



**Report: 3.4 Support for the effective implementation of the new legislative framework through an intensive training programme for civil servants and judges and other relevant authorities**

**3.4.1. Carrying out Training Needs Assessment (TNA), according to the main target groups**

**Outputs**

**3.4.1.1 TNA carried out and the report finalized (English and Montenegrin versions)**



## Report on

### **Analysis of Questionnaire for identification of training needs in the area of administrative proceedings in public authorities of Montenegro**

#### 1. ABSTRACT

The successful implementation of the new Law on Administrative Procedure, among other things, depends on the training of officials who have been implementing this procedure. In order to properly analyze the civil servants' training needs Expert Team, working on the project of *Strengthening the Management of EU Funds and General Administrative Procedures*, prepared a *Questionnaire for the identification of training needs in the area of administrative proceedings in public authorities of Montenegro*. Results obtained by questionnaire will be used to assess administrative capacities of *public authorities* and as a basis for designing of the training for the main trainers. They will also serve for development of materials and methodology for the public authorities servants' training that will make a part of the “Program for professional training of the main civil servants and employees”, to be implemented by the Human Resources Authority of Montenegro. Training for the main trainers will cover the most interesting topics in the Law on Administrative procedure, and will be organized as lectures / seminars.

#### 2. INTRODUCTION

Law on Administrative Procedure (hereinafter referred to as LAP), represents an entirely new concept of administrative procedure, which should enable simplification and accelerating of administrative procedures; reduction of procedures' costs for all participants thereof; modernization of procedures methods; use of modern information and communication technologies in providing administrative services; more effective protection of the public interest and the individual interests of citizens and legal entities in administrative matters and easier and more complete achievement and protection of both legality and the rights and freedoms of citizens in the process of immediate application of regulations in administrative matters.

One of the keys to successful implementation of the LAP is, among others, appropriate training of employees of public authorities, who will implement administrative procedure at all levels of public administration. In order to achieve this, the project on *Strengthening the Management of EU Funds and General Administrative Procedures*, foresees development and implementation of an intensive training of trainers program, in the aim of providing training for the main group of trainers who will later become trainers in seminars with topics related to the LAP. After completion of the main trainers' training, additional support to the Project is been planned, in terms of including LAP training into the “*Program for professional training of the main civil servants and employees*”, to be implemented by the Human Resources Authority of Montenegro (hereinafter referred to as HRMA). Support will be provided through pilot trainings. The main training of trainers and pilot training are expected to result in developed methodology and materials needed for LAP trainings.



### 3. TRAINING NEEDS ANALYSES

The purpose of the Training Needs Analysis in the area of administrative procedures of public authorities in Montenegro (hereinafter refers to as the Analysis) is determining the real needs of civil servants for professional development and acquiring new knowledge and skills necessary to perform activities in administrative matters, in accordance with new LAP. Analyses will provide an insight in administrative capacities of public authorities in Montenegro for implementation of administrative procedures and inspection control in terms of level of education, profession, and the level of responsibility in implementation of Administrative Procedure (simple tasks – front desk; carrying out administrative procedures and preparing of decisions; carrying out administrative procedures and decision-making). The Analysis will be used for development of advanced specific training Program for administrative procedures, to be implemented by HRMA.

### 4. ACTIVITIES

In order to obtain a clearer picture of the target groups' training needs (civil servants in public authorities) in the field of Administrative Procedures, a *Questionnaire for the identification of training needs in the area of administrative proceedings in public authorities of Montenegro* (hereinafter referred to as The questionnaire), has been prepared during October and November this year. Project Team prepared the questionnaire draft (see Annex 1: *Questionnaire for the identification of training needs in the area of administrative proceedings in public authorities of Montenegro*) and presented it to HRMA. After presentation, Project Team made improvements, based on the comments and suggestions made by HRMA. After agreeing on final version of the questionnaire, the later was forwarded to the HRMA, to start the research. Professional team of HRMA has prepared a web application for Questionnaire (<http://goo.gl/forms/H1gxTUA2je>).

After web application launching, public authorities were notified about the questionnaire by cover letter, containing explanation of the context, analysis' objective, frame and implementation, as well as deadline for submission of completed questionnaires (see Annex 2: *Analysis of training needs in the area of administrative procedures implemented by public authorities in Montenegro*). Filling in of the questionnaire (the subject research) began the first of December this year.

### 5. QUESTIONNAIRE

The questionnaire contains six questions, divided into two parts. The first part (questions 1-3) is designed so as to provide insight into the administrative capacity of public authorities of Montenegro in implementation of administrative procedure (the level of servants' education, the profession, level of responsibility in administrative procedure). Second part (questions 4-6) focuses on topics from LAP that are of the utmost interest to public authorities servants, choice of the most appropriate training methodology and the preferable duration of the training. Starting from December 1<sup>st</sup>, 2014 the questionnaire has been answered by 105 servants from 20 public



authorities of Montenegro. Analysis of the answers (for more information see Annex 3: Answers to the questionnaire) is as follows:

#### 5.1. Public authorities

Among public authorities who participated in research, the Administration for Inspection Affairs has shown greatest interest in training in the Law on Administrative Procedure by filling 62 (59%) questionnaires. Thereafter follows the Ministry of Finance with 8, and Ministry of Interior and Intellectual Property Office with 6 completed questionnaires each. Other institutions have filled in 1-3 questionnaires.

