

26 Annex - Education and culture

191. LAW ON NATIONAL VOCATIONAL QUALIFICATIONS

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 pursuant to the procedure provided for by this Law.

Definition

Article 2

A vocational qualification shall be a working or vocational competence necessary for practising 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 programme, pursuant to a special law;
- Completing a module, when a publicly valid education programme has been prepared based on several occupation standards;
- Undergoing a verification of knowledge, skills and competencies upon the completion of a special adult education programme;
- Undergoing a direct verification of knowledge, skills and competencies pursuant to a catalogue defining standards of knowledge, skills and competencies necessary for a specific vocational qualification (hereinafter referred to as „Examination catalogue“);
- Recognising foreign certificates.

A vocational qualification in the field of higher education shall be acquired upon the completion of:

- A course of study, pursuant to a special law;
- A special professional development programme in the field of higher education (hereinafter referred to as „special professional development programme“).

Vocation qualifications referred to in paragraph 1, indents 2, 3, 4 and 5, and paragraph 2, indent 2 of this Article shall be acquired pursuant 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 recognised 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 public document – certificate.

Level of Education

Article 6

By completing a publicly valid education programme 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 public document – diploma pursuant to a specific regulation.

By completing a module of a publicly valid education programme and taking an examination stipulated for the completion thereof a person shall acquire an appropriate 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 an appropriate vocational qualification, which shall be evidenced by presenting a diploma and diploma supplement pursuant to a special 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 recognised under the procedure of acquiring a level of education pursuant to a special regulation defined by 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-, organisation- and technologically-related and interrelated to be conducted by a person possessing appropriate knowledge, skills and competencies;
- 2) **“occupation 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, specialisation, foreign languages, information technologies etc. – non-formal education);
- 10) **“special professional development programme in the field of higher education“** means a special adult education programme accredited by a competent Council pursuant to which persons who have previously completed an adequate curriculum shall be educated;

- 11) **“assessor training programme“** means an education programme adopted by a competent Council upon the proposal of the Examination Centre;
- 12) **“qualification“** means an official confirmation (certificate, diploma) of performance, recognising a successful completion of education or training pursuant to the established procedure required for qualification acquisition;
- 13) **“qualification framework“** means a document indicating qualifications existent within a field of work, their classification according to levels of demand and interconnection between qualifications;
- 14) **“license“** - means a document giving the right to work to an institution or an individual based on the prescribed standards met;
- 15) **“licensing“** - means a procedure determining whether an institution or an individual has met the prescribed standards pursuant to the Law;
- 16) **“assessor“** means a person in possession of an appropriate license for conducting an assessment;
- 17) **“publicly valid education“** means education acquired pursuant to an education programme adopted or approved by the ministry competent for conducting education-related affairs;
- 16) **“provider of education“** means a legal or physical entity organising education and training pursuant to special regulations;
- 17) **“provider of verification“** means a provider of education which meets technical conditions prescribed by the Examination catalogue, and with which the verification is organised by the Examination Centre;
- 18) **“competency“** means the ability to apply knowledge and skills in a common and/or changing working situation;
- 19) **“skill“** means the ability to efficiently conduct activities based on the knowledge and experience acquired;
- 20) **“classification of occupations“** means a national document used while recording, collecting, processing, analysing and stating the data necessary for monitoring the situation and fluctuations in the labour market. The document is used to classify jobs within an occupation in official or administrative data collections (records, registers, data collections) as well as for the statistical evaluation of data;
- 21) **“module“** means a completed entirety of objectives and activities structured in such a way to represent a separate whole, or a part of the education programme. The module is based on the occupation standard or a part of the occupation standard and includes general knowledge and thereto related vocational-theoretical knowledge and appropriate practical knowledge and skills;
- 22) **“Examination catalogue“** means a document prepared on the basis of the occupation standard. The document represents the basis for vocational qualification verification procedure or the recognition of a foreign certificate. The catalogue links the key activities defined by the occupation standard to the tasks, thus evidencing the capability of conducting thereof;
- 23) **“education attendant“** means an adult attending education programmes;
- 24) **“candidate“** means a person who has initiated the procedure for acquiring a vocational qualification or recognising a foreign certificate;
- 25) **“additional training“** means additional schooling or knowledge improvement within the same occupation and level of education;
- 26) **“retraining“** means education and training for practising another occupation of the same or lower education level, for employment purposes.

