

PREDLOG

ZAKON O POTVRĐIVANJU SPORAZUMA IZMEĐU CRNE GORE I REPUBLIKE ALBANIJE O SOCIJALNOM OSIGURANJU

Član 1

Potvrđuje se Sporazum između Crne Gore i Republike Albanije o socijalnom osiguranju, potpisan u Podgorici 27. februara 2023. godine, u originalu na crnogorskom, albanskom i engleskom jeziku.

Član 2

Tekst Sporazuma iz člana 1 ovog zakona, u originalu na crnogorskom i engleskom jeziku glasi:

SPORAZUM IZMEĐU CRNE GORE I REPUBLIKE ALBANIJE O SOCIJALNOM OSIGURANJU

Crna Gora i Republika Albanija (u daljem tekstu: države ugovornice), u želji da urede i razviju međusobne odnose u oblasti socijalnog osiguranja, dogovorile su se sljedeće:

DIO I

Opšte odredbe

Član 1

Definicije pojmova

(1) U cilju primjene ovog sporazuma izrazi i fraze imaju sledeće značenje:

1. „teritorija“:

- u odnosu na Crnu Goru: državna teritorija Crne Gore;
- u odnosu na Republiku Albaniju: državna teritorija Republike Albanije

2. „državljanin države ugovornice“:

- u odnosu na Crnu Goru: lice sa crnogorskim državljanstvom
- u odnosu na Republiku Albaniju: lice sa državljanstvom Republike Albanije

3. „pravni propisi“: zakoni i drugi pravni propisi kojima se uređuju oblasti iz člana 2 ovog sporazuma;

4. „nadležni organ“: ministarstva nadležna za oblasti regulisane pravnim propisima iz člana 2 ovog sporazuma;

5. „nosilac“: organizacija, odnosno organ nadležan za sprovođenje pravnih propisa iz člana 2 ovog sporazuma;

6. „nadležni nosilac“: nosilac kod koga je lice osigurano u vrijeme podnošenja zahtjeva za davanje, nosilac kod koga lice ima ili bi imalo pravo na davanje ili nosilac određen od strane nadležnog organa;
7. „osiguranik“: lice na koje se primjenjuju ili su se primjenjivali pravni propisi iz člana 2 ovog sporazuma;
8. „period osiguranja“: period za koji su plaćeni doprinosi i sa njim izjednačeni periodi u skladu sa pravnim propisima svake države ugovornice;
9. „davanja“: novčano davanje i davanje u naturi;
10. „novčano davanje“: penzija, novčana naknada i druga novčana davanja, uključujući dodatke, usklađivanja ili povećanja;
11. „davanja u naturi“: zdravstvena zaštita i drugo davanje, osim novčanih davanja;
12. „prebivalište“: mjesto u kojem lice stalno boravi;
13. „boravište“: mjesto u kojem lice privremeno boravi;
14. „članovi porodice“: lica koja se smatraju takvim prema pravnim propisima one države ugovornice čiji se propisi primjenjuju;
15. „organ za vezu“: organ određen za efikasnije sprovođenje ovog sporazuma.

(2) Ostali pojmovi korišćeni u ovom sporazumu imaju značenje koje im pripada u skladu sa pravnim propisima država ugovornica.

Član 2

Pravni propisi na koje se ovaj sporazuma odnosi

(1) Ovaj sporazum se odnosi na pravne propise:

- U odnosu na Crnu Goru, o:

1. zdravstvenom osiguranju, zdravstvenoj zaštiti i materinstvu;
2. penzijskom i invalidskom osiguranju;
3. osiguranju za slučaj povrede na radu i profesionalne bolesti;
4. novčanoj naknadi za slučaj nezaposlenosti.

- U odnosu na Republiku Albaniju, o:

1. starosnoj penziji, invalidskoj penziji i porodičnoj penziji za osiguranike i osiguranike samostalnih djelatnosti kao i poslodavce;
2. novčanim davanjima za slučaj bolesti za osiguranike;
3. novčanim davanjima za materinstvo za osiguranike i osiguranike samostalnih djelatnosti, kao i za poslodavce;
4. novčanim davanjima za slučaj povrede na radu i profesionalne bolesti za osiguranike;
5. novčanim davanjima po osnovu nezaposlenosti;
6. davanja u naturi u skladu sa pravnim propisima obaveznog zdravstvenog osiguranja;

(2) Ovaj sporazum se odnosi na sve pravne propise kojima se obuhvataju, mijenjaju ili dopunjuju pravni propisi iz stava 1 ovog člana.

Član 3
Lica na koja se ovaj sporazum primjenjuje

Ovaj sporazum se primjenjuje na:

1. lica za koja važe ili su važili pravni propisi jedne ili objiju država ugovornica i
2. druga lica koja izvode prava od lica naznačenih pod tačkom 1 ovog člana.

Član 4
Jednaki tretman

Ukoliko ovim sporazumom nije drugačije određeno, lica iz člana 3 ovog sporazuma imaju ista prava i obaveze na osnovu pravnih propisa države ugovornice, pod istim uslovima kao i državljani te države ugovornice.

Član 5
Transfer davanja

(1) Ukoliko ovim sporazumom nije drugačije određeno novčana davanja ne mogu se umanjiti, izmijeniti, obustaviti ili ukinuti zbog toga što korisnik ima prebivalište u drugoj državi ugovornici.

(2) Odredbe stava 1 ovog člana ne primjenjuju se na:

1. u odnosu na Crnu Goru: na najnižu penziju, novčanu naknadu za slučaj nezaposlenosti i naknadu pogrebnih troškova;
2. u odnosu na Republiku Albaniju: nedoprinosa davanja.

DIO II
ODREDBE O PRAVNIM PROPISIMA KOJI SE PRIMJENJUJU

Član 6
Opšta odredba

Na lica koje radi ili obavlja samostalnu djelatnost na teritoriji jedne države ugovornice primjenjuju se pravni propisi te države ugovornice i u slučaju kada se prebivalište zaposlenog ili lica koje obavlja samostalnu djelatnost ili sjedište poslodavca nalazi na teritoriji druge države ugovornice, ako odredbama čl. 7 i 8 nije drugačije određeno.