#### 5.2. Work experience

Servants in public authorities have extensive work experience. Most servants have over 5 years of service i.e. 91% of them (5-10 years of service have 20% of servants, 11-15 years of service have 14% of servants, 16-20 years of service have 19% of servants and 38% of servants have over 20 years of service.) . Only 9% of servants have less than 5 years of service.

#### 5.3. Length of service in the Administrative Procedure

As for the experience in the administrative procedure the situation is quite similar - servants also have a lot of experience in the administrative procedure. Out of the total, 76% of servants have experience in the administrative procedure over 5 years (5-10 years of service have 35% of servants; 11-15 years of service have 24% of servants; 16-20 years of service have 7% of servants; and over 20 years of service have 10% of servants). 24% of servants have less than 5 years of experience in the administrative procedure.

#### 5.4. Level of responsibility Administrative Procedure

Out of the total number of servants, 56% of servants carry out administrative procedures and prepare decisions, while, 44% of them carry out administrative procedures and make decisions. There are no front desk servants in this group.

#### 5.5. Profession

Out of total number of servants 42% are lawyers are of all servants, 23% are technical and 37% are economists, social sciences etc.

#### 5.6. Level of education

Out of total number of servants 95% of servants possess high education (180,240,300 ETCS and master).

#### 5.7. Training topics

The questionnaire includes 23 training topics. Servants may choose more than one topic. Annulment and abolition of the decision, Administrative procedures solutions, the complaint and complaint procedure, Initiation, conduction and completion of administrative proceedings, Administrative matters, administrative activities and implementation of the LAP are topics chosen by more than 50% of servants. Thereafter follow topics chosen by over 30% of servants i.e. Minutes, Invitation, delivery and notification and Repetition of the procedure. Enforcement, Client and a representative in Administrative procedure, Authorized officer, Deadlines and



Applications are chosen by more than 20% of servants. The principles of administrative procedure, Subject matter jurisdiction and conflict of jurisdiction, Objection, Supervision of the implementation of the LAP, Administrative contract-cancellation and termination, Reinstatement and Records are chosen by more than 10% of servants. The least interesting topics are: Cooperation and assistance of public authorities and Protection of rights of users of services of general interest.

#### 5.8. Training methodology

A large number of servants (70%) indicated lecture / seminar with practical examples as preferred method of training. For workshops (analysis, discussion and case studies) were interested 18% of servants while training in the workplace (10%) and distance learning(3%) are less interesting methods.

#### 5.9. Duration of training

Majority of servants (83%) prefers 2 -3 days' trainings, while smaller number of them (18%) indicated five-day training as preferable option.

## 6. CONCLUSION

Results of the questionnaire showed that public authorities servants have excellent qualifications (Higher education), a significant total work experience and significant Length of service in the Administrative Procedure and large level of responsibility in implementation of Administrative Procedure (carrying out administrative procedures and preparing of decisions; carrying out administrative procedures and decision-making).

Data on topics, training methodology and duration of training provided input to the Project Team regarding designing and implementing of the training for main trainers (aka. Training of trainers), that will result in unique methodology and materials for future training in HRMA. Training materials should be based on topics that are of servants' most interest (*Annulment and abolition of the decision, Administrative procedures solutions; the complaint and complaint procedure; Initiation; Conduction and completion of administrative proceedings; Administrative matters, administrative activities and implementation of the LAP*).

**Training should be organized as a three-day lecture / seminar with practical examples and workshop (analysis, discussion and case studies).**

## 7. NEXT STEPS

Preparation for the training of main trainers is foreseen in the forthcoming period. This includes selection of trainees, selection of teachers / trainers and the preparation of programs and training materials (programs drafts and their harmonization with the training of main trainers' objectives).



### Annex 1: Questionnaire for the identification of training needs in the area of administrative proceedings in public authorities of Montenegro<sup>1</sup>

1.	Public authority title	
2.	<b>Work experience</b>	Mark with x
2.1.	Work experience	
○	Less than 5 years	
○	5 - 10 years	
○	10 - 15 years	
○	15 - 20 years	
○	More than 20 years	
2.2.	Length of service in the Administrative Procedure	Mark with x
○	Less than 5 years	
○	5 - 10 years	
○	10 - 15 years	
○	15 - 20 years	
○	More than 20 years	
2.3.	Level of responsibility in implementation of Administrative Procedure	
○	Front desk	
○	Carrying out administrative procedures and preparing of decisions	
○	Carrying out administrative procedures and decision-making	
3.	Profession	
3.1.	Profession	
○	Law	
○	Economy	

<sup>1</sup> Public authorities, in accordance with Chapter 1 of LAP are: Statutory authorities, State administration authorities, local self-government bodies, local government bodies, institutions and other entities who exercise public authority.



