149 in Slovenia, 15.628 in Croatia and 13.799 in Poland. Tax revenues (as percentage of GDP) in 2007 was 38.4% in Slovenia, 40.2% in Croatia and 34.6% in Poland.

compliance for employees, the largest group of insured persons; an increasing trend suggests improving compliance (and/or an increasing formal sector of the economy).

Table 4 presents the values of the covered wage bill for the three countries. The data presented show that in Slovenia the covered wage bill decreased from 38.8% of GDP in 1996 to 32.3% of GDP in 2007. The actual wage bill in this time period has also decreased, from 47.5% of GDP to 42.8%, implying that the ratio between the covered wage bill and actual wage bill was 81.7% in 1996 and 75.5% in 2007. This provides quite clear evidence that contribution compliance has, in fact, deteriorated, and that some 24.5% of all wages disbursed in 2007 evaded contribution payment¹².

Table 4: The covered wage bill as percentage of GDP, 1996 – 2007

	Croatia	Poland	Slovenia
1996	38.4	26.3	38.8
1997	37.6	26.1	38.0
1998	38.5	25.2	38.0
1999	39.6	29.5	37.4
2000	40.0	28.0	36.1
2001	39.8	28.6	35.6
2002	40.8	27.5	35.1
2003	37.4	25.9	34.1
2004	37.0	25.1	34.0
2005	36.8	25.5	34.1
2006	37.1	25.7	33.6
2007	37.4	25.8	32.3

Source: Chlon (2004), Bejaković (2004), Vezjak and Stanovnik (2004) and communication from Agnieszka Chłoń –Domińczak and Predrag Bejaković.

Note: In computing the covered wage bill for Poland, contribution revenue collected from the self-employed was also included, as separate data on contributions collected on behalf of the employees are not available. The large increase of the covered wage bill in Poland in 1999 was caused by a large shift of the contribution burden – from the employer to the employee – with little change in overall labour costs (wages + employer contributions). In order to prevent a decrease in real net wages, which would be caused by the introduction of the employee contribution rate, nominal wages were increased and thus also the actual wage bill of the economy (Chłoń - Domińczak, 2004).

The persistently high value of the covered wage bill in Croatia would certainly require a more in-depth analysis. An explanation for this was given by Bejaković (Bejaković, 2004), stating that it is quite possible that the official estimates of GDP and wages, as published by the Central Bureau of Statistics of Croatia, are too low, and that the covered wage bill (measured as percentage of GDP) overstates the quality of contribution compliance in Croatia.

¹² Actually, the situation is not that bad, as some wage-like disbursements are not subject to income tax and social contribution payments. This applies specifically to vacation allowance, which represents some 5% of the total wage bill.

With regard to pension insurance rights, the prevailing view (also legally codified) is that the employee should not bear the consequences of non-compliance by the employer¹³. This is in stark contrast to the self-employed, for whom pension rights depend exclusively on the payment of pension contributions. However, it has to be admitted that social insurance institutions were never quite comfortable with this, perhaps viewing it as an open invitation for contribution evasion. Countries which tried to harden their position, recognizing as insurance period only periods for which contributions were actually paid, were quickly forced to “backpedal”. For example, in Romania the pension law enacted in 2000 introduced a provision whereby only periods for which contributions were paid should count as insurance periods; this provision was quickly repealed¹⁴. So, the position taken by most pension social insurance institutions is that, even if contributions are owed (but not necessarily paid by the employer), this period is still counted as insurance period. For example, the Slovene Pension and Disability Insurance Act stipulates in article 191 that only periods for which contributions have been paid are counted as insurance period. Article 192 (1) states that, regardless of article 191, if contributions are accounted for, but not paid, this is counted as insurance period. Article 192 (2) goes even further, and states that the very fact that the employee is insured (i.e. registered by his employer into the social insurance registry) suffices for counting this period as insurance period.

Pension social insurance institutions are trying to raise the awareness of employees with regard to contribution compliance by their employers, though it is difficult to see why an employee would be motivated to check whether contributions (on his behalf) have been paid, if non-compliance does not have an effect on his pension rights.

Unlike Croatia and Slovenia, where the contribution gap, resulting from non-payment of contributions is covered by the pension social insurance institutions, in Poland this gap is covered by the state budget.

4. Concluding remarks

The paradigm shift that has taken place in Central and Eastern Europe, i.e. strong push for partial privatization of pension systems (introduction of a private, mandatory fully-funded second pillar) has had a clear impact on administering institutions. Overall, the role of pension social insurance institutions has been reduced; of the three countries included in our analysis, this reduction was particularly severe in Croatia and – to a much lesser extent – in Slovenia. However, “defying the trend”, the social insurance institution in Poland (ZUS) has even enhanced its position.

The move toward monthly recording of individual contributions was one of the basic tenets of pension reform – with its introduction of the private, mandatory second pillar. Individualization of monthly reporting is not required for the first pillar, except in Poland, where a NDC scheme was introduced. This “individualization” trend seems to have caught on; Croatia introduced monthly recording of individual contributions for the first pillar at the same time as monthly recording of second pillar contributions. Even Slovenia, which does not have a mandatory second pillar, seems to have jumped on the bandwagon, and has introduced

¹³ Máté (2004, p.148) states that »...the basic concept is that the employer's failure to pass on worker contributions must not disadvantage the employee.....even if the deduction of the employees' contribution is, due to lack of evidence, only presumable on the basis of the existence of the insurance, the period of insurance is still counted«.

¹⁴ The provision was repealed in 2002 (see Toma, 2004, p.233).

monthly recording of individual contributions in 2009. As yet, the benefits of this development and increase in data-reporting (albeit in electronic form) have yet to be seen. A rush toward “modernization” and monthly recording of individual contributions in public pension systems could prove to be a disappointment, if there is no careful and detailed planning and coordination between the social insurance institution and the tax administration. Once again, one is reminded of the warning of Stanley Ross (2004, p.5) that “tax collection or contribution collection in modern societies requires a government-wide approach. It is necessary to have the cooperation of a number of government agencies to be effective”.

Acknowledgements

The author gratefully acknowledges the invaluable help of Agnieszka Chłoń – Domińczak and Predrag Bejaković, who have made this “update” possible. Needless to say, all errors and omissions are my sole responsibility.

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