

# **LAW ON HIGHER EDUCATION**

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## **I. BASIC PROVISIONS**

### **Subject**

#### **Article 1**

This Law regulates foundations of higher education, conditions for performing higher education activities, the organization of higher education institutions, the quality assurance of higher education, the rights and obligations of academic staff and students, the types of study programs, the financing of higher education, as well as other issues of importance for carrying out higher education activities.

### **Objectives of Higher Education**

#### **Article 2**

Objectives of higher education are:

- 1) to acquire and improve knowledge, skills, and competencies, and to develop scientific research, art, and culture;
- 2) to acquire general, scientific, and professional knowledge, skills, and competencies through teaching, learning, and research;
- 3) to improve the quality of higher education in accordance with the European Standards and Guidelines for Quality Assurance in the European Higher Education Area (EHEA);
- 4) to develop research-oriented higher education;
- 5) to ensure opportunities for lifelong higher education;
- 6) to establish and develop cooperation in the field of teaching, learning, research, art, and culture;
- 7) to ensure conditions for unhindered access to higher education.

### **Public Interest**

#### **Article 3**

Higher education is an activity of public interest.

### **Institutional Autonomy**

#### **Article 4**

A higher education institution (hereinafter: the institution) is autonomous in performing its activities, in accordance with this Law.

### **Institutional Freedom**

#### **Article 5**

The institution is autonomous in fields of teaching, research, and artistic work, within the scope of its license, in accordance with this Law.

The scientific research work of the institution is regulated by a special law.

## **Rights of the Institution**

### **Article 6**

The institution has the right to:

- 1) determine study programs to be implemented and the courses to be taught;
- 2) independently develop and implement study programs;
- 3) determine the methods of teaching and assessing students' knowledge;
- 4) elect management and governing bodies, determine their composition, scope of work, and mandate;
- 5) regulate its internal organization in accordance with this Law and the institution's statute;
- 6) appoint academic staff;
- 7) conclude agreements with other institutions or organizations in Montenegro and abroad;
- 8) award honorary titles in accordance with its general act;
- 9) exercise property rights and manage funds in accordance with the law;
- 10) establish centres for mediation in student employment, in accordance with a special law.

In addition to the rights referred to in paragraph 1 of this Article, the institution exercises other rights in accordance with this Law and its statute.

## **Inviolability of Premises**

### **Article 7**

The premises of an institution are inviolable, except in cases prescribed by the law governing criminal procedure, in the event of a natural disaster, other emergency, or other cases provided by law, with the approval of the institution's management body.

## **Academic Freedoms and Protection**

### **Article 8**

The institution is obliged to guarantee academic staff the freedom of thought, ideas, and verification of acquired knowledge, and to ensure the freedom of organization and association, as well as the protection of academic staff from discrimination on any grounds, in accordance with a special law.

## **Freedom of Research**

### **Article 9**

Academic staff of the institution have the freedom to publish the results of their research, in accordance with a special law and the institution's acts.

## **Code of Ethics**

### **Article 10**

The institution's Code of Ethics defines the fundamental principles and values of academic ethics, the rights and obligations of members of the academic community, as well as rules of conduct aimed at preserving integrity, dignity, and quality in higher education.

The Code of Ethics regulates academic relations and promotes responsible and ethically grounded behaviour of all participants in teaching, scientific, and professional work.

## **Accessibility of Higher Education**

### **Article 11**

Higher education is accessible to all persons and shall not be directly or indirectly restricted based on race or ethnic origin, colour, national or social background, language, religion or belief, political or other opinion, sex or gender expression and/or characteristics, gender identity, sexual orientation, genetic features, health status, disability, age, property status, marital or family status, life partnership, group affiliation, political party or other organization membership, or other personal characteristics, in accordance with a special law.

## **Quality Assurance and Improvement**

### **Article 12**

Quality assurance and improvement in higher education are achieved through internal and external evaluation, in accordance with the European Standards and Guidelines for Quality Assurance in Higher Education.

Internal evaluation is carried out through self-evaluation.

External evaluation is carried out through the procedures of study program accreditation (hereinafter: accreditation) and institutional reaccreditation (hereinafter: reaccreditation).

## **Agency for Quality Assurance in Higher Education**

### **Article 13**

Activities of quality assurance and improvement in higher education are performed by the Agency for Quality Assurance in Higher Education (hereinafter: the Agency), in accordance with the European Standards and Guidelines for Quality Assurance in Higher Education.

## **Use of Gender-Sensitive Language**

### **Article 14**

Expressions used in this Law for natural persons in the masculine gender shall imply same expressions in the feminine gender.

## **Meaning of Terms**

### **Article 15**

Terms used in this Law have the following meanings:

- 1) *European Higher Education Area (EHEA)* includes cooperation among the countries that signed the Joint Declaration of the European Ministers of Higher Education in Bologna (1999) with the aim of achieving comparable and compatible higher education systems in Europe;

- 2) *European Standards and Guidelines for Quality Assurance in Higher Education (ESG standards)* represent a set of standards and guidelines for internal and external quality assurance in higher education, aimed at establishing similar procedures for evaluation within the EHEA;
- 3) *European Credit Transfer System (ECTS)* is the European system for the acquisition and transfer of credits and is equivalent to the Montenegrin Credit Transfer System (CCTS);
- 4) one ECTS credit represents 30 hours of estimated average student workload required to achieve the learning outcomes;
- 5) *study program* is the basic classification unit of higher education, with a defined structure and number of ECTS credits, providing individuals with learning outcomes necessary to acquire knowledge, skills, and competencies for a specific field of work and obtain a diploma corresponding to the levels of higher education defined by the national qualifications framework;
- 6) *joint study program* is a program jointly developed and implemented by two or more institutions from Montenegro or abroad, leading to a joint or double diploma;
- 7) *double diploma* is obtained upon completion of a study program accredited as a joint program implemented by two institutions and confirmed by two diplomas in accordance with a mutual agreement;
- 8) *joint diploma* is obtained upon completion of a study program accredited as a joint program implemented by two or more institutions and confirmed by one joint diploma;
- 9) *integrated study program* combines undergraduate and postgraduate master's studies totalling at least 300 ECTS credits;
- 10) *module* is an independent functional unit within a study program for acquiring specific knowledge and skills, comprising up to one-third of the total ECTS workload;
- 11) *publicly valid study program* is an accredited study program;
- 12) *diploma supplement* is a standardized public document issued alongside the institution's diploma to provide a detailed overview of the level, nature, content, system, and rules of study, and the results achieved during studies;
- 13) *lifelong learning* is a learning activity throughout all stages of life aimed at acquiring and improving knowledge, skills, and competencies related to personal, civic, social, and/or employment perspectives;
- 14) *special programs in higher education* are programs for lifelong learning needs that include defined learning outcomes, participant workload, ECTS credits, and national qualification framework levels;
- 15) *micro-credentials* are small learning units (one or more courses, modules, etc.) within a study or special program in higher education, totalling up to 15 ECTS credits, described in terms of learning outcomes, which may or may not lead to a micro-qualification;
- 16) *affirmative action* means the introduction of special measures aimed at creating conditions for achieving equality and protecting the rights of persons who are, on any grounds, in an unequal position in education;
- 17) *a person or student with a disability* is a person with a long-term physical, mental, intellectual, and/or sensory impairment which, in interaction with various barriers in higher education, may hinder full and effective participation in higher education on an equal basis with others;

- 18) *foreigner* is a citizen of another country, a stateless person, an asylum seeker, or an emigrant in accordance with the law;
- 19) *expert* is a person possessing exceptional knowledge, skills, and competencies in a specific field.

## **II. HIGHER EDUCATION INSTITUTIONS**

### **Types of Institutions, Establishment, and Conditions for Performing Activities**

#### **Types of Institutions**

##### **Article 16**

Higher education is carried out at institutions established and licensed in accordance with this Law, namely:

- universities,
- faculties,
- art academies, and
- colleges.

An institution may be established as public or private.

A public institution is established by the State.

A private institution may be established by domestic or foreign legal or natural persons.

An institution may be established as a public-private partnership in accordance with a special law.

An institution acquires legal personality upon registration in the Central Register of Business and Other Entities (hereinafter: CRPS), unless otherwise provided by this Law.

#### **Name of the Institution**

##### **Article 17**

Name of the institution is determined by the founder, in accordance with this Law.

The name for the institutions referred to in Article 16 of this Law may be used only by an institution that is licensed and registered in the Register of Higher Education Institutions (hereinafter: the Register), in accordance with this Law.

#### **University**

##### **Article 18**

A university is an autonomous institution that combines educational, scientific research, or artistic work as parts of a single higher education process.

The university ensures the development of higher education, science, profession, and art, the creative abilities and preparation of students for professional activity, as well

as the promotion of human rights and freedoms and the attainment of the highest standards of teaching and learning.

Scientific research or artistic work is performed and organized in accordance with a special law and the university's general act.

## **Organization of the University**

### **Article 19**

An institution may have the status of a university if it implements at least four different undergraduate study programs, of which at least one is implemented as both an undergraduate and postgraduate, or integrated, study program.

The study programs referred to in paragraph 1 of this Article must belong to at least three of the following fields: natural sciences and mathematics, technical and technological sciences, medical sciences, social sciences, humanities, agricultural sciences, and interdisciplinary fields.

By way of exception, an institution may have the status of a university if it implements only art study programs, namely at least three different undergraduate art study programs, of which at least one is implemented as both undergraduate and postgraduate.

A university carries out its activities through faculties, art academies, institutes, and colleges as organizational units.

A university has legal personality.

An organizational unit of a state university does not have legal personality.

A state university may transfer certain authorizations to an organizational unit referred to in paragraph 4 of this Article to engage in legal transactions, in accordance with the university statute.

An organizational unit of a private university may have legal personality.

## **Other Forms of Organizing Studies**

### **Article 20**

A public institution may, with the consent of the institution's governing body, organize studies in cooperation with a domestic or foreign institution.

A private institution may organize studies in cooperation with a domestic or foreign institution.

In organizing studies referred to in paragraphs 1 and 2 of this Article, an institution has the right to implement programs leading to joint or double diplomas.

## **Establishment of Separate Legal Entities**

### **Article 21**

An institution may establish an innovation centre, a technology transfer centre, a science and technology park, and other forms of performing innovation activities and providing infrastructural support for the development of innovations and the commercialization of the results of research and artistic work, as separate legal entities.

## **Place of Performing Activities**

### **Article 22**

An institution performs higher education activities at its registered seat.

An institution may not organize regional branches.

By way of exception to paragraph 2 of this Article, the Government of Montenegro (hereinafter: the Government) may adopt a decision for certain study programs of public interest to be delivered outside the institution's seat.

## **Conditions for Establishment and Performance of Activities**

### **Article 23**

An institution may be established and perform activities if it has:

- 1) a certificate of accreditation of the study program;
- 2) appropriate premises owned or leased (classrooms, laboratories, library, premises for students' extracurricular activities), teaching resources, equipment, and other means necessary for performing activities;
- 3) conditions and unhindered access ensured for persons with disabilities in accordance with the regulations governing construction of facilities and spatial planning;
- 4) an employment contract on a full-time basis with at least one teacher for each year of study for undergraduate and postgraduate studies, and for other academic staff for each year of study an employment contract, a supplementary work contract, or a work engagement contract in accordance with a special law;
- 5) one half of the teaching associates provided, from the total number of associates required for delivering instruction for each course in each year of study, with whom it has concluded an employment contract, a supplementary work contract, or a work engagement contract in accordance with a special law;
- 6) financial resources secured for establishment and performance of activities; and
- 7) hygiene and technical conditions ensured, in accordance with special regulations.