<input type="radio"/>	Humanistic sciences	
<input type="radio"/>	Technical sciences	
<input type="radio"/>	Other (please describe):	
3.2.	Level of education	
<input type="radio"/>	Secondary education (180 ECVET)	
<input type="radio"/>	Secondary education (240 ECVET)	
<input type="radio"/>	Higher Education (120 ECTS)	
<input type="radio"/>	Higher Education (180 ECTS)	
<input type="radio"/>	Higher Education (240 ECTS)	
<input type="radio"/>	Higher Education (300 ECTS)	
<input type="radio"/>	Master	
<input type="radio"/>	Doctor	
<input type="radio"/>	Other (please describe)	
4.	<b>TRAINING TOPICS</b> (You can select multiple answers)	Mark with x
<input type="radio"/>	Administrative matters, administrative activities and implementation of the LAP	
<input type="radio"/>	The principles of administrative procedure	
<input type="radio"/>	Administrative procedures solutions	
<input type="radio"/>	Administrative contract-cancellation and termination	
<input type="radio"/>	Protection of rights of users of services of general interest	
<input type="radio"/>	Subject matter jurisdiction and conflict of jurisdiction	
<input type="radio"/>	Cooperation and assistance of public authorities	
<input type="radio"/>	Authorized officer	
<input type="radio"/>	Client and a representative in Administrative procedure	
<input type="radio"/>	Applications	
<input type="radio"/>	Minutes	



<input type="radio"/>	Invitation, delivery and notification	
<input type="radio"/>	Deadlines	
<input type="radio"/>	Reinstatement	
<input type="radio"/>	Initiation, conduction and completion of administrative proceedings	
<input type="radio"/>	The complaint and complaint procedure	
<input type="radio"/>	Repetition of the procedure	
<input type="radio"/>	Objection	
<input type="radio"/>	Annulment and abolition of the decision	
<input type="radio"/>	Enforcement	
<input type="radio"/>	Records	
<input type="radio"/>	Supervision of the implementation of the LAP	
<input type="radio"/>	Other (please describe):	
5.	What training method is most acceptable to you?	Mark with x
<input type="radio"/>	Lecture / seminar with practical examples	
<input type="radio"/>	Workshop (analysis, discussion and case studies)	
<input type="radio"/>	Training at the workplace	
<input type="radio"/>	On-line learning	
<input type="radio"/>	Other (please describe):	
6.	How many days of training are most acceptable to you?	Mark with x
<input type="radio"/>	Two days	
<input type="radio"/>	Three days	
<input type="radio"/>	Five days	

**THANK YOU FOR YOUR COOPERATION!**



## Annex 2: **Analysis of training needs in the area of administrative procedures implemented by public authorities in Montenegro**

### **INTRODUCTION**

Improvement of administrative procedures is aimed for better quality of provision of administrative services to citizens and other social and economic subjects. It represents one of the priorities of the public administration reform in Montenegro.

The trend of future activities related to Public Administration Reform Strategy in Montenegro for the period 2011-2016 (enacted by the Government of Montenegro in March 2011 year), as referred to in Item 1.5.3. envisages the following: **Adoption of the new Law on general administrative procedure** (hereinafter LAP) whose basic clauses will be focused on transparency, predictability and legal certainty in decision making, enlargement of LAP's scope of application and reduction of specific procedures to the smallest possible number, harmonization of the LAP with "Directive 2006/123 / EC of the European Parliament and of the European Council from December 12 2006" in terms of communication between citizens and the state administration bodies etc., based on the information technology. In addition, it has been stated within the document that: "In order to improve the future application of the LAP, it is necessary to carry out the training of civil servants who directly apply the Law... That will ensure more efficient procedures, cost reduction and strengthening of trust of citizens, and other clients, in state administration."

Reformed Law on Administrative Procedure, to be adopted by the end of the year by the Parliament of Montenegro, represents an entirely new concept of administrative procedure, which should enable the modernization of the overall Montenegrin public administration.

The main objectives of the Law are: simplification and speeding up of administrative procedures; reduction of procedures' costs for all participants thereof; modernization of procedures methods; creation of conditions for, and openness towards the use of modern information and communication technologies in providing administrative services; more effective protection of the public interest and the individual interests of citizens and legal entities in administrative matters and easier and more complete achievement and protection of both legality and the rights and freedoms of citizens in the process of immediate application of regulations in administrative matters.

The success in implementation of the new LAP will depend on acceptance of new administrative logic, which serves as a base for modern administrative proceedings, but also on appropriate training of public servants who will implement administrative procedures at all levels of public administration.

System of continuous professional development in the field of administrative proceedings in Montenegro will provide achievement of the following two goals:



1. Support for the reform of the administrative proceedings, as an integral part of the Reform of Public Administration, with the ultimate goal - efficient and effective service to citizens, community and other entities;
2. Improvement of existing and development of new professional knowledge and skills of employees, with the aim of achieving better results of public authorities' performance, which will increase the confidence of the citizens, legal entities or other clients in the rule of law and accountability, promoted by the Montenegrin Public Administration.

