

LAW ON HIGHER EDUCATION

I. BASIC PROVISIONS

Subject of the law

Article 1

This Law shall regulate the fundamentals of higher education, the conditions for carrying out this activity, the principles of organisation of institutions performing this activity, quality assurance, the rights and obligations of academic staff and students, types of study programmes, financing of higher education, as well as other matters relevant to the performance of higher education activities.

Objectives of higher education

Article 2

The objectives of higher education shall be:

- 1) to acquire and enhance knowledge, skills and competences, and to develop scientific research, arts and culture;
- 2) to adopt general, scientific and professional knowledge, skills and competences 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; to ensure opportunities for acquiring higher education throughout one's life;
- 5) to establish and develop cooperation in the fields of teaching, learning, research, arts and culture;
- 6) to ensure conditions for uninterrupted access to higher education.

Public interest

Article 3

Higher education shall be an activity of public interest.

Autonomy of the institution

Article 4

An institution of higher education (hereinafter: the Institution) shall be autonomous in carrying out its activities, in accordance with this Law.

Freedom of the institution

Article 5

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

The scientific research work of the institution shall be regulated by a separate law.

Rights of the institution

Article 6

The institution shall have the right to:

- 1) determine the study programmes to be delivered and the courses to be taught;
- 2) independently develop and implement study programmes;
- 3) determine methods of teaching and assessment of students' knowledge;
- 4) elect the governing and management bodies, determine their composition, scope of work and mandate;
- 5) regulate its internal organisation, in accordance with this Law and the Statute of the institution;
- 6) elect academic staff;
- 7) conclude contracts with other institutions or organisations in Montenegro and abroad;
- 8) award honorary titles, in accordance with its general act;
- 9) exercise property rights and manage resources, in accordance with the law;
- 10) establish centres for mediation in student employment, in accordance with a separate law.

In addition to the rights referred to in paragraph 1 of this Article, the institution shall also exercise other rights in accordance with this Law and the Statute of the institution.

Inviolability of premises

Article 7

The premises of the institution shall be inviolable, except in cases prescribed by the law governing criminal procedure, in the event of a natural disaster, other accident, or in other cases provided by law, with the approval of the management body of the institution.

Academic freedoms and protection

Article 8

The institution shall be obliged to guarantee academic staff freedom of thought, ideas, and the assessment of acquired knowledge, as well as to ensure freedom of organisation and association, and to protect academic staff from discrimination on any grounds, in accordance with separate legislation.

Freedom of research

Article 9

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

Code of Ethics

Article 10

The Code of Ethics of the institution shall establish 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 shall regulate academic relations and promote responsible and ethically grounded conduct of all participants in teaching, scientific and professional work.

Accessibility of higher education

Article 11

Higher education shall be accessible to all persons and may not be directly or indirectly restricted on the grounds of racial or ethnic origin, colour, national or social background, language, religion or belief, political or other opinion, sex or gender reassignment and/or sex characteristics, gender or gender identity, sexual orientation, genetic features, health status, disability, age, property status, marital or family status, life partnership, membership of a group, political party or other organisation, as well as other personal characteristics, in accordance with a separate law.

Quality assurance and enhancement

Article 12

Quality assurance and enhancement of higher education shall be carried out through internal and external evaluation, in accordance with the European Standards and Guidelines for Quality Assurance in Higher Education.

Internal evaluation shall be conducted through self-evaluation.

External evaluation shall be conducted through the procedure of study programme accreditation (hereinafter: accreditation) and the procedure of institutional re-accreditation (hereinafter: re-accreditation).

Agency for Quality Assurance in Higher Education

Article 13

The tasks of quality assurance and enhancement of higher education shall be 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

The terms used in this Law to designate natural persons in the masculine gender shall be deemed to include the same terms in the feminine gender.

Definitions

Article 15

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

- 1) **The European Higher Education Area (EHEA)** includes the cooperation of 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) **The European Standards and Guidelines for Quality Assurance in Higher Education (hereinafter: ESG Standards)** is the set of standards and guidelines for internal and external quality assurance in higher education, with the aim of establishing similar procedures for conducting evaluation processes within the European Higher Education Area (EHEA);

- 3) **The European Credit Transfer System (hereinafter: ECTS)** is the European system for the acquisition and transfer of credits and is equivalent to the Montenegrin Credit Transfer System (MCTS);
- 4) **One ECTS** represents 30 hours of the estimated average student workload required to achieve the learning outcomes;
- 5) **A study programme** is the basic unit for the classification of higher education, with a defined structure and number of ECTS credits, which provides an individual with the learning outcomes required for the acquisition of knowledge, skills and competences in a given field of work, and for obtaining a diploma at a level of higher education as defined by the National Qualifications Framework;
- 6) **A joint study programme** is a programme jointly developed and implemented by two or more institutions from Montenegro or abroad, upon completion of which a joint or double degree is awarded;
- 7) **A double degree** is a degree obtained upon completion of a study programme accredited as a joint study programme delivered by two institutions, and confirmed by the awarding of two diplomas by the institutions, in accordance with their mutual agreement;
- 8) **A joint degree** is a degree obtained upon completion of a study programme accredited as a joint study programme delivered by two or more institutions, and confirmed by a single joint diploma;
- 9) **An integrated study programme** is a combination of academic undergraduate and postgraduate Master's studies amounting to at least 300 ECTS credits;
- 10) **A module** is an independent functional unit within a study programme for the acquisition of specific knowledge and skills, amounting to a maximum of one third of the total ECTS credits;
- 11) **A publicly valid study programme** is an accredited study programme;
- 12) **A diploma supplement (hereinafter: Supplement)** is a standardised public document issued together with the institution's diploma, providing a detailed insight into the level, nature, content, system and rules of study, as well as the results achieved during the studies of the person to whom the diploma has been awarded;
- 13) **Lifelong learning** is the overall activity of learning carried out throughout all stages of life, with the aim of acquiring and enhancing knowledge, skills and competences in relation to personal, civic, social and/or employment perspectives;
- 14) **Special programmes in higher education** mean programmes intended for lifelong learning, containing defined learning outcomes, student workload, ECTS credits and the level of the National Qualifications Framework;
- 15) **Micro-credentials** are small units of learning (one or more courses, modules, etc.) within a study programme or a special programme in higher education, or as independent units, amounting to up to 15 ECTS credits, described in terms of learning outcomes, which may or may not lead to the acquisition of 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, i.e. a student with disabilities**, is a person who has a long-term physical, mental, intellectual and/or sensory impairment which, in interaction with various barriers in higher education, may hinder their full and effective participation in higher education on an equal basis with others;

- 18) **A foreign national** is a citizen of another state, a stateless person, an asylum seeker or an emigrant, in accordance with the law;
- 19) **An expert** is a person possessing exceptional knowledge, skills and competences in a particular field.

II. INSTITUTIONS OF HIGHER EDUCATION

1. Types of institutions, establishment and conditions for performing activities

Types of institutions Article 16

Higher education shall be provided at institutions established and licensed in accordance with this Law, as follows:

- a university,
- a faculty,
- an academy of arts, and
- a college.

An institution may be established as public or private.

A public institution shall be established by the State.

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

An institution may also be established as a public–private partnership, in accordance with a separate law.

An institution shall acquire 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

The name of the institution shall be 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 entered in the Register of Higher Education Institutions (hereinafter: the Register), in accordance with this Law.

University Article 18

A university shall be an autonomous institution which, in performing its activities, integrates educational, scientific research and artistic work as parts of a unified higher education process.

A university shall ensure the development of higher education, science, professions and arts, creative abilities and the preparation of students for the exercise of 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 and artistic work shall be conducted and organised in accordance with a separate law and a general act of the university.

Organisation of the university

Article 19

An institution may acquire the status of a university if it delivers at least four different study programmes at undergraduate level, of which at least one study programme is delivered both at undergraduate and postgraduate level, or as an integrated study programme.

The study programmes 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.

Notwithstanding paragraph 1 of this Article, an institution may acquire the status of a university if it delivers only arts study programmes, namely at least three different arts study programmes at undergraduate level, of which at least one study programme is delivered both at undergraduate and postgraduate level.

A university shall perform its activities through faculties, academies of arts, institutes and colleges, as organisational units.

A university shall have legal personality.

An organisational unit of a public university shall not have legal personality.

A public university may transfer certain authorisations for entering into legal transactions to its organisational unit referred to in paragraph 4 of this Article, in accordance with the Statute of the university.

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

Other forms of organising studies

Article 20

A public institution may, with the consent of its governing body, organise studies in cooperation with a domestic or foreign institution.

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

In organising studies referred to in paragraphs 1 and 2 of this Article, an institution shall have the right to implement programmes leading to joint or double degrees.