Član 7

Posebne odredbe

(1) Ako poslodavac sa sjedištem na teritoriji jedne države ugovornice pošalje zaposlenog na teritoriju druge države ugovornice, na njega se, do isteka perioda koji je utvrđen ugovorom po osnovu koga je zaposleni upućen, a najduže do kraja 24. kalendarskog mjeseca, primjenjuju pravni propisi prve države ugovornice, kao da je zaposlen na njenoj teritoriji.

(2) Ako lice koje obavlja samostalnu djelatnost na teritoriji jedne države ugovornice ode na teritoriju druge države ugovornice radi privremenog obavljanja te djelatnosti, na njega se, najduže do kraja 24. kalendarskog mjeseca, primjenjuju pravni propisi prve države ugovornice, kao da obavlja djelatnost na njenoj teritoriji.

(3) Na članove putujućeg ili vazdušnog osoblja koja putuju u službi poslodavca koji se bavi vazdušnim, drumskim ili željezničkim saobraćajem primjenjuju se pravni propisi države ugovornice na čijoj teritoriji se nalazi sjedište poslodavca.

(4) Na posadu broda, kao i druga lica zaposlena na brodu, primjenjuju se pravni propisi države ugovornice pod čijom zastavom brod plovi.

(5) Lica koja u luci jedne države ugovornice obavljaju poslove utovara, istovara, popravke, remonta ili nadzora broda koji plovi pod zastavom druge države ugovornice, primjenjuju se pravni propisi države ugovornice kojoj luka pripada.

(6) Na državne službenike i lica izjednačena sa njima, lica zaposlena u javnim službama i službene predstavnike upućene na teritoriju druge države ugovornice, primjenjuju se pravni propisi države ugovornice koja ih je uputila.

Član 8

Diplomatska i konzularna predstavništva

(1) Na zaposlene u diplomatskim i konzularnim predstavništvima, članove njihovih porodica i na zaposlene kao privatna kućna posluga kod članova ovih predstavništava, upućene na teritoriju druge države ugovornice, primjenjuju se pravni propisi države ugovornice iz koje su upućeni.

(2) Na zaposlene iz stava 1 ovog člana koji nijesu upućeni, primjenjuju se pravni propisi države ugovornice na čijoj se teritoriji nalazi diplomatsko i konzularno predstavništvo.

(3) Zaposleni iz stava 2 ovog člana koji su državljani države ugovornice čije je diplomatsko ili konzularno predstavništvo, mogu se, u roku od tri mjeseca od dana zaposlenja ili od stupanja na snagu ovog sporazuma, opredijeliti za primjenu pravnih propisa te države ugovornice.

Član 9

Izuzeci

Na zajednički zahtjev zaposlenog i njegovog poslodavca, kao i lica koje obavlja samostalnu djelatnost, nadležni organi država ugovornica mogu dogovoriti izuzetke od odredaba čl. 6 do 8 ovog sporazuma.

DIO III POSEBNE ODREDBE

Poglavlje 1 DAVANJA ZA SLUČAJ BOLESTI I MATERINSTVA

Član 10 Sabiranje perioda osiguranja

Periodi osiguranja navršeni prema pravnim propisima obiju država ugovornica se, ako je to potrebno, sabiraju za sticanje prava na davanje i za određivanje trajanja tog davanja, pod uslovom da se ne poklapaju.

Član 11 Davanja u naturi

(1) Lice koje ispunjava uslove za pravo na davanje u naturi prema pravnim propisima jedne države ugovornice ima pravo na davanje u naturi kad ima prebivalište u drugoj državi ugovornici u skladu sa njenim pravnim propisima.

(2) Lice koje ispunjava uslove za pružanje davanja u naturi prema pravnim propisima jedne države ugovornice tokom boravka u drugoj državi ugovornici ima pravo na hitnu medicinsku pomoć koju zahtijeva njegovo stanje, pod uslovom da boravak nije ostvaren u cilju liječenja.

(3) Davanja iz st. 1 i 2 ovog člana pružaju se u ime i za račun nadležnog nosioca od strane nosioca prema prebivalištu ili boravištu lica, u skladu sa pravnim propisima koje on primjenjuje.

(4) Lica iz člana 7 st. 1, 2 i 5 i člana 8 ovog sporazuma imaju prava na davanja u naturi u skladu sa pravnim propisima države ugovornice u koju su upućeni, a na teret nadležnog nosioca.

(5) Nadležni organi država ugovornica utvrđuju davanja u naturi kao što su proteze, pomagala i druga davanja veće vrijednosti za čije se pružanje, u slučaju prebivališta ili boravišta lica, traži prethodna saglasnost nadležnog nosioca, osim ako je pružanje tih davanja neodložno.

(6) Odredbe st. 1 do 5 ovog člana primjenjuju se i na članove porodice u skladu sa pravnim propisima država ugovornica.

Član 12 Davanja u naturi za korisnike penzija

(1) Na korisnika penzije, ostvarene prema pravnim propisima obiju država ugovornica, primjenjuju se isključivo pravni propisi države ugovornice u kojoj korisnik ima prebivalište.

(2) Korisnik iz stava 1 ovog člana, pravo na davanje u naturi ostvaruje na teret nadležnog nosioca one države ugovornice u kojoj ima prebivalište.

(3) Na korisnika penzije ostvarene prema pravnim propisima jedne države ugovornice koji ima prebivalište u drugoj državi ugovornici, primjenjuju se pravni propisi te države ugovornice i pružaju davanja u naturi, kao da je pravo na penziju ostvareno prema njenim pravnim propisima, a na teret nadležnog nosioca.

(4) Korisnik penzije iz stava 3 ovog člana sa prebivalištem u jednoj državi ugovornici, čije stanje za vrijeme boravka u drugoj državi ugovornici zahtijeva hitno pružanje davanja u naturi ima pravo na ta davanja prema pravnim propisima i na teret nosioca države ugovornice u kojoj je ostvario pravo na penziju.

(5) Odredbe st. 1 do 4 ovog člana analogno se primjenjuju na članove porodice korisnika penzije u skladu sa pravnim propisima država ugovornica.

Član 13

Naknada troškova

Nadležni nosilac nadoknađuje nosiocu koji je pružio davanje u naturi stvarne troškove u skladu sa čl. 11 i 12 ovog sporazuma, izuzev administrativnih troškova.

Član 14

Novčana davanja

Novčana davanja u slučajevima privremene spriječenosti za rad i materinstva odobravaju se na teret nadležnog nosioca kod koga je lice osigurano u skladu sa pravnim propisima koje on primjenjuje.

