

1048.

Pursuant to Article 95 line 3 of the Constitution of Montenegro, I hereby pass the following

## **ENACTMENT**

### **ON PROCLAIMING THE LAW ON NATIONAL VOCATIONAL QUALIFICATIONS**

**(“Official Journal of Montenegro, no. 80/08 of 26.12.2008)**

I hereby proclaim the Law on National Vocational Qualifications, passed by the Parliament of Montenegro in its 23<sup>rd</sup> convocation, at its seventh session of the second regular sitting in 2008, on December 17<sup>th</sup>, 2008.

Number: 01-2110/2  
Podgorica, December 22<sup>nd</sup>, 2008

President of Montenegro,  
Filip Vujanović, sgd.

## **LAW**

### **ON NATIONAL VOCATIONAL QUALIFICATIONS**

#### **I. BASIC PROVISIONS**

##### **Content**

##### **Article 1**

A national vocational qualification (hereinafter referred to as: a vocational qualification) shall be acquired under conditions, in the manner and following the procedure provided for by this Law.

##### **Definition**

##### **Article 2**

A vocational qualification shall be a working or vocational competence necessary for practicing an occupation or specific activities within an occupation based on competencies and an occupation standard.

##### **Acquisition**

##### **Article 3**

A vocational qualification up to a higher education level shall be acquired by:

- completing a publicly valid education curriculum, in accordance with a separate law;
- completing a module, when a publicly valid education curriculum has been prepared based on several occupation standards;
- undergoing knowledge assessment, skills and competencies upon the completion of a special adult education curriculum;

- undergoing a direct knowledge assessment, skills and competencies in accordance with a catalogue defining standards of knowledge, skills and competencies necessary for a specific vocational qualification (hereinafter referred to as: Examination Catalogue);
- recognizing foreign certificates.

A vocational qualification in the field of higher education shall be acquired upon the completion of: a course of a study programme, in accordance with a separate law; a separate professional development programme in higher education (hereinafter referred to as: separate professional development programme).

Vocational qualifications referred to in paragraph 1, indents 2, 3, 4 and 5, and paragraph 2, indent 2 of this Article shall be acquired following the procedure and in the manner stipulated by this Law, and may be acquired gradually.

### **Core skills**

#### **Article 4**

Core skills (in the field of information and communication technology, foreign languages, etc.) necessary for conducting activities within an occupation shall be acquired pursuant to this Law and recognized under the procedure of a vocational qualification acquisition.

### **Certificate**

#### **Article 5**

Vocational qualifications referred to in Article 3, paragraph 1, indents 2, 3, 4 and 5, and paragraph 2, indent 2 of this Law, as well as core skills referred to in Article 4 of this Law shall be evidenced by presenting a publicly valid document – a certificate.

### **Level of education**

#### **Article 6**

By completing a publicly valid education curriculum referred to in Article 3, paragraph 1, indent 1 of this Law, a person shall acquire a level of education, and one or several vocational qualifications, which shall be evidenced by presenting a publicly valid document – diploma, pursuant to a separate regulation.

By completing a module of a publicly valid education curriculum and taking an exam stipulated for the completion thereof, a person shall acquire a corresponding level of education.

By completing the course of study referred to in Article 3, paragraph 2, indent 1 of this Law a person shall acquire a higher education level and a corresponding vocational qualification, which shall be evidenced by presenting a diploma and diploma supplement pursuant to a separate regulation.

The vocational qualification referred to in Article 3, paragraph 1, indents 2, 3, 4 and 5 shall not ensure a level of education but shall be recognized under the procedure of acquiring a level of education pursuant to a separate regulation of the Ministry.

The vocational qualification referred to in Article 3, paragraph 2, indent 2 shall not ensure a level of education.

## Definitions

### Article 7

Specific terms used in this Law shall have the following meanings:

- 1) **“occupation“** means a set of activities and tasks content- and type-, organization- and technologically-related and interrelated to be conducted by a person possessing appropriate knowledge, skills and competencies;
- 2) **“occupational standard“** means a document prescribing the content of a vocational qualification of a certain level of demand, and defining necessary knowledge, skills and competencies necessary to be possessed by a person to perform activities within an occupation;
- 3) **“occupation profile“** means a detailed description of activities performed by a person within an occupation;
- 4) **“field of work“** means several content-related occupations;
- 5) **“education profile“** means a narrower orientation within a field of work;
- 6) **“education programme“** means a programme pursuant to which education is acquired, in accordance with a specific regulation (formal education);
- 7) „non-formal learning“ means purposeful learning and as such has structured objectives, time and support, but it does not constitute a part of the formal system of education;
- 8) „informal learning“ means learning that is the result of daily activities at work, within family life and free time, and as such it is not structured and, in most of the cases, it is not the result of an individual’s intention;
- 9) **“adult education programmes“** means programmes aimed at acquiring special knowledge, skills and competencies (programmes for vocational training, retraining, additional training, professional development, specialization, foreign languages, information technologies, etc. – non-formal education);
- 10) **“special professional development programme in the field of higher education“** means a special adult education curriculum accredited by a competent Council pursuant to which persons who have previously completed an adequate curriculum shall be educated;
- 11) **“examiners training programme“** means an education curriculum adopted by a competent Council following the proposal of the Examination Centre;
- 12) **“qualification“** means an official confirmation (certificate, diploma) of achievements, recognizing a successful completion of education or training in accordance with the established procedure required for acquiring a qualification;
- 13) **“qualifications framework“** means a document indicating the qualifications existent within a field of work, classification thereof by levels of demand and interconnection between qualifications;
- 14) **“licence“** means a document which gives an institution or an individual the right to work based on the fulfilment of prescribed standards;
- 15) **“licencing“** means a procedure which determines whether an institution or an individual has met the prescribed standard in accordance with the Law;
- 16) **“examiner“** means a person who holds an appropriate examiner’s licence;
- 17) **“publicly valid education“** means education acquired based on an education curriculum adopted or approved by the ministry competent for education-related affairs;
- 18) **“organizer of education“** means a legal or physical entity organizing education and training in accordance with separate regulations;
- 19) **“organizer of assessment“** means an organizer of education who meets technical requirements prescribed by the Examination Catalogue and with whom the assessment is organized by the Examination Centre;
- 20) **“competence“** means the ability to apply knowledge and skills in a common and/or changing work situation;

- 21) **“skill”** means the ability to efficiently conduct activities based on the knowledge and experience acquired;
- 22) **“classification of occupations”** means a national document used for recording, collecting, processing, analysing and presenting the data which are needed for monitoring the situation and trends in the labour market. The document is used to classify jobs within an occupation in official or administrative databases (records, registers, databases) and in statistical processing;
- 23) **“module”** means a completed entirety of objectives and the content structured in such a way to represent a separate unit or a part of the education curriculum. The module is based on the occupational standard, or a part of the occupational standard, and includes general knowledge and related vocational-theoretical knowledge and appropriate practical knowledge and skills;
- 24) **“Examination Catalogue”** means a document prepared on the basis of the occupational standard and represents the basis for the procedure of assessment of a vocational qualification or the recognition of a foreign certificate. The Catalogue links the key jobs defined by the occupational standard to tasks, thus evidencing the capability for conducting thereof;
- 25) **“apprentice”** means an adult enrolled in education curricula;
- 26) **“candidate”** means a person who has initiated the procedure for acquiring a vocational qualification or recognition of a foreign certificate;
- 27) **“further qualification”** means further schooling or the innovation of knowledge within the framework of the same occupation and the level of education;
- 28) **“re-qualification”** means education and training for practicing another occupation of the same or lower education level, for employment purposes.

## **II. OCCUPATIONAL STANDARD AND EXAMINATION CATALOGUE**

### **Occupational standard**

#### **Article 8**

A vocational qualification shall be based on the occupational standard prepared based on the prescribed method which has been developed and monitored by the Vocational Education Centre.

The competencies of professional authorities and bodies involved in the process of developing occupational standards shall be defined in more detail by the regulation of the Ministry competent for education-related affairs (hereinafter referred to as: the Ministry).

### **Examination Catalogue**

#### **Article 9**

Examination Catalogue shall be prepared for each vocational qualification which has been envisaged by the qualification framework for a corresponding field of work to be acquired under the procedure of assessment of knowledge, skills and competencies, of the recognition of a foreign educational certificate.

Examination Catalogue shall be prepared for each core skills that may be acquired under the procedure of assessment, or recognition of a foreign educational certificate.

The competencies of professional authorities and bodies in the process of developing the Examination Catalogue shall be defined in more detail by the regulation of the Ministry.

## **Content of Examination Catalogue**

### **Article 10**

Examination catalogue shall contain the following: name of a vocational qualification, conditions to be met by a person acquiring the vocational qualification, assessment content, level of demand, assessment manner and benchmarks, relation to the formal education programme, credit points, education profile and the level of education of members of the Examination Commission, requirements to be met by the organizer of assessment and other data of importance for the vocational qualification.