Establishment of special 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 commercialisation of research and artistic work results, as separate legal entities.

Place of activity

Article 22

An institution shall perform higher education activities at its seat.

An institution may not organise branch units.

Notwithstanding paragraph 2 of this Article, the Government of Montenegro (hereinafter: the Government) may adopt a decision allowing certain study programmes of public interest to be delivered outside the seat of the institution.

Conditions for establishment and performance of activities

Article 23

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

- 1) a certificate of accreditation of the study programme;
- 2) appropriate premises owned or leased (classrooms, laboratories, library, premises for students' extracurricular activities), teaching aids, equipment and other resources necessary for the performance of activities;
- 3) conditions ensured and accessibility for persons with disabilities, in accordance with the regulations governing the construction of buildings and spatial planning;
- 4) a full-time employment contract concluded with at least one teacher for each study year of undergraduate and postgraduate studies, and for other academic staff for each study year, an employment contract, supplementary work contract or contract on engagement, in accordance with a separate law;
- 5) at least one half of the associates required for teaching each course in every study year, employed on the basis of an employment contract, supplementary work contract or contract of engagement, in accordance with a separate law;
- 6) financial resources secured for the institution's establishment and performance of activities; and
- 7) health and safety conditions ensured in accordance with separate regulations.

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

Notwithstanding paragraph 2 of this Article, the persons referred to in paragraph 1, item 4 of this Article may be elected to academic titles under the regulations of other states, provided that 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 programmes in the field of medical sciences, it shall be deemed that an institution has ensured academic staff for clinical courses if they are employed in a healthcare institution serving as the teaching base of the institution.

For study programmes in the field of security, it shall be deemed that an institution has ensured academic staff for specialised courses if they are employed in state administration authorities and administrative authorities in the field of security with the appropriate qualification, and for practical training in specialised courses if they are employed in state administration authorities and administrative

authorities 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 authority responsible for education (hereinafter: the Ministry).

Financial guarantee

Article 24

The founder of a public institution shall be obliged, in addition to submitting evidence of fulfilment of the conditions referred to in Article 23 of this Law, to submit proof issued by the state administration authority responsible for finance that financial resources have been secured in the amount necessary for the delivery of the study programme.

The founder of a private institution shall be obliged, in addition to submitting evidence of fulfilment of the conditions referred to in Article 23 of this Law, to submit a bank guarantee of time-deposited financial resources in the amount necessary for the delivery of the study programme.

The guarantee referred to in paragraph 2 of this Article shall be submitted at the time of establishment of the institution and when introducing new study programmes at the institution, and must be issued for the duration of the study programme.

The financial resources necessary for the delivery of the study programme referred to in paragraphs 1 and 2 of this Article shall be calculated on the basis of the cost of education per student for the given study programme, the number of students and the duration of the study programme for which the licence is sought.

The guarantee referred to in paragraph 2 of this Article shall be activated at the request of the state administration authority responsible for finance, in the event that the founder adopts a decision on the dissolution of the institution or the discontinuation of the study programme before the completion of the students' education under the study programme.

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

Act on the establishment of an institution

Article 25

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

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

The act on the establishment of an institution shall contain:

- 1) the name and seat, i.e. the name and surname and residence of the founder;
- 2) the name and seat of the institution;
- 3) the activity of the institution;
- 4) the financial resources for the establishment and performance of activities and the manner of securing them;
- 5) the provisional management and governing bodies;
- 6) the deadline for adoption of the Statute; and

7) other matters relevant to the performance of activities of the institution.

Licensing

Article 26

An institution shall be obliged to submit to the Ministry an application for licensing no later than three months prior to the commencement of activities, i.e. the delivery of a study programme.

The application for licensing of an institution shall be accompanied by the act of establishment and evidence of fulfilment of the conditions referred to in Article 23 of this Law.

An institution shall also submit an application for licensing when undertaking status changes; changing its seat or premises; delivering a study programme outside its seat in accordance with Article 22 paragraph 3 of this Law; introducing new study programmes or special programmes in higher education; or increasing the number of students in a licensed study programme.

The detailed procedure for licensing shall be prescribed by the Ministry.

Commencement of activities

Article 27

An institution may commence its activities and enrol students once the Ministry has determined that the institution fulfils the conditions prescribed by this Law and has issued a decision on licensing.

The licence shall specify the type of institution, the accredited study programmes, the maximum number of students who may be enrolled in individual study programmes, the levels of education and the degrees awarded at the institution.

The decision on licensing shall be published by the Ministry in the "Official Gazette of Montenegro".

An administrative dispute may be initiated against the decision on licensing.

Register

Article 28

Upon obtaining the decision on licensing, an institution shall be entered in the CRPS (the Central Register of Business and Other Entities).

After entry in the CRPS, the institution shall be entered in the Register, which shall be 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 regulate in more detail:

- 1) the organisation of the institution;
- 2) the bodies of the institution and their mode of operation;

- 3) the acquisition of degrees in academic and applied studies;
- 4) the conduct of research, scientific and artistic work;
- 5) the manner of exercising the rights and obligations of employees and students;
- 6) the procedure for adopting the Code of Ethics;
- 7) financial control;
- 8) records; and
- 9) other matters relevant to the performance of the institution's activities.

The Statute of the institution shall be adopted by the governing body of the institution, following the prior opinion of the expert body.

The Statute of a public institution shall be subject to the approval of the Government.

Status changes

Article 30

An institution may undertake status changes.

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

Status changes of an institution may not be undertaken during the academic year.

The provisions of this Law regulating the establishment and performance of activities of an institution shall apply accordingly to the status changes of an institution.

Discontinuation of a study programme

Article 31

The decision on the discontinuation of a study programme at an institution shall be adopted by the governing body of the institution with the consent of the founder.

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

Dissolution of an institution

Article 32

An institution shall be dissolved if:

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

In the event of the dissolution of an institution, the academic year shall be determined in which the institution ceases to enrol students in the first year of studies.

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

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

Prohibition of the activities of an institution

Article 33

When the competent inspection authority establishes 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 activities of the institution and set a deadline within which the institution and the founder must rectify the identified deficiencies.

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

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

2. Organisation of institutions

Governing body of a university

Article 34

The governing body of a university shall be the Management Board.
The Management Board shall determine the university's business policy.

Management Board of a state university

Article 35

The Management Board of a state university shall consist of 15 members, comprising representatives of persons holding academic titles, associates, non-academic staff, students, and representatives of the founder.

A person from among those holding an academic title who is serving as a dean, vice-dean, director, deputy director, rector, vice-rector or a member of the Senate may not be elected to the Management Board.

Representatives of the founder shall constitute one-third (1/3) of the total number of members of the Management Board.

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

The Management Board shall be elected for a term of four years, except for the student representatives, who shall be elected for a term of two years.

The competences, the procedures for election and dismissal, as well as the manner of operation and decision-making of the Management Board, shall be further regulated by the Statute of the state university.

Management Board of a private university

Article 36

The Management Board of a private university shall be appointed by the founder.

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

The competences, number of members, composition, procedures for appointment and dismissal, the manner of operation and decision-making of the Management Board, as well as the term of office of the Management Board of a private university, shall be determined by the founder, in accordance with its Statute.

Governing body of a non-university institution

Article 37

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

Representatives of academic staff, other employees, and students must be represented on the governing body referred to in paragraph 1 of this Article.

The competences, number of members, composition, term of office, procedures for election and dismissal, as well as the manner of operation and decision-making of the governing body of the institution referred to in paragraph 1 of this Article shall be regulated by the Statute of the institution.

Executive body of a university

Article 38

The executive body of a university shall be the Rector.

The Rector shall be responsible for the efficient and high-quality operation of the university, as well as for management in accordance with the law and the Statute of the university.

The university may have Vice-Rectors.

Election of the Rector of a state university

Article 39

The Rector of a state university shall be elected for a term of three years based on a public competition and a submitted programme for the development of the university.

The Rector of a state university shall be proposed by the Senate, from among the full professors of the state university, and elected by the Management Board.

The same person may be elected as Rector of a state university twice consecutively.

The detailed procedure for the election and dismissal of the Rector, the Rector's powers, and other matters of importance for the Rector's work shall be regulated by the Statute of the state university.

Election of Vice-Rectors of a state university **Article 40**

A state university may have one or more Vice-Rectors, in accordance with the act on internal organisation and job classification of the university.

A Vice-Rector shall be elected by the University Management Board upon the Rector's proposal, for a term of three years.

The detailed procedure for the election of Vice-Rectors, their powers, and other matters of importance for their work shall be regulated by the Statute of the state university.