Poglavlje 2

DAVANJA ZA SLUČAJ STAROSTI, INVALIDNOSTI I SMRTI

Član 15

Sabiranje perioda osiguranja

(1) Ako je, prema pravnim propisima jedne države ugovornice pravo na novčano davanje uslovljeno navršenjem perioda osiguranja, nosilac te države ugovornice uzima u obzir, ako je potrebno, i period osiguranja navršen prema pravnim propisima druge države ugovornice kao da je navršen prema pravnim propisima koje on primjenjuje, pod uslovom da se periodi ne poklapaju.

(2) Ako, i pored primjene stava 1 ovog člana, nijesu ispunjeni uslovi za sticanje prava na davanje, nadležni nosilac uzima u obzir i period osiguranja navršen u trećoj državi sa kojom ta država ugovornica ima zaključen sporazum o socijalnom osiguranju u kojem je predviđeno sabiranje perioda osiguranja ili odgovarajući ugovor koji predviđa sabiranje perioda osiguranja.

(3) Ako je pravo na davanje, prema pravnim propisima jedne države ugovornice, uslovljeno navršenjem perioda osiguranja u određenom zanimanju, nosilac te države ugovornice uzima u obzir period osiguranja koji je, prema pravnim propisima druge države ugovornice, navršen u istom zanimanju.

Član 16

Period osiguranja kraći od 12 mjeseci

Ako su ukupni periodi osiguranja, navršeni prema pravnim propisima jedne države ugovornice kraći od 12 mjeseci i na osnovu njih ne postoji pravo na davanje, nadležni nosilac druge države ugovornice uključuje te periode radi utvrđivanja prava i visine davanja kao da su ti periodi osiguranja navršeni prema pravnim propisima koje on primjenjuje.

Član 17

Utvrđivanje samostalnog davanja

Ako prema pravnim propisima jedne države ugovornice postoji pravo na davanje i bez primjene člana 18 ovog sporazuma, nadležni nosilac te države ugovornice utvrđuje davanje isključivo na osnovu perioda osiguranja koji se uzima u obzir prema tim pravnim propisima.

Član 18

Obračun srazmjernog dijela novčanog davanja

(1) Ako prema pravnim propisima jedne države ugovornice postoji pravo na davanje samo uz primjenu odredaba člana 15 ovog sporazuma, nadležni nosilac te države ugovornice utvrđuje davanje na taj način što:

- obračunava teorijski iznos davanja, koji bi pripadao da je ukupan period osiguranja, koji se uzima u obzir za obračun davanja, navršen prema pravnim propisima koje on primjenjuje. Iznos davanja koji ne zavisi od dužine perioda osiguranja uzima se kao teorijski iznos;

- na osnovu tako obračunatog teorijskog iznosa, utvrđuje iznos davanja srazmjeran odnosu između perioda osiguranja navršenog isključivo prema pravnim propisima koje on primjenjuje i ukupnog perioda osiguranja koji se uzima u obzir za obračun davanja;

(2) Ako se prema pravnim propisima jedne države ugovornice iznos davanja obračunava na osnovu zarade, plate, osnovice osiguranja, odnosno uplaćenog doprinosa u određenom periodu, nadležni nosilac uzima u obzir zaradu, platu, osnovicu osiguranja, odnosno doprinos isključivo iz perioda osiguranja navršenog prema pravnim propisima koje on primjenjuje.

Član 19

Umanjenje, izmjena, ukidanje i obustava isplate penzije

Primjena ovog sporazuma ne može dovesti do umanjenja, obustave i ukidanja priznatih davanja.

Poglavlje 3

DAVANJA ZA SLUČAJ POVREDE NA RADU I PROFESIONALNE BOLESTI

Član 20

Povreda na putu do posla

(1) Lice sa prebivalištem na teritoriji jedne države ugovornice koje na putu, radi stupanja na posao po osnovu ugovora o radu, odnosno radi obavljanja samostalne djelatnosti u drugoj državi ugovornici, pretrpi povredu, ima pravo na davanja po osnovu povrede na radu prema pravnim propisima i na teret nosioca druge države ugovornice.

(2) Stav 1 ovog člana primjenjuje se i u slučaju povrede koju lice pretrpi, neposredno po isteku ugovora o radu, odnosno po prestanku obavljanja samostalne djelatnosti, na putu do prebivališta.

Član 21

Davanja u naturi

(1) Lice koje po osnovu povrede na radu ili profesionalne bolesti ima pravo na davanje u naturi prema pravnim propisima jedne države ugovornice, a ima prebivalište ili boravište u drugoj državi ugovornici ima pravo na davanje u naturi, na teret nadležnog nosioca, od nosioca na čijem području ima prebivalište ili boravište, prema pravnim propisima koje taj nosilac primjenjuje.

(2) Odredba člana 11 stav 5 ovog sporazuma analogno se primjenjuje na lice iz stava 1 ovog člana.

Član 22

Profesionalna bolest

(1) Ako je odobrenje davanja za slučaj profesionalne bolesti, prema pravnim propisima jedne države ugovornice, uslovljeno time da je bolest prvi put ljekarski utvrđena na teritoriji te države ugovornice, smatra se da je taj uslov ispunjen ako je ta bolest prvi put utvrđena na teritoriji druge države ugovornice.

(2) Ako je odobrenje novčanih davanja za slučaj profesionalne bolesti prema pravnim propisima jedne države ugovornice, uslovljeno time da je obavljanje djelatnosti koja može da izazove tu bolest, trajalo određeno vrijeme, nadležni nosilac te države ugovornice, ako je potrebno, uzima u obzir i vrijeme obavljanja takve djelatnosti u skladu sa pravnim propisima druge države ugovornice.

Član 23

Novčana davanja

(1) Novčano davanje za slučaj povrede na radu ili profesionalne bolesti odobrava nosilac one države ugovornice prema čijim pravnim propisima je lice bilo osigurano u vrijeme nastanka

povrede na radu, odnosno posljednji put obavljalo djelatnost koja je prouzrokovala tu profesionalnu bolest.

