



Figure 4. Triangle of health

The energy you feel is conditioned by your care for your body, psyche and spirit.

Pay attention to what, how and with whom you eat. Traditionally, eating is closely co-related with giving love, care and interest. According to *ars amandi* principles, certain food products are aphrodisiacs.

Do you celebrate and taste or do you swallow in a hurry? What are your needs in this sphere?

How do you meet these demands? How does your body respond?

Watch your breathing. Breaths of a stressed and scared person are shallow and fast.

"A person who does not breathe deeply, does not move freely, does not feel fully and has poor auto-expression limits the life of his or her body" (Lowen, Introduction to Bioenergetics. Energy, Body Language, Therapy, p. 3).

As far as your psychical hygiene is concerned, the crucial thing is how you perceive your life. Can you see the bright side of a difficult situation? Are you a pessimist or an optimist? Consider how good feelings give you a boost of energy while the bad ones take it away from you.

Take a look at the quality and quantity of your relationships with the environment. Their number and depth (readiness to help, to contact, to forgive) will be decisive for your well-being.

The life of a manager, constant speed and need of flexibility result in them feeling and acting like machines.

Have you ever thought what happens with a used or broken machine?

On the other hand, being the subject of own life necessitates being sensitive to bodily signals, emotions, reflection on the sense of life, it means constant development and is a powerful source of manager's strength.

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THE ORGANIZATION OF SOCIAL PROTECTION SYSTEMS IN EUROPEAN UNION, GERMANY EXAMPLE

Summary: The system of social protection is the very important element of state budget with regard to the high level of expenses of its function. A lot of different systems of social protection exist in European Union countries. That was the reason for coordination system establishment necessity. The paper presents the principles of co-ordination of system social protection with special regard to Germany example.

Key words: social protection, co-ordination, pension insurance, pension, sickness insurance, protective insurance, accident insurance, insurance in case unemployment.

I. Introduction

One of the elements of market economy functioning is the fact that not every one is able to subsist basing on is/her own work. Bad health, age, a death of principal earner within the family can be a base of such situation. Basing on this concept, a state, as superior social organisation, should provide opportunities and financial support for all who can not possess bread and butter.

Social protection is defined as all kind of means and public actions that are aimed on protection of the citizens in situations when they are not able to satisfy the needs that are reckon by the whole, as basic ones.

All adult members of a society is able and obligated to assure, by their own proprieties and work, the needs of their family and their own satisfaction and the legislation rules are aimed only on defining exception from that situation.¹

According to W.Muszalski „social protection is the idea that bases on the situation that the whole society through its organisation (a state, country) is obligated to assure the existence to all who cannot afford it through their own work, with no fault of them.”² The state is a main performer of this concept, thought in my opinion in case of market economy the charity organisations can perform this kind of actions too. Work is a basic way of existence assurance but sometimes its carrying out is not possible because of age, health problems or unemployment.

A. Rajkiewicz defines social protection as “the system of services, the citizens have the right or possibility to use in cases and on terms defined by adequate regulations.”³

J. Piotrowski discusses that social protection is “the whole of means and public institutions, that are used by society to protect citizens from non-culpable paucity and inability to satisfy needs socially reckon as basic and important ones.”⁴

In turn according to W. Szubert social protection is “...the social device, created by state and guaranteeing to the crowds of citizens minimum existence level in face of random incidents.”⁵

Z. Salwa presented the simplest definition of social protection affirming, that “the social protection is the whole of devices and the preservative citizens' public services protecting them in case of events which can deprive them indispensable means to maintain.”⁶

Within international regulations of social protection it is possible to indicate the acts of United Nations Organisation and Council of Europe, and moreover a dozen or so bilateral contracts signed by Poland. Among declarations, conventions and directions issued by UN and its departments, Common Proclamation of Human Rights from 1948, the International Pact of economic, social and cultural laws –ratified by Poland contract as well as Convention of International Labour Organisation No. 102 issued in 1952 about minimum norms of social protection are of significant importance.

The European Social Charter - the additional protocol to European Convention of Human Rights from 1950 is one of the most important among acts of Council of Europe. The co-ordination of national systems of social protection are stated by art. 51 of the Roman Treaty and decree of European Common Market of No. 1408/71 and 574/72.