Election of the Rector and Vice-Rectors of a private university **Article 41**

The Rector of a private university shall be elected by the founder from among full professors, in accordance with the founding act and the Statute of the university.

The procedure for the election of the Rector and Vice-Rectors of a private university, their powers, term of office, and other matters of importance for the work of the Rector and Vice-Rectors shall be regulated by the Statute of the private university.

Executive body of an organisational unit of a state university **Article 42**

The executive body of an organisational unit of a state university shall be the Dean or the Director, who shall be proposed by the Council and elected by the University Management Board, in accordance with the Statute of the university.

The procedure for the election of the Dean or Director, eligibility requirements, powers, term of office, and other matters of importance for the work of the Dean or Director shall be regulated by the Statute of the state university.

Executive body of an institution or organisational unit of a private university **Article 43**

The executive body of an institution or organisational unit of a private university shall be the Dean or the Director.

The procedure for the election of the Dean or Director, eligibility requirements, powers, term of office, and other matters of importance for the work of the Dean or Director shall be regulated by the Statute of the private university.

Executive body of a non-university institution
Article 44

The executive body of a non-university institution shall be determined by the founding act and the Statute of that institution.

The procedure for the election of the executive body, its powers, term of office, and other matters of importance for the operation of the executive body shall be regulated by the Statute of the institution.

Academic body of a university
Article 45

The academic body of a university shall be the Senate.

The Senate shall be composed of representatives of academic staff and students, in accordance with the Statute of the university.

A person who is a member of the Management Board may not be elected to the Senate.

Of the total number of Senate members holding academic titles, at least one-half (1/2) must be full professors of the university.

The competences, number of members, composition, term of office, procedures for election and dismissal, as well as the manner of operation and decision-making of the Senate shall be regulated by the Statute of the university.

Academic body of an organisational unit of a state university
Article 46

The academic body of an organisational unit of a state university shall be the Council.

The Council referred to in paragraph 1 of this Article shall be composed of the Dean, Vice-Deans, persons holding academic titles who deliver teaching, representatives of associates, and students, in accordance with the Statute of the state university.

The competences, term of office, and the manner of operation and decision-making of the Council referred to in paragraph 1 of this Article shall be regulated by the Statute of the state university.

Academic body of an institution or organisational unit of a private university
Article 47

The academic body of an institution or organisational unit of a private university shall be the Council.

Student representatives must be included on the Council referred to in paragraph 1 of this Article.

The detailed composition, competences, term of office, and the manner of operation and decision-making of the Council referred to in paragraph 1 of this Article shall be regulated by the Statute of the private university.

Academic body of a non-university institution

Article 48

The academic body of a non-university institution shall be the Council of the institution.

The Council referred to in paragraph 1 of this Article shall be composed of academic staff who deliver teaching and student representatives, in accordance with the Statute of the institution.

The detailed composition, competences, term of office, and the manner of operation and decision-making of the Council referred to in paragraph 1 of this Article shall be regulated by the Statute of the institution.

3. Financing of the institution

Sources of funding

Article 49

An institution may be financed from:

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

Responsibility of the executive body

Article 50

The executive body of an institution shall be responsible for the lawful and intended use of funds provided 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 carried out once a year by an internal audit unit that is functionally and organisationally independent, in accordance with the law, the Statute, and international standards of internal financial control.

Notwithstanding paragraph 2 of this Article, internal financial control may also be carried out during the budget year at the request of the Ministry or the governing body of the institution.

A public institution shall publish on its website the internal financial control report for each organisational unit.

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

Recovery of funds

Article 52

The Government shall require a public institution that receives funds from the Budget of Montenegro to repay the allocated funds if an internal or external financial control finding establishes that the funds were used unlawfully or for purposes other than those intended.

Investment of funds of a public institution

Article 53

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

- 1) the contract shall not encumber funds from the Budget of Montenegro; and
- 2) funds from the Budget of Montenegro shall not be put at risk.

Interim financing

Article 54

If a public institution does not obtain a reaccreditation certificate in accordance with this Law, the founder shall provide funding for the institution, and no student enrolment shall be permitted 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 capital maintenance;
- 2) salaries of employees, in accordance with the law, the collective agreement, and the act on internal organisation and job classification;
- 3) equipment and the 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 operation of the student parliament and students' extracurricular activities;
- 9) establishing equal conditions of study for all students (unhindered access, stay and work); and
- 10) other purposes in accordance with the law.

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

Financing of public institutions

Article 56

A public institution shall obtain 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 licence, the unit cost per student for the given study programme, and the quality assessment of the institution's performance as set out in the external evaluation report.

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

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

Determination of 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 programme, in accordance with the number prescribed in the licence of the public institution, shall be adopted by the Management Board of the public institution prior to the publication of the call for enrolment in study programmes.

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

Generation of revenue by a public institution on the market

Article 58

The activity of a public institution shall be, as a rule, non-profit in nature.

In accordance with this Law, a public institution may promote and utilise its educational and research activities on the market in order to generate revenue for the achievement of the objectives of higher education.

The revenues 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 involves, or could involve, the use of rights in any significant intellectual property in any literary, artistic or scientific works, scientific discoveries, projects, inventions, goods or services, that are financed, in whole or in part, directly or indirectly, from the Budget of Montenegro, the public institution shall obtain the prior consent of the Government.

Special conditions for 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 and other fees charged to students;
- 3) the transfer of funds allocated for study programmes.

Tuition fee

Article 60

Students of undergraduate and postgraduate studies at public institutions shall not pay a tuition fee.

Notwithstanding paragraph 1 of this Article:

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

Students of doctoral studies at public institutions shall pay a tuition fee.

Notwithstanding paragraph 3 of this Article, a public institution may exempt from payment of the tuition fee doctoral students who have the status of a teaching assistant.

Students of undergraduate, postgraduate and doctoral studies 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 Management Board of the public institution, with the consent of the Ministry.

Determination of the tuition fee

Article 61

The amount of the tuition fee payable by students at institutions shall be determined by the governing body of the institution.

Notwithstanding paragraph 1 of this Article, the amount of the tuition fee payable by undergraduate and postgraduate students who do not earn 45 ECTS credits at public institutions 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 delivering the study programme.

Undergraduate and postgraduate students with disabilities and students from the RE population (Roma and Egyptians) who are enrolled under the principle of affirmative action at public institutions, in a number exceeding the number of students determined by the decision referred to in Article 57 of this Law, shall be exempted from paying the tuition fee 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 per student at a public institution for the given study programme.

National Agency for European Union Programmes
Article 62

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

The organisation and manner of operation of the Agency referred to in paragraph 1 of this Article shall be regulated by the founding act.

III. QUALITY ASSURANCE OF HIGHER EDUCATION

Internal evaluation
Article 63

An institution shall conduct an internal evaluation process by means of a self-evaluation of the quality of study programmes, teaching and working conditions at the end of each academic year, in accordance with the Statute of the institution and the ESG standards.

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

The survey must also include questions on the educational conditions of students with disabilities, relating to the organisation of instruction and the methods and procedures for assessing the knowledge of students with disabilities.

The content of the survey shall be determined by the institution, upon obtaining the opinion of the Agency.

Student participation in the survey shall be mandatory.

The survey shall be anonymous.

The results of the student survey, by study programme and year of study, shall be published on the institution's website.

The annual self-evaluation report of the institution, together with an action plan, shall be adopted by the academic body of the institution 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 its operations, a request for accreditation together with a report on compliance with the standards and criteria.

Notwithstanding paragraph 1 of this Article, where an institution organises studies in cooperation with a domestic or foreign institution that is accredited by quality assurance agencies of European Union Member States, accreditation of the study programme in accordance with this Law shall not be carried out.

In the accreditation procedure, an assessment shall be made of the quality of the study programme against the ESG standards in accordance with this Law, of its alignment with professional needs and adopted standards and its

comparability with the same or similar programmes abroad, as well as of the scope and credit valuation of practical training.

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

Notwithstanding paragraph 4 of this Article, an accreditation that expires prior to the institution's re-accreditation shall remain valid until the conclusion of the re-accreditation procedure.

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

The Agency shall deliver to the institution the decision establishing the commission referred to in paragraph 6 of this Article within seven days from the date of its adoption.

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

Objections referred to in paragraph 8 of this Article shall be decided 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 programmes 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 programme to be implemented by a domestic and a foreign institution shall be carried out by applying the procedure and standards prescribed by the European Approach for Quality Assurance of Joint Programmes.

The Agency shall regulate the criteria and the method for establishing the list of experts referred to in paragraph 6 of this Article, upon obtaining the opinion of the institutions.

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

Accreditation of a special programme in higher education **Article 65**

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

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

Re-accreditation of an institution **Article 66**

Re-accreditation of an institution shall be carried out by the Agency.