Persons referred to in paragraph 1 item 4 of this Article must be elected to academic titles under the regulations of Montenegro.

By way of exception to paragraph 2 of this Article, persons referred to in paragraph 1 item 4 of this Article may be elected to academic titles under the regulations of other states if the Higher Education Council (hereinafter: the Council) has issued a positive

opinion on the academic titles acquired abroad in relation to the conditions and criteria for election to academic titles in Montenegro.

For study programs in the field of medical sciences, it shall be deemed that the institution has ensured academic staff for clinical courses if they are employed by a healthcare institution serving as the institution's teaching base.

For study programs in the field of security, it shall be deemed that the institution has ensured academic staff for professional courses if they are employed by state administration bodies and administrative bodies in the field of security with appropriate qualifications, and for practical teaching in professional courses if they are employed by state administration bodies and administrative bodies in the field of security with at least sub-level VII1 of the national qualifications framework.

The detailed conditions referred to in paragraph 1 items 2 and 3 of this Article shall be prescribed by the state administration body competent for education (hereinafter: the Ministry).

## **Financial Guarantee**

### **Article 24**

The founder of a public institution shall, in addition to evidence of compliance with the conditions referred to in Article 23 of this Law, submit proof issued by the state administration body competent for finance that financial resources have been secured in the amount necessary for the implementation of the study program.

The founder of a private institution shall, in addition to evidence of compliance with the conditions referred to in Article 23 of this Law, submit a bank guarantee for time-deposited financial resources in the amount necessary for the implementation of the study program.

The guarantee referred to in paragraph 2 of this Article shall be submitted upon establishment of the institution and upon the introduction of new study programs at the institution and must be issued for the duration of the study program.

The resources necessary for the implementation of the study program referred to in paragraphs 1 and 2 of this Article shall be calculated on the basis of the cost of educating a student for a given study program, the number of students, and the duration of the study program for which a license is sought.

The guarantee referred to in paragraph 2 of this Article shall be activated at the request of the state administration body competent for finance in the event that the founder adopts a decision to abolish or cease the operation of the institution or the study program before students complete their education under the study program.

The resources referred to in paragraphs 1 and 2 of this Article may be used solely for the completion of students' education.



## **Act on the Establishment of an Institution**

### **Article 25**

The act on the establishment and abolition of a public institution shall be adopted by the Government.

The act on the establishment and abolition of a private institution shall be adopted by the founder.

The act on the establishment of an institution shall contain:

- 1) name and seat, or the name and surname and domicile of the founder;
- 2) name and seat of the institution;
- 3) institution's activity;
- 4) resources for establishment and performance of activities and the manner of securing them;
- 5) temporary management and governing bodies;
- 6) deadline for adopting the statute; and
- 7) other matters of significance for the performance of the institution's activities.

## **Licensing**

### **Article 26**

The institution shall submit to the Ministry a request for licensing no later than three months prior to the commencement of activities, i.e., the delivery of the study program.

The request for licensing of the institution shall be accompanied by the act on establishment and evidence of compliance with the conditions referred to in Article 23 of this Law.

The institution shall also submit a request for licensing when: undertakes status changes; changes its seat or premises; delivers a study program outside its seat in accordance with Article 22 paragraph 3 of this Law; introduces new study programs or special programs in higher education; or increases the number of students in a licensed study program.

The detailed licensing procedure shall be prescribed by the Ministry.

## **Commencement of Activities**

### **Article 27**

An institution may commence activities and enrol students when the Ministry determines that the institution meets the conditions prescribed by this Law and issues a licensing decision.

The license shall determine the type of institution, the accredited study programs, the maximum number of students who may be enrolled in individual study programs, the levels of education, and the diplomas awarded by the institution.

The Ministry shall publish the licensing decision in the "Official Gazette of Montenegro."

An administrative dispute may be initiated against the licensing decision.

## **Register**

### **Article 28**

After obtaining the licensing decision, the institution shall be registered in the Central Register of Business and Other Entities (CRPS).

After registration in the CRPS, the institution shall be entered in the Register of Higher Education Institutions, which is maintained by the Ministry.

The content and manner of maintaining the Register shall be prescribed by the Ministry.

## **Statute of the Institution**

### **Article 29**

An institution shall have a statute.

The statute of the institution shall further regulate:

- 1) organization of the institution;
- 2) institution's bodies and their operating procedures;
- 3) awarding of diplomas of academic and applied studies;
- 4) conduct of research, scientific, and artistic work;
- 5) method of exercising the rights and obligations of employees and students;
- 6) method of adopting the code of ethics;
- 7) financial control;
- 8) records; and
- 9) other matters of significance for the performance of the institution's activities.

The statute of the institution shall be adopted by the institution's governing body, following a prior opinion from the professional body.

The Government shall give its consent to the statute of a public institution.

## **Status Changes**

### **Article 30**

An institution may undertake status changes.

The decision on status changes of the institution shall be adopted by the founder.

Status changes of the institution may not be carried out during the academic year.

The provisions of this Law regulating the establishment and performance of the institution's activities shall apply mutatis mutandis to status changes of the institution.

## **Abolition of a Study Program**

### **Article 31**

The decision to abolish a study program at an institution shall be adopted by the institution's governing body with the consent of the founder.

In the event of the abolition of a study program, the institution shall enable enrolled students to complete their studies within a period specified by the act on the abolition of the study program, which may not be shorter than the period prescribed by law for completing studies.

The decision referred to in paragraph 1 of this Article shall be submitted to the Ministry and the Agency for the purpose of entering changes in the registers.

## **Abolition of an Institution**

### **Article 32**

An institution shall be abolished if:

- 1) there is no need for its existence;
- 2) it does not meet the prescribed conditions for performing activities; and
- 3) it does not perform the activity for which it was established.

In the event of the abolition of an institution, the academic year in which the institution ceases enrolling students in the first year of studies shall be determined.

In the event of the abolition of an institution, the founder shall enable enrolled students to complete their studies within a period specified by the act on the abolition of the institution, which may not be shorter than the period prescribed by law for completing studies.

The founder shall submit the decision on the abolition of the institution to the Ministry and the Agency for the purpose of entering changes in the registers.

## **Prohibition of the Institution's Work**

### **Article 33**

When the competent inspection determines that an institution does not meet the conditions for performing activities or does not perform activities in accordance with the law, it shall temporarily prohibit the institution's work and set a deadline within which the institution and the founder must remedy the established deficiencies.

If the deficiencies are not remedied within the deadline referred to in paragraph 1 of this Article, the competent inspection shall prohibit the performance of activities of that institution and notify the founder thereof.

In the event of a prohibition on performing activities referred to in paragraph 2 of this Article, the institution and the founder shall enable students to continue their commenced education at another appropriate institution.

## **2. Organization of Institutions**

### **Governing Body of a University**

#### **Article 34**

The governing body of a university is steering committee.

The steering committee determines the university's business policy.

### **Steering Committee of a Public University**

#### **Article 35**

The steering committee of a public university has 15 members and is composed of representatives of persons holding academic titles, associates, non-teaching staff, students, and representatives of the founder.

A person performing the function of dean, vice-dean, director, deputy director, rector, vice-rector, or a member of the senate may not be elected as a member of the managing board from among persons holding academic titles.

Representatives of the founder make up one third of the total number of members of the managing board.

Student representatives are elected by the Student Parliament of the University of Montenegro in accordance with its rules.

The steering committee is elected for a period of four years, except for student representatives who are elected for a period of two years.

Competence, method of election and dismissal, as well as the manner of work and decision-making of the managing board, shall be further regulated by the statute of the public university.

### **Steering Committee of a Private University**

#### **Article 36**

The managing board of a private university is elected by the founder.

Student representatives shall be included among members of the steering committee referred to in paragraph 1 of this Article.

Competence, number of members, composition, method of election and dismissal, manner of work and decision-making of the managing board, as well as the term of office of the managing board of a private university, shall be determined by the founder, in accordance with its statute.

## **Governing Body of an Institution that is not a University**

### **Article 37**

The governing body of an institution that is not a university shall be determined by the institution's statute.

The governing body referred to in paragraph 1 of this Article must include representatives of academic staff, other employees, and students.

The competence, number of members, composition, term of office, method of election and dismissal, as well as the manner of work and decision-making of the governing body referred to in paragraph 1 of this Article, shall be regulated by the institution's statute.

## **Executive Body of a University**

### **Article 38**

Executive body of a university is the rector.

The rector is responsible for the efficient and quality operation of the university, as well as for management in accordance with the law and the university statute.

A university may have vice-rectors.

## **Election of the Rector of a Public University**

### **Article 39**

Rector of a public university shall be elected for a period of three years on the basis of a public competition and a submitted university development program.

The rector of a public university shall be proposed by the senate from among full professors of the public university and elected by the steering committee.

Same person may be elected as the rector of a public university twice consecutively.

The detailed method of election and dismissal of the rector, his/her powers, and other matters of significance for the rector's work shall be regulated by the statute of the public university.

## **Election of Vice-Rectors of a Public University**

### **Article 40**

A public university may have one or more vice-rectors in accordance with the act on internal organization and systematization of jobs at the university.

A vice-rector shall be elected by the university's steering committee upon the rector's proposal, for a period of three years.

Detailed method of electing vice-rectors, their powers, and other matters of significance for the vice-rectors' work shall be regulated by the statute of the public university.

### **Election of the Rector and Vice-Rectors of a Private University**

#### **Article 41**

Rector of a private university shall be elected by the founder from among full professors, in accordance with the act on establishment and the university statute.

Method of election of the rector and/or vice-rectors of a private university, their powers, term of office, and other matters of significance for the work of the rector and vice-rectors shall be regulated by the statute of the private university.

### **Executive Body of an Organizational Unit of a Public University**

#### **Article 42**

Executive body of an organizational unit of a public university is the dean or director, who is proposed by the council and elected by the university's steering committee, in accordance with the university statute.

Method of electing the dean or director, requirements, powers, term of office, and other matters of significance for the work of the dean or director shall be regulated by the statute of the public university.

### **Executive Body of Institutions and Organizational Units of a Private University**

#### **Article 43**

The executive body of institutions and organizational units of a private university is the dean or director.

The method of electing the dean or director, the requirements, powers, term of office, and other matters of significance for the work of the dean or director shall be regulated by the statute of the private university.

### **Executive Body of an Institution that is not a University**

#### **Article 44**

The executive body of an institution that is not a university shall be determined by the act on establishment and the statute of that institution.

The method of electing the executive body, its powers, term of office, and other matters of significance for its work shall be regulated by the institution's statute.

### **Expert Body of a University**

#### **Article 45**

Expert body of a university is the senate.

The senate consists of representatives of academic staff and students, in accordance with the university statute.

A person who is a member of the steering committee shall not be elected as member of the senate.

Of the total number of senate members holding academic titles, at least one half must be full professors of the university.

The competence, number, composition, term of office, method of election and dismissal, as well as the manner of work and decision-making of the senate shall be regulated by the university statute.

### **Professional Body of an Organizational Unit of a Public University**

#### **Article 46**

Professional body of an organizational unit of a public university is the council.