(2) Ako lice, koje je po osnovu profesionalne bolesti primalo ili prima novčano davanje na teret nosioca jedne države ugovornice, zbog pogoršanja zdravstvenog stanja prouzrokovanog obavljanjem djelatnosti koja, prema pravnim propisima druge države ugovornice, može da izazove profesionalnu bolest, podnese zahtjev za davanje nosiocu druge države ugovornice:

- nosilac prve države ugovornice i dalje snosi troškove davanja, bez obzira na pogoršanje zdravstvenog stanja, prema svojim pravnim propisima;

- nosilac druge države ugovornice odobrava novčano davanje u visini razlike između davanja koje pripada nakon pogoršanja zdravstvenog stanja i davanja koje bi, po osnovu nastupanja te bolesti, pripadalo prema njegovim pravnim propisima.

Poglavlje 4

DAVANJE ZA SLUČAJ NEZAPOSLENOSTI

Član 24

Sabiranje perioda osiguranja

(1) Period osiguranja navršen prema pravnim propisima jedne države ugovornice uzima se u obzir za ostvarivanje prava na novčano davanje za slučaj nezaposlenosti prema pravnim propisima druge države ugovornice, pod uslovom da se periodi osiguranja ne preklapaju i ako je lice bilo osigurano za slučaj nezaposlenosti prije podnošenja zahtjeva onoliki period koliko je to propisano prema pravnim propisima druge države ugovornice.

(2) Novčano davanje za slučaj nezaposlenosti odobrava nadležni nosilac prema pravnim propisima koje primjenjuje.

DIO IV

RAZNE ODREDBE

Član 25

Organi za vezu

U cilju efikasnijeg sprovođenja ovog sporazuma, posebno radi jednostavnog i brzog povezivanja nosilaca država ugovornica, administrativnim sporazumom određuju se organi za vezu.

Član 26

Obaveze organa, nosioca i administrativna pomoć

(1) Nadležni organi država ugovornica će, administrativnim sporazumom, koji stupa na snagu istovremeno sa ovim sporazumom, utvrditi način primjene ovog sporazuma.

(2) Nadležni organi, organi za vezu i nosioci država ugovornica obavještavaće se međusobno o:

a) svim preduzetim mjerama za sprovođenje ovog sporazuma;

b) svim promjenama njihovih pravnih propisa u vezi sa primjenom ovog sporazuma.

(3) U primjeni ovog sporazuma, organi i nosioci država ugovornica će uzajamno pružati besplatnu pravnu i administrativnu pomoć.

(4) Organi i nosioci država ugovornica mogu, u primjeni ovog sporazuma neposredno međusobno kontaktirati, kao i sa zainteresovanim licima ili njihovim punomoćnicima.

(5) Organi i nosioci jedne države ugovornice ne smiju odbiti zahtjev i drugi podnesak zbog toga što je napisan na službenom jeziku i pismu druge države ugovornice.

(6) Prilikom primjene ovog sporazuma ravnopravno će se upotrebljavati crnogorski jezik i pismo i albanski jezik i pismo.

(7) Ljekarske preglede koji se obavljaju isključivo zbog primjene pravnih propisa jedne države ugovornice, a odnose se na lica koja na teritoriji druge države ugovornice imaju prebivalište ili boravište, obaviće na zahtjev nadležnog nosioca i na njegov teret, nosilac prema prebivalištu ili boravištu. Ljekarske preglede koji se obavljaju zbog primjene pravnih propisa obiju država ugovornica obavlja na svoj teret nosilac prema prebivalištu ili boravištu tog lica.

(8) Nadležni nosilac jedne države ugovornice će, na zahtjev nadležnog nosioca druge države ugovornice, bez naknade, proslijediti medicinsku dokumentaciju kojom raspolaže, a koja je od uticaja za utvrđivanje invalidnosti podnosioca zahtjeva ili korisnika prava.

Član 27

Oslobađanje od taksi i nadovjera

(1) Oslobađanje ili smanjenje taksi predviđeno propisima jedne države ugovornice za pisane podneske ili dokumenta koja se prilažu zbog primjene njenih pravnih propisa, odnosi se i na odgovarajuće pisane podneske i dokumenta koja se prilažu radi primjene ovog sporazuma ili pravnih propisa druge države ugovornice.

(2) Isprave, dokumenta i pisani podnesci bilo koje vrste, koji se izdaju i podnose prilikom primjene ovog sporazuma, ne podliježu nadovjeri od strane diplomatsko konzularnog predstavništva.

Član 28

Podnošenje zahtjeva

(1) Zahtjevi, izjave ili pravna sredstva koja su, u primjeni ovog sporazuma ili pravnih propisa jedne države ugovornice, podnijeti nadležnom organu ili nadležnom nosiocu jedne države ugovornice, smatraju se zahtjevima, izjavama ili pravnim sredstvima podnijetim nadležnom organu ili nadležnom nosiocu druge države ugovornice.

(2) Zahtjev za davanje, podniet prema pravnim propisima jedne države ugovornice, smatra se istovremeno i zahtjevom za odgovarajuće davanje prema pravnim propisima druge države ugovornice, koje dolazi u obzir primjenom ovog sporazuma.

(3) Zahtjevi, izjave ili pravna sredstva, koja primjenom pravnih propisa jedne države ugovornice treba, u određenom roku, podnijeti organu, nosiocu ili nekoj drugoj nadležnoj instituciji te države ugovornice, smatraju se blagovremeno podnijetim ako su, u istom roku, podnijeti odgovarajućem organu, nosiocu ili nekoj drugoj nadležnoj instituciji druge države ugovornice.

(4) U slučajevima iz st. 1 do 3 ovog člana navedene institucije bez odlaganja, dostavljaju zahtjeve, izjave ili pravna sredstva odgovarajućim institucijama druge države ugovornice, neposredno ili posredstvom organa za vezu.

(5) Javne isprave, potvrde, odnosno dokumenti koje u cilju primjene ovog sporazuma izdaje organ ili nosilac jedne države ugovornice, smatraju se važećim i za organ ili nosioca druge države ugovornice.

Član 29

Isplata davanja

(1) Nosilac nadležan za isplatu davanja prema pravnim propisima jedne države ugovornice priznaje davanja u valuti koja važi u toj državi ugovornici.

(2) Isplata davanja iz stava 1 ovog člana korisniku koji ima prebivalište u drugoj državi ugovornici, vrši se u konvertibilnoj valuti (EUR).

(3) Isplate među nosiocima država ugovornica vrše se u konvertibilnoj valuti (EUR).