Re-accreditation of an institution shall be conducted every seven years.

The Agency shall perform re-accreditation in accordance with the ESG standards and this Law.

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

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

The Agency shall deliver to the institution the decision establishing the commission referred to in paragraph 5 of this Article within seven days from the date of its adoption.

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

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

The re-accreditation 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 by the commission referred to in paragraph 5 of this Article, the Agency shall issue a certificate of re-accreditation of the institution for a period of seven years.

The costs of re-accreditation shall be borne by the institution.

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

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

Commission for Objections

Article 67

An institution shall have the right to lodge an objection to the accreditation or re-accreditation report with the Commission for Objections within 30 days from the date of delivery of the report.

The Commission referred to in paragraph 1 of this Article shall be established, on the basis of a public call, by the Council of the Agency from among academic staff holding academic titles who have experience in quality assurance in higher education and who did not participate in the accreditation or re-accreditation procedure at the institution that lodged the objection.

The public call for members of the Commission for Objections shall be published by the Council of the Agency.

The Commission for Objections shall have seven members, at least one of whom shall be from the field of law.

The Commission for Objections shall render a decision on the objection within 30 days from the date of submission of the objection.

An administrative dispute may be instituted 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 re-accreditation.

The Commission for Objections shall adopt Rules of Procedure setting out the detailed manner of its operation and decision-making.

Conflict of interest

Article 68

Members of the accreditation or re-accreditation commission and of the Commission for Objections shall 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, the members of the commissions referred to in paragraph 1 of this Article shall also be deemed to be in a conflict of interest if they:

- 1) have had an employment contract, a contract for supplementary work, or an engagement contract under a special law, or have otherwise been engaged by the institution or on a project implemented by that institution, within the previous five years; and
- 2) have been members of a governing, executive or academic body, or of an advisory body at that institution, within the previous five years.

Temporary validity of the licence

Article 69

If an institution does not obtain a certificate of re-accreditation, it may carry out its activities for the purpose of enabling the completion of studies by students who have already commenced their education, without the possibility of enrolling new students.

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

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

Exception

Article 70

A licensed institution, during the period of validity of its accreditation or re-accreditation, may make changes to study programmes at all levels of study, up to a maximum of 20 per cent of the total number of ECTS credits for the given study programme, without conducting the accreditation and licensing procedure.

Labour market research

Article 71

An institution shall, at least once during the period of validity of its accreditation or re-accreditation, conduct labour market research by surveying graduates, employers' associations, business entities and entrepreneurs on the

applicability of the acquired knowledge, skills and competences required by the labour market.

The results of the research referred to in paragraph 1 of this Article shall be considered in the preparation of the self-evaluation and re-accreditation 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 shall mean persons holding academic titles and associates who are directly engaged in the delivery of study programmes at the institution.

Academic titles Article 73

Academic titles shall be:

- 1) Full Professor;
- 2) Associate Professor;
- 3) Assistant Professor;
- 4) Professor at a college of applied studies; and
- 5) Lecturer at a college of applied studies.

A Professor at a college of applied studies and a Lecturer at a college of applied studies may deliver teaching only on applied study programmes.

Full Professors, Associate Professors and Assistant Professors may deliver teaching on academic and applied study programmes.

The persons referred to in paragraph 1 of this Article shall, on the basis of a public call, be elected by the academic body of the institution for a term of five years, except Full Professors, who shall be elected for an indefinite term.

Election to a higher title shall be carried out after the expiry of the term of election to the lower title.

A person who does not meet the requirements for election to a higher title may be re-elected to the same title for a term of five years, at most once, provided that the requirements for election to that title are met.

Following 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 the re-election to the same title.

The public call for election to a higher academic title must be published no later than six months prior to the expiry of the period for which the person was elected to the same academic title, in accordance with the Statute of the institution.

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 publication of the public call.

Conditions for election to an academic title Article 74

A person who holds a doctoral degree and has proven teaching competence may be elected to an academic title.

For artistic subjects and corresponding disciplines at faculties and academies of fine, applied, musical and dramatic arts, a person who holds at least a master's degree, has recognised artistic achievements, and has proven teaching competence may be elected to an academic title.

Notwithstanding paragraph 1 of this Article, a person may be elected to the title of Professor at a college of applied studies if they hold a doctoral degree and has proven teaching competence, or holds a master's degree and has published scientific or professional papers; and a person may be elected to the title of Lecturer at a college of applied studies if they hold a master's degree and has proven teaching competence.

In addition to the conditions set out in paragraphs 1 and 2 of this Article, academic staff must meet the requirements for election to an academic title in the relevant scientific or artistic field, which requirements 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.

Participation of international experts may be permitted in the election process, in accordance with the Statute of the institution.

The detailed procedure and manner of election to an academic title, as well as other matters related to the election, shall be regulated by the Statute of the institution.

Employment contract

Article 76

An institution shall conclude an employment contract for an indefinite term with a person elected to an academic title, subject to the obligation to conduct, in accordance with this Law, the election to a higher or the same academic title for persons holding the titles of Assistant Professor or Associate Professor, and for Professors or Lecturers at a college of applied studies.

If an Associate Professor, Assistant Professor, Professor at a college of applied studies, or Lecturer at a college of applied studies does not meet the requirement 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 reassign that person to another post commensurate with their qualifications, in accordance with the act on internal organisation and job classification.

A Full Professor shall retain the academic title acquired 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 public office, the period for which that person was elected to an academic title shall be extended by the duration of the election or appointment, up to the expiry of one term of office, in accordance with general labour legislation.

If a person elected to an academic title has exercised the right to pregnancy maintenance leave, maternity or parental leave, or has been absent due to temporary incapacity for work owing to illness for a continuous period exceeding six months, in accordance with a special law, the period for which that 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 effected upon the request of the person concerned.

If the period for which a person was elected to an academic title expires during the suspension of rights and obligations under the employment relationship, in accordance with general labour legislation, the procedure for election to the corresponding academic title may be conducted upon that person's request.

Associates

Article 78

An associate may be:

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

Notwithstanding paragraph 1 of this Article, at a college of applied studies an associate may be a person who has completed undergraduate studies of at least 240 ECTS credits with a minimum average grade of B (8.50), or a master's student with a minimum average grade of B (8.50).

The person referred to in paragraph 1 of this Article shall be selected on the basis of a public call announced by the institution, in accordance with the Statute of the institution.

An associate may not act as a mentor, may not independently deliver theoretical instruction i.e., lectures, nor conduct examinations and assess students.

The detailed conditions, manner and procedure for the selection of associates shall be regulated by the Statute of the institution.

Employment of associates

Article 79

The contract with the associate referred to in Article 78 paragraph 1, first indent of this Law shall be concluded for the prescribed period equal to the duration of the master's studies, provided that the contract may be extended for no longer than 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, second indent of this Law shall be concluded for a period up to the publication of the call for enrolment in doctoral studies, but not longer than one year.

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

Notwithstanding paragraph 4 of this Article, with an associate who has obtained the academic degree of Doctor of Science and meets the requirements 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 organisational unit and without a public call, as decided by 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 the visiting professor and the institution shall be regulated by a contract, in accordance with the Statute of the institution.

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 conferring the title of Professor Emeritus shall be regulated by a general act of the university.

V. ORGANISATION OF STUDIES

Study programmes Article 82

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

Upon completion of a study programme, the corresponding level of education and qualification shall be acquired, in accordance with the law.

Foreign language in the study programme

Article 83

Within the study programme it delivers, an institution shall ensure that students acquire knowledge of at least one foreign language for specific purposes at the B2 level of the Common European Framework of Reference for Languages (CEFR).

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

The institution may also organise, at the request of students, instruction in a foreign language for general purposes.

Types of study programmes

Article 84

The study programmes that may be delivered at institutions are: undergraduate, postgraduate and doctoral.

An undergraduate study programme shall comprise 180 ECTS or 240 ECTS credits.

Postgraduate study programmes shall be: specialist, comprising 60 ECTS credits, and master's, comprising 60 or 120 ECTS credits.

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

Doctoral study programmes may be accredited as academic study programmes, comprising 180 ECTS credits.

An integrated study programme shall comprise 300 or 360 ECTS credits.

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

A study programme must include practical training, as well as learning outcomes for the scientific field to which the study programme belongs, i.e. the competences necessary for the performance of the activity.

The practical training referred to in paragraph 8 of this Article shall be organised in a scope of at least 30 ECTS credits per undergraduate study programme and shall be delivered in a real working environment or on the premises of the institution, in accordance with the study programme.

The practical training referred to in paragraph 8 of this Article must be organised in a manner that is accessible to persons with disabilities and in accordance with their individual needs.

