

26 Annex - Education and culture

**203. LAW ON RECOGNITION AND ASSESSMENT OF
EDUCATIONAL CERTIFICATES**

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ON RECOGNITION AND ASSESSMENT OF EDUCATIONAL CERTIFICATES

I. GENERAL PROVISIONS

Article 1

Subject of the Law

Recognition and assessment of educational certificates on obtained and/or commenced education abroad, as well as assessment of educational certificates obtained in Montenegro are performed in accordance with this Law, unless otherwise regulated by international agreements.

Article 2

Recognition

Recognition of foreign educational certificates is a formal acknowledgement of that certificate on completed education, part of education and/or commenced education.

Recognition of the foreign educational certificate as of paragraph 1 of this Article shall be performed with a view to accessing further education or finding employment.

Article 3

Foreign Educational Certificates

A foreign educational certificate can be a certificate, degree/diploma, Joint degree or any other document that certifies that a person, who is a holder of a foreign educational qualification (hereinafter referred to as "holder of the qualification") has completely or partly completed an education programme, in accordance with the regulations of the country issuing the document.

Article 4

Recognition and/or Assessment Right

Montenegrin citizens, as well as foreign and citizens without citizenship, have the right to recognition of foreign educational certificates, if there is a legal interest.

The right of assessment of educational certificates is guaranteed to local and foreign, natural and legal persons.

Article 5

Re-recognition

Educational certificates that have already been recognized and/or assessed, shall not be subject to another recognition and/or assessment procedure.

Article 6

Due Application of the Law

Provisions of the Law on General Administrative Proceedings relating to the summary procedure are applied in the recognition and/or assessment procedure, unless otherwise provided by the Law.

Recognition and/or assessment procedure fee is determined in accordance with the Law on Administrative Fees.

II. RECOGNITION OF FOREIGN EDUCATIONAL CERTIFICATES
1 COMPETENT AUTHORITIES

Article 7
Competence

Recognition of foreign educational certificates on obtained primary, secondary general or vocational education and part of education, and/or commenced education, giving access to further education or employment, is performed by public administration authority in charge of education and science (hereinafter referred to as “the Ministry”)

Recognition of foreign higher education certificates, with a view to finding employment, is performed by the Ministry through National Information Centre (hereinafter referred to as “ENIC centre”), as a separate organizational unit of the Ministry.

Recognition of foreign educational certificates with a view to continuing higher education is performed by a competent body of an accredited higher education institution (hereinafter referred to as “institution”), upon obtaining the opinion from the ENIC centre.

Article 8
ENIC Centre

ENIC centre is an informative centre, also a member of the European Network of Information Centres on recognition and mobility (ENIC – European Network of Information Centres).

Article 9
ENIC Centre Competence

ENIC centre is in charge of matters concerning recognition and assessment, in accordance with this Law.

In the performance of the matters as of paragraph 1 of this article, ENIC centre:

- 1) Carries out the procedure of foreign educational certificates recognition;
- 2) Delivers opinion on matters of assessment procedure;
- 3) Provides information on recognition and assessment of educational certificate procedure to higher education institutions, employers, ENIC partners and other organizations;
- 4) Cooperates with ENIC network on creation of national qualification frameworks within the European Higher Education Area;
- 5) Contributes to further promotion of Montenegrin education system;
- 6) Updates and provides information on education systems, foreign educational certificates and their relation to Montenegrin educational certificates, regulations on recognition and assessment of educational certificates, information on accredited higher education institutions, admission requirements, etc.;
- 7) Updates information on Montenegrin education system, in the form provided in the Annex of the Joint ENIC/NARIC Charter of Activities and Duties of ENIC/NARIC centres
- 8) Performs matters of national and international importance, prescribed by the Lisbon Convention on Recognition of Qualifications Concerning Higher Education in the European Region
- 9) Performs other tasks, in accordance with the regulations and the Joint ENIC/NARIC Charter on Activities and Duties of ENIC/NARIC Centres.

2 RECOGNITION CRITERIA

Article 10

Criteria for Recognition of Foreign Educational Qualifications for the Purpose of Continuing Education

During the procedure of foreign educational certificate recognition, for the purpose of continuing education, the following criteria are considered:

- 1) Education system of the country where the foreign educational certificate is acquired;
- 2) Duration of education;
- 3) Enrolment requirements and progress in the course of secondary general or vocational education;
- 4) Enrolment requirements, progress in the course of the studies, number of acquired ECTS credits and assessment of the results achieved during the study,
- 5) And other circumstances of consequence for the recognition of foreign educational certificates (the fact that the foreign educational document has already been recognized in another country, age of the holder of the foreign educational document, etc.)

Article 11
Recognition of Primary Education

Foreign educational certificates about commenced, received, and/or part of primary education are fully recognized.

Article 12
Partial Recognition

If a major difference is determined between educational and/or study programmes in the process of recognition of foreign educational certificate on secondary general or vocational education, and/or higher education, for the purpose of accessing further education, received foreign education is recognized partly.