In order to support these processes, European Union approved the project *Strengthening the Management of EU Funds and General Administrative Procedures Europe Aid 134253 / C / SER / ME Contract No: IPA / 2013 / 327-819*, in the framework of IPA 2012. Component 2 - *The framework of administrative procedures*, envisaged Activity 3.4, which includes the development and implementation of an intensive Training of Trainers program (ToT). This program will provide training for main group of trainers who would later become the Lead trainers for LAP. Along with ToT, Activity 3.4 will, through pilot workshops, provide additional support for the inclusion of LAP training into Program for the professional training of the civil servants. More specifically, the expected results of the sub-activity -3.4.1 *Development of Training Needs Analysis in agreement with the key target groups* are developed methodologies and training materials, thus providing a basis for sustainability of new LAP training in the future.

## **ANALYSIS' OBJECTIVE**

The purpose of the Training Needs Analysis in the area of administrative procedures of public authorities in Montenegro (hereinafter: the Analysis) is to determine the real needs of civil servants for professional development and acquiring new knowledge and skills necessary to perform administrative activities in administrative matters, in accordance with new LAP. Analyses will give an insight in administrative capacities of public authorities in Montenegro for implementation of administrative procedures, and inspection control. The Analysis will be used for development of improved specific training Program for administrative procedures, to be organized and implemented by Human Resources Authority of Montenegro.

## **FRAMEWORK FOR IMPLEMENTATION OF ANALYSIS**

*A Questionnaire for the identification of training needs in the area of administrative proceedings in public authorities of Montenegro* has been developed, in order to obtain a clearer picture of targeted groups' needs for training in the area of administrative procedures. Base for the questionnaire was Inception Report of the Project: *Strengthening the Management of EU Funds and General Administrative Procedures Europe Aid 134253 / C / SER / ME Contract No: IPA / 2013 / 327-819* and the text of the new LAP. The Questionnaire consists of the following units: general information, work experience, data on education, expertise and competence, information on topics in the field of administrative procedures for the upcoming training, as well as information about the preferences for the method and duration of the trainings. The



Questionnaire should be submitted to the Human Resources Authority, which will then distribute a certain number of it to the beneficiaries.

## **DEADLINE FOR FEEDBACK**

The completed questionnaire should be sent no later than 30 days from the date of delivery.

### **Annex 3: Answers to the questionnaire**



Answers to the  
questionnaire.xlsx



## IZVJEŠTAJ

o analizi Upitnika za utvrđivanje potreba za obukom u području upravnog postupka u javnopravnim organima Crne Gore

### 1. ABSTRAKT

Uspješna primjena novog Zakona o upravnom postupku, između ostalog, zavisi i od obuke službenika koji taj postupak sprovode. U cilju adekvatne analize potreba službenika za obukom, stručni tim projekta *Strengthening the Management of EU Funds and General Administrative Procedures* je u saradnji sa Upravom za kadrove, pripremio *Upitnik za utvrđivanje potreba za obukom u području upravnog postupka u javnopravnim organima Crne Gore*. Rezultati dobijeni Upitnikom služe za procjenu administrativnih kapaciteta javnopravnih organa i kao polazna osnova za dizajniranje obuke za glavne trenere te izradu materijala i metodologije obuke za službenike javnopravnih organa koje će biti dio *Programa za profesionalnu obuku glavnih državnih službenika i namještenika*, a koji sprovodi Uprava za kadrove. Obuka za glavne trenere će obuhvatiti najzanimljivije teme iz Zakona o upravnom postupku, organizovana na principu predavanja / seminara.

### 2. UVOD

Zakon o upravnom postupku (u daljem tekstu Zakon) predstavlja potpuno nov koncept upravnog postupka, koji treba da omogući pojednostavljenje i ubrzanje upravne procedure, smanjenje troškova postupka za sve učesnike u postupku, modernizaciju procesnih mehanizama, korišćenje ICT za pružanje upravnih usluga, djelotvorniju zaštitu javnih i pojedinačnih interesa građana i pravnih lica u upravnim stvarima i lakše i potpunije ostvarenje i zaštitu kako zakonitosti, tako i sloboda i prava građana u procesu neposredne primjene propisa u upravnoj materiji.

Jedan od ključeva uspješne primjene Zakona je i adekvatna obuka službenika javnopravnih organa, koji će voditi upravni postupak na svim nivoima javne uprave. Da bi se to postiglo, projekat *Strengthening the Management of EU Funds and*



*General Administrative Procedures*, predviđa razvoj i implementaciju intenzivnog programa Obuke trenera, sa ciljem da se pruži obuka glavnoj grupi trenera koji će kasnije postati treneri na seminarima sa temama vezanim za Zakon o opštem upravnom postupku. Nakon završene glavne obuke trenera, planirano je da se obezbijedi dodatna podrška u smislu uključivanja obuka o Zakonu u *Program za profesionalnu obuku glavnih državnih službenika i namještenika*, koji sprovodi Uprava za kadrove. Podrška će se obezbijediti kroz pilot obuke. Očekivani rezultati glavne obuke trenera i pilot obuka su izrađena metodologija i materijali za obuku o Zakonu.