The council referred to in paragraph 1 of this Article consists of: the dean, vice-deans, persons holding academic titles who deliver instruction, representatives of associates, and students, in accordance with the statute of the public university.

The competence, term of office, manner of work, and decision-making of the council referred to in paragraph 1 of this Article shall be regulated by the statute of the public university.

### **Professional Body of an Institution and Organizational Unit of a Private University**

#### **Article 47**

The expert body of an institution and an organizational unit of a private university is the council.

Student representatives shall be included in the council referred to in paragraph 1 of this Article.

The detailed composition, competence, term of office, manner of work, and decision-making of the council referred to in paragraph 1 of this Article shall be regulated by the statute of the private university.

### **Professional Body of an Institution that is not a University**

#### **Article 48**

Expert body of an institution that is not a university is the institution's council.

The council referred to in paragraph 1 of this Article consists of academic staff who deliver instruction and representatives of students, in accordance with the institution's statute.

The detailed composition, competence, term of office, manner of work, and decision-making of the council referred to in paragraph 1 of this Article shall be regulated by the institution's statute.

### **3. Financing of Institutions**

#### **Sources of Financing**

##### **Article 49**

An institution may be financed from:

- 1) funds of the founder;
- 2) tuition fees and other fees paid by students;
- 3) intellectual and other services;
- 4) donations, gifts, and legacies;
- 5) income from property (lease);
- 6) projects and contracts with international, state, or private entities for the purpose of promoting teaching, research, and consulting activities; and
- 7) other sources in accordance with the law.

#### **Responsibility of the Executive Body**

##### **Article 50**

The executive body of the institution is responsible for the lawful and purpose-specific use of funds secured in accordance with this Law.

#### **Financial Control**

##### **Article 51**

Independent internal and external financial control shall be ensured in the operations of a public institution.

Internal financial control of a public institution shall be performed once a year by an internal audit unit that is functionally and organizationally independent, in accordance with the law, the statute, and international standards of internal financial control.

By way of exception to paragraph 2 of this Article, internal financial control may also be performed during the budget year at the request of the Ministry or the institution's governing body.

A public institution is obliged to publish on its website the internal financial control report for each organizational unit.

In performing external financial control in accordance with a special law, the governing body of a public institution shall ensure cooperation.



## **Recovery of Funds**

### **Article 52**

The Government shall request the recovery of allocated funds from a public institution that receives funds from the Budget of Montenegro if internal or external financial control establishes unlawful and non-purpose-specific use of funds.

## **Investment of Public Institution Funds**

### **Article 53**

A public institution may invest funds for educational or research purposes with the consent of the Government, provided that:

- 1) the contract does not burden funds from the Budget of Montenegro; and
- 2) funds from the Budget of Montenegro are not exposed to risk.

## **Temporary Financing**

### **Article 54**

If a public institution does not obtain a reaccreditation certificate in accordance with this Law, the founder shall provide funds for the financing of the institution, without the possibility of enrolling students in that year.

## **Norms and Standards for Financing**

### **Article 55**

The founder shall provide funds to a public institution for:

- 1) material costs, current and investment maintenance;
- 2) salaries of employees in accordance with the law, the collective agreement, and the act on organization and job classification;
- 3) equipment and library holdings;
- 4) the performance of scientific research or artistic work that serves to enhance the quality of teaching;
- 5) scientific research projects and innovation activities;
- 6) scientific and professional development of employees;
- 7) databases and the information system;
- 8) the work of the student parliament and students' extracurricular activities;
- 9) establishing equal study conditions for all students (unhindered access, stay, and work); and
- 10) other purposes in accordance with the law.

The norms and standards for financing public institutions referred to in paragraph 1 of this Article shall be prescribed by the Government.

## **Financing of Public Institutions**

### **Article 56**

A public institution shall receive funds from the Budget of Montenegro based on the norms and standards referred to in Article 55 paragraph 2 of this Law, taking into

account the number of students determined by the license, the unit cost of education for a given study program, and the quality assessment of the institution's work from the external evaluation report.

The mutual rights and obligations between a public institution and the Government for the implementation of undergraduate and postgraduate study programs shall be regulated by a financing agreement.

The agreement referred to in paragraph 2 of this Article shall be concluded for at least one fiscal year and shall in particular include: objectives, activities and measures for achieving the objectives, indicators for monitoring implementation of the agreement, the schedule for submitting implementation reports, and other matters relevant to financing.

### **Defining the Number of Students**

#### **Article 57**

The decision on the number of students to be financed from the Budget of Montenegro for a given study program, in accordance with the number prescribed by the public institution's license, shall be adopted by the managing board of the public institution before announcing the call for enrolment in study programs.

The Government shall give its consent to the decision referred to in paragraph 1 of this Article.

### **Generating Income on the Market by a Public Institution**

#### **Article 58**

The activity of a public institution is, as a rule, non-profit.

A public institution may, in accordance with this Law, promote and use educational and research activities on the market in order to generate income for achieving the objectives of higher education.

The income referred to in paragraph 2 of this Article shall be used to improve teaching and scientific research activities, in accordance with the institution's financial plan.

Where the activity referred to in paragraph 2 of this Article includes or could include the use of rights in any significant intellectual property, in any literary, artistic or scientific works, scientific discoveries, projects, inventions, goods or services which are, in whole or in part, directly or indirectly funded from the Budget of Montenegro, the public institution shall obtain the prior consent of the Government.

### **Special Conditions of Financing**

#### **Article 59**

For funds allocated to a public institution for teaching and research, the Government may prescribe certain conditions for their use, relating to:

- 1) the acquisition, use, and disposal of land, buildings, and equipment;
- 2) the amount and use of tuition fees and other payments imposed on students;

3) the transfer of funds allocated for study programs.

## **Tuition Fee**

### **Article 60**

Undergraduate and postgraduate students at public institutions do not pay a tuition fee.

Notwithstanding to paragraph 1 of this Article:

- undergraduate and postgraduate students shall pay a tuition fee for study programs delivered in a foreign language;
- students who are simultaneously enrolled in two undergraduate or two postgraduate study programs shall pay a tuition fee for one study program.

Doctoral students at public institutions shall pay a tuition fee.

By way of exception to paragraph 3 of this Article, a public institution may exempt doctoral students who have the status of teaching associates from paying the tuition fee.

Undergraduate, postgraduate, and doctoral students at private institutions shall pay a tuition fee.

The amount of the fee referred to in paragraph 2, first indent of this Article shall be determined by the managing board of the public institution, with the consent of the Ministry.

## **Determining Tuition Fees**

### **Article 61**

The amount of the fee paid by students at institutions shall be determined by the institution's governing body.

By way of exception to paragraph 1 of this Article, the amount of the fee paid by undergraduate and postgraduate students at public institutions who do not attain 45 ECTS shall be determined by the governing body, with the consent of the Ministry.

The amount of the fee referred to in paragraph 2 of this Article may be set at different levels depending on the costs of implementing the study program.

Undergraduate and postgraduate students with disabilities and students from the RE population (Roma and Egyptians) who are enrolled under the affirmative action principle at public institutions, in numbers exceeding those determined by the decision referred to in Article 57 of this Law, shall be exempt from paying fees also at private institutions.

Funds for the students referred to in paragraph 4 of this Article shall be provided to public and private institutions from the Budget of Montenegro, at the unit cost of a student at a public institution for the respective study program.

## **National Agency for European Union Programs**

### **Article 62**

For implementation and promotion of European Union programs and other international programs in the fields of education, science, training, and youth, the Government shall establish a National Agency for European Union Programmes.

Organization and manner of work of the agency referred to in paragraph 1 of this Article shall be regulated by the act on establishment.

## **III. QUALITY ASSURANCE IN HIGHER EDUCATION**

### **Internal Evaluation**

#### **Article 63**

An institution shall conduct internal evaluation through self-evaluation of the quality of study programs, teaching, and working conditions at the end of each academic year, in accordance with the institution's statute and the ESG standards.

In the self-evaluation process, students at all levels shall be surveyed at least once a year regarding study programs, teaching, learning, conditions, and the work of academic staff.

The survey must also include questions concerning the study conditions of students with disabilities, relating to the organization of teaching delivery and the methods and forms of assessing the knowledge of students with disabilities.

The content of the survey shall be determined by the institution, following the Agency's opinion.

Participation of students in the survey is mandatory.

The survey is anonymous.

The results of student surveys by study programs or years of study shall be published on the institution's website.

The institution's annual self-evaluation report with an action plan shall be adopted by the institution's professional body and submitted to the Ministry and the Agency.

### **Accreditation**

#### **Article 64**

An institution shall submit to the Agency, no later than six months prior to the commencement of activities, a request for accreditation together with a report on compliance with standards and criteria.

By way of exception to paragraph 1 of this Article, if an institution organizes studies in cooperation with a domestic or foreign institution accredited by quality assurance

agencies of European Union Member States, accreditation of the study program under this Law shall not be carried out.

In the accreditation procedure, the quality of the study program shall be assessed against the ESG standards in accordance with this Law, its alignment with professional needs and adopted standards and its comparability with the same or similar programs abroad, as well as the representation and credit valuation of practical teaching.

Accreditation of a study program shall be issued for a period two years longer than the duration of the study program.

By way of exception to paragraph 4 of this Article, accreditation that expires prior to institutional reaccreditation shall remain valid until the completion of the reaccreditation procedure.

For the accreditation of study programs, the Agency shall appoint a commission composed of independent experts from Montenegro and abroad selected from the list of experts.

The decision on the appointment of the commission referred to in paragraph 6 of this Article shall be delivered by the Agency to the institution within seven days from the date of adoption of the decision.

The institution shall have the right to file an objection to the decision referred to in paragraph 7 of this Article on the grounds prescribed by Article 68 of this Law.

The objection referred to in paragraph 8 of this Article shall be decided upon by the Council of the Agency.

The list of experts referred to in paragraph 6 of this Article shall be determined by the Agency following a public call.

The costs of accreditation of study programs shall be borne by the institution.

The costs referred to in paragraph 8 of this Article shall be paid to the Agency.

Accreditation of a joint study program to be implemented by domestic and foreign institutions shall be carried out by applying the procedure and standards prescribed by the European Approach for Quality Assurance of Joint Programmes.

The criteria and method for determining the list of experts referred to in paragraph 6 of this Article shall be regulated by the Agency, following the opinion of institutions.

The accreditation procedure for study programs, and the content and form of the certificate of accreditation, shall be regulated by the Council of the Agency upon the proposal of the Accreditation Board.

## **Accreditation of a Special Program in Higher Education**

### **Article 65**

An institution shall submit to the Agency, no later than three months prior to the implementation of a special program in higher education for the acquisition of a professional or partial professional qualification, a request for accreditation.

The provisions of Article 64 of this Law shall apply mutatis mutandis to the accreditation of the program referred to in paragraph 1 of this Article.

## **Institutional Reaccreditation**

### **Article 66**

Institutional reaccreditation shall be carried out by the Agency.

Institutional reaccreditation shall be conducted every seven years.

The Agency shall carry out reaccreditation in accordance with the ESG standards and this Law.

In the reaccreditation procedure, the institution shall prepare a self-evaluation report for the period of validity of the accreditation or reaccreditation.

On the basis of the self-evaluation report and the conducted reaccreditation procedure, the reaccreditation commission appointed by the Agency shall prepare a report on the institutional reaccreditation.