(4) Preračunavanje davanja u valutu druge države ugovornice vrši se prema paritetu koji važi na dan doznake.

Član 30

Potraživanje preplaćenih iznosa novčanih davanja

(1) Nosilac jedne države ugovornice, koji je isplatio davanja u iznosu većem od onog koji korisniku pripada, može od nosioca druge države ugovornice zatražiti da, od zaostalih iznosa iste vrste davanja koje treba da isplati korisniku, zadrži preplaćeni iznos.

(2) Preplaćeni iznos iz stava 1 ovog člana isplaćuje se direktno nosiocu koji je zatražio njegovo zadržavanje.

Član 31

Izvršni postupak

(1) Izvršna rješenja u oblasti socijalnog osiguranja nadležnih organa i nosilaca, kao i izvršne odluke sudova jedne države ugovornice priznaju se u drugoj državi ugovornici.

(2) Priznavanje se može odbiti samo ako je u suprotnosti sa javnim poretkom države ugovornice u kojoj treba da se prizna odluka ili rješenje.

(3) Izvršne odluke i rješenja se sprovode prema pravnim propisima koji se primjenjuju za izvršenje odgovarajućih odluka ili rješenja države ugovornice u kojoj treba da se sprovede izvršenje. Odluke i rješenja moraju sadržati potvrdu o njihovoj izvršnosti (klauzula o izvršenju).

Član 32

Rješavanje sporova

Sporove u primjeni i tumačenju ovog sporazuma rješavaće dogovorno nadležni organi država ugovornica.

DIO V

Prelazne i završne odredbe

Član 33

Prelazne odredbe

(1) Na osnovu ovog sporazuma ne mogu se ostvariti prava na davanja za period prije njegovog stupanja na snagu.

(2) Za utvrđivanje prava na davanje prema ovom sporazumu uzimaju se u obzir i periodi osiguranja koji su, prema pravnim propisima država ugovornica ostvareni prije njegovog stupanja na snagu.

(3) Ovaj sporazum se primjenjuje i na osigurane slučajeve nastale prije njegovog stupanja na snagu.

Član 34

Stupanje na snagu

(1) Ovaj sporazum podliježe potvrđivanju.

(2) Države ugovornice će se međusobno u pisanoj formi, diplomatskim putem, obavijestiti o ispunjenju unutrašnjih pravnih procedura neophodnih za stupanje na snagu ovog sporazuma.

(3) Ovaj sporazum stupa na snagu prvog dana trećeg mjeseca po isteku mjeseca u kome je primljeno zadnje pisano obavještenje iz stava 2 ovog člana.

Član 35

Vrijeme trajanja i otkazivanje

(1) Ovaj sporazum se zaključuje na neodređeno vrijeme. Svaka država ugovornica ga može u tekućoj kalendarskoj godini, u pisanoj formi, diplomatskim putem, otkazati pri čemu otkazni rok ne može biti kraći od šest mjeseci. Otkaz stupa na snagu počev od prvog dana naredne godine.

(2) U slučaju otkazivanja ovog sporazuma njegove odredbe se i dalje primjenjuju na stečena prava, kao i na zahtjeve za ostvarivanje prava podnijete do dana njegovog otkazivanja.

Član 36

Efekti primjene sporazuma na ostvarena prava ili prava koja treba da se ostvare

(1) U slučaju otkazivanja ovog sporazuma, prava na davanja stečena na osnovu njega i dalje važe.

(2) Prava na davanja koja treba da se ostvare do dana otkazivanja Sporazuma zadržavaju se, a po zahtjevima podnijetim prije otkazivanja Sporazuma rješavaće se u skladu sa njegovim odredbama.

Potpisano u Podgorici, dana 27. februara 2023. godine, u dva originala, svaki na crnogorskom, albanskom i engleskom jeziku, pri čemu su sva tri teksta podjednako vjerodostojna. U slučaju razlike u tumačenju, mjerodavan će biti tekst na engleskom jeziku.

Za Crnu Goru

Admir Adrović

Za Republiku Albaniju

Delina Ibrahimaj

AGREEMENT BETWEEN MONTENEGRO

AND THE REPUBLIC OF ALBANIA ON SOCIAL SECURITY

Montenegro and the Republic of Albania (hereinafter referred to as Contracting States), wishing to regulate and develop their relations in the area of social security, have agreed as follows:

PART I

General Provisions

Article 1

Definitions

(1) The terms and phrases used in the present Agreement shall have the following meaning:

1. "territory":
 - As regards Montenegro: the state territory of Montenegro;
 - As regards Republic of Albania: the state territory of the Republic of Albania;
2. "national of a Contracting State":
 - As regards Montenegro: a person of the nationality of Montenegro;
 - As regards Republic of Albania: a person of the nationality of the Republic of Albania;

3. "legislation": the laws and other regulations whereby the fields referred to in Article 2 of this Agreement are governed;
4. "competent authority": ministries responsible for fields governed by the legislation mentioned in Article 2 of this Agreement;
5. "institution": organization and/or authority responsible for implementing the legislation mentioned in Article 2 of this Agreement;
6. "competent institution": the institution in which the person has been insured at the time of submitting the application for benefits, or from which that person is, or would be entitled to the benefits or an institution designated by the Competent Authority;
7. "insured person": the person who is or has been subjected to the legislation mentioned in Article 2 of this Agreement;
8. "period of insurance": the period over which insurance contributions have been paid and equivalent periods thereof completed under the legislation of each Contracting State;
9. "benefit": cash benefit and benefit in kind;
10. "cash benefit": pension, monetary compensation and other cash benefits including all increases, revaluation allowances or supplementary allowances;
11. "benefits in kind": health care services and other benefits, with the exception of cash benefits;
12. "residence": permanent residence;
13. "stay": temporary residence;
14. "members of the family": the persons defined as such by the legislation of the Contracting State whose legislation is applied;
15. "liaison body": a body designated for more effective implementation of this Agreement.

(2) Other terms which are used in this Agreement shall have the meaning assigned thereto respectively in accordance with the legislation of either Contracting State.

Article 2

Material Scope

(1) This agreement shall apply:

- As regards Montenegro, to the legislation governing:

1. Health insurance, health protection and maternity;
2. Pension and disability insurance;
3. Injury at work occupational diseases insurance;
4. Unemployment benefits.