Undergraduate and postgraduate study programmes shall contain at least two elective modules.

Delivery of a study programme with an employer

Article 85

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

The dual model shall be implemented through theoretical instruction and practical classes at the institution and practical training with the employer, whereby students acquire and develop knowledge, skills and competences in accordance with the learning outcomes set out in the study programme.

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

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

ECTS

Article 86

Study programmes leading to levels of education and higher education qualifications must be aligned with the European Credit Transfer and Accumulation System (ECTS).

The workload of a study programme delivered in one academic year shall be 60 ECTS credits.

The transfer of ECTS credits may be carried out between different study programmes and between institutions.

The criteria and conditions for the transfer of ECTS credits shall be determined by a general act of the institution or by an agreement between institutions.

Registration for additional ECTS credits

Article 87

Upon enrolment in an academic year, a student shall register for courses from the prescribed part of the study programme carrying 60 ECTS credits for that academic year.

Notwithstanding paragraph 1 of this Article, upon enrolment in the next academic year, a student may register for, attend and sit examinations in up to 10 ECTS credits from courses of previous academic years, for which a fee determined by an act of the institution shall be payable.

Types of diplomas

Article 88

The diplomas that may be obtained at an institution shall be:

- 1) Diploma of Academic Undergraduate Studies, upon completion of an undergraduate academic study programme amounting to 180 ECTS or 240 ECTS;
- 2) Diploma of Applied Undergraduate Studies, upon completion of an undergraduate applied study programme amounting to 180 ECTS or 240 ECTS;
- 3) Diploma of Academic Postgraduate Specialist Studies, upon completion of a postgraduate academic specialist study programme amounting to 60 ECTS;
- 4) Diploma of Applied Postgraduate Specialist Studies, upon completion of a postgraduate applied specialist study programme amounting to 60 ECTS;

- 5) Diploma of Academic Postgraduate Master Studies, upon completion of a postgraduate academic master study programme amounting to 60 ECTS or 120 ECTS;
- 6) Diploma of Applied Postgraduate Master Studies, upon completion of a postgraduate applied master study programme amounting to 60 ECTS or 120 ECTS;
- 7) Diploma of Academic Integrated Undergraduate and Postgraduate Studies, upon completion of an integrated academic undergraduate and master study programme amounting to 300 ECTS or 360 ECTS;
- 8) Diploma of Academic Doctoral Studies, upon completion of an academic doctoral study programme amounting to 180 ECTS and the defense of a doctoral dissertation.

Notwithstanding 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 programme comprising 300 or 360 ECTS credits, and has completed an academic doctoral study programme comprising 180 ECTS credits and defended the doctoral dissertation.

Study programmes on the basis of which diplomas for regulated professions (within the meaning of a special law) are obtained must be aligned with European Union rules governing regulated professions.

VI. RULES OF STUDY

Academic year and organisation of teaching

Article 89

The institution shall deliver teaching during the academic year which, as a rule, shall commence on 1 September, in accordance with the academic calendar.

The academic calendar shall be determined by the competent body of the institution prior to the beginning of the academic year.

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

Notwithstanding paragraph 3 of this Article, instruction within the study programme for the training of nurses responsible for general care may be delivered over two semesters in an academic year, each lasting 15 weeks.

Teaching of individual courses shall be delivered during one semester, in accordance with the study programme.

Online teaching

Article 90

In exceptional circumstances (such as an epidemic, natural disasters, or unforeseen circumstances), teaching may be organised online.

The decision on and the manner of organising teaching referred to in paragraph 1 of this Article shall be adopted by the governing body of the institution.

Distance learning

Article 91

Teaching may also be organised as distance learning, while examinations shall be held on the premises of the institution.

The conditions for organising the 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 organising the teaching referred to in paragraph 1 of this Article and the conduct of examinations shall be regulated by the institution.

Organisation of studies

Article 92

The institution shall, for all students other than those in distance learning, organise lectures, exercises, practical training and other forms of teaching, in accordance with the study programme, for the achievement of the learning outcomes.

Practical knowledge, skills and competences i.e. practical training shall be acquired in a real working environment or on the premises of the institution, in accordance with the study programme.

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

At the beginning of the academic year, the institution shall inform students, in an appropriate manner, of the mode, time and place of delivery of teaching, of assessments and examinations, of examination results, and of other matters of importance for the organisation of studies.

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

Rules of study

Article 93

Upon enrolment at an institution, a student shall choose a particular study programme.

The study programme shall specify the courses for each year of study.

By passing the examinations in the courses referred to in paragraph 2 of this Article, the student shall earn the corresponding number of ECTS credits, in accordance with the study programme.

The institution may, in accordance with its Statute, permit enrolment in the next academic year to a student who has not earned at least 45 ECTS credits for the given study programme, provided that they have failed only one course carrying more than 15 ECTS credits.

A student who fails an elective course may choose to retake the same course or select another elective course.

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

Change in the student's financing status

Article 94

A student who is financed from the Budget of Montenegro and has earned at least 45 ECTS credits in the first academic year of enrolment shall be entitled to be financed from the Budget in the following academic year.

A student who is financed from the Budget of Montenegro and has earned fewer than 45 ECTS credits in the first academic year of enrolment may continue studies with the status of a self-financing student.

A student referred to in paragraph 2 of this Article who passes all examinations, i.e., earns 60 ECTS credits, shall be entitled to be financed from the Budget in the following academic year.

Assessment

Article 95

A student shall take the examination upon completion of instruction in the respective course, in the manner prescribed by the study programme and in accordance with the Statute of the institution.

The student's performance in mastering the course and in all forms of pre-examination assessment shall be evaluated and expressed in points.

The total number of points a student may earn through all pre-examination forms of assessment or learning outcomes shall range from 30 to 70 points, in accordance with the rules of study.

Based on all pre-examination forms of assessment or learning outcomes, and by passing the examination, a student may earn up to a maximum of 100 points, in accordance with the rules of study.

Student achievement in the examination 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 the previous paragraph shall be equivalent to the following numerical grades:

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

The grade point average (GPA) during the course of study shall be determined as the quotient of the sum of the products of each numerical grade and the corresponding ECTS credits, and the total number of ECTS credits earned.

Examination

Article 96

The examination shall be public.

A student shall take the examination on the premises of the institution.

Notwithstanding paragraph 2 of this Article, the examination may be taken outside the premises of the institution only if required by the nature of the course.

A student shall take the examination immediately upon completion of instruction in the respective course.

A student with disabilities shall have the right to take the examination at a place and in a manner adapted to their abilities, in accordance with the Statute of the institution.

A student may sit no more than two mid-term tests or one final examination in a single day, and no more than two final examinations in a week, except during the September examination period.

Notwithstanding paragraph 6 of this Article, a student enrolled in a study programme with more than six courses in a semester may sit at most three final examinations in a week.

Examination periods

Article 97

The principal examination periods shall be the January, June and September periods.

During the September examination period, a student shall have the right to sit all examinations and pre-examination assessments (mid-term tests, etc.) for the courses registered in that academic year, which the student did not take or did not pass in the January or June period, in accordance with a special act of the institution.

A student who fails an examination in the periods referred to in paragraph 1 of this Article at the first examination date shall have the right to sit it at the second date within the same examination period.

The dates for the organisation of examinations 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 shall have the right to lodge an appeal with the governing body of the institution within 48 hours from the time the examination grade is received, if they consider that the examination was not conducted in accordance with the law or the general act of the institution.

The governing body shall, within three days of receiving the appeal, appoint a commission which shall determine, in accordance with the claims stated in the appeal, whether the grade was awarded contrary to the regulations, review and re-evaluate the written or other work, or examine the student.

The grade determined by the commission referred to in paragraph 2 of this Article shall be final.

If the student requests the exemption of the course instructor, that instructor 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 admission to undergraduate academic and applied studies shall be granted to a person who has obtained the appropriate level of education — Level IV1, sublevel of the National Qualifications Framework.

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

- 1) the overall performance achieved upon completion of individual grades required for attaining level IV1 of the National Qualifications Framework;
- 2) the results achieved in the external Matura examination or the vocational examination;
- 3) the performance achieved in two courses from the third and fourth grade that are relevant for further education;
- 4) the success achieved in national or international competitions in courses relevant to further education; and
- 5) the “Luča” diploma.

An entrance examination may be introduced for admission to certain study programmes.

The Matura or vocational examination referred to in item 2, paragraph 2 of this Article shall be valued at a minimum of 15% of the total number of points that may be earned upon enrolment, by evaluating all criteria referred to in paragraphs 2 and 3 of this Article.

For persons with disabilities and members of the Roma and Egyptian (RE) population, the principle of affirmative action shall apply in the admission process.