### **Special needs**

### **Article 11**

The form and duration of assessment, as well as the composition of the Examination Commission, shall be adjusted to a candidate – a person with special needs, pursuant to separate regulations.

## **III. REQUIREMENTS AND PROCEDURE FOR ACQUIRING A VOCATIONAL QUALIFICATION AND RECOGNITION OF FOREIGN EDUCATIONAL CERTIFICATES**

### **Requirements**

### **Article 12**

A vocational qualification may be acquired by a person being minimum 17 years old who has completed elementary education and met other requirements stipulated by the Examination Catalogue.

A core skill may be acquired prior to reaching the age of 17.

### **Recognition of foreign educational certificates**

### **Article 13**

The recognition of foreign educational certificates shall be a formal recognition of foreign educational certificates of vocational qualifications acquired.

The recognition referred to in paragraph 1 of this Article shall be granted by the Ministry competent for labour affairs in accordance with this Law, unless otherwise regulated by an international treaty.

The provisions of the Law on General Administrative Procedure shall apply to the procedure recognizing foreign educational certificates, unless otherwise regulated by this Law.

### **Criteria for recognition of foreign educational certificates**

### **Article 14**

The following criteria shall be applied to the procedure for recognizing foreign educational certificates:

- 1) the certification system of the country where the certificate has been acquired;
- 2) the entitlement vested in a foreign educational certificate in the country where the certificate has been acquired, in the sense of job opportunities and further development through the system of certificates and vocational education,
- 3) other circumstances of importance for the recognition of foreign educational certificates (the circumstances of a foreign educational certificate already having been recognized in another country, etc.).

A more detailed manner and procedure for the recognition of foreign educational certificates shall be laid down by the ministry competent for labour affairs.

### **Clause**

#### **Article 15**

The content of the Decision on the recognition of foreign educational certificates shall be written on the copy of the translated certificate (recognition clause).

### **Information and counselling**

#### **Article 16**

The ministry of competent for labour affairs shall keep informed and provide counsel to persons on the possibilities, requirements, manner and procedure for acquiring a vocational qualification and recognition of foreign educational certificates.

The Ministry, Employment Agency of Montenegro (hereinafter referred to as: the Agency), Vocational Education Centre, Examination Centre, Chamber of Commerce of Montenegro, authorized union organization, authorized organization of employers, employment agencies, Chamber of Skilled Crafts and Entrepreneurship of Montenegro and organizer of education, within their competencies, monitor and analyse labour market needs, individual needs for occupational development, keep informed and counsel to interested persons and employers on the possibilities, requirements, manner and procedure for acquiring a vocational qualification, and recognizing foreign educational certificates as well.

### **Education and training**

#### **Article 17**

Education and training of a candidate to acquire a vocational qualification shall be conducted with the provider of education holding a work licence issued by the Ministry, in accordance with separate regulations.

A higher education institution holding the licence referred to in paragraph 1 of this Article shall accredit a special professional development programme.

### **Training for the purpose of employment at a specific work place**

#### **Article 18**

Training of a person for work at a specific work place may also be organized with a private entity which does not hold the licence for work referred to in Article 17 of this Law for the purpose of concluding a full-time employment contract.

The person referred to in paragraph 1 of this Article may acquire a vocational qualification by direct assessment of knowledge, skills and competencies with the Examination Centre, in accordance with this Law.

### **Procedure initiation**

#### **Article 19**

The procedure for acquiring a vocational qualification or recognition of foreign educational certificates shall be initiated by submitting an application.

A candidate shall submit the application for acquiring a vocational qualification to the Examination Centre or the provider of education.

The provider of education shall submit the application referred to in paragraph 2 of this Article to the Examination Centre.

The candidate shall submit the application for the recognition of foreign certificates to the ministry competent for labour affairs.

## **Examination Commission**

### **Article 20**

Assessment of knowledge, skills and competencies for acquiring a vocational qualification shall be conducted by the Examination Commission (hereinafter referred to as: the Commission), composed of examiners.

The list of examiners referred to in paragraph 1 of this Article shall be drafted for every vocational qualification.

The Examination Centre shall define the list of examiners based on the public announcement.

The composition, method of work and other issues of importance for the Commission's work shall be prescribed in more detail by the Ministry and the ministry competent for labour affairs.

## **Conflict of interests**

### **Article 21**

The following persons shall not act as examiners – members of the Commission if at the time of assessment they are:

- a candidate's employer;
- a co-owner or a candidate's associate;
- an employee of an education provider;
- in consanguinity with a candidate in a straight or side line, with the third degree included.