¹ The social insurance system - basic questions edited by G. Szpor, , LexisNexis, Warsaw 2003,page 15

² W. Muszalski, The social law, State Scientific Publishers, Warsaw 1995,page 83

³ The social politics, edited by A. Rajkiewicz, State Scientific Publishers , Warsaw 1979, page 432

⁴ J. Piotrowski, The social protection. Problems and method. Book and Knowledge, Warsaw 1986, page 28

⁵ W. Szubert, The study with social policy, Warsaw 1973, page 229

⁶ Z. Salwa, Labour law and social insurance , State Scientific Publishers , Warsaw 1995,page 311

The social protection in Common Proclamation of Human Rights constitutes a right of every citizen to social security in case of fault loss of incomes. In narrower meaning the conception of social protection is used in the conventions of International Labour organisation No. 102 from 1952 r. and 128 from 1967 r. They recognise universal subjective range of this right, but the objective range restrains to classic risks appearing in social insurance (the unemployment, disability, widowhood, old age and death of a family breadwinner and incidents at work and the occupational illness) and the family services.

II. The principles of co-ordination of systems social protection in European Union

It is not possible to find the definition of **co-ordination** neither in community decrees, which contain list of different definitions, nor in opinions of Court of Justice.

In its jurisdiction The Court of Justice confesses consistently the principle, that decree 1408/71 co-ordinates national systems of social protection exclusively and that every of these systems defines the conditions of assumption the insurance individually as well as conditions of ceasing of this insurance. In opinion 266/78 of Bruno Brunori the court pointed that decree may be possibly interpreted as normalising act of these conditions and it affirmed unambiguously that settlement of these matters should depend on national legislation acts. We will find similar interpretation in opinion 110/79 Coonan.¹

The subjective range of co-ordination (the art. 2 decree 1408/71) was defined widely, as it is used in case of all workers, self-proprietors, students, those who are or were a subject to legislation of social protection of member's states and who are citizens of one of these states or are the stateless persons, or the living refugees on territory of the member's states, as well as to members of their families and persons remaining after death of a breadwinner.

The decree complies to people remaining after death of workers, self-employees, students, who were subject of legislation of one or several of the member's states, aside from their citizenship, if they became citizens of one of the members states - in case of family member death, or refugees living stateless on territory one with the members states.

The decree applies also to civil servants and to people who with proper legislation be treated peaceably how decree 1408/71 complies civil servants, if they are subject to or were subject to the legislation of members state.

Many systems of social protection in European function. The systems differ in many areas. They are funded differently, the level of paid services conditions of acquisition of authorisations to services, the range of services are different. The certain number of these systems, their variety and complexity, is a problem when any person in draught the professional career was subject to the different systems of social protection. There would be a problem with settlement according to what legislation estimate the service and authorisations and how to count its height. Problem appears because national social insurance systems do not consider the situation of people who cross the borders and their systems are limited to working persons who live on their territory. To eliminate such conflicts European Union provided rules concerning co-ordination of social protection system.

It should be stated clearly that the introduction of social protection it co-ordination systems has not been aimed on removal of individual national systems differences among them and creation of one, unified system of social protection. The Roman Treaty and the European Court of Justice did not acknowledge, that it should be the aim of co-ordination of systems social protection. Co-ordination

¹ B.Radzik-Kazenas, The basic questions with range of integration of European Union, the co-ordination of systems of social protection, Social Insurance Institution, Warsaw 2003,page 39

accepts existing differences among individual systems and introduces simultaneously legal instruments, which allow these systems coexist.¹

The decree indicates the kinds of services that are included in co-ordinated social protection systems. These are:

- the service in time of disease and maternity,
- the service in time of disability, inclusive with servants the observation or enlargement,
- to work the ability,
- service in time of old age, death support,
- the service in time of accidents at work and occupational illness,
- funeral allowances,
- the service in time of unemployment,
- family service.

The decree excludes the following services from co-ordination of systems of social protection:

- social assistance,
- health help,
- systems of services for victims of war and its results,
- consequential with trade contained arrangements between employers and trades-unions service, even if they were recognised by state national authorities as universally valid.²

Two decrees regulate the matter of co-ordination of systems social protection:

- The Decree of Council No. 1408 / / 71 / dated 14 June 1971 used in case of workers, self-employees and members of their families moving within the area of European Common Market
- The Decree of Council No. 574 / / 72 / dated 21 March 1972 r. in matter of realisation of decree Council No. 1408/71 used in case of workers, self-employees and members of their families moving within the area of European Common Market .