Notwithstanding paragraph 1 of this Article, candidates without a completed secondary education may be admitted to professional-artistic undergraduate study programmes of faculties and academies of arts, provided they pass the entrance examination in accordance with this Law.

Notwithstanding paragraph 2 of this Article, the institution shall regulate the conditions, criteria, manner, and procedure for the admission of foreign students to study programmes that are accredited and conducted in a foreign language.

The Ministry shall prescribe in more detail the conditions, criteria, manner, and procedure for admission to the first year of undergraduate academic and applied studies.

Admission to postgraduate studies

Article 100

Admission to postgraduate specialist academic studies shall be carried out on a competitive basis, in accordance with the results achieved in undergraduate academic studies amounting to at least 180 ECTS credits, and the entrance examination, in accordance with this Law and the Statute of the institution.

Admission to postgraduate specialist applied studies shall be carried out on a competitive basis, in accordance with the results achieved in undergraduate applied studies amounting to at least 180 ECTS credits, and the entrance examination, in accordance with this Law and the Statute of the institution.

Admission to postgraduate academic master studies shall be carried out on a competitive basis, in accordance with the results achieved in undergraduate academic studies amounting to at least 180 or 240 ECTS credits, and the entrance examination, in accordance with this Law and the Statute of the institution.

Admission to postgraduate applied master studies shall be carried out on a competitive basis, in accordance with the results achieved in undergraduate applied studies amounting to at least 180 or 240 ECTS credits, and the entrance examination, in accordance with this Law and the Statute of the institution.

Notwithstanding paragraph 3 of this Article, admission to postgraduate academic master studies following the completion of postgraduate specialist academic studies amounting to 60 ECTS credits shall be carried out on a competitive basis, in accordance with the results achieved in undergraduate academic and postgraduate specialist academic studies, in accordance with this Law and the Statute of the institution.

Notwithstanding paragraph 4 of this Article, admission to postgraduate applied master studies following the completion of postgraduate specialist applied studies amounting to 60 ECTS credits shall be carried out on a competitive basis, in accordance with the results achieved in undergraduate applied and postgraduate specialist applied studies, in accordance with this Law and the Statute of the institution.

The detailed conditions and criteria for admission to the studies referred to in paragraphs 1, 2, 3 and 4 of this Article, and the manner of their evaluation, the content and method of taking the entrance examination, as well as the manner of determining the level of compatibility between undergraduate study programmes 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 carried out on a competitive basis, in accordance with the results achieved in postgraduate master academic studies or integrated academic studies, and other criteria, in accordance with this Law and the Statute of the institution.

The detailed conditions, criteria, and the manner of determining the level of compatibility between postgraduate master academic study programmes or integrated academic study programmes for admission to the first year of doctoral studies shall be regulated by the competent professional body of the institution.

Special programmes in higher education

Article 102

Institutions may offer special programmes in higher education for the purpose of acquiring micro-qualifications, in accordance with this Law and the acts of the institution.

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

Special programmes in higher education leading to the acquisition of a micro-qualification shall be accredited by the Agency, except for modules that have already been accredited as part of the accreditation of a study programme.

A person who completes a special programme in higher education shall be issued a certificate in accordance with this Law.

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

Micro-credentials Article 103

Institutions may offer micro-credentials, which may lead to the acquisition of a micro-qualification.

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

Micro-credentials that do not lead to the acquisition of a micro-qualification shall be implemented in accordance with the act of the institution.

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

The assessment of knowledge, skills, and competences 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 act of the institution.

Public call for admission Article 105

The public call for admission to study programmes shall be announced by the institution, in accordance with its licence and Statute.

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

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

Notwithstanding paragraph 3 of this Article, where it is not possible to submit the application in electronic form, the application may be submitted in written form.

The detailed manner 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 programmes it offers, which may not exceed the number specified in the licence.

If students with disabilities or students belonging to the Roma and Egyptian (RE) population do not qualify for admission within the number of students specified in the licence, they shall be admitted on the principle of affirmative action, i.e., beyond the number specified in the licence.

Admission of foreign nationals

Article 107

Citizens of the Member States of the European Union, the European Economic Area, and the Swiss Confederation, as well as members of their families, shall have the right to admission to study programmes in Montenegro under the same conditions as Montenegrin citizens, in accordance with this Law and the statute of the institution.

A foreign national shall have the right to admission to study programmes in Montenegro under the same conditions as Montenegrin citizens, in accordance with this Law and the Statute of the institution.

Student status

Article 108

Student status shall be acquired upon enrolment in the respective study programme at the institution.

Study agreement

Article 109

A student and the institution shall conclude a study agreement, which shall regulate in more detail their mutual rights and obligations.

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

The agreement referred to in paragraph 1 of this Article shall include an obligation of the institution to ensure the continuation and completion of education in the event of the termination of the institution's operation or of the study programme.

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.

Rights of students

Article 110

A student shall have the right to:

- 1) quality education and objective assessment;
- 2) express their opinion on the quality of the work of academic staff;
- 3) lodge an appeal in case of a violation of their right established by the general act of the institution;

- 4) have their rights and obligations suspended during pregnancy, maternity or parental leave, prolonged illness, or in other justified cases, in accordance with the Statute of the institution;
- 5) attend lectures, seminars, and other forms of instruction;
- 6) use libraries, computer rooms, and other services provided by the institution;
- 7) elect and be elected to the bodies of the institution, in accordance with this Law and the Statute of the institution;
- 8) be represented by at least 20% of the total number of members in professional bodies and governing bodies;
- 9) exercise rights related to student welfare;
- 10) equality and protection against discrimination; and
- 11) exercise other rights in accordance with this Law and the Statute of the institution.

The manner of exercising the rights referred to in paragraph 1 of this Article shall be regulated in more detail by the Statute of the institution.

Obligations of students

Article 111

A student shall have the obligation to:

- 1) comply with the rules of study and duly fulfil their student obligations;
- 2) respect 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; and
- 5) comply with other obligations prescribed by this Law and the Statute of the institution.

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 the Law, the Statute, or another act.

Termination of student status

Article 113

Student status shall terminate:

- 1) upon the award of a diploma of the corresponding level of education;
- 2) upon withdrawal from studies;
- 3) if the student does not complete the study programme within a period twice as long as the duration prescribed for the study programme, excluding the period of suspension of student status in accordance with the Statute of the institution; and
- 4) upon expulsion from the institution.

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

Expulsion of a student Article 114

A student may be expelled from the institution, for a period not exceeding two academic years, based on a decision of the Senate or another competent professional body, in accordance with the Statute of the institution.

An appeal against the decision referred to in paragraph 1 of this Article shall be submitted to the governing body of the institution.

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

Student welfare Article 115

Rights related to student welfare shall be personal and non-transferable.

Rights related to student welfare Article 116

A student shall have the right to:

- 1) accommodation and meals in a student dormitory, or to meals only;
- 2) a student loan;
- 3) a scholarship for the best-performing students;
- 4) subsidised transportation in suburban and intercity transport;
- 5) healthcare in accordance with a special law;
- 6) establish sports associations in accordance with the law; and
- 7) perform student work in accordance with a special law.

The amount of the student loan and the scholarship for the best-performing students shall be determined by the Government, upon the proposal of the Ministry, depending on the available funds, whereby the amount of the student loan may not be lower than 25% of the minimum salary for employees up to Level V of the National Qualifications Framework, and the amount of the scholarship for the best-performing students may not be lower than 50% of the minimum salary for employees up to Level V of the National Qualifications Framework.

The criteria, manner, conditions, and 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, manner, and conditions for exercising the rights referred to in paragraph 1, items 2 and 3 of this Article, shall be prescribed by the Ministry.

Scholarships for excellence in higher education Article 117

A scholarship for excellence may be awarded to a student enrolled at an institution abroad that is ranked within the top 200 universities on the most recently published international ranking list of universities in the world by the Shanghai Ranking Consultancy (the Shanghai Ranking).

The funds for the scholarship referred to in paragraph 1 of this Article shall be provided from the Fund for Excellence in Higher Education, which is financed from the Budget of Montenegro, European Union funds, and other sources, in accordance with the Law.

The funds of the Fund for Excellence in Higher Education shall be maintained in a separate account of the Ministry.

The detailed conditions, manner of award, and 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 only, for students shall be organised in student dormitories, or in dormitories for pupils and students (hereinafter referred to as: student dormitory).

The provisions of the General Law on Education shall apply accordingly to the establishment, organisation, internal organisation and operation, status changes, manner of management and governance, financing, representation, and other matters of importance for the operation of the student dormitory.

Student organisations Article 119

The Statute of the institution shall ensure the establishment of one or more organisations that contribute to meeting the social, cultural, academic, and physical recreation needs of students.