### **3. ANALIZA POTREBA ZA OBUKOM**

Svrha Analize potreba za obukom u području upravnog postupanja javnopravnih organa je utvrđivanje potreba javnih službenika za stručnim usavršavanjem i sticanjem novih znanja i vještina, neophodnih za obavljanje upravnih aktivnosti u upravnim stvarima, u skladu sa novim Zakonom. Na osnovu Analize dobiće se uvid u odnosu na administrativne kapacitete javnopravnih organa Crne Gore u provođenju upravnog postupka i inspeksijskog nadzora, u smislu stepena stručne spreme, vrste struke, te nivoa odgovornosti u vodjenu upravnog postupka (jednostavni poslovni-šalterski radnik, vođenje postupka i priprema dokumenata i vođenje postupka i odlučivanje). Pored toga Analiza potreba za obukom će poslužiti i za izradu unapređenog specifičnog Programa obuke za upravni postupak, koga provodi Uprava za kadrove.

### **4. AKTIVNOSTI**

Kako bi se dobila što jasnija slika potreba ciljne grupe (službenika u javnopravnim organima) za obukom u području upravnog postupanja, tokom oktobra i novembra ove godine izrađen je *Upitnik za utvrđivanje potreba za obukom u području upravnog postupka u javnopravnim organima Crne Gore (u daljem tekstu Upitnik)*. Nacrt Upitnika (vidi Aneks 1: *Upitnik za utvrđivanje potreba za obukom u području upravnog postupka u javnopravnim organima Crne Gore*) je uradio projektni tim,



predstavio ga Upravi za kadrove i na osnovu primjedbi i sugestija uradio korekcije. Nakon usaglašavanja konačne verzije, Upitnik je prosljeđen Upravi za kadrove kako bi istraživanje moglo da počne. Stručni tim Uprave za kadrove je pripremo web aplikaciju Upitnika (<http://goo.gl/forms/H1gxTUA2je>). Nakon toga, javnopravni organi su obavješteni o Upitniku putem popratnog pisma u kome je objašnjen kontekst, cilj analize, okvir provođenja analize te dat rok za dostavljanje popunjenih upitnika (vidi Aneks 2: Analiza potreba za obukom u području upravnog postupanja javnopravnih organa u Crnoj Gori). Popunjavanje Upitnika (predmetno istraživanje) je počelo prvog decembra ove godine.

## 5. UPITNIK

Upitnik se sastoji od 6 pitanja, podijeljenih u dva dijela. Prvi dio (pitanja 1-3) je koncipiran tako da pruži uvid u administrativne kapacitete javnopravnih organa Crne Gore u provođenju upravnog postupka (stepen stručne spreme ispitanika, vrsta struke, nivo odgovornosti u vođenju upravnog postupka). Drugi dio (pitanja 4-6) je usmjeren na teme iz Zakona o upravnom postupku koje su najzanimljivije ispitanicima, najprikladniju metodologiju izvođenja obuke i poželjnu dužinu trajanja obuke.

U periodu od 1.12.2014 do danas, na Upitnik je odgovorilo 105 ispitanika iz 20 javnopravnih organa Crne Gore. U nastavku slijedi analiza odgovora ispitanika na pitanja (za više informacija vidi Aneks 3: Odgovori na upitnik).

### a. Javnopravni organi

Od svih javnopravnih organa koji su učestvovali u popunjavanju Upitnika, najveće interesovanje za obukom iz Zakona o upravnom postupku je pokazala Uprava za inspeksijske poslove, popunivši 62 Upitnika (59%). Za njom slijede Ministarstvo finansija sa 8, Ministarstvo unutrašnjih poslova i Zavod za intelektualnu svojinu sa po 6 popunjenih upitnika. Ostale institucije imaju od 1 do 3 popunjena upitnika.

### b. Radni staž



Grupa ispitanika ima veliko radno iskustvo. Većina ispitanika ima preko 5 godina radnog iskustva, njih 91% (od 5 do 10 godina ima 20% ispitanika, od 11 do 15 godina ima 14% ispitanika od 16 do 20 godina ima 19% ispitanika i preko 20 godina ima 38% ispitanika). Samo 9% ispitanika ima manje od 5 godina radnog staža.

c. Radni staž u upravnom postupku

Što se tiče iskustva u radu u upravnom postupku situacija je neznatno drugačija – ispitanici imaju takođe veliko radno iskustvo u upravnom postupku. Od ukupnog broja, 76% ispitanika ima iskustvo radno iskustvo u upravnom postupku duže od 5 godina (od 5 do 10 godina ima 35%, od 11-15 godina ima 24% od 16 do 20 godina ima 7% i preko 20 godina ima 10% ispitanika). Manje od 5 godina radnog iskustva u upravnom postupku ima 24% ispitanika.

