

Law on the Professional Training of Persons with Higher Education

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Subject of the Law

Article 1

A person who has acquired higher education but has no work experience at the respective level of education shall undergo professional training in accordance with this Law.

Professional Training

Article 2

Professional training, within the meaning of this Law, is a continuous, programme-based, and systematic activity aimed at acquiring knowledge, skills, and competences for the independent performance of work and tasks.

Professional training shall be conducted without establishing an employment relationship, under a training programme for a specific field of activity, adopted in accordance with special laws.

Beneficiary of Professional Training

Article 3

Professional training in accordance with this Law shall be undertaken by a person who has acquired higher education but has no work experience at the respective level of education (hereinafter: the beneficiary) and is registered in the records of the Employment Agency of Montenegro (hereinafter: the Agency).

Use of Gender-Sensitive Language

Article 4

All masculine-gender terms used in this Law to refer to natural persons shall be understood to include the feminine gender.

Publication of a Public Call

Article 5

A beneficiary may undergo professional training with an employer conducting business operations in Montenegro.

To conduct professional training, the administration authority responsible for human resources management, or the Agency, shall publish a public call and refer beneficiaries to professional training with employers in accordance with the prescribed criteria.

The manner of publishing the public call, the procedure for beneficiary application, the criteria for referral to employers, deadlines, and other matters relevant to conducting professional training shall be regulated by a regulation of the state administration authority responsible for education affairs.

Duration of Professional Training

Article 6

The professional training of the beneficiary shall last for nine months and shall be recognised as twelve months of work experience, as well as a condition for taking the examination of professional competence with acquired higher education.

A beneficiary who has not completed nine months of professional training shall have the right to continue the training with another employer, following the same programme under which the training was initially started.

Professional Training in Specific Fields

Article 7

A beneficiary who has completed a nine-month professional training shall not be entitled to establish an employment relationship in the capacity of a trainee.

Notwithstanding paragraph 1 of this Article, a beneficiary who has completed a nine-month professional training may establish an employment relationship in the capacity of a trainee until the prescribed requirements regarding the duration of the traineeship, which are required for taking the relevant examination for employment in the court, state prosecution office, bar association, public enforcement office or notary office have been fulfilled.

Professional Training Contract

Article 8

The contract on professional training shall be concluded between the beneficiary and the employer. The contract referred to in paragraph 1 of this Article shall be made in writing and shall include:

- 1) the name and registered office of the employer;
- 2) the full name and unique master citizen number of the beneficiary;
- 3) the place of residence or temporary residence of the beneficiary;

- 4) the level of professional qualification, i.e., the level according to the National Qualifications Framework;
- 5) the tasks and duties included in the professional training programme;
- 6) the place where the professional training is conducted;
- 7) the duration of the professional training contract;
- 8) the starting date of the professional training;
- 9) the amount of remuneration for the professional training;
- 10) the manner of termination of the contract;
- 11) other matters of importance for professional training.

Duration of the Contract

Article 9

The professional training contract shall, as a rule, be concluded for a period of nine months.

The professional training shall be extended in case of the beneficiary's absence due to temporary incapacity for work in accordance with health care and health insurance regulations, as well as maternity leave.

During the period of absence referred to in paragraph 2 of this Article, the beneficiary shall not be entitled to financial compensation.

Remuneration and Payment Method

Article 10

The beneficiary shall be entitled to a monthly net remuneration of EUR 600.00 during the period of professional training.

Funds for the payment of the remuneration referred to in paragraph 1 of this Article shall be provided from the budget of Montenegro.

The employer shall submit a report on the beneficiary's professional training progress to the administration authority responsible for human resource management, i.e., the Agency, by the end of the current month.

The remuneration shall be paid to the beneficiary by the tenth day of the following month, based on the report referred to in paragraph 3 of this Article.

Incentive Measures

Article 11

The employer may independently provide funds for the payment of the remuneration referred to in Article 10, paragraph 1 of this Law.

In the case referred to in paragraph 1 of this Article, the funds paid, upon the employer's request, shall be recognised as overpaid tax, which may be used to settle the employer's obligations arising

from other tax liabilities, in accordance with the regulation of the state administration authority responsible for financial affairs.

The remuneration referred to in paragraph 1 of this Article and Article 10 of this Law shall be exempt from all taxes, contributions, and other charges prescribed by law.

Right to Health Insurance

Article 12

During the period of professional training, the beneficiary shall be entitled to health insurance rights as an unemployed person.

Analogous Application of Regulations

Article 13

During the professional training period, the general labour regulations shall apply mutatis mutandis to the beneficiary regarding their rights, obligations, and responsibilities, unless otherwise stipulated by this Law.

Trainee Registry

Article 14

The information system for the purposes of professional training of beneficiaries shall be provided by the state administration authority responsible for the information society.

The record of beneficiaries who have completed the professional training programme, based on data from the information system referred to in paragraph 1 of this Article, shall be maintained by the administration authority responsible for human resource management and the Agency.

Inspection Supervision

Article 15

Inspection supervision over the implementation of this Law shall be carried out by the inspector competent for labour affairs.

Violations

Article 16

A legal entity shall be fined from 1,000 euros to 20,000 euros for a violation if it:

- 1) concludes a professional training contract contrary to Article 8 of this Law;

- 2) fails to submit a report on the implementation of the beneficiary's professional training to the administration authority responsible for human resource management, i.e., the Agency, by the end of the current month (Article 10, paragraph 3);
- 3) based on the report referred to in Article 10, paragraph 3 of this Law, fails to pay the remuneration to the beneficiary by the tenth day of the month for the previous month (Article 10, paragraph 4).

For the violation referred to in paragraph 1 of this Article, the authorised representative of the legal entity and the authorised official of the administration authority shall also be fined from 300 euros to 2,000 euros.

For the violation referred to in paragraph 1 of this Article, an entrepreneur shall be fined from 300 euros to 6,000 euros.

Time limit for Programme Harmonisation

Article 17

Existing professional training programmes for specific fields of activities shall be harmonised regarding their duration within 60 days from the date this Law enters into force.

Article 17a

A beneficiary of the remuneration referred to in Article 10, paragraph 1 of this Law, who acquired this right in accordance with the regulations in force before the date this Law entered into force, shall, as of the date this Law becomes applicable, acquire the right to remuneration in accordance with this Law.

Article 17b

The beneficiary shall be entitled to the remuneration referred to in Article 10, paragraph 1 of this Law as of January 15, 2025.

Time Limit for Adoption of Regulations

Article 18

The regulation referred to in Article 5, paragraph 3 of this Law shall be adopted within 30 days from the date of entry into force of this Law.

The regulation referred to in Article 11, paragraph 2 of this Law shall be adopted within 90 days from the date of entry into force of this Law.

Entry into Force

Article 19

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