Student Parliament Article 120

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

The Student Parliament shall be established within the institution and shall consist of student representatives.

The competences, election procedure, and organisation of the work of the Student Parliament shall be regulated by the Statute of the Student Parliament.

Financial support to student organisations Article 121

The institution shall provide financial resources for the operation of the Student Parliament and may provide financial assistance for the establishment and operation of student organisations, including funds for investment and operating costs related to premises and equipment.

VIII. RECORDS AND PUBLIC DOCUMENTS

Records Article 122

The institution shall maintain: a student register, a record of issued diplomas and diploma supplements, a record of examinations, as well as a record of issued certificates and attestations upon completion of special programmes in higher education and micro-credentials.

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

The student register and the record of issued diplomas and diploma supplements shall be kept permanently.

The institution shall, within 15 days from the completion of student enrolment for each academic year, finalise the student register in electronic form and submit it to the Ministry.

Personal data entered in the student register and the 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 the protection of personal data.

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

Database Article 123

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

The institution shall be obliged to enter data into the Education Information System of Montenegro within 15 days from the start of the academic year, and update any changes within seven days from the date of the change.

Personal data contained 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 the protection of personal data.

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

Based on the data contained in the records, the institution shall issue public documents.

For the purposes of this Law, public documents shall include: the student record book - index, diploma and diploma supplement, certificate of enrolment, certificate of passed examinations, certificate of completed studies, certificate of completion of a special programme 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 unauthorised person; or
- 3) the holder of the public document did not fulfil all examination requirements of the study programme in the manner and according to the procedure prescribed by the Law, subordinate legislation, and the study programme.

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

The decision on declaring a public document null and void 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

For the purpose of reviewing the state and development of higher education, a Council shall be established.

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

- 1) analyse the state and achievements in higher education and provide expert recommendations 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 opinions 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 members of the Council shall be appointed and dismissed by the Government for a period of four years.

The Council shall have eleven members.

Seven members of the Council shall be appointed from among academic staff from different scientific fields of higher education, science, and the arts, 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 referred to as: the Chamber of Economy) holding an academic title.

Two members of the Council shall be ex officio:

- the Chairperson of the Council for Scientific Research Activities; and
- the Head of the organisational unit of the Ministry responsible for higher education.

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

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

The Council shall meet at least once a month.

Termination of a member's term of office

Article 128

A member of the Council shall cease to hold office:

- 1) upon personal request;
- 2) by dismissal;
- 3) if they cease to perform the function based on which they were appointed as a member of the Council; or
- 4) upon fulfilment of the conditions for termination of employment by operation of law.

Grounds for dismissal of a member of the Council

Article 129

A member of the Council shall be dismissed if:

- 1) they fail to perform their duties as a member of the Council; or
- 2) they unjustifiably fail to attend more than two consecutive meetings of the Council.

Grounds for dismissal of the Council **Article 130**

The Council shall be dismissed if:

- 1) it fails to hold meetings within the prescribed period;
- 2) it fails to cooperate with institutions;
- 3) it fails to adopt acts or provide opinions within its competence within the prescribed period; or
- 4) in other cases prescribed by the decision on its establishment.

Work of the Council **Article 131**

The work of the Council shall be public.

For the performance of specific 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 reports of the bodies referred to in paragraph 2 of this Article on its official website.

A member of the Council may not be a member of the Accreditation Commission or the Accreditation Board.

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

The organisation and manner of work of the Council shall be regulated by its 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 programme based on the accreditation report;
- 2) conduct the re-accreditation procedure and issue a certificate of re-accreditation of an institution based on the re-accreditation report;
- 3) establish standards and criteria for internal and external evaluation, in accordance with the ESG standards;
- 4) carry out periodic quality assessments of the work of licensed institutions, at the request of the authorised body of the institution or the Ministry;
- 5) determine the methodology for classifying institutions;
- 6) establish a list of experts for accreditation and re-accreditation, based on a public call;
- 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 analyses of internal and external evaluation reports, and submit them to the Ministry;
- 9) maintain a register of accredited study programmes and re-accredited institutions;
- 10) provide opinions on foreign study programmes in the procedure for the recognition of foreign educational documents 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 activities of public interest.

Funds for the Agency`s work 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.

Within the scope of its competences, the Agency shall perform its activities in an impartial and transparent manner.

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

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

Bodies of the Agency

Article 135

The bodies of the Agency shall be the Council of the Agency and the Director.

Council of the Agency

Article 136

The Council of the Agency shall have seven members, as follows:

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

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

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

The manner and procedure of appointment, as well as the conditions for dismissal of members of the Council of the Agency, shall be regulated in more detail by the Statute of the Agency.

Competences of the Council of the Agency

Article 137

The Council of the Agency shall:

- 1) adopt standards and criteria for internal and external evaluation, in accordance with the ESG standards;
- 2) adopt the Statute of the Agency;
- 3) adopt the act on internal organisation and systematisation, as well as other general acts of the Agency;
- 4) adopt the decision on announcing the public competition for the selection of the Director or Deputy Director;
- 5) adopt the annual work programme of the Agency;
- 6) adopt the annual financial plan of the Agency;
- 7) adopt the annual financial report of the Agency; and
- 8) perform other tasks in accordance with the Law and the Statute of the Agency.

The detailed manner of work and decision-making of the Council of the Agency shall be regulated by the Statute of the Agency.

Director

Article 138

The Director shall manage the work of the Agency.

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

The detailed procedure for the appointment of the Director shall be regulated by the Statute of the Agency.

Requirements for the appointment of the Director

Article 139

A person may be appointed as Director if, in addition to the general requirements for establishing an employment relationship in accordance with the Law, they also meet the following requirements:

- 1) hold at least the VII1 sub-level of the National Qualifications Framework;
- 2) have at least five years of work experience in higher education; and
- 3) have active knowledge of the English language.

The detailed requirements for the appointment of the Director shall be prescribed by the Statute of the Agency.

Termination of term of office and dismissal of the Director

Article 140

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

The Council of the Agency shall dismiss the Director before the expiry of their term of office if:

- 1) they fail to perform their duties or commit a breach of work obligations;
- 2) they abuse their position;
- 3) they are convicted by a final court decision of a criminal offence punishable by imprisonment of more than six months, or of a criminal offence that renders them unfit to hold office;
- 4) it determines that the Agency has failed to implement the annual work programme; or
- 5) they fail 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 legality of its work;
- 3) prepare reports on the work of the Agency and its annual financial report;
- 4) implement the decisions of the Council of the Agency;
- 5) propose the act on internal organisation and systematisation of the Agency; and
- 6) perform other tasks as prescribed by the Law and the Statute of the Agency.

Accreditation Board **Article 142**

An Accreditation Board shall be established within the Agency as a professional body of the Agency.

The Accreditation Board shall have 13 members, as follows:

- 1) seven representatives of the University of Montenegro from among the academic staff;
- 2) three representatives of private universities from among the 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.

The members of the Accreditation Board shall be appointed by the Council of the Agency, upon the proposal of the entities referred to in paragraph 2 of this Article, from among the academic staff in the fields of higher education, science, and arts, as well as from among students and distinguished experts in the fields of economy, social activities, and other relevant areas.

The members of the Accreditation Board shall be appointed for a period of four years, except for the representatives of students, who shall be appointed for a period of two years.

The detailed requirements and procedure for the appointment of members of the Accreditation Board shall be regulated by the Statute of the Agency.

Competences of the Accreditation Board

Article 143

The Accreditation Board shall:

- 1) appoint expert committees 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, based on the report of the accreditation or reaccreditation committee;
- 4) determine the list of experts for the accreditation of study programmes and the reaccreditation of institutions, on the basis of a public call; and
- 5) perform other tasks in accordance with this Law and the Statute of the Agency.

Application of other regulations

Article 144

The rights, duties, 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 organisation and systematisation of the Agency

Article 145

The Agency shall have a Statute.

The Statute of the Agency shall, in particular, regulate:

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

The Statute and the Act on Internal Organisation and Systematisation of the Agency shall be subject to the approval of the Ministry.

Report on the work of the Agency

Article 146

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

Supervision

Article 147

Supervision over the work of the Agency shall be carried out by the Ministry.

X. SUPERVISION

Supervision over the implementation of the Law

Article 148

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

Inspection supervision

Article 149

Inspection supervision over the work of institutions shall be carried out by the competent educational inspection authority, in accordance with the Law.

Inspection supervision in the field of labour relations at institutions shall be carried out by the labour inspection authority, in accordance with the Law.