Mentioned above acts, when ranked as decrees, make them lawfully bound and characterised by following features:

- they apply generally,
- they are in force in the whole,
- they are introduced directly.

This means that the decree complies to all potential addressees (and it to individual subjects), all its decision must be warned as well as it is introduced without necessity of publication of national introducing acts and its ratification. At the moment of accessions to European Union the decrees become a part of legal order of a member's state and the decisions of national law conflicting with them repeal automatically.³

The decree concerning co-ordination of systems social protection is based on four principals:

1. The principle of unity of legislation

Conflicts can appear, when settlement what legislation the moving across the borders of UE workers fall within. It is possible to imagine situation when even a worker can be a subject to social service in several systems simultaneously (positive conflict) or he/she is not a subject to any

¹ B.Radzik-Kazenas, The co-ordination of systems of social protection, Social Insurance No 1/2003, Social Insurance Institution, Warsaw 2003,page 18-19

² B.Radzik-Kazenas, The co-ordination of systems of social protection, Social Insurance No 1/2003, Social Insurance Institution, Warsaw 2003,page 21

³ B.Radzik-Kazenas, The co-ordination of systems of social protection, Social Insurance No 1/2003, Social Insurance Institution, Warsaw 2003,page 19

insurance (negative conflict). In first case a worker would have to pay the insurance premiums to several social insurance systems in second however he/she would be excluded from insurance protection.

To prevent such situations (conflicts) the decrees state that workers can generally be subject of legislation of only one state. The workplace decides about this, what social insurance system relates to working person (pursuant activity).

The common right foresees some exception from mentioned principle, in case of some occupations (the kinds of employment) that character makes this kind of rules impossible to introduce.

High-order departure from the principles refer to :

- workers delegated to work aboard temporarily,
- workers of international transport,
- workers operating on territories of a few member states,
- self-employed working within the territories of few members states.

2. The principle of even treatment

The principle was guaranteed by the Roman Treaty (art. 6 and art. 48). First of them states, that the every discrimination with regard to citizenship is forbidden, second - that the liberty of moving of workers means the removal of every kind of citizenship discrimination in the areas of employment, reworking and working condition. The laws of communities are based on these rules.

The principle of even treatment was the object of numerous opinion of Court of Justice. The court of justice states that principle of discrimination should be interpreted wide, that not only discrimination leaning on citizenship (the discrimination direct), but also all symptoms of hidden discrimination (indirect) which in reality leads to the same results are forbidden.

Establishment such conditions of acquisition and the use from services, which are able to match the only citizens of given country or also the qualification of conditions that lead to suspension or loss of the vested services, of different member states citizens than the citizens of the state institution at which the law is established, can be the symptoms of indirect discrimination.

3. The principle a addition period of insurance, employment and residence

To make it possible for the migrating workers to fulfil requirements in case of the right to services, the decree 1408/71 states, that in case of actions aimed on the purchase, keeping or recovery of the right to the services, the proper institution should consider the period of insurance, employment or recognised by legislation residence within the member's state and to treat it so as it would take place in frames of legislation of adequate institution.

4. The principle observation acquired rights

Many national social protection systems foresees the paying of services with social insurance only when the entitled person lives on territory of given country. In such situation quite a lot entitled persons are divided to services in case of departure to different country. Many international treaties guarantee the payment of services settlements when the entitled person does not live on territory of the country in which he/she possessed the right to services.

Community decrees contain however some exceptions in case of service export in case of special services of mixed character: ones on borderland of social assistance and protection services and unemployment benefits.¹

¹ B.Radzik-Kazenas, The co-ordination of systems of social protection, Social Insurance No 1/2003, Social Insurance Institution, Warsaw 2003,page 19-20

III. The Organisation of system of social protection Germany

The German system of social protection can be defined as one of the best constructed and functioning systems of social protection. It contains of 5 basic sections discussed below.

Retirement pension insurance and pension

It includes separate insurance for intellectual, for physical workers and for miners.

The intellectual employees are insured through Federal Institution of Intellectuals Insurance.

The physical workers are insured at institutions of insurance in provinces (lands), in Society of Insurance of the Railwayman and in Society of Insurance of the Seaman.

The miners are insured in Society of Insurance of the Miners.