d. Ovlašćenja po ZUP-u

Od ukupnog broja ispitanika, 56% ispitanika vodi upravni postupak i priprema odluke a 44% njih vodi upravni postupak i odlučuje po sitom. Ni jedan ispitanik nije u kategoriji „Rad na šalteru - jednostavni poslovi (prijem zahtjeva stranke i sl.)“.

e. Oblast obrazovanja

Od ukupnog broja ispitanika 42% ispitanika su pravnici, 23% tehničke struke a preostalih 37% su ekonomisti, zaposleni sa obrazovnim profilom iz humanističkih struka i ostalo.

f. Step en stručne kvalifikacije

Od ukupnog broja ispitanika 95% ispitanika ima Visoko obrazovanje (180,240,300 kredita i Mr).

g. Teme za obuku

Upitnikom su obuhvaćene ukupno 23 teme za obuku. Ispitanicima je u ponuđenoj listi data mogućnost izbora više od jedne teme. Za teme: *Poništavanje i ukidanje rješenja, Rješenja u upravnom postupku, Žalba i žalbeni postupak, Pokretanje,*



*vođenje i okončanje upravnog postupka, Upravna stvar, Upravne aktivnosti i primjena ZUP-a, se izjasnilo preko 50% ispitanika.*

*Za njima slijede teme za koje se izjasnilo preko 30% ispitanika: Zapisnik, Pozivanje, dostavljanje i obavještanje, Ponavljanje postupka.*

*Za teme: Izvršenje, Stranka i zastupnik u upravnom postupku, Ovlašćeno službeno lice, Rokovi, Podnesci se izjasnilo preko 20% ispitanika.*

*Teme kao što su Načela upravnog postupka, Stvarna i mjesna nadležnost i sukob nadležnosti, Prigovor, Nadzor nad sprovođenjem ZUP-a, Upravni ugovor - poništavanje i raskidanje, Povraćaj u pređašnje stanje i Evidencije su bile izbor preko 10% ispitanika. Najmanje zanimljive teme su Saradnja i pomoć javnopravnih organa i Zaštita prava korisnika usluga od opšteg interesa.*

#### h. Metoda obuke

Što se tiče metoda obuke veliki broj ispitanika (70%) je označio predavanje/seminare sa praktičnim primjerima kao najpoželjniji metod obuke. Za radionice (analiza, diskusija i studije slučaja) je bilo zainteresovano 18% ispitanika dok su obuka na radnom mjestu (10%) i učenje na daljinu (3%) manje interesantne metode.

#### i. Dužina trajanja obuke

Većem broju ispitanika odgovara obuka koja traje 2-3 dana (83%) dok je manji broj njih (18%) označio petodnevnu obuku kao poželjnu.

## 6. ZAKLJUČAK

Rezultati upitnika su pokazali da ispitanici - službenici javnopravnih organa Crne Gore koji su odgovorili na Upitnik, imaju odlične kvalifikacije (Visoko obrazovanje), značajno ukupno radno iskustvo te značajno radno iskustvo u provođenju upravnog postupka sa velikim nivoom odgovornosti u vođenju upravnog postupka (vođenje postupka/priprema dokumenata i vođenje postupka/odlučivanje).



Podaci o temama, metodi i dužini trajanja obuke su dali smjernice kako osmisliti i organizovati obuku za glavne trenere (tzv. Training of trainers), koja će rezultirati jedinstvenom metodologijom i materijalima za buduće obuke u Upravi za kadrove. Materijal za obuku treba biti zasnovan na temama za koje su ispitanici pokazali najviše interesovanja (*Poništavanje i ukidanje rješenja, Rješenja u upravnom postupku, Žalba i žalbeni postupak, Pokretanje, vođenje i okončanje upravnog postupka, Upravna stvar, Upravne aktivnosti i primjena ZUP-a*).

**Obuka treba biti organizovana kao 3-dnevno predavanje/seminar sa praktičnim primjerima uz radioničarski dio (analiza, diskusija i studije slučaja).**

## **7. SLJEDEĆI KORACI**

U narednom periodu su predviđene aktivnosti na pripremi obuke za glavne trenere. To podrazumijeva izbor učesnika obuke, izbor predavača/trenera i pripremu programa i materijala za obuku (nacrt i usaglašavanje programa sa ciljevima obuke glavnih trenera).

Podgorica, 26.12.2014



## Aneks 1: UPITNIK za utvrđivanje potreba za obukom u području upravnog postupka u javnopravnim organima<sup>2</sup> Crne Gore

1.	<b>OPŠTI PODACI</b>	
1.1	Naziv javnopravnog organa	
2	<b>PODACI O RADNOM STAŽU</b>	
2.1	<b>Dužina ukupnog radnog staža</b>	<b>Označiti sa x</b>
2.1.1	Manje od 5 godina	
2.1.2	Od 5 do 10 godina	
2.1.3	Od 10 do 15 godina	
2.1.4	Od 15 do 20 godina	
2.1.5	Preko 20 godina	
3.1	<b>Dužina radnog staža u upravnom postupku</b>	<b>Označiti sa x</b>
3.1.1	Manje od 5 godina	
3.1.2	Od 5 do 10 godina	
3.1.3	Od 10 do 15 godina	
3.1.4	Od 15 do 20 godina	
3.1.5	Preko 20 godina	
4.1	<b>Ovlašćenje po ZUP-u koje imate</b>	
4.1.1	Rad na šalteru – jednostavni poslovi (prijem zahtjeva stranke isl.)	
4.1.2	Vođenje postupaka i pripremanje odluka po ZUP-u	
4.1.3	Vođenje postupaka i odlučivanje po ZUP-u	
5.	<b>PODACI O OBRAZOVANJU, STRUČNOJ OBLASTI I KOMPETENCIJAMA</b>	
5.1	<b>Oblast obrazovanja</b>	<b>Označiti sa x</b>