The decision on the appointment of the commission referred to in paragraph 5 of this Article shall be delivered by the Agency to the institution within seven days from the date of adoption of the decision.

The institution shall have the right to file an objection to the decision referred to in paragraph 6 of this Article on the grounds prescribed by Article 68 of this Law.

The objection referred to in paragraph 7 of this Article shall be decided upon by the Council of the Agency.

The reaccreditation report referred to in paragraph 5 of this Article shall be submitted to the Agency, the institution, and the Ministry.

On the basis of a positive report of the commission referred to in paragraph 5 of this Article, the Agency shall issue a certificate of institutional reaccreditation for a period of seven years.

The costs of reaccreditation shall be borne by the institution.

The costs referred to in paragraph 11 of this Article shall be paid to the Agency.

The reaccreditation procedure, and the content and form of the certificate of reaccreditation, shall be regulated by the Council of the Agency upon the proposal of the Accreditation Board.

## **Appeals Committee**

### **Article 67**

An institution has the right to lodge an appeal against the accreditation or reaccreditation report with the Appeals Committee within 30 days from the date of delivery of the report.

The Committee referred to in paragraph 1 of this Article shall be appointed, on the basis of a public call, by the Council of the Agency from among teachers holding academic titles who have experience in higher education quality assurance and who did not participate in the accreditation or reaccreditation procedure at the institution that submitted the appeal.

The public call for members of the Appeals Committee shall be announced by the Council of the Agency.

The Appeals Committee shall have seven members, at least one of whom shall be from the field of legal sciences.

The Appeals Committee shall adopt a decision on the appeal within 30 days from the date the appeal is submitted.

An administrative dispute may be initiated against the decision referred to in paragraph 5 of this Article.

On the basis of the decision referred to in paragraph 5 of this Article, the Accreditation Board shall adopt a decision on accreditation or reaccreditation. The Appeals Committee shall adopt its Rules of Procedure setting out the detailed method of work and decision-making.

## **Conflict of Interest**

### **Article 68**

Members of the accreditation or reaccreditation commission and of the Appeals Committee must not be in a conflict of interest within the meaning of the law governing the prevention of corruption.

In addition to the cases prescribed by the law governing the prevention of corruption, members of the commissions referred to in paragraph 1 of this Article shall also be in a conflict of interest if:

- 1) they have an employment contract, a supplementary work contract, or a work engagement contract in accordance with a special law, or are engaged in any other way at the institution or on a project implemented by that institution within the last five years; and
- 2) they were members of a governing, executive, professional, or advisory body at that institution within the last five years.

## **Temporary Validity of the License**

### **Article 69**

If an institution does not obtain a certificate of reaccreditation, it may continue to operate for the purpose of enabling students who have commenced their studies to complete them, without the possibility of enrolling new students.

If, after the expiry of one year, the institution does not obtain a certificate of reaccreditation, the Ministry shall revoke the institution's licence by decision.

An administrative dispute may be initiated against the decision referred to in paragraph 2 of this Article.

## **Exception**

### **Article 70**

A licensed institution, during the period of validity of accreditation or reaccreditation, may make changes to a study program at all levels of study of up to 20 percent of the total number of ECTS credits for that study program without conducting the accreditation and licensing procedure.

## **Labor Market Research**

### **Article 71**

An institution shall, at least once during the term of accreditation or reaccreditation, conduct labour market research by surveying graduates, employers' associations, business entities, and entrepreneurs regarding the applicability of the acquired knowledge, skills, and competencies required by the labour market.

The results of the research referred to in paragraph 1 of this Article shall be considered when preparing the self-evaluation and reaccreditation report and shall be published on the institution's website.

## **IV. ACADEMIC STAFF**

### **Academic Staff**

### **Article 72**

For the purposes of this Law, academic staff are persons holding academic titles and associates who directly deliver a study program at an institution.

### **Academic Titles**

### **Article 73**

Academic titles are:

- 1) full professor;
- 2) associate professor;
- 3) assistant professor;
- 4) college professor; and
- 5) college lecturer.



A college professor and a college lecturer may teach only in applied study programs.

Full professors, associate professors, and assistant professors may teach in academic and applied study programs.

Persons referred to in paragraph 1 of this Article shall be elected, on the basis of a public competition, by the institution's professional body for a period of five years, except for a full professor, who is elected for an indefinite term.

Election to a higher title shall be carried out after the expiry of the period for which the person was elected to a lower title.

A person who does not meet the conditions for election to a higher title may be re-elected to the same title for a period of five years, at most once, if they meet the conditions for election to that title.

After re-election to the same title, the procedure for election to a higher title may be initiated before the expiry of the five-year period, but not earlier than three years after re-election to the same title.

The competition for election to a higher academic title must be announced no later than six months before the expiry of the period for which the person was elected to the same academic title, in accordance with the institution's statute.

The procedure for election to academic titles referred to in paragraph 1 of this Article must be completed within six months from the date of announcing the competition.

## **Conditions for Election to an Academic Title**

### **Article 74**

A person who holds a doctorate of science and has proven pedagogical abilities may be elected to an academic title.

For artistic and corresponding subjects at faculties and academies of fine, applied, music, and dramatic arts, a person holding at least a master's degree, with recognized artistic works and proven pedagogical abilities, may be elected to an academic title.

By way of exception to paragraph 1 of this Article, a person may be elected to the academic title of college professor if they hold a doctorate of science and have proven pedagogical abilities, or a master's degree with published scientific or professional works; a person may be elected to the academic title of college lecturer if they hold a master's degree and have proven pedagogical abilities.

In addition to the conditions referred to in paragraphs 1 and 2 of this Article, academic staff must meet the conditions for election to a title in the relevant scientific or artistic field, which must be internationally comparable.

## **Election to an Academic Title**

### **Article 75**

Election to an academic title shall be carried out in accordance with the conditions and criteria for election to academic titles.

When electing to academic titles, the participation of international experts may be enabled, in accordance with the institution's statute.

The detailed procedure and method of election to an academic title, as well as other matters related to the election, shall be regulated by the institution's statute.

## **Employment Contract**

### **Article 76**

The institution shall conclude an open-ended employment contract with a person elected to an academic title, with the obligation to conduct election to a higher or the same academic title for persons holding the titles of assistant professor or associate professor, or college professor or college lecturer, in accordance with this Law.

If an associate professor, assistant professor, college professor, or college lecturer does not meet the condition for election to a higher title or for re-election to the same title, the contract referred to in paragraph 1 of this Article shall be terminated, or the institution may assign that person to another position corresponding to their qualifications, in accordance with the act on internal organization and job classification.

A full professor shall retain the acquired academic title after retirement.

## **Extension of the Term for Election to an Academic Title**

### **Article 77**

If a person elected to an academic title is elected or appointed to a state function, the period for which the person was elected to the academic title shall be extended by the period of election or appointment to the function, up to the expiry of one term, in accordance with general labour regulations.

If a person elected to an academic title has exercised a right based on pregnancy maintenance, maternity or parental leave, or has been absent due to temporary incapacity for work due to illness for an uninterrupted period longer than six months in accordance with a special law, the period for which the person was elected shall be extended by the duration of that absence.

The extension of the term for election to an academic title in the cases referred to in paragraphs 1 and 2 of this Article shall be exercised upon the person's request.

If the period for which the person was elected to an academic title expires while the rights and obligations from employment are suspended in accordance with general labour regulations, at the person's request the procedure for election to the appropriate academic title may be conducted.

## **Associates**

### **Article 78**

A teaching associate may be:

- a postgraduate master's student who has completed undergraduate or postgraduate specialist studies with a minimum average grade of B (8.50);
- a person who has obtained the title of master with a minimum average grade of B (8.50) until acquiring the status of a doctoral student;
- a doctoral student who has completed postgraduate master's studies with a minimum average grade of B (8.50);
- a person who has obtained the scientific title of Doctor of Science or Doctor of Arts at a faculty and academy of fine, applied, music, and dramatic arts, or a Master of Arts in fields for which doctoral studies are not organized.

By way of exception to paragraph 1 of this Article, a teaching associate at a college may be a person who has completed undergraduate studies of at least 240 ECTS with a minimum average grade of B (8.50), or a master's student with a minimum average grade of B (8.50).

A person referred to in paragraph 1 of this Article shall be selected on the basis of a public competition announced by the institution in accordance with its statute.

A teaching associate may not be a mentor, may not independently deliver theoretical instruction, nor examine or grade students.

The detailed conditions, method, and procedure for selecting associates shall be regulated by the institution's statute.

## **Employment Relations of Teaching Associates**

### **Article 79**

The contract with the associate referred to in Article 78 paragraph 1 indent 1 of this Law shall be concluded for the prescribed duration of the master's studies, and may be extended for at most two years after the expiry of the prescribed duration of the master's studies.

The contract with the associate referred to in Article 78 paragraph 1 indent 2 of this Law shall be concluded for the period until the announcement of the competition for admission to doctoral studies, but not longer than one year.

The contract with the associate referred to in Article 78 paragraph 1 indent 3 of this Law shall be concluded for a period of three years and may be extended up to a maximum of seven years.

The contract with the associate referred to in Article 78 paragraph 1 indent 4 of this Law shall be concluded for a period of up to five years.

By way of exception to paragraph 4 of this Article, with an associate who has obtained the title of Doctor of Science and meets the conditions for election to the academic title

of assistant professor, one additional contract may be concluded for a period of up to five years.

### **Visiting Professor**

#### **Article 80**

A public institution may engage a person holding an academic title from another institution as a visiting professor, upon the proposal of the council of the organizational unit and without a public competition, by decision of the competent body of the institution.

A private institution may engage a person holding an academic title from another institution as a visiting professor, in accordance with its statute.

The rights and obligations between a visiting professor and the institution shall be regulated by contract, in accordance with the institution's statute.

### **Professor Emeritus**

#### **Article 81**

A university may confer the title of Professor Emeritus on a retired full professor who has distinguished themselves by their scientific or artistic work.

The detailed conditions and procedure for awarding the title of Professor Emeritus shall be regulated by the university's general act.

## **V. ORGANIZATION OF STUDIES**

### **Study Programs**

#### **Article 82**

Studies at institutions shall be delivered on the basis of an accredited study program.

Upon completion of a study program, a specific level of education and qualification shall be obtained, in accordance with the law.

### **Foreign Language in the Study Program**

#### **Article 83**

Within a study program it delivers, an institution shall ensure that students acquire knowledge of at least one professional foreign language at level B2 of the Common European Framework of Reference for Languages.

The foreign language referred to in paragraph 1 of this Article shall, as a rule, be delivered for each study program or related study programs.

At the request of students, the institution may also organize classes in a foreign language for general purposes.

## **Types of Study Programs**

### **Article 84**

Study programs that may be delivered at institutions are: undergraduate, postgraduate, and doctoral.

An undergraduate study program shall comprise 180 ECTS or 240 ECTS.

Postgraduate study programs are: specialist programs, comprising 60 ECTS; and master's programs, comprising 60 ECTS or 120 ECTS.

Undergraduate and postgraduate study programs may be accredited as academic or applied.

Doctoral study programs may be accredited as academic, comprising 180 ECTS.  
An integrated study program shall comprise 300 ECTS or 360 ECTS.

The study programs referred to in paragraph 1 of this Article may be interdisciplinary and shall be organized from at least two scientific fields.