Sickness insurance

It is administered by about 540 health-insurance. Some of them act on local level, other on national level - as the majority of additional assures. The assures are open for all, apart from their occupation, place of employment. They make up except: mining health-insurance, seaman health-insurance and farmers health-insurance. Except a few special categories (civil servants, judges, soldiers) all workers are obligated to buy an sickness insurance. It the duty of insurance does not concern people whose annual income is higher than 40 034 euro Special principles of sickness insurance concern the ones working in part-time jobs.

The health-insurance collect all kinds of rentals, on all kinds of social insurance (pension and disability pensions, communication, unemployment, other).

Protective insurance

The insurance was introduced 1 January 1995 to cover the risk in case of the necessity of care. Since then assure exist that insure for long-lasting care. All insured in health-insurance's are also entitled to this. Ones insured in private assure have to insure in case long-lasting care additionally.

Accident insurance

This kind of insurance is administered by special business assures as well as federal and regional ones for intellectual and workers of public sector. They included following categories: employees, some categories of self-employed, pupils and students, kids in pre-school age, rehabilitated persons and some other categories.

Insurance in case unemployment

The Federal Employment Office administers unemployment insurance on central level as well as across its regional and local offices. The insurance includes physical workers, intellectual workers, pupils including handicapped youth.

Every kind of social protection in Germany possesses its administrative autonomy and it is administered commonly by administrative councils, consisting of the same number of the employers and insured representatives. In case of unemployment insurance the representation is tripartite - with representatives of public administration. Funds of additional assures are administered only by the insured representatives.

The sickness insurance (the healing and money service), the pension and disability pension, the protective insurance and the system of social assistance are supervised by the Federal Department of Health and Social Protection. The insurance in case the unemployment is supervised by the Federal Department of Economy and Labour .

Depending on the level of assure's acting - national or federal, etc. different organisations supervise it. In case of institution of nation-wide competence, or when its actions cover more than one province, the supervision is hold by the Federal Supervision Office for Social Insurance

Institutions. In case of institution operating within provinces, the supervision is hold in province governors or organs indicated by them.

Except from services mentioned above other services of publicly funded are provided: social assistance, family and residential subsidies, etc. ¹

IV. Conclusion

The German system of social protection can serve as example to follow. The system created this way requires preparation and assurance of suitable funds for its efficient functioning. Not many countries can afford this kind of system.

Not so wealthy countries need to introduce less expensive system. That is a reason why German system is a standard but only for a few.

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ÜBERLEGUNGEN ÜBER DIE GEWÄHLTEN ASPEKTE DER KONZEPTIONEN FÜR DIE ERHALTUNG DES KAPITALWERTES EINES UNTERNEHMENS

Abstract: The main aim of this paper is theoretical analysis of presented in the literature conceptions of enterprise capital value maintenance. The mental and real conception of capital have been discussed. The conceptions of capital maintenance means the possibility of resources reconstruction in financial and material form. These conception are divided into: conception of maintenance the real capital, conception of maintenance the material capital, conception of maintenance the nominal capital.

Keywords: conception of maintenance the real capital, conception of maintenance the material capital, conception of maintenance the nominal capital.

Das Hauptziel dieser Bearbeitung ist es, die in der Literatur dargestellten Konzeptionen für die Erhaltung des Kapitalwertes eines Unternehmens theoretisch zu analysieren. Die Bedeutung der Konzeptionen für die Erhaltung des Kapitalwertes eines Unternehmens kann direkt auf die Rolle des Kapitals bei Bildung und Funktionierung der Wirtschaftssubjekte bezogen werden.

In der Ökonomietheorie werden die Hinweissätze darüber exponiert, dass das Kapital eine der grundlegendsten ökonomischen Kategorien in der gegenwärtigen entwickelten Marktwirtschaft ist.² A. N. Duraj betont, dass das Kapital ein unentbehrliches Merkmal jedes Unternehmens ist und seine

¹ See E.Borowczyk,M.Fluka, Organization of systems of the social protection inEuropean Union, European Economy Region and Switzerland, Social Insurance Institution, Warsaw 2003, page 34-35

² R. Borowiecki, J. Czaja, A. Jaki, Strategia gospodarowania kapitałem w przedsiębiorstwie. Zagadnienia wybrane, TNOiK, Warszawa – Kraków 1997, S. 21