II. OCCUPATION STANDARD AND EXAMINATION CATALOGUE

Occupation Standard

Article 8

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

The competencies of specialised authorities and bodies involved in the process of developing occupation 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 an appropriate field of work to be acquired under the procedure of verification of knowledge, skills and competencies or the recognition of a foreign certificate.

Examination catalogue shall be prepared for each core skill that may be acquired under the procedure of verification or recognition of a foreign certificate.

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

Examination Catalogue Content

Article 10

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

Special Needs

Article 11

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

III. CONDITIONS AND PROCEDURE FOR ACQUIRING A VOCATIONAL QUALIFICATION AND RECOGNISING FOREIGN CERTIFICATES

Conditions

Article 12

A vocational qualification may be acquired by a person being at least 17 years old who has completed primary education and met other conditions stipulated by the Examination catalogue.

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

Recognition of Foreign Certificates

Article 13

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

The recognition from paragraph 1 of this Article shall be granted by the ministry competent for labour affairs pursuant to this Law, unless otherwise provided for by an international treaty.

The provisions of the Law on General Administrative Procedure apply to the procedure of recognising foreign certificates, unless otherwise provided for by this Law.

Criteria for Recognising Foreign Certificates

Article 14

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

- 1) certification system of the country where the certificate has been acquired;
- 2) the entitlement vested in a foreign 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 certificates (the circumstance of a foreign certificate already having been recognised in another country etc.).

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

Clause

Article 15

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

Information and Counselling

Article 16

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

The Ministry, Employment Office of Montenegro (hereinafter referred to as „the Office“), Vocational Education Centre, Examination Centre, Chamber of Commerce of Montenegro, authorised union organisation, authorised organisation of employers, employment agencies, Chamber of Skilled Crafts and Entrepreneurship of Montenegro Montenegro Business Alliance and the provider of education shall, within their competencies, monitor and analyse labour market needs, individual needs for making progress within an occupation, keep informed and provide counsel to interested persons and employers on the possibilities, conditions, manner and procedure for acquiring a vocational qualification as well as recognising foreign certificates

Education and Training

Article 17

Education and training of a candidate to acquire a vocational qualification shall be conducted with the provider of education in possession of the working licence issued by the Ministry, pursuant to special regulations.

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

Training for the Purpose of Employment at a Concrete Work Position

Article 18

Training of a person for work at a concrete work position may also be organized with a private person that does not possess licence for work from Article 17 hereof, for the purpose of concluding an employment contract.

Persons referred to in paragraph 1 of this Article may acquire vocational qualification by direct verification of knowledge, skills and competencies with the Examination Centre, pursuant to this Law.

Procedure Initiation

Article 19

The procedure for acquiring a vocational qualification or recognising foreign 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 education provider 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 Panel

Article 20

The verification of knowledge, skills and competencies necessary for acquiring a vocational qualification shall be conducted by the Examination Panel (hereinafter referred to as „the Panel“) comprised of assessors.

The list of assessors referred to in paragraph 1 of this Article shall be drafted for each vocational qualification individually.

The Examination Centre shall draft the list of assessors pursuant to the public announcement.

The composition, method of work and other issues of importance for the work of the Panel 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 assessors – Panel members if at the time of verification 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.

Assessor Working Licence

Article 22

An assessor working licence shall be issued by the Ministry upon the proposal of the Examination Centre

The assessor working licence shall be granted to a person having:

- education profile and a level of education laid down by the Examination catalogue;
- at least a five-year working experience in the field of appropriate activities within a field of work;
- completed an assessor training programme.