## **Examiner's work licence**

### **Article 22**

An examiner's work licence shall be issued by the Ministry following the proposal of the Examination Centre.

The examiner's work licence may be granted to a person having:

- education background and the level of education stipulated by the Examination Catalogue;
- minimum five years of work experience in appropriate activities within a field of work;
- completed examiner's training programme.

The examiner's work licence shall be issued for a three-year period.

The examiner training programme shall be adopted by the Ministry following the proposal of the Examination Centre.

The programme referred to in paragraph 4 of this Article shall be implemented by the Examination Centre.

### **Revoking of licence**

#### **Article 23**

Should it be found that an examiner fails to conduct his/her duty in accordance with the Law and other regulations, the Ministry shall pass the Decision on revoking the examiner's work licence even prior to the expiration of the licence validity period.

A justified proposal for revoking the examiner's work licence may be submitted by a candidate or other interested physical or legal entity.

A more detailed manner and procedure for issuing and revoking an examiner's work licence, as well as the form and content of the examiner's work licence, shall be laid down by the Ministry.

### **Place of examination**

#### **Article 24**

The examination aimed at the assessment of knowledge, skills and competencies necessary for acquiring a vocational qualification (hereinafter referred to as: the examination") shall be administered by the Examination Centre with the assessment organizer.

Exceptionally from paragraph 1 of this Article, the examination may be conducted at the Examination Centre.

### **Assessment procedure**

#### **Article 25**

The assessment of knowledge, skills and competencies for acquiring a vocational qualification shall be conducted pursuant to the Examination Catalogue.

The assessment referred to in paragraph 1 of this Article shall be organized minimum four times a year.

### **Decision**

#### **Article 26**

Upon the completion of the examination, the Commission shall produce the Decision on the success at the examination.

The Commission shall furnish the Decision referred to in paragraph 1 of this Article to the candidate and the Examination Centre.

The Examination Centre shall furnish the Decision on the success at the examination to the Ministry competent for labour affairs.

The Decision on the recognition of foreign educational certificates shall be produced within two months from the application submission date.

The Decision on the recognition of foreign educational certificates shall be final in the administrative procedure.

### **Issuing of certificates**

#### **Article 27**

Based on the Decision referred to in Article 24, paragraph 3, of this Law, the ministry competent for labour affairs shall issue a certificate.

The form and content of the certificate shall be laid down by the ministry competent for labour affairs.

## **IV. PROTECTION OF A CANDIDATE'S RIGHTS**

### **Objection**

#### **Article 28**

A candidate acquiring a vocational qualification shall be entitled to file an objection to the Decision on the success at the examination within three days from the date of receipt of the Decision.

The objection shall be filed with the Director of the Examination Centre.

The Director of the Examination Centre shall establish the Commission for Objections.

A person who was involved in producing the Decision against which the objection has been filed cannot be appointed a member of the Commission for Objection.

The Commission referred to in paragraph 3 of this Article shall award a grade or reassess knowledge, skills and competencies necessary for acquiring a vocational qualification.

The Decision of the Commission referred to in paragraph 5 of this Article shall be final in the administrative procedure and no administrative dispute may be conducted against it.

### **Vocational Qualifications Commission**

#### **Article 29**

The development of vocational qualifications, improvement of the National Qualifications Framework and monitoring of the implementation of this Law shall be conducted by the Vocational Qualifications Commission appointed by the Government of Montenegro.

The Vocational Qualifications Commission shall comprise 13 members.

The Vocational Qualifications Commission shall comprise renowned experts from the Ministry, ministry competent for labour affairs, the Agency, Chamber of Commerce, authorized organization of employers, Council for Vocational Education, Council for Adult Education, Council for Higher Education, Vocational Education Centre, Examination Centre, association of organizers of education, organization of skilled crafts, and authorized union organization.

The Vocational Qualifications Commission shall review periodical reports submitted by entities having competencies in the procedure of acquiring vocational qualifications, in accordance with the Law, and

give recommendations and guidelines to competent institutions on how to improve the process of development and acquisition of vocational qualifications, and shall perform other activities as per the Education Act.

The Vocational Qualifications Commission shall pass its Rules of Procedure.

## **V. FUNDING**

### **Provision of funds**

#### **Article 30**

The development of occupational standards and the Examination Catalogue shall be funded from the Budget of Montenegro.