Article 13
Criteria for Recognition of Foreign Educational Certificates with a view to Accessing Employment

In the process of recognition of foreign educational certificates with a view to accessing employment, the following criteria are considered:

- 1) Education system of the country where the foreign educational certificate is obtained;
- 2) Duration of education without comparison of education programmes;
- 3) Received education level;
- 4) Rights conferred by the foreign educational certificate in the issuing country
- 5) And other circumstances of consequence for recognition.

Article 14
Request for Equivalence

Upon request of the holder of certificate, during the recognition process an additional process of equivalence of obtained vocational title with vocational title obtained in Montenegro may be performed.

Request as of paragraph 1 of this Article shall be forwarded to the Ministry, from where they shall be forwarded, with enclosed appropriate documentation, to be further considered to the educational institution offering comparable education programme, and/or to another competent body, in accordance with this Law.

3. RECOGNITION PROCEDURE

Article 15
Initiation of Proceedings

Procedure of recognition of foreign educational certificate shall be initiated upon request of the holder of the qualification or the person he/she authorizes.

Request for recognition of foreign educational certificates, with required documentation enclosed, shall be submitted on the appropriate form.

The content of the request form as well as documentation to be submitted for the recognition procedure shall be prescribed by the Ministry.

Article 16
Submission of Requests

Requests for recognition of foreign educational certificates about completed primary, secondary general or vocational education or parts of that education, and/or commenced education, giving access to further education or employment shall be submitted to the Ministry.

Requests for recognition of foreign higher education certificates with a view to finding employment shall be submitted to ENIC centre of the Ministry.

Requests for recognition of higher education certificates with a view to accessing further education shall be submitted to the institution as of Article 7 of this Law.

Article 17
Authenticity Verification

ENIC centre performs authenticity verification of foreign higher education certificates.

Article 18
Determination Time

The Ministry, and/or institution are obliged to decide on a request within two months from the day of submission of the request.

Article 19
Decision

In the foreign educational certificates recognition procedure, decisions shall be rendered. Decisions as of paragraph 1 of this Article shall be final in the administrative procedure.

In the decision recognizing foreign educational certificates, title of the foreign educational certificates, the obtained degree, academic and vocational titles shall be written in the language of the original educational certificates, stating the issuing country.

The institution is obliged to forward a copy of the decision recognizing foreign educational certificates to the Ministry within 15 days from the day of rendering the decision.

Article 20
Clause

The content of the decision as of article 19 of this Law shall be written on a certified copy of the translation of the foreign educational certificates (recognition clause).

III ASSESSMENT

Article 21
Definition of Assessment

Assessment is a procedure of delivering an opinion on educational certificates, on education, and/or study programme and education system, in accordance with this Law.

Article 22
Assessment Criteria

In the procedure of delivering an opinion as of Article 21 of this Law, the comparability of the following is considered:

- 1) Education systems;
- 2) Educational certificates;
- 3) Study programmes;
- 4) Educational level, vocational and academic titles;
- 5) And other facts of consequence for the employment or further education.

Assessment of primary and/or secondary general or vocational education, and/or higher education is performed by the Ministry and/or ENIC centre.

Article 23
Due Application of the Law

In the assessment procedure as of Article 21 of this Law, provisions of Articles 12, 13, 14, 15, 16 and 18 of this Law shall be applied accordingly.

IV. RECORD AND CONTROL

Article 24
Record

The Ministry and/or institution as of Article 7 of this Law shall keep and hold records of decisions and opinions issued during the procedure of recognition and/or assessment of educational certificates.

The content and method of record keeping and holding as of paragraph 1 of this article shall be prescribed by the Ministry.

Article 25
Control

The Ministry shall control the enforcement of provisions from this Law pertaining to recognition and assessment of educational certificates for the purpose of continuing higher education in accordance with the law.

V. FINAL AND TRANSITIONAL PROVISIONS

Article 26
Recognition of Received Education

Educational certificates issued in the republics of former SFRY are not subject to the recognition procedure in accordance with the provisions of this Law, if they were obtained by the day of international recognition of the respective republics.

Educational certificates obtained in the Republic of Serbia by the day of entry into force of, are not subject to the recognition procedure in accordance with the provisions of this Law.

Article 27
Initiated Nostrification and Equivalence Procedures

The procedure of nostrification and/or equivalence commenced by the day of entry into force of this Law, shall be completed in accordance with the provisions pursuant to which it was initiated.

Article 28
Secondary Legislation

Regulations for implementation of this Law shall be passed within six months from the day of entry into force of this Law.

Regulations valid prior to entry into force of this Law shall be applied until adoption of regulations provided for in paragraph 1 of this Article, unless they are contrary to this Law.

Article 29
Validity Termination

On the day of entry into force of this Law, provisions of Articles 108 to 116 of Law on Higher Education (Official Gazette of the Republic of Montenegro 60/03) and Articles 119 to 128 of the General Law on Education (Official Gazette of the Republic of Montenegro 64/02 and 31/05) shall be repealed.

Article 30
Coming into force

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of the Republic of Montenegro.