A study program must include practical instruction as well as learning outcomes for the scientific field to which the study program belongs, i.e., competencies for performing the profession.

The practical instruction referred to in paragraph 8 of this Article shall be organized in the scope of at least 30 ECTS per undergraduate study program and shall be carried out in a real working environment or on the institution's premises, in accordance with the study program.

The practical instruction referred to in paragraph 8 of this Article must be organized in a manner accessible to persons with disabilities and in line with their individual needs. Undergraduate and postgraduate study programs shall contain at least two elective modules each.

## **Delivery of a Study Program with an Employer**

### **Article 85**

An institution may deliver a study program together with an employer (hereinafter: the dual model).

The dual model shall be implemented through theoretical classes and exercises at the institution and practical training with the employer, where students acquire and improve knowledge, skills, and abilities in accordance with the learning outcomes envisaged by the study program.

The conditions for organizing the dual model at institutions shall be determined by the Agency, upon the proposal of the Accreditation Board.

The detailed method of implementing the dual model shall be regulated by the institution.

## **ECTS**

### **Article 86**

Study programs leading to levels of education and higher education diplomas shall be aligned with the ECTS.

The scope of a study program delivered in one academic year is 60 ECTS.

The transfer of ECTS may be carried out between different study programs or institutions.

The criteria and conditions for ECTS transfer shall be determined by the institution's general act or by agreement between institutions.

### **Registering a Larger Number of ECTS**

#### **Article 87**

Upon enrolment in the academic year, a student registers courses from the prescribed part of the study program totalling 60 ECTS for the academic year.

By way of exception to paragraph 1 of this Article, upon enrolment in the next academic year a student may register, attend, and sit exams for up to 10 ECTS of courses from previous academic years, for which a fee is paid as determined by the institution's act.

### **Types of Diplomas**

#### **Article 88**

The diplomas awarded at an institution are:

- 1) diploma of academic undergraduate studies upon completion of an academic undergraduate study program of 180 ECTS or 240 ECTS;
- 2) diploma of applied undergraduate studies upon completion of an applied undergraduate study program of 180 ECTS or 240 ECTS;
- 3) diploma of academic postgraduate specialist studies upon completion of an academic postgraduate specialist program of 60 ECTS;
- 4) diploma of applied postgraduate specialist studies upon completion of an applied postgraduate specialist program of 60 ECTS;
- 5) diploma of academic postgraduate master's studies upon completion of an academic postgraduate master's program of 60 ECTS or 120 ECTS;
- 6) diploma of applied postgraduate master's studies upon completion of an applied postgraduate master's program of 60 ECTS or 120 ECTS;
- 7) diploma of academic integrated undergraduate and postgraduate studies upon completion of an integrated academic undergraduate and master's program of 300 ECTS or 360 ECTS;
- 8) diploma of academic doctoral studies upon completion of an academic doctoral study program of 180 ECTS and defence of a doctoral dissertation.

By way of exception to paragraph 1 item 8 of this Article, a diploma of academic doctoral studies may be obtained by a person who has completed an integrated study program of 300 ECTS or 360 ECTS and an academic doctoral study program of 180 ECTS and has defended a doctoral dissertation.

Study programs leading to diplomas for regulated professions within the meaning of a special law must be aligned with the European Union regulations governing regulated professions.

## **VI. RULES OF STUDY**

### **Academic Year and Organization of Teaching**

#### **Article 89**

An institution shall deliver classes during the academic year which, as a rule, begins on 1 September, in accordance with the academic calendar.

The academic calendar shall be determined by the institution's professional body before the start of the academic year.

Teaching in the academic year shall be delivered in two semesters, each lasting 14 weeks.

Classes in individual courses shall be delivered within one semester, in accordance with the study program.

### **Online Teaching**

#### **Article 90**

In duly justified cases (epidemics, natural disasters, or unforeseen circumstances), classes may be organized online.

The decision and method of organizing classes referred to in paragraph 1 of this Article shall be adopted by the institution's executive body.

### **Distance Learning**

#### **Article 91**

Teaching may also be organized as distance learning, while examinations shall be held on the institution's premises.

The conditions for organizing teaching referred to in paragraph 1 of this Article shall be determined by the Agency, upon the proposal of the Accreditation Board.

The detailed manner of organizing the teaching referred to in paragraph 1 of this Article and of holding examinations shall be regulated by the institution.

### **Organization of Studies**

#### **Article 92**

ŽAn institution shall, for all students other than distance learners, organize lectures, exercises, practical instruction, and other forms of teaching, in accordance with the study program, for the achievement of learning outcomes.

Practical knowledge, skills, and competencies, i.e., practical instruction, shall be acquired in a real working environment or on the institution's premises, in accordance with the study program.

Practical instruction outside the institution shall be carried out with employers on the basis of an agreement on practical instruction.

At the beginning of the academic year, the institution shall duly inform students about the manner, time, and place of classes, knowledge checks and examinations, exam results, and other matters relevant to the organization of studies.

The manner and timing of organizing the forms of teaching referred to in paragraph 1 of this Article shall be regulated by the institution's general act.

## **Rules of Study**

### **Article 93**

Upon enrolment at an institution, a student chooses a specific study program.

A study program shall determine the courses for each year of study.

By passing examinations in the courses referred to in paragraph 2 of this Article, a student shall obtain a certain number of ECTS credits in accordance with the study program.

An institution may allow a student who has not attained at least 45 ECTS in a given study program to enrol in the next academic year if they have not passed one course valued at more than 15 ECTS, in accordance with the institution's statute.

A student who fails an elective course may choose the same or another elective course again.

The rules of study shall be further determined by the institution's general act.

## **Change of Student's Financing Method**

### **Article 94**

A student financed from the Budget of Montenegro who has attained at least 45 ECTS in the first-time enrolled academic year has the right to be financed from the Budget in the following academic year as well.

A student financed from the Budget of Montenegro who has attained fewer than 45 ECTS in the first-time enrolled academic year may continue studies with the status of a self-financing student.

A student referred to in paragraph 2 of this Article who passes all exams, i.e., attains 60 ECTS, has the right to be financed from the Budget in the following year.



## **Assessment**

### **Article 95**

A student shall take the exam upon completion of classes in that course in the manner envisaged by the study program, in accordance with the institution's statute.

A student's performance in mastering a course and in all forms of pre-exam assessment shall be evaluated and expressed in points.

The total number of points a student may obtain through all forms of pre-exam assessment, i.e., learning outcomes, shall be from 30 to 70 points, in accordance with the rules of study.

On the basis of all forms of pre-exam assessment, i.e., learning outcomes, and the exam, a student may obtain a maximum of 100 points, in accordance with the rules of study.

A student's success in the exam and other forms of knowledge assessment shall be expressed by letter grades: A, B, C, D, E, and F.

The letter grades referred to in paragraph 5 of this Article are equivalent to numeric grades as follows:

- 1) grade A (excellent) is equivalent to 10;
- 2) grade B (very good) is equivalent to 9;
- 3) grade C (good) is equivalent to 8;
- 4) grade D (satisfactory) is equivalent to 7;
- 5) grade E (sufficient) is equivalent to 6;
- 6) grade F is an insufficient grade.

The grade point average during studies shall be determined as the quotient of the sum of products of the numeric grade and the ECTS for each course and the total number of ECTS obtained.

## **Examination**

### **Article 96**

Examinations are public.

A student shall take the exam on the institution's premises.

By way of exception to paragraph 2 of this Article, an exam may be taken outside the institution's premises only if the nature of the course so requires.

A student shall take the exam immediately after completion of classes in that course.

A student with a disability has the right to take the exam at a place and in a manner adapted to their abilities, in accordance with the institution's statute.

A student may take at most two mid-term tests (colloquia) or one final exam in one day, and no more than two final exams in a week, except in the September examination period.

By way of exception to paragraph 6 of this Article, a student in a study program with more than six courses in a semester may take at most three final exams in a week.

## **Examination Periods**

### **Article 97**

The main examination periods are January, June, and September.

In the September examination period, a student has the right to take all exams and pre-exam knowledge checks (mid-term tests, etc.) for courses they registered in that academic year and did not take or did not pass in the January or June periods, in accordance with the institution's special act.

A student who does not pass an exam in the periods referred to in paragraph 1 of this Article has the right to take it in the second term of the same examination period.

The dates for organizing exams in the periods referred to in paragraph 1 of this Article shall be set by the institution's academic calendar.

## **Appeal**

### **Article 98**

A student has the right, within 48 hours of receiving the exam grade, to submit an appeal to the institution's executive body if they consider that the exam was not conducted in accordance with the law and the institution's general act.

The executive body shall, within three days, appoint a commission which shall determine, in line with the appeal request, whether the grade was awarded contrary to regulations, review and re-assess the written or other work, or examine the student.

The grade awarded by the commission referred to in paragraph 2 of this Article is final.

If the student requests the recusal of the course teacher, that teacher may not be a member of the commission referred to in paragraph 2 of this Article.

## **VII. STUDENTS**

### **Admission to Undergraduate Studies**

#### **Article 99**

The right to enrol in academic and applied undergraduate studies shall be held by a person who has obtained the appropriate level of education at sub-level IV1 of the national qualifications framework.

Enrolment in the studies referred to in paragraph 1 of this Article shall be based on:

- 1) overall achievement at the end of the individual grades leading to sub-level IV1 of the national qualifications framework;
- 2) results achieved in the external graduation or vocational examination;
- 3) achievement in two subjects in the third and fourth grades that are relevant for continuing education;
- 4) success in a national or international competition in subjects relevant for continuing education; and
- 5) the “Luča” diploma.

For admission to certain study programs, an entrance examination may be introduced.

The matura, i.e., vocational exam referred to in paragraph 2 item 2 of this Article shall be valued at not less than 15% of the total number of points obtained upon admission by evaluating all the criteria referred to in paragraphs 2 and 3 of this Article.

For persons with disabilities and members of the RE population, the principle of affirmative action shall be applied during admission to a study program.

By way of exception to paragraph 1 of this Article, in professionally artistic undergraduate study programs at faculties and academies of arts, a candidate without completed secondary school may be admitted if they pass the entrance examination in accordance with this Law.

By way of exception to paragraph 2 of this Article, the conditions, criteria, method, and procedure for the admission of foreigners to study programs accredited and delivered in a foreign language shall be regulated by the institution.

The detailed conditions and criteria, method, and procedure for admission to the first year of academic and applied undergraduate studies shall be prescribed by the Ministry.

## **Admission to Postgraduate Studies**

### **Article 100**

Admission to postgraduate specialist academic studies shall be on a competitive basis, in accordance with the results achieved in academic undergraduate studies of at least 180 ECTS, in accordance with this Law and the institution's statute.

Admission to postgraduate specialist applied studies shall be on a competitive basis, in accordance with the results achieved in applied undergraduate studies of at least 180 ECTS, in accordance with this Law and the institution's statute.

Admission to postgraduate academic master's studies shall be on a competitive basis, in accordance with the results achieved in academic undergraduate studies of at least 180 ECTS or 240 ECTS and an entrance examination, in accordance with this Law and the institution's statute.

By way of exception to paragraph 3 of this Article, admission to postgraduate academic master's studies after completion of postgraduate specialist academic studies of 60 ECTS shall be on a competitive basis, in accordance with the results achieved in

academic undergraduate and postgraduate academic specialist studies, in accordance with this Law and the institution's statute.