- As regards the Republic of Albania, to the legislation governing:

1. old-age, invalidity and survivors' pensions for employed and self-employed persons, as well as for employers;
2. sickness benefits in cash for employed persons;
3. maternity benefits in cash for employed and self-employed persons, as well as for employers;

4. benefits in cash in respect of accidents at work and occupational diseases for employed persons;
5. benefits in cash in respect of unemployment benefit;
6. the compulsory healthcare insurance scheme:
 - benefits in kind according to the compulsory health insurance legislation.

(2) This agreement shall also refer to all legal provisions, which summarize, amend or complete the legal provisions defined in paragraph (1).

Article 3

Personal scope

This agreement shall apply to:

1. Persons who are or have been subject to the legislation of one or both Contracting States.
2. Persons who derive rights from the persons specified in item 1 of this Article.

Article 4

Equal treatment

Unless otherwise provided in this Agreement, the persons referred to in Article 3 of this Agreement shall have the same rights and obligations under the legislation of that Contracting State as its own nationals.

Article 5

Exporting benefits

(1) Unless otherwise provided in this Agreement, cash benefits shall not be reduced, suspended or withdrawn because a person resides in the territory of the other Contracting State.

(2) The provisions of paragraph 1 above shall not apply to the following benefits:

1. As regards Montenegro: the minimum pension, unemployment benefits and compensations for funeral expenses;
2. As regards the Republic of Albania: not contributory benefits.

PART II

PROVISIONS ON APPLICABLE LEGISLATION

Article 6

General provisions

A person who pursues a self-employed activity in the territory of either Contracting State shall be subject to the legislation of only that Contracting State even in cases when the residence of an employee or a person who pursues a self-employed activity or the employer's principal place of business is located in the territory of another Contracting State, if not stipulated otherwise by the provisions of Article 7 and 8.

Article 7

Special provisions

(1) If an employer established in the territory of either Contracting State posts an employee to the territory of another Contracting State, such person shall be subject to the legislation of the first Contracting State, until the expiration of the period determined by the contract on the basis of which the employee is posted and not exceeding 24 months, as if being employed in its territory.

(2) If a person who pursues a self-employed activity in the territory of either Contracting State goes to the territory of another Contracting State for a temporary performance of that activity, such person shall be subject to the legislation of the first Contracting State, for a period not exceeding 24 months, as if performing activity in its territory.

(3) Persons who are members of the travelling or flying personnel in the service of an employer who deals with air, road or rail transport shall be subject to the legislation of the Contracting State wherein the employer's principal place of business is.

(4) Crew members as well as other workers on vessels shall be subject to the legislation of the Contracting State flying the flag of either Contracting State.

(5) Persons, who are carrying out the activities of loading unloading, repair, overhaul or supervision in the port of one Contracting State of a ship flying under the flag of another Contracting State, shall be subject to the laws of the Contracting State to which the port belongs.

(6) Civil servants and persons considered as such, public service personnel and official representatives posted in the territory of another Contracting State shall be subject to the laws of the Contracting State which posted them.

Article 8

Diplomatic missions and consular posts

(1) Persons employed in diplomatic missions and consular posts, members of their families and persons employed in the domestic service of a member of the said posts who are posted in the territory of another Contracting State shall be subject to the legislation of the posting State.

(2) Persons referred to in paragraph 1 of this Article who are not posted shall be subject to legislation of the Contracting State whereon the diplomatic missions or consular post is located.

(3) Persons referred to in paragraph 2 of this Article, who are nationals of the diplomatic or consular office of the Contracting State, may opt for the application of the legislation of the employing State within three months following the date of their engagement or after the entry into force of this Agreement.

Article 9
Exemptions

At the joint request of the employee and his/her employer, as well as persons who pursues a self-employed activity, the competent authorities of the Contracting States may agree on exemptions to the provisions of Articles 6 to 8 of this Agreement.

PART III
SPECIAL PROVISIONS

Section 1
SICKNESS AND MATERNITY BENEFITS

Article 10
Aggregations of periods of insurance

Periods of insurance completed under the legislation of both Contracting States shall be, if necessary, aggregated for the purpose of obtaining the right to benefits and for determining the duration of that benefit, in so far as they do not overlap.

Article 11
Benefits in kind

(1) A person who qualifies for a benefit in kind according to the legislation of one Contracting State shall have the right to benefits in kind when he/she is a resident in another Contracting State in accordance with its legislation.

(2) A person who qualifies for providing benefit in kind according to the legislation of one Contracting State during his/her stay in another Contracting State shall be entitled to the urgent medical treatment required by his/her condition, provided that the stay is not realized for the purpose of treatment.

(3) Benefits from paragraph 1 and 2 of this Article shall be provided in the name and on behalf of the Competent Institution by the Institution according to the residence of stay of the person, in accordance with the legislation it applies.

(4) Persons referred to in Article 7 paragraph 1, 2, and 5 and Article 8 of this Agreement shall be entitled to benefits in kind in accordance with the legislation of the Contracting State posted thereto at the expense of the Competent Institution.

(5) The competent authorities of the Contracting States shall determine benefits in kind such as prostheses, appliances and other health benefits requiring high costs for which the provision of the prior consent of the competent authority is required, in the case of a person's residence or stay, unless the provision of such benefits is immediate.

(6) Provisions of Paragraphs 1 to 5 of this Article shall apply by analogy to family members, in accordance with the applicable legislation of each Contracting State.

Article 12
Benefits in kind for pension beneficiaries

(1) A beneficiary of pension realized under the legislation of both Contracting States shall be subject of legislation exclusively of the Contracting State in whose territory the beneficiary of pension resides.

(2) The beneficiary referred to in paragraph 1 of this Article shall be entitled to benefits in kind at the expense of the Competent Institution of the Contracting State in whose territory the beneficiary of pension resides.

(3) The beneficiaries of pension acquired under the legislation of one Contracting State who have residence in the territory of the other Contracting State shall be subject to the legislation of that Contracting State and provision of benefits in kind, as if the right to pension was acquired pursuant to its applicable legislation, at the expense of the Competent Institution.

(4) In pursuance of paragraph 3 of this Article, when the conditions of the pensioner who is resident in the territory of one Contracting State require urgent medical treatment during his/her stay in the territory of the other Contracting State, he/she shall be entitled to receive benefits in accordance with the legislation of the second Contracting State and at the expense of the Contracting State wherein he/she exercised the right to pension.