Vocational qualifications, which are developed upon the request of an employer, organizer of education, etc., shall be funded by an entity which submitted the request.

### **Costs of the procedure**

#### **Article 31**

The costs of the procedure for the assessment of a vocational qualification and the costs of issuing the certificate shall be paid by a candidate.

The costs incurred during the procedure of recognition of foreign certificates shall be paid by the candidate. These costs shall be determined in accordance with the Law on Administrative Fees.

The decision on actual expenses referred to in paragraph 1 of this Article shall be passed by the Ministry in cooperation with the ministry competent for labour affairs.

## **VI. RECORDS**

### **Types of records**

#### **Article 32**

The records kept under the procedure of acquiring vocational qualifications or recognition of foreign certificates shall be those of:

- occupational standards;
- Examination Catalogues;
- established education programmes and special adult education programmes;
- licenced organizers of education;
- licenced organizers of assessment;
- examiners;
- candidates applied;
- foreign certificates recognized;
- certificates issued.

The records referred to in paragraph 1, indents 1, 8 and 9 of this Article shall be kept by the ministry competent for labour affairs.

The records referred to in paragraph 1, indents 2, 3 and 4 of this Article shall be kept by the Ministry.

The records referred to in paragraph 1, indents 5, 6 and 7 of this Article shall be kept by the Examination Centre.

The content, manner and procedure for keeping records referred to in paragraph 1 of this Article shall be regulated in detail by a regulation of the Ministry and the ministry competent for labour affairs.

### **Central Register**

#### **Article 33**

The data contained in the records referred to in Article 32, paragraph 1 of this Law shall be kept with the Central Register.

The Central Register referred to in paragraph 1 of this Article shall be managed by the ministry competent for labour affairs.

The form, content, manner of keeping, updating and using the data held by the Central Register shall be laid down in detail by the ministry competent for labour affairs.

## **VII. SUPERVISION**

### **Inspection supervision**

#### **Article 34**

The legality of work of organizers of assessment and of the procedure of acquiring vocational qualifications shall be supervised by the Education Inspection, in accordance with a separate law.

## **VIII. PENALTY PROVISIONS**

### **Misdemeanour penalties**

#### **Article 35**

A legal entity shall be fined for misdemeanour in the amount of twenty to one hundred minimum wages in Montenegro should it appoint a Commission not comprised of the members named on the list of examiners (Article 20).

A responsible person from the legal entity shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of one half to ten minimum wages in Montenegro.

## **IX. TRANSITIONAL AND FINAL PROVISIONS**

### **Previously issued certificates and other documents**

#### **Article 36**

Certificates and other documents obtained following the completion of elementary education required for conducting simple and less complex activities in lower vocational education (I and II degree of vocational education), which have been issued prior to entry into force of this Law, shall be deemed publicly valid pursuant to the Employment Law ("Official Journal of the Republic of Montenegro", no. 5/02 and 79/04).

Certificates and other documents obtained following the completion of secondary education required for conducting average-complexity and complex activities in secondary vocational education (III and IV degree of vocational education), which have been issued prior to entry into force of this Law shall be deemed publicly valid pursuant to the Employment Law.

Certificates and other documents obtained following the completion of elementary education required for conducting average-complexity and complex activities in secondary vocational education (III and IV degree of vocational education), which have been issued prior to entry into force of this Law, shall not be deemed publicly valid.

The initiated procedure aimed at obtaining certificates and other documents referred to in paragraphs 1 and 2 of this Article shall be completed in accordance with the Employment Law.

### **Recognition**

#### **Article 37**

Certificates and other documents issued by legal entities which organized the acquisition of knowledge, skills and competencies in accordance with separate laws for the purpose of vocational training, or providing additional qualification in some specific fields of work, prior to entry into force of this Law, shall be recognized in accordance with this Law.

### **Harmonization**

#### **Article 38**

The regulations governing the field of education which are contrary to this Law shall be harmonized with this Law within six months from the date of its entry into force.

### **Harmonization of work of adult education organizers**

#### **Article 39**

The organizers of adult education shall harmonize their work, organization and general acts with this Law within one year from the date of entry into force of this Law.

### **Adoption of secondary legislation**

#### **Article 40**

The regulations for the enforcement of this Law shall be adopted within six months from the date of entry into force of this Law.

### **Entry into force**

#### **Article 41**

This Law shall enter into force eight days as of its publishing in the "Official Journal of Montenegro".

SU-SK number 01-989/15  
Podgorica, December 17, 2008

Parliament of Montenegro  
President  
Ranko Krivokapić, sgd.