The detailed conditions and criteria for admission to the studies referred to in paragraphs 1, 2, and 3 of this Article and the method of their evaluation, the content and method of taking the entrance examination referred to in paragraph 3 of this Article, as well as the method for determining the level of alignment of undergraduate study programs for admission to the first year of postgraduate studies, shall be regulated by an act of the institution.

## **Admission to Doctoral Studies**

### **Article 101**

Admission to doctoral studies shall be on a competitive basis, in accordance with the results achieved in postgraduate academic master's studies or integrated academic studies and other criteria, in accordance with this Law and the institution's statute.

The detailed conditions, criteria, and method for determining the level of alignment of academic postgraduate master's study programs or integrated academic study programs for admission to the first year of doctoral studies shall be regulated by the institution's professional body.

## **Special Programs in Higher Education**

### **Article 102**

Institutions may deliver special programs in higher education for the acquisition of a micro-qualification, in accordance with the law and the institution's acts.

A special program in higher education may also be a module of a study program, but shall not be considered a study program.

Special programs in higher education leading to a micro-qualification shall be accredited by the Agency, except for modules that are accredited within the accreditation of a study program.

A person who completes a special program in higher education shall be issued a certificate in accordance with the law.

The verification of knowledge, skills, and competencies of persons who complete special programs in higher education shall be carried out in accordance with a special act of the institution.

## **Micro-Credentials**

### **Article 103**

Institutions may deliver micro-credentials that may lead to a micro-qualification.

Micro-credentials that lead to a micro-qualification shall be accredited by the Agency.

Micro-credentials that do not lead to a micro-qualification shall be delivered in accordance with the institution's act.

A person who completes a micro-credential shall be issued a certificate.

The verification of knowledge, skills, and competencies of a person who completes a micro-credential shall be carried out in accordance with a special act of the institution.

## **Transfer**

### **Article 104**

An undergraduate student may transfer to another institution in accordance with the institution's act.

## **Call for Admission**

### **Article 105**

The call for admission to studies shall be announced by the institution, in accordance with the license and statute.

The call for admission to studies at a public institution shall be announced by the governing body, in accordance with the license, with the prior consent of the Government.

Applications for admission to undergraduate and postgraduate study programs at an institution shall be submitted electronically, in accordance with the regulations governing e-government, electronic documents, electronic identification and electronic signature, and information security.

By way of exception to paragraph 3 of this Article, if it is not possible to submit the application electronically, the application may be submitted in writing.

The detailed method and procedure for submitting applications referred to in paragraphs 3 and 4 of this Article shall be regulated by the institution.

## **Number of Students for Admission**

### **Article 106**

The institution shall determine the number of students to be admitted to the study programs it organizes, which may not exceed the number specified in the license.

If students with disabilities or students from the RE population do not qualify for admission up to the number of students specified in the license, they shall be admitted under the principle of affirmative action, i.e., in addition to the number specified in the license.

## **Admission of Foreigners**

### **Article 107**

Nationals of the Member States of the European Union, the European Economic Area, and the Swiss Confederation and members of their families shall have the right to enrol in study programs in Montenegro under the same conditions as Montenegrin nationals, in accordance with this Law and the institution's statute.

A foreigner shall have the right to enrol in study programs in Montenegro under the same conditions as Montenegrin nationals, in accordance with this Law and the institution's statute.

## **Student Status**

### **Article 108**

Student status is acquired by enrolling in the relevant study program at an institution.

## **Study Agreement**

### **Article 109**

A student and the institution shall conclude a study agreement specifying their mutual rights and obligations.

Together with the study agreement, students shall sign a statement on adherence to the principles of academic ethics.

The agreement referred to in paragraph 1 of this Article shall include the institution's obligation to ensure the continuation and completion of education in the event of cessation of work of the institution or the study program.

The content of the agreement referred to in paragraph 1 of this Article for public institutions shall be determined by the Ministry and published on its website.

## **Students' Rights**

### **Article 110**

A student has the right:

- 1) to quality education and objective assessment;
- 2) to express their opinion on the quality of academic staff performance;
- 3) to lodge an appeal in case of violation of their right established by the institution's general act;
- 4) to suspension of rights and obligations during pregnancy, maternity or parental leave, prolonged illness, and in other justified cases in accordance with the institution's statute;
- 5) to attend lectures, seminars, and other forms of teaching;
- 6) to use libraries, computer rooms, and other services provided by the institution to students;
- 7) to elect and be elected to the institution's bodies, in accordance with this Law and the institution's statute;
- 8) to representation of at least 20% relative to the total number of members in professional bodies and governing bodies;
- 9) to exercise rights in the field of student welfare;
- 10) to equality and protection from discrimination; and
- 11) to exercise other rights in accordance with this Law and the institution's statute.

The manner of exercising the rights referred to in paragraph 1 of this Article shall be further regulated by the institution's statute.

## **Students' Obligations**

### **Article 111**

A student shall:

- 1) comply with the rules of study and duly fulfil student obligations;
- 2) comply with the general acts adopted by the institution;
- 3) participate in the academic activities of the institution;
- 4) respect the rights of employees and other students;
- 5) observe other obligations prescribed by law and the institution's statute.

## **Protection of Students' Rights**

### **Article 112**

A student shall have the right to challenge before the competent court any decision of the institution that violates their right established by law, statute, or other act.

## **Termination of Student Status**

### **Article 113**

Student status shall terminate:

- 1) upon obtaining a diploma of the relevant level of education;
- 2) by withdrawal;
- 3) if the study program is not completed within a period twice the duration prescribed for the study program, not counting periods of suspension of student status in accordance with the institution's statute; and
- 4) by expulsion from the institution.

The conditions referred to in paragraph 1 items 2, 3, and 4 of this Article under which student status terminates, as well as appeal procedures, shall be regulated by the institution's statute.

## **Student Expulsion**

### **Article 114**

A student may be expelled from the institution for up to two academic years, on the basis of a decision of the senate or other professional body, in accordance with the institution's statute.

An appeal against the decision referred to in paragraph 1 of this Article shall be lodged with the institution's governing body.

An administrative dispute may be initiated against the decision on appeal referred to in paragraph 2 of this Article.

## **Student Welfare**

### **Article 115**

Rights in the field of student welfare are personal and non-transferable.

## **Rights in Student Welfare**

### **Article 116**

A student has the right to:

- 1) accommodation and meals in a dormitory, or meals;
- 2) a student loan;
- 3) a scholarship for the best students;
- 4) subsidized transport in suburban and intercity traffic;
- 5) health care in accordance with a special law;
- 6) establish sports clubs in accordance with the law;
- 7) perform student jobs in accordance with a special law.
- 8)

The amount of the student loan and the scholarship for the best students shall be determined by the Government, upon the proposal of the Ministry, depending on available funds, whereby the amount of the student loan may not be lower than 25% of the minimum wage for employees up to level V of the national qualifications framework, and the amount of the scholarship for the best students may not be lower than 50% of the minimum wage for employees up to level V of the national qualifications framework.

The criteria, method, conditions, and the amount of compensation for exercising the rights referred to in paragraph 1 items 1 and 4 of this Article, as well as the detailed criteria, method, and conditions for exercising the rights referred to in paragraph 1 items 2 and 3 of this Article, shall be prescribed by the Ministry.

## **Excellence Scholarships in Higher Education**

### **Article 117**

A scholarship for excellence may be awarded to a student enrolled at an institution abroad ranked up to 200th place on the most recently published global university ranking by Shanghai Ranking Consultancy (the Shanghai Ranking).

Funds for the scholarship referred to in paragraph 1 of this Article shall be paid from the Higher Education Excellence Fund provided from the Budget of Montenegro, European Union funds, and other sources in accordance with the law.

Funds of the Higher Education Excellence Fund shall be kept in a special account of the Ministry.

The detailed conditions, method of awarding, and the amount of the scholarship referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

## **Student Dormitory**

### **Article 118**

Accommodation and meals, or meals for students, shall be organized in student dormitories, i.e., dormitories for pupils and students (hereinafter: student dormitory).

The provisions of the General Law on Education regarding establishment, organization, internal organization and operation, status changes, management and



governance, financing, representation, and other matters relevant to the work of a student dormitory shall apply mutatis mutandis.

## **Student Organizations**

### **Article 119**

The institution's statute shall ensure the establishment of one or more organizations that contribute to meeting the social, cultural, and academic needs and the needs for physical recreation of students.

## **Student Parliament**

### **Article 120**

The Student Parliament is an institutional form of student organization, autonomous in its work and authorized to represent and protect the rights and interests of students.

A Student Parliament shall be established at the institution and shall be composed of student representatives.

The competence, method of election, and organization of the work of the Student Parliament shall be regulated by the statute of the Student Parliament.

## **Financial Assistance to Student Organizations**

### **Article 121**

The institution shall provide financial resources for the work of the Student Parliament and may provide financial assistance for the establishment and operation of student organizations, including funds for investment and current costs of premises and equipment.

## **VIII. RECORDS AND PUBLIC DOCUMENTS**

### **Records**

### **Article 122**

An institution shall keep: a student registry book, records of issued diplomas and diploma supplements, and records of examinations, as well as records of issued certificates and attestations after completion of special programs in higher education and micro-credentials.

The registry book and the records referred to in paragraph 1 of this Article shall be kept in written and electronic form.

The student registry book and the records of issued diplomas and diploma supplements shall be kept permanently.

The institution shall, within 15 days from the end of student enrolment for each academic year, close the student registry book in electronic form and submit it to the Ministry.

Personal data entered in the registry book and records referred to in paragraph 1 of this Article shall be collected, processed, stored, and used for the needs of the institution and the Ministry, in accordance with the law.

All forms of collection, processing, publication, and use of the data referred to in paragraph 5 of this Article shall be carried out in accordance with the law governing personal data protection.

The content and manner of keeping the registry book and the records referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

## **Database**

### **Article 123**

An institution shall maintain a database within the Montenegrin Education Information System (MEIS), which is managed by the Ministry.

The institution shall enter data into the Montenegrin Education Information System no later than 15 days from the start of the academic year, and changes to the data within seven days from the date of the change.

Personal data in the database referred to in paragraph 1 of this Article shall be collected, processed, stored, and used for the needs of the institution and the Ministry in accordance with the law.

All forms of collection, processing, storage, publication, and use of personal data shall be carried out in accordance with the law governing personal data protection.

The conditions and detailed manner of maintaining the database referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

## **Public Documents**

### **Article 124**

On the basis of the data from the records, institutions shall issue public documents.

Public documents, within the meaning of this Law, are: the index, diploma and diploma supplement, certificate of study, transcript of passed exams, and certificate of completed studies, certificate of completion of a special program in higher education, and certificate of completion of a micro-credential.

The content of public documents shall be prescribed by the Ministry.

## **Nullity of Public Documents**

### **Article 125**

Public documents shall be declared null and void if:

- 1) they were issued by an unlicensed institution;
- 2) they were signed by an unauthorized person;

- 3) the holder of the public document did not fulfil all examination obligations in the study program in the manner and according to the procedure established by law, secondary legislation, and the study program.

The procedure for annulling public documents shall be conducted by the Ministry.

The decision on annulling a public document shall be published in the "Official Gazette of Montenegro."

An administrative dispute may be initiated against the decision referred to in paragraph 3 of this Article.