(5) Provisions of Paragraphs 1 to 4 of this Article shall apply by analogy to family members of a beneficiary of pension, in accordance with the applicable legislation of each Contracting State.

Article 13
Reimbursement of costs

The Competent Institution shall reimburse the real amount of expenditures to the Institution which has provided the benefits in kind in accordance with Article 11 and 12 of this Agreement except for administrative costs.

Article 14
Cash benefits

Cash benefits in cases of temporary incapacity for work and maternity are granted at the expense of the Competent Institution in which the person is insured in accordance with the legislation it applies.

Section 2
OLD-AGE, INVALIDITY AND DEATH BENEFITS

Article 15
Aggregation of periods of insurance

(1) Where the legislation of either Contracting State makes entitlement to benefits conditional upon the completion of periods of insurance, the Institution which applies that legislation shall where necessary, take into account periods of insurance completed under the legislation of the other Contracting State, in so far as they do not overlap, as if they were periods of insurance completed under the legislation of the first Contracting State.

(2) Where a person does not qualify for a benefit in pursuance of the provisions of paragraph 1 of this Article, the Competent Institutions shall also aggregate the insurance periods completed under the legislation of a Third State with which at least one of the Contracting State has concluded an Agreement on Social Security whereby is envisaged the aggregation of periods of insurance or appropriate contract that provides for the aggregation of periods of insurance.

(3) If the legislation of one Contracting Party subordinates the granting of certain benefits to the condition that the periods of insurance are to be completed in a given occupation, only periods of insurance completed or recognized as equivalent in the same occupation under the legislation of other Contracting Party shall be totalized for admission to entitlement to these pensions.

Article 16

Period of insurance of less than one year

Where the total duration of the periods of insurance completed under the legislation Contracting State is less than one year and where, on the basis of those periods, no right to exists, the Competent Authority of the other Contracting State shall include those periods in order to determine the rights and the amount of benefits as if those periods of insurance had been completed under the legislation it applies.

Article 17

Determination of benefits without the aggregation of the insurance periods

If entitlement to benefits under the legislation of either Contracting State is to be acquired without regard to the provisions of Article 18 of this Agreement, the Competent Institution of that Contracting State shall calculate the benefits to be awarded solely on the basis of the periods completed under the legislation it applies.

Article 18

Pro rata temporis calculation of benefits

(1) If the entitlement to benefits under the legislation of either Contracting State is to be acquired only through the application of the provisions of Article 15 of this Agreement, the Competent Institution of that Contracting State shall calculate the benefits as follows:

- the competent institution shall calculate the theoretical amount taking into account all the insurance periods completed under the legislation it applies. The amount of benefits that does not depend on the length of the insurance period shall be taken as the theoretical amount;

- on the basis of the amount calculated as referred above, the actual amount of benefit shall be computed as a proportion between insurance periods completed exclusively according to its legislation and total insurance periods taken into account for calculating the benefit.

(2) Where benefits under the legislation of one Contracting State are calculated on the basis of earnings, salary, Insurance basis and/or contributions paid in a given period, the Competent Institution shall take into account the earnings, salary, insurance basis and/ or contributions paid solely on the basis of the periods completed under the legislation it applies.

Article 19

Reduction, amendment, suspension and cancellation of benefits

The implementation of this Agreement can not cause any reduction, amendment, suspension and cancellation of all entitled benefits.

Section 3

INJURY AT WORK AND OCCUPATIONAL DISEASES BENEFITS

Article 20

Injuries during the commute to and from work

(1) A person residing in the territory of one Contracting State who during the commute to work for entering into employment, on the basis of a labour contract, and/or pursuing a self-employed activity in the other Contracting State, has suffered an injury, shall be entitled to benefits on the basis of a work injury in accordance with the legislation and at the expense of Competent Institution of the other Contracting State.

(2) Paragraph 1 of this Article shall also apply in the event of an injury which a person suffers, immediately after the expiration of the employment contract, and/or upon the termination of self-employment, during the commute from work to his/her residence.

Article 21

Benefits in kind

(1) Any person who has the right to receive the accident at work or occupational disease benefits under the legislation of one Contracting State and who resides or stays in the territory of the other Contracting State shall be entitled to benefits in kind, at the expense of Competent Institution, from the Institution in whose territory he resides or stays under the legislation that Institution applies.

(2) Provisions of Article 11 paragraph 5 of this Agreement shall apply by analogy to the person referred to in paragraph 1 of this Article.

Article 22

Occupational diseases

(1) Where under the legislation of one Contracting State the eligibility to receive benefits for occupational diseases is conditional upon the disease in question being first contracted in its territory, that condition shall be deemed to have been satisfied even when the disease was first contracted in the territory of the other Contracting State.

(2) If granting of the cash benefit in the case of the occupational disease, according to legislation of one Contracting State, is conditional upon the fact that the occupation which may have induced such disease lasted for specific time, the competent institution of that contracting state shall also take into account, if necessary, the periods spent in such or accordance with the legislation of other Contracting State.

Article 23

Cash benefits

(1) Cash benefit in the case of injury at work or occupational disease shall be granted by the Institution of those Contracting State the legislation of which applied to insured person at the time of occurrence of injury at work and/or his/her last performance of the economic activity conducive to occurrence of the occupational disease concerned.

(2) If a person, who has been receiving or receives benefits for occupational disease at the expense of the Institution of one Contracting State, due to aggravation of his health condition caused by performing activity liable to cause the disease in question, submits a claim for benefit to the other Contracting State:

- the Institution of the first Contracting State shall continue to bear the cost of benefit, regardless of the aggravation of health condition in accordance with its legislation;
- the Institution of the second Contracting State shall approve the cash benefit amounting to the difference between the amount of benefit calculated after the aggravation of health condition and the amount of benefit that would have been due, on the basis of occurrence of the disease, according to his/her legislation.

Section 4

UNEMPLOYMENT BENEFIT

Article 24

Aggregation of periods of insurance

(1) The period of insurance completed according to one of the Contracting States legislation is taken into consideration when exercising the right to a cash benefit in case of unemployment according to legislation of the other Contracting State, on condition that the periods of insurance do not overlap and a person was insured against unemployment before the submission of a claim for such a period as prescribed under the legislation of another Contracting State.