XI. PENAL PROVISIONS

Fines for misdemeanours

Article 150

A legal entity – an institution shall be fined in an amount ranging from EUR 5,000 to EUR 20,000 for a misdemeanour if it:

- 1) commences its activity and enrolls students before the Ministry determines that the institution meets the requirements prescribed by this Law and issues a decision on licensing (Article 27 paragraph 1);
- 2) applies a Statute to which the Government has not given its consent (Article 29 paragraph 4);
- 3) fails, in the event of the discontinuation of a study programme, to enable enrolled students to complete their studies within the period specified by the act on the discontinuation of the study programme, which may not be shorter than the period prescribed by law for the completion of studies (Article 31 paragraph 2);
- 4) fails, in the event of the dissolution of the institution, to enable enrolled students to complete their studies within the period specified by the act on

- the dissolution of the institution, which may not be shorter than the period prescribed by law for the completion of studies (Article 32 paragraph 3);
- 5) invests funds for educational or research purposes without the consent of the Government (Article 53);
 - 6) secures funds from the Budget of Montenegro without prior consent of the Government, when the activity referred to in Article 58 paragraph 2 of this Law includes or may include the use of rights of any significant intellectual property in any literary, artistic or scientific works, scientific discoveries, projects, inventions, goods or services (Article 58 paragraph 4);
 - 7) charges tuition fees higher than those approved by the Ministry (Articles 60 paragraph 6 and 61 paragraph 2);
 - 8) appoints a person to an academic title who does not meet the requirements for appointment to an academic title as prescribed in Article 73 of this Law;
 - 9) appoints a person as a teaching associate who does not meet the requirements prescribed in Article 78 paragraph 1 of this Law;
 - 10) enrolls students in undergraduate studies who do not meet the requirements prescribed in Article 99 of this Law;
 - 11) enrolls students in excess of the number specified in the licence (Article 106 paragraph 1);
 - 12) fails to conclude with a student a study agreement regulating in more detail their mutual rights and obligations (Article 109 paragraph 1);
 - 13) fails to maintain the student register, the record of issued diplomas and diploma supplements, the record of examinations, or the records of issued confirmations and attestations upon completion of special higher education programmes and micro-credentials (Article 122 paragraph 1);
 - 14) fails to maintain the register and records referred to in Article 122 paragraph 1 in written and electronic form (Article 122 paragraph 2); or
 - 15) fails to issue public documents based on data contained in the records (Article 124 paragraphs 1 and 2).

For the misdemeanour referred to in paragraph 1 of this Article, the management body and the responsible person at the institution shall be fined in an amount ranging from EUR 200 to EUR 2,000.

XII. TRANSITIONAL AND FINAL PROVISIONS

Deadline for the adoption of secondary legislation Article 151

The 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 that were in force prior to the entry into force of this Law shall apply, provided that they are not contrary to this Law.

Harmonisation of the acts of institutions Article 152

Institutions shall be obliged to harmonise their organisation, 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, provided that they are not contrary to this Law.

Status of branch units of private institutions **Article 153**

The branch units of private institutions established before the date of entry into force of this Law shall continue their operations, 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 Montenegro", 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 its work until the expiry of the term for which it was appointed, with the competences established by this Law.

Continuation of operations 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 its operations as the Agency for Quality Assurance in Higher Education, within the scope defined by this Law.

The employees, funds, and assets 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 the appointment of the Council of the Agency **Article 156**

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

The Management Board of the Agency for Control and Quality Assurance of Higher Education, appointed in accordance with the Law on Higher Education ("Official Gazette of Montenegro", 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 its work until the appointment of the Council of the Agency referred to in paragraph 1 of this Article, with the competences established by this Law.

Deadline for the appointment of the Director of the Agency **Article 157**

The Director of the Agency shall be appointed 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 Montenegro", 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 their duties until the appointment of the Director referred to in paragraph 1 of this Article, with the competences established by this Law.

Deadline for the appointment of the Accreditation Board **Article 158**

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

Deadline for the establishment of the Commission for Objections **Article 159**

The Commission for Objections shall be established within six months from the date of entry into force of this Law.

Deadline for the harmonisation of the Agency's general acts **Article 160**

The Agency shall be obliged to harmonise 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**

The financial guarantee submitted by an institution before 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 before the date of entry into force of this Law shall be obliged to submit a new financial guarantee in accordance with this Law within 60 days from the date of entry into force of this Law.

Pending procedures **Article 162**

Procedures for accreditation, reaccreditation, and licensing initiated before the date of entry into force of this Law shall be completed in accordance with the regulations under which they were initiated.

Validity period of accreditation and reaccreditation **Article 163**

Accreditations and reaccreditations issued before 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 programmes Article 164

An institution that made amendments to study programmes before the date of entry into force of this Law may continue to make amendments to a study programme, but only up to the percentage specified in Article 70 of this Law.

Status of the Management Board of the University of Montenegro Article 165

The Management Board of the University of Montenegro elected before the date of entry into force of this Law shall continue its work until the expiry of the term for which it was elected.

Status of the Rector of the University of Montenegro Article 166

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

Status of academic staff Article 167

An institution shall be obliged to conclude a permanent employment contract, in accordance with this Law, with a person who was elected to the title of Assistant Professor or Associate Professor and with whom a fixed-term employment contract had been concluded before the date of entry into force of this Law.

Pending procedures for the election of academic staff and associates Article 168

Procedures for the election of academic staff and associates initiated before the date of entry into force of this Law shall be completed in accordance with the regulations under which they were initiated.

Re-election to the same academic title Article 169

A person who was elected to the title of Assistant Professor or Associate Professor before the date of entry into force of this Law, and who does not meet the requirements 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 requirements 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 requirements, criteria, manner, and procedure for admission to the first year of undergraduate academic and applied studies.

Extension of student status

Article 171

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

Status of enrolled students

Article 172

A student who, before the date of entry into force of this Law, enrolled in a master's study programme of 120 ECTS credits shall, at their request, be issued a diploma of postgraduate specialist studies by the institution, provided that the student has obtained at least 60 of the prescribed 120 ECTS credits.

The diploma referred to in paragraph 1 of this Article shall be a public document and shall be equivalent to a diploma corresponding to 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 has obtained at least 60 of the prescribed 120 ECTS credits after the entry into force of this Law, but no later than the date of the accreditation of the postgraduate specialist study programme in accordance with this Law.

Status of students enrolled in master's studies

Article 172a

A student who, before the date of entry into force of the Law on Higher Education ("Official Gazette of Montenegro", No. 122/25), enrolled in a master's study programme of 120 ECTS credits shall, at their request, be issued a diploma of postgraduate specialist studies by the institution, provided that the student has obtained 60 ECTS credits from the first year of the master's programme.

The diploma referred to in paragraph 1 of this Article shall be a public document and shall be equivalent to a diploma corresponding to level VII1 of the National Qualifications Framework.

Rights of a person who has completed master's studies

Article 172b

A person who has completed a master's study programme in accordance with the Law on Higher Education ("Official Gazette of Montenegro", Nos. 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, at their request, be issued a diploma of postgraduate specialist studies by the institution, where such diploma is required for the exercise of the right to work.

The diploma referred to in paragraph 1 of this Article shall be a public document and shall be equivalent to a diploma corresponding to level VII1 of the National Qualifications Framework.

Study programmes aligned with minimum training requirements

Article 173

Professional qualifications for the performance of regulated professions for which automatic recognition is granted on the basis of minimum training requirements, in accordance with a special law, shall be obtained through the corresponding study programmes.

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

Institutions shall be obliged to align the study programmes referred to in paragraph 1 of this Article no later than six months from the date of entry into force of this Law.

Equivalence of diplomas

Article 174

Diplomas of completed higher education programmes lasting four, five, or six years, obtained under curricula and study programmes adopted before the entry into force of the Law on Higher Education ("Official Gazette of Montenegro", No. 60/03, and "Official Gazette of Montenegro", Nos. 45/10, 47/11 and 48/13), shall be equivalent to master's degree diplomas in terms of employment rights.

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

Diplomas of completed integrated study programmes amounting to 300 or 360 ECTS credits shall be equivalent to master's degree diplomas.

Equivalence of scientific titles

Article 175

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

Issuance of diplomas

Article 176

Students who complete their studies under programmes adopted in accordance with the Law on the University ("Official Gazette of Montenegro", Nos. 37/92 and 6/94) shall be issued diplomas by the public institution on special forms determined by the public institution, in accordance with this Law.

Status of students

Article 177

Students enrolled in master's studies at public institutions before the entry into force of Law on Amendments to the Law on Higher Education, who have paid or will pay the tuition fee in accordance with the study agreement, shall not be required to pay the costs related to the master's thesis, provided that they complete their studies by the end of the 2026/2027 academic year.

Deferred application

Article 178

The provisions of Article 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 Montenegro", 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".