## **IX. COUNCIL FOR HIGHER EDUCATION AND AGENCY FOR QUALITY ASSURANCE IN HIGHER EDUCATION**

### **Council**

#### **Article 126**

A Council shall be established to consider the state and development of higher education.

In performing the tasks referred to in paragraph 1 of this Article, the Council shall:

- 1) analyse the situation and achievements in higher education and provide expert proposals to the Ministry and the Government;
- 2) determine the conditions and criteria for election to academic and scientific titles;
- 3) provide individual opinions on academic titles acquired abroad in relation to the conditions and criteria for election to academic titles in Montenegro;
- 4) give an opinion on the proposal of the higher education development strategy;
- 5) give opinions on regulations in the field of higher education;
- 6) cooperate with institutions in ensuring and improving quality; and
- 7) perform other tasks in accordance with the law.

### **Composition and Appointment of the Council**

#### **Article 127**

The Council shall be appointed and dismissed by the Government for a period of four years.

The Council shall have 11 members.

Seven members of the Council shall be appointed from among academic staff from different scientific fields of higher education, science, and art, as follows:

- five representatives of the University of Montenegro, and
- two representatives of private institutions.

One member of the Council shall be a representative of the Chamber of Economy of Montenegro (hereinafter: the Chamber) holding an academic title.

Two members of the Council shall be ex officio, namely:

- the Chair of the Council for Scientific Research Activity, and
- the head of the organizational unit of the Ministry responsible for higher education.

One member of the Council shall be a representative of the student parliaments of institutions.

By way of exception to paragraph 1 of this Article, the representative from among students shall be appointed for a period of two years on a rotation basis, to ensure equal representation of students of public and private institutions.

The Council shall meet at least once a month.

### **Termination of a Council Member's Mandate**

#### **Article 128**

A Council member's mandate shall terminate:

- 1) upon personal request;
- 2) by dismissal;
- 3) if the function on the basis of which the person was appointed as a Council member ceases; and
- 4) upon fulfilment of the conditions for termination of employment by operation of law.

### **Grounds for Dismissing a Council Member**

#### **Article 129**

A Council member shall be dismissed if:

- 1) they do not perform the duties of a Council member; or
- 2) they unjustifiably miss out more than two consecutive Council sessions.

### **Grounds for Dismissing the Council**

#### **Article 130**

The Council shall be dismissed if:

- 1) it does not hold sessions within the prescribed time;
- 2) it does not cooperate with institutions;
- 3) it fails to adopt acts and give opinions within its competence within the prescribed time; or
- 4) in other cases prescribed by the decision on establishment.

### **Work of the Council**

#### **Article 131**

Work of the Council shall be public.

For the performance of certain tasks within its competence, the Council may establish working bodies, commissions, and independent expert groups.

The Council shall publish its acts, conclusions, recommendations, opinions, and the reports of the bodies referred to in paragraph 2 of this Article on its website.

A Council member may not be a member of an accreditation commission or of the Accreditation Board.

Funds for the work of the Council shall be provided from the Budget of Montenegro.

The organization and manner of work of the Council shall be regulated by the Rules of Procedure.

## **Competences of the Agency**

### **Article 132**

The Agency shall:

- 1) conduct the accreditation procedure and issue a certificate of accreditation of a study program on the basis of the accreditation report;
- 2) conduct the institutional reaccreditation procedure and issue a certificate of institutional reaccreditation on the basis of the reaccreditation report;
- 3) determine the standards and criteria for internal and external evaluation, in accordance with the ESG standards;
- 4) conduct periodic assessments of the quality of work of licensed institutions at the request of the authorized body of the institution or the Ministry;
- 5) determine the methodology on the basis of which it classifies institutions;
- 6) determine, on the basis of a public call, the list of experts for accreditation and reaccreditation;
- 7) cooperate with institutions and the economy in ensuring and improving the quality of higher education;
- 8) propose measures for improving the quality of higher education based on an analysis of internal and external evaluation reports and submit them to the Ministry;
- 9) maintain a register of accredited study programs and reaccredited institutions;
- 10) give an opinion on a foreign study program in the procedure of recognition of a foreign educational document for the purpose of employment, in accordance with a special law; and
- 11) perform other tasks in accordance with the law.

## **Establishment of the Agency**

### **Article 133**

The Agency shall be established by the Government.

The Agency shall have legal personality and shall perform tasks of public interest.

Funds for the work of the Agency shall be provided from the Budget of Montenegro and from its own revenues.

## **Status of the Agency**

### **Article 134**

The Agency shall be independent in its work.

The Agency shall perform tasks within its competence in an impartial and transparent manner.

Any form of political, institutional, or other influence on the work of the Agency that could jeopardize its autonomy and independence is prohibited.

The method of financing the Agency shall not affect its professional independence.

## **Bodies of the Agency**

### **Article 135**

Bodies of the Agency are the Agency Council and the Director.

## **Agency Council**

### **Article 136**

The Agency Council shall have seven members, namely:

- three representatives of institutions;
- two representatives of the Ministry;
- one representative of the Chamber of Economy; and
- one representative of students.
- 

The members of the Agency Council shall be appointed and dismissed by the Government for a period of four years, upon the proposal of the Ministry.

Notwithstanding to paragraph 2 of this Article, the representative from among students shall be appointed for a period of two years on a rotation basis, to ensure equal representation of students of public and private institutions.

The method and procedure for appointment, as well as the conditions for dismissal of Council members, shall be further regulated by the Agency's statute.

## **Competences of the Agency Council**

### **Article 137**

The Agency Council shall:

- 1) adopt standards and criteria for internal and external evaluation, in accordance with the ESG standards;
- 2) adopt the Agency's statute;
- 3) adopt the act on internal organization and job classification and other general acts of the Agency;
- 4) adopt a decision on announcing a competition for the selection of the Director and/or Deputy Director;
- 5) adopt the Agency's annual work program;
- 6) adopt the Agency's annual financial plan;

- 7) adopt the Agency's annual financial report; and
- 8) perform other tasks in accordance with the law and the Agency's statute.

Detailed method of work and decision-making of the Agency Council shall be regulated by the Agency's statute.

## **Director**

### **Article 138**

Work of the Agency shall be managed by the Director.

The Director shall be elected and dismissed by the Agency Council, on basis of a public competition, for a period of five years.

The detailed method of electing the Director shall be regulated by the Agency's statute.

## **Requirements for Election of the Director**

### **Article 139**

A person may be elected Director who, in addition to the general requirements for establishing an employment relationship in accordance with the law, also meets the following requirements:

- 1) holds at least sub-level VII1 of the national qualifications framework;
- 2) has at least five years of work experience in higher education; and
- 3) has active knowledge of the English language.

More detailed requirements for the election of the Director shall be determined by the Agency's statute.

## **Termination of Mandate and Dismissal of the Director**

### **Article 140**

The Director's mandate shall terminate upon expiry of the term for which they were elected, by submitting a written resignation to the Agency Council, or by dismissal.

The Agency Council shall dismiss the Director before the expiry of the mandate if the Director:

- 1) fails to perform work tasks or commits a breach of work duty;
- 2) abuses their position;
- 3) is convicted by a final judgment for a criminal offense to a prison sentence longer than six months or for a criminal offense that renders them unworthy of holding office;
- 4) determines that the Agency is not implementing the annual work program;
- 5) fails to act upon a final and enforceable decision of a competent authority.

## **Competences of the Director**

### **Article 141**

The Director shall:

- 1) represent and act on behalf of the Agency;

- 2) manage the work and operations of the Agency and be responsible for the lawfulness of the Agency's work;
- 3) prepare work reports and the Agency's annual financial report;
- 4) implement the decisions of the Agency Council;
- 5) propose the act on internal organization and job classification of the Agency; and
- 6) perform other tasks prescribed by law and the Agency's statute.

## **Accreditation Board**

### **Article 142**

An Accreditation Board shall be established within the Agency as the Agency's professional body.

The Accreditation Board shall have 13 members, namely:

- 1) seven representatives of the University of Montenegro from among academic staff;
- 2) three representatives of private universities from among academic staff;
- 3) one representative of the students of the University of Montenegro;
- 4) one representative of the students of private institutions on a rotation basis; and
- 5) one representative of the Chamber of Economy.

Members of the Accreditation Board shall be elected by the Agency Council, upon the proposal of the entities referred to in paragraph 2 of this Article, from among academic staff in the field of higher education, science, and art, from among students, and distinguished experts from the economy, social activities, and other relevant fields.

Members of the Accreditation Board shall be elected for a period of four years, except for student representatives who shall be elected for a period of two years.

More detailed requirements and the method of electing members of the Accreditation Board shall be regulated by the Agency's statute.

## **Competences of the Accreditation Board**

### **Article 143**

The Accreditation Board shall:

- 1) appoint expert commissions for accreditation and reaccreditation;
- 2) propose standards for internal and external evaluation in accordance with the ESG standards;
- 3) adopt decisions on accreditation and reaccreditation on the basis of the report of the accreditation or reaccreditation commission;
- 4) determine, on the basis of a public call, the list of experts for accreditation of study programs and institutional reaccreditation; and
- 5) perform other tasks in accordance with this Law and the Agency's statute.



## **Application of Other Regulations**

### **Article 144**

The rights, obligations, and responsibilities of employees of the Agency shall be governed by the regulations on civil servants and state employees.

## **Statute and the Act on Internal Organization and Job Classification of the Agency**

### **Article 145**

The Agency shall have a statute.

The Agency's statute shall, in particular, contain:

- 1) the name and seat of the Agency;
- 2) representation and acting on behalf of the Agency;
- 3) the organization and competences of the Agency's bodies;
- 4) the method and procedure of decision-making by the governing bodies;
- 5) conditions for dismissal of the Deputy Director;
- 6) financial control;
- 7) the method of use and safekeeping of the seal and stamp;
- 8) cooperation with other quality assurance agencies in higher education and with institutions;
- 9) the method of adopting the Agency's acts;
- 10) the method of ensuring transparency of work; and
- 11) other matters of importance for the work of the Agency.
- 12)

The Ministry shall give its consent to the statute and the act on internal organization and job classification of the Agency.

## **Work Report**

### **Article 146**

The Agency shall submit to the Government and the Ministry a work report and an annual financial report with the opinion of an independent auditor.

## **Supervision**

### **Article 147**

Supervision over the work of the Agency shall be exercised by the Ministry.

## **X. SUPERVISION**

### **Supervision of the Implementation of the Law**

### **Article 148**

Supervision over the implementation of this Law shall be exercised by the Ministry, in accordance with the law.

## **Inspection Supervision**

### **Article 149**

Inspection supervision over the work of institutions shall be exercised by the competent education inspection, in accordance with the law.

Inspection supervision in the field of labour relations at institutions shall be exercised by the labour inspection, in accordance with the law.