<sup>2</sup> Javnopravni organi, u smislu člana 1 ZUP-a, su: državni organi, organi državne uprave, organi lokalne samouprave, organi lokalne uprave, ustanove i drugi subjekti koji vrše javna ovlašćenja



5.1.2	Pravo	
5.1.3	Ekonomija	
5.1.4	Humanistička struka	
5.1.5	Tehnička struka	
5.1.6	Ostalo	
6.1.	<b>Stepen stručne kvalifikacije</b>	
6.1.1.	Srednje obrazovanje - 180 kredita	
6.1.2.	Srednje obrazovanje - 240 kredita	
6.1.3.	Visoko obrazovanje - 180 kredita	
6.1.4.	Visoko obrazovanje - 240 kredita	
6.1.5.	Visoko obrazovanje - 300 kredita	
6.1.6.	Mr	
6.1.7.	Dr	
6.1.8.	Ostalo:	
7.	<b>TEME ZA OBUKU</b>	
7.1.	Upravna stvar, upravne aktivnosti i primjena ZUP-a	
7.2.	Načela upravnog postupka	
7.3.	Rješenja u upravnom postupku	
7.4.	Upravni ugovor-poništanje i raskidanje	
7.5.	Zaštita prava korisnika usluga od opšteg interesa	
7.6.	Stvarna i mjesna nadležnost i sukob nadležnosti	
7.7.	Saradnja i pomoć javnopravnih organa	
7.8.	Ovlašćeno službeno lice	
7.9.	Stranka i zastupnik u upravnom postupku	
7.10.	Podnesci	



7.11.	Zapisnik	
7.12.	Pozivanje, dostavljanje i obavještanje	
7.13.	Rokovi	
7.14.	Povraćaj u pređašnje stanje	
7.15.	Pokretanje, vođenje i okončanje upravnog postupka	
7.16.	Žalba i žalbeni postupak	
7.17.	Ponavljanje postupka	
7.18.	Prigovor	
7.19.	Poništavanje i ukidanje rješenja	
7.20.	Izvršenje	
7.21.	Evidencije	
7.22.	Nadzor nad sprovođenjem ZUP-a	
7.23.	Ostalo (molimo navedite):	
<b>8.</b>	<b>Koja metoda obuke je za Vas najprihvatljivija?</b>	<b>Označiti sa x</b>
8.1.	Predavanje/seminar sa praktičnim primjerima	
8.2.	Radionica (analiza, diskusija i studije slučaja)	
8.3.	Obuka na radnom mjestu	
8.4.	Učenje na daljinu (on-line learning)	
8.5.	Ostalo (molimo navedite)	
<b>9.</b>	<b>Koliko dana obuke je za Vas najprihvatljivije?</b>	<b>Označiti sa x</b>
9.1.	Dva dana	
9.2.	Tri dana	
9.3.	Pet dana	

**ZAHVALJUJEMO NA SARADNJI !**



## Aneks 2. Analiza potreba za obukom u području upravnog postupanja javnopravnih organa u Crnoj Gori

### UVOD

Unapređenje upravnog postupanja, u cilju kvalitetnijeg pružanja upravnih usluga građanima i drugim društvenim i privrednim subjektima predstavlja jedan od prioriteta reforme javne uprave u Crnoj Gori.

U tački 1.5.3. *Pravci budućih aktivnosti iz Strategije reforme javne uprave u Crnoj Gori za period 2011-2016* (koju je Vlada Crne Gore donjela u martu 2011 godine) predviđeno je: **Donošenje novog Zakona o opštem upravnom postupku** čije će osnovne odrednice biti usmjerene na: transparentnost, predvidljivost i pravna sigurnost u donošenju odluka, proširenje obima primjene Zakona o opštem upravnom postupku i svođenje posebnih postupaka na što je moguće manji broj, usaglašavanje Zakona o opštem upravnom postupku sa "Direktivom 2006/123/EC Evropskog parlamenta i Savjeta 12. decembra 2006" u pogledu komunikacija baziranih na informacionoj tehnologiji između građana i organa državne uprave itd. Pored toga, navodi se: „Da bi se u narednom periodu unaprijedila primjena Zakona o opštem upravnom postupku, neophodno je sprovoditi obuke državnih službenika koji ga neposredno primjenjuju, čime će se obezbijediti efikasnije rješavanje u upravnom postupku, smanjiti troškovi postupaka i ojačati povjerenje građana i drugih stranaka u državnu upravu.“