The assessor working licence shall be issued for a three-year period.

The assessor training programme shall be adopted by the Ministry upon the proposal of the Examination Centre.

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

Licence Revoking

Article 23

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

The justified proposal for revoking the assessor's working licence may be submitted by a candidate or other interested physical or legal entity.

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

Examination Place

Article 24

The examination aimed at the verification 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 a provider of verification.

Apart from paragraph 1 of this Article, the examination may be taken with the Examination Centre.

Verification procedure

Article 25

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

The verification referred to in paragraph 1 of this Article shall be organised at least four times per annum.

Decision

Article 26

Upon the examination completion, the Panel shall produce the decision on the success in mastering the subject examination.

The Panel shall submit the decision referred to paragraph 1 of this Article to the candidate and the Examination Centre.

The Examination Centre shall submit the decision on the success in mastering the subject examination to the ministry competent for labour affairs.

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

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

Certificate issuance

Article 27

Pursuant to the decision referred to in Article 26 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

Complaint

Article 28

A candidate acquiring a vocational qualification shall be entitled to file a complaint against the the decision on the success in mastering the subject examination within three days from the receipt date of the decision.

The complaint shall be filed to the director of the Examination Centre.

The director of the Examination Centre shall appoint the Complaint Commission.

The person who was involved in producing the decision against which the complaint has been filed shall not be appointed the Complaint Commission member.

The Commission referred to in paragraph 3 of this Article shall award a grade or re-verify 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 shall 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.

Vocational Qualifications Commission shall comprise 13 members.

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

Vocational Qualifications Commission shall consider periodical reports submitted by entities having competencies related to the procedure of acquiring vocational qualifications pursuant to the Law. In addition the Commission shall 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 pursuant to the Education Act.

Vocational Qualifications Commission shall pass its Rules of Procedure.

V. FUNDING

Provision of funds

Article 30

The development of occupation standards and Examination catalogue shall be funded from the Budget of Montenegro.

Vocational qualifications developed upon the request of an employer, provider of education etc. shall be funded by an entity having submitted the request.

Costs of procedure

Article 31

The costs of vocational qualification verification procedure and the costs of certificate issuance shall be paid by a candidate.

The costs incurred during the procedure of foreign certificates recognition shall be paid by the candidate. These costs shall be determined pursuant to the provisions of the Law on Administrative Taxes.

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

Type of records

Article 32

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

- occupation standards;
- Examination catalogues;
- established education programmes and special adult education programmes;
- licenced providers of education;
- licenced providers of verification;
- assessors;
- candidates applied;
- foreign certificates recognised;
- 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 from 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 laid down in more 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 administered by the ministry competent for labour affairs.

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

VII. SUPERVISION

Inspection Supervision

Article 34

The legality of work of verification providers as well as the procedure of acquiring vocational qualifications shall be supervised by the Education Inspectorate pursuant to a special 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 Panel not comprised of the members named in the assessor list (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 primary school required for conducting simple and less complex activities within lower vocational education (I and II degree of professional qualification) which have been issued prior to entry into force of this Law shall be deemed publicly valid pursuant to the Law on Employment (the Official Gazette of Republic of Montenegro 5/02 and 79/04).

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

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

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

Recognition

Article 37

Certificates and other documents issued by legal entities which have organised the acquisition of knowledge, skills and competencies pursuant to special laws in order to ensure vocational training or additional qualification within certain specific field of activity prior to entry into force of this Law shall be recognised pursuant to this Law.

Compliance

Article 38

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

Compliant Work of Adult Education Providers

Article 39

The providers of adult education shall make their work, organisation and general enactments compliant with this Law within one year from the date of entry into force of this Law.

Adoption of Secondary Legislation

Article 40

The regulations related to the implementation 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 after its publication in the Official Gazette of Montenegro.