## **XI. PENAL PROVISIONS**

### **Fines for Misdemeanors**

#### **Article 150**

A legal entity an institution shall be fined from 5,000 to 20,000 euros for a misdemeanour if it:

- 1) commences activities and enrolls students before the Ministry determines that the institution meets the conditions prescribed by this Law and issues a licensing decision (Article 27 paragraph 1);
- 2) applies a statute to which the Government has not given its consent (Article 29 paragraph 4);
- 3) in the event of the abolition of a study program, fails to enable enrolled students to complete their studies within the period specified by the act on the abolition of the study program, which may not be shorter than the period prescribed by law for completing studies (Article 31 paragraph 2);
- 4) in the event of the abolition of an institution, fails to enable enrolled students to complete their studies within the period specified by the act on the abolition of the institution, which may not be shorter than the period prescribed by law for completing studies (Article 32 paragraph 3);
- 5) invests funds for educational or research purposes without the consent of the Government (Article 53);
- 6) without prior consent of the Government, secures funds from the Budget of Montenegro when the activity referred to in Article 58 paragraph 2 of this Law includes or could include the use of rights in any significant intellectual property, in any literary, artistic or scientific works, scientific discoveries, projects, inventions, goods or services (Article 58 paragraph 4);
- 7) charges a tuition fee higher than the fee approved by the Ministry (Article 60 paragraph 6 and Article 61 paragraph 2);
- 8) elects persons to academic titles who do not meet the conditions for election to an academic title under Article 73 of this Law;
- 9) elects persons as teaching associates who do not meet the conditions prescribed by Article 78 paragraph 1 of this Law;
- 10) enrolls students in undergraduate studies who do not meet the conditions prescribed by Article 99 of this Law;
- 11) enrolls students in excess of the number specified in the license (Article 106 paragraph 1);
- 12) fails to conclude a study agreement with a student specifying their mutual rights and obligations (Article 109 paragraph 1);
- 13) fails to keep a student registry book, records of issued diplomas and diploma supplements and records of examinations, as well as records of issued

- certificates and attestations after completion of special programs in higher education and micro-credentials (Article 122 paragraph 1);
- 14) fails to keep the registry book and the records referred to in Article 122 paragraph 1 in written and electronic form (Article 122 paragraph 2);
- 15) fails to issue public documents on the basis of the data from the records (Article 124 paragraphs 1 and 2).

For the misdemeanour referred to in paragraph 1 of this Article, the executive body and the responsible person at the institution shall be fined from 200 to 2,000 euros.

## **XII. TRANSITIONAL AND FINAL PROVISIONS**

### **Deadline for Adoption of Secondary Legislation**

#### **Article 151**

Regulations for the implementation of this Law shall be adopted within one year from the date of entry into force of this Law.

Until the adoption of the regulations referred to in paragraph 1 of this Article, the regulations in force prior to the entry into force of this Law shall apply, if they are not contrary to this Law.

### **Harmonization of Institutions' Acts**

#### **Article 152**

Institutions shall harmonize their organization, operations, and acts with this Law within 15 months from the date of entry into force of this Law.

Until the adoption of the acts referred to in paragraph 1 of this Article, the existing acts shall apply if they are not contrary to this Law.

### **Status of Regional Branches of Private Institutions**

#### **Article 153**

Regional branches of private institutions established before the date of entry into force of this Law shall continue to operate, but no longer than until the end of the 2029/2030 academic year.

### **Status of the Council for Higher Education**

#### **Article 154**

The Council for Higher Education appointed in accordance with the Law on Higher Education ("Official Gazette of MNE", Nos. 44/14, 47/15, 40/16, 42/17, 71/17, 55/18, 3/19, 47/19, 72/19, 74/20, 104/21, 86/22, 125/23, 33/24 and 88/24) shall continue to operate until the expiry of the period for which it was appointed, with the competences established by this Law.

## **Continuation of Work and Status of Employees of the Agency for Control and Quality Assurance of Higher Education**

### **Article 155**

On the date of entry into force of this Law, the Agency for Control and Quality Assurance of Higher Education shall continue to operate as the Agency for Quality Assurance in Higher Education within the scope established by this Law.

The employees, funds, and property of the Agency for Control and Quality Assurance of Higher Education shall be taken over by the Agency for Quality Assurance in Higher Education.

## **Deadline for Appointment of the Agency Council**

### **Article 156**

The Agency Council shall be appointed within six months from the date of entry into force of this Law.

The Managing Board of the Agency for Control and Quality Assurance of Higher Education appointed in accordance with the Law on Higher Education ("Official Gazette of MNE", Nos. 44/14, 47/15, 40/16, 42/17, 71/17, 55/18, 3/19, 47/19, 72/19, 74/20, 104/21, 86/22, 125/23, 33/24 and 88/24) shall continue to operate until the appointment of the Agency Council referred to in paragraph 1 of this Article, with the competences established by this Law.

## **Deadline for Election of the Agency Director**

### **Article 157**

The Director of the Agency shall be elected within one year from the date of entry into force of this Law.

The Director of the Agency for Control and Quality Assurance of Higher Education appointed in accordance with the Law on Higher Education ("Official Gazette of MNE", Nos. 44/14, 47/15, 40/16, 42/17, 71/17, 55/18, 3/19, 47/19, 72/19, 74/20, 104/21, 86/22, 125/23, 33/24 and 88/24) shall continue to perform duties until the election of the Director referred to in paragraph 1 of this Article, with the competences established by this Law.

## **Deadline for Election of the Accreditation Board**

### **Article 158**

The Accreditation Board shall be elected within six months from the date of entry into force of this Law.

## **Deadline for Establishment of the Appeals Committee**

### **Article 159**

The Appeals Committee shall be established within six months from the date of entry into force of this Law.

## **Deadline for Harmonization of the Agency's Acts**

### **Article 160**

The Agency shall harmonize its general acts with this Law within six months from the date of entry into force of this Law.

## **Validity Period of the Financial Guarantee**

### **Article 161**

A financial guarantee submitted by an institution prior to the date of entry into force of this Law shall remain valid for the period for which it was issued.

An institution whose financial guarantee expired prior to the date of entry into force of this Law shall submit a financial guarantee in accordance with this Law within 60 days from the date of entry into force of this Law.

## **Pending Procedures**

### **Article 162**

Accreditation, reaccreditation, and licensing procedures initiated prior to the date of entry into force of this Law shall be completed under the regulations under which they were initiated.

## **Validity Period of Accreditation and Reaccreditation**

### **Article 163**

Accreditations and reaccreditations issued prior to the date of entry into force of this Law shall remain valid until the expiry of the period for which they were issued.

## **Amendments to Study Programs**

### **Article 164**

An institution that has made amendments to study programs prior to the date of entry into force of this Law may continue to make amendments to a study program, but only up to the overall percentage referred to in Article 70 of this Law.

## **Status of the Steering Committee of the University of Montenegro**

### **Article 165**

The Steering Committee of the University of Montenegro elected prior to date of entry into force of this Law shall continue to operate until expiry of the period which it was elected for.

## **Status of the Rector of the University of Montenegro**

### **Article 166**

The Rector of the University of Montenegro elected prior to the date of entry into force of this Law shall continue to perform duties until the expiry of the period for which they were elected.

## **Status of Teachers**

### **Article 167**

An institution shall conclude an open-ended employment contract, in accordance with this Law, with a person elected to the title of assistant professor or associate professor with whom it had concluded a fixed-term employment contract prior to the date of entry into force of this Law.

## **Ongoing Procedures for the Election of Teachers and Associates**

### **Article 168**

Procedures for the election of teachers and associates initiated prior to the date of entry into force of this Law shall be completed under the regulations under which they were initiated.

## **Re-election to the Same Academic Title**

### **Article 169**

A person who, prior to the date of entry into force of this Law, was elected to the title of assistant professor or associate professor and who does not meet the conditions for election to a higher title may, after the entry into force of this Law, be re-elected to the same title if they meet the conditions for election to that title in accordance with this Law.

## **Adjustment of the Act on Admission to Studies**

### **Article 170**

Until the adoption of the secondary legislation referred to in Article 99 paragraph 8 of this Law, an institution may amend the existing act prescribing the conditions, criteria, method, and procedure for admission to the first year of academic and applied undergraduate studies.

## **Extension of Student Status**

### **Article 171**

Students who, on the date of entry into force of this Law, have not completed their studies may complete them within a period twice the prescribed duration of the study program, under the curriculum that was in force at the time of enrolment in the first year of studies.

## **Status of Enrolled Students**

### **Article 172**

For a student who, prior to the date of entry into force of this Law, enrolled in a master's study program of 120 ECTS, the institution shall, at the student's request, issue a diploma of postgraduate specialist studies if that student has attained at least 60 out of the prescribed 120 ECTS.

The diploma referred to in paragraph 1 of this Article is a public document and is equivalent to a diploma of sub-level VII1 of the national qualifications framework.

The right referred to in paragraph 1 of this Article may also be exercised by a student who attains at least 60 out of the prescribed 120 ECTS after the entry into force of this Law, but no later than until the accreditation of the postgraduate specialist study program in accordance with this Law.

## **Study Programs Harmonized with Minimum Training Requirements**

### **Article 173**

Professional qualifications for performing regulated professions for which automatic recognition is carried out on the basis of minimum training requirements in accordance with a special law shall be acquired through appropriate study programs.

The study programs referred to in paragraph 1 of this Article must be harmonized with the minimum training requirements prescribed by a special law or European Union legal acts.

Institutions shall harmonize the study programs referred to in paragraph 1 of this Article no later than within six months from the date of entry into force of this Law.

## **Equivalence of Diplomas**

### **Article 174**

Diplomas of completed higher education of four, five, or six years' duration obtained under curricula adopted prior to the entry into force of the Law on Higher Education ("Official Gazette of the Republic of Montenegro", No. 60/03, and "Official Gazette of MNE", Nos. 45/10, 47/11 and 48/13) shall be equivalent to master's degrees with regard to employment rights.

Diplomas of completed postgraduate academic and applied specialist studies obtained under the Law on Higher Education ("Official Gazette of the Republic of Montenegro", No. 60/03, and "Official Gazette of MNE", Nos. 45/10, 47/11 and 48/13) and under the Law on Higher Education ("Official Gazette of MNE", Nos. 44/14, 47/15 and 40/16) shall be equivalent to master's degrees with regard to employment rights.

Diplomas of completed integrated studies of 300 ECTS or 360 ECTS shall be equivalent to master's degrees.

## **Equivalence of the Scientific Title**

### **Article 175**

A diploma of the scientific title of Master of Science, obtained under the regulations under which it was awarded, shall be equivalent to a master's degree with regard to the right to continue studies and the right to employment.

## **Issuance of Diplomas**

### **Article 176**

For students who complete studies under programs adopted in accordance with the Law on Universities ("Official Gazette of the Republic of Montenegro", Nos. 37/92 and

6/94), a public institution shall issue diplomas on special forms determined by the public institution, in accordance with this Law.

## **Status of Students**

### **Article 177**

Students enrolled in magisterial (master's) studies at public institutions prior to the date of entry into force of the Law on Amendments to the Law on Higher Education ("Official Gazette of MNE", No. 72/19), who have paid or will pay the tuition fee in accordance with the study agreement, shall not be obliged to pay the costs of the magisterial thesis if they complete those studies by the end of the 2026/2027 academic year.

## **Deferred Application**

### **Article 178**

The provisions of Articles 62 and 107 paragraph 1 of this Law shall apply from the date of Montenegro's accession to the European Union.

## **Cessation of Validity**

### **Article 179**

On the date of entry into force of this Law, the Law on Higher Education ("Official Gazette of MNE", Nos. 44/14, 47/15, 40/16, 42/17, 71/17, 55/18, 3/19, 47/19, 72/19, 74/20, 104/21, 86/22, 125/23, 33/24 and 88/24) shall cease to be valid.

## **Entry into Force**

### **Article 180**

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