Reformisani Zakon o upravnom postupku ( u daljem tekstu:ZUP), koji će Skupština Crne Gore usvojiti do kraja godine, predstavlja potpuno nov koncept upravnog postupka , koji treba da omogući modernizaciju crnogorske javne uprave u cjelini. Osnovni ciljevi ovog zakona jesu: pojednostavljenje i ubrzanje upravne procedure; smanjenje troškova postupka za sve učesnike u postupku; modernizacija procesnih mehanizama; stvaranje uslova i otvorenost prema korišćenju modernih informaciono-komunikacionih tehnologija za pružanje upravnih usluga; djelotvornija zaštita i javnog interesa i pojedinačnih interesa građana i pravnih lica u upravnim stvarima i lakše i



potpunije ostvarenje i zaštita kako zakonitosti, tako i sloboda i prava građana u procesu neposredne primjene propisa u upravnoj materiji.

Uspješnost primjene novog ZUP-a, zavisice od prihvatanja nove upravne logike na kojoj je moderan upravni postupak utemeljen, ali u jednakoj mjeri i od adekvatne obuke javnih službenika koji će voditi upravni postupak na svim nivoima javne uprave.

Preko sistema kontinuiranog stručnog usavršavanja u oblasti upravnog postupka u Crnoj Gori postići će se dva cilja:

- 1. Podrška reformi upravnog postupka, kao integralnog dijela reforme javne uprave, sa krajnjim ciljem - efikasni i efektivni servis građana, zajednice i ostalih subjekta;**
- 2. Poboljšanje postojećih i razvoj novih stručnih znanja i vještina zaposlenih, sa ciljem postizanja boljih rezultata rada javnopravnih organa, čime će se povećati poverenje fizičkih ili pravnih lica ili drugih stranaka u vladavinu prava i odgovornosti, promovisane od strane javne uprave Crne Gore.**

U cilju pružanja pomoći, Evropska unija u okviru IPA 2012, odobrila je projekat *Strengthening the Management of EU Funds and General Administrative Procedures, EUROPEAID 134253/C/SER/ME Contract No: IPA/2013/327-819*. U okviru **Komponente 2 – Okvir administrativnih procedura** predviđena je **Aktivnost 3.4** koja uključuje razvoj i implementaciju intenzivnog programa Obuke trenera, sa ciljem da se pruži obuka glavnoj grupi trenera koji će kasnije postati glavni treneri o Zakonu o opštem upravnom postupku. Uz glavnu obuku trenera, kroz pilot obuke obezbijediti će se dodatna podrška za uključivanje obuke o Zakonu o opštem upravnom postupku u *Program za profesionalnu obuku glavnih državnih službenika i namještenika*. Detaljnije, očekivani rezultati **podaktivnosti 3.4.1 Izrada Analize potreba za obukom u saglasnosti sa glavnim ciljnim grupama** su



metodologija i materijali obuke, čime bi se omogućila osnova za održivost obuka o novom ZUP- u.

## **CILJ ANALIZE**

Svrha Analize potreba za obukom u području upravnog postupanja javnopranih organa u Crnoj Gori (u daljem tekstu: Analiza) je utvrđivanje realnih potreba javnih službenika za stručnim usavršavanjem i sticanjem novih znanja i vještina, neophodnih za obavljanje upravnih aktivnosti u upravnim stvarima, u skladu sa novim ZUP- om. Na osnovu Analize dobiće se uvid u odnosu na administrativne kapacitete javnopravnih organa Crne Gore u provođenju upravnog postupka i inspeksijskog nadzora. Analiza će poslužiti i za izradu unapređenog specifičnog Programa obuke za upravni postupak, koga provodi Uprava za kadrove Crne Gore.

## **OKVIR PROVOĐENJA ANALIZE**

Kako bi se dobila što jasnija slika potreba ciljne grupe za obukom u području upravnog postupanja izrađen je *Upitnik za utvrđivanje potreba za obukom u području upravnog postupka u javnopravnim organima Crne Gore*.

Upitnik je pripremljen na osnovu Početnog izvještaja projekta: Strengthening the Management of EU Funds and General Administrative Procedures, EUROPEAID 134253/C/SER/ME Contract No:IPA/2013/327-819 i teksta novog ZUP-a.

Upitnik se sastoji od sljedećih cjelina: Opšti podaci, podaci o radnom stažu, podaci o obrazovanju, stečene stručne oblasti i kompetencijama, podaci o temama iz područja upravnog postupanja za predstojeću obuku, kao i podaci o preferencama za metode i vreme trajanja obuke. Upitnik će biti dostavljen Upravi za kadrove, koja će zatim distribuirati određeni broj do krajnjih korisnika, odnosno ciljne grupe obuke.

## **ROK ZA DOSTAVLJANJE UPITNIKA**

Popunjen Upitnik je potrebno poslati najkasnije u roku od 30 dana od dana dostavljanja.



### Aneks 3: Odgovori na upitnik



Odgovori na  
upitnik.xlsx