(2) The cash benefit in case of unemployment shall be approved by the Competent Institution according to legislation it applies.

PART IV
MISCELLANEOUS PROVISIONS

Article 25
Liaison bodies

The liaison bodies shall be defined by administrative agreement with the aim of more effective enforcement of this Agreement in particular for simple and swift connectivity of Institutions of Contracting States.

Article 26
Obligations of bodies, institutions and administrative aid

(1) The competent authorities of the Contracting States shall define the manner of application of this Agreement by an administrative agreement, which enters into force concurrently with this Agreement.

(2) The competent authorities, the liaison bodies and Institutions of Contracting States shall communicate to each other on:

- a) all measures taken for the implementation of this Agreement;
- b) any changes in their national legislation in relation to the application of this Agreement.

(3) The bodies and Institutions of the Contracting States shall provide each other legal and administrative aid free of charge.

(4) For the purposes of the application of this Agreement, the bodies and the institutions of the two Contracting Parties may communicate with one another and with all interested parties or their proxies.

(5) No claim or document shall be rejected on the ground that it is written in an official language and script of the other Contracting Party.

(6) When applying this agreement, the Montenegrin language and script and the Albanian language and script shall be used equally.

(7) Medical examination performed exclusively for the application of the legislation of one Contracting State and referring to persons who are having residence or stay in the territory of other Contracting State, shall be performed, at the request and at the expense of the Competent Institution by the institution of its residence or temporary stay. Medical examinations related to the enforcement of legislation of both Contracting States shall be performed at the expense of and by the institution of residence or temporary stay of that person.

(8) The Competent Institution of one Contracting Party will provide, upon request, without cost, to the Competent Institution of the other Contracting Party any medical information and documentation in its possession relevant to the disability of a claimant or beneficiary.

Article 27
Exemption from charges and authentication

(1) Exemption from, or reduction in the dues and charges of the written files and documents enclosed for the purpose of application of the legislation of one Contracting State shall also apply to any written files or other document which are submitted for the application of this Agreement or legislation of another Contracting States.

(2) Any identity document, acts and written file produced and submitted for the purposes of this Agreement shall be exempt from authentication by diplomatic or consular authorities.

Article 28
Submission of written claims

(1) Any application, declaration or action which is submitted in pursuance of the application of this Agreement or under the legislation of either Contracting State to a Competent Authority, or other Competent Institution of a Contracting State shall be deemed to be submitted to the Competent Authority, or other Competent Institution of other Contracting State.

(2) A claim for benefit submitted under the legislation of either Contracting State in pursuance of the application of this Agreement shall be considered as a claim for benefit submitted under the legislation of other Contracting State.

(3) Any application, declaration or action which should be submitted within a specified term by the application of legislation of one Contracting State to an authority, Institution or other Competent Institution of that Contracting State shall be deemed to be submitted in a timely manner if they are, within the same term, submitted to the appropriate authority, Institution or other Competent Institution of the other Contracting State.

(4) In the cases mentioned paragraphs 1 to 3 of this Article, the abovementioned Institutions shall, either directly or through the liaison bodies, forward without delay these applications, declarations or actions to the appropriate institutions of the other Contracting State.

(5) Public documents, certificates and/or documents issued by the body or Institution of one Contracting State for the sake of application of this Agreement shall also be deemed valid for a body or Institution of another Contracting State.

Article 29
Payment of benefits

(1) The Institution responsible for the payment of benefits according to legislation of one Contracting State shall recognize benefits in the currency in force in that Contracting State.

(2) Payment of benefits referred to in Article 1 of this Article to the beneficiary who resides in the other Contracting State shall be made in convertible currency (EUR).

(3) Payments among Institutions of Contracting States shall be made in convertible currency (EUR).

(4) Conversion of benefits in the currency of the other Contracting State shall be made in accordance with the parity applicable on the date of the transfer.

Article 30
Requesting the overpaid cash benefits

(1) Institution of one Contracting State which has paid the amount of benefit higher than the amount beneficiary should receive, may request from the institution of the other Contracting State that overpaid amount be balanced for the same kind of benefit, against the amounts due to be paid to beneficiary.

(2) Overpaid amount shall be directly remitted to the institution which has submitted the requested from paragraph 1 of this Article.

Article 31
Enforcement procedure

(1) Enforceable documents issued by a competent authority or institution in the field of social security as well as enforceable court decisions of either Contracting Party shall be recognised in the territory of the other Contracting Party.

(2) The recognition may be refused only if it is contrary to the public order of the Contracting State wherein the recognition of decision or documents is sought.

(3) The procedure of execution of irrevocable decisions and acts has to be in accordance with the legislation governing the execution of such decisions and acts of the Contracting State on the territory of which the execution takes place. The decision or act needs to be accompanied by an attestation confirming its enforceability (enforcement clause).

Article 32
Settlement of disputes

The Competent Authorities of the Contracting States shall jointly resolve any dispute about the interpretation and application of this Agreement through negotiations.

PART V
Transitional and final provisions

Article 33
Transitional provisions

(1) On the basis of this Agreement, no rights to benefits can be exercised for the period before its entry into force.

(2) Any period of insurance completed under the legislation of Contracting States before the entry into force of this Agreement shall also be taken into account for the purpose of determining rights to benefits arising from this Agreement.

(3) This Agreement shall also apply to insurance events which occurred before this Agreement enters into force.

Article 34
Entry into force

- (1) This Agreement shall be subject to ratification.
- (2) Contracting States shall notify each other in writing, by diplomatic channels, on the fulfilment of all internal legal procedures necessary for the entry into force of this Agreement.
- (3) This Agreement shall enter into force on the first day of the third month following the month in which the last written notification referred to in paragraph 2 of this Article has been received.

Article 35
Duration and denunciation of the Agreement

- (1) This Agreement shall remain in force for an indefinite period. Either Contracting State may denounce it at any time by written notice to the other Contracting State at least six months before the end of the calendar year through diplomatic channels. The denunciation shall become effective starting from the first day of the next calendar year.
- (2) In the event of denunciation of this Agreement, its provisions shall continue to be maintained to acquired rights as well as requests for exercising the right submitted prior to denunciation thereof.

Article 36
Effects of the application of Agreement on the rights gained or rights to be acquired

- (1) In the event of denunciation of this Agreement, all rights acquired under the Agreement be maintained.
- (2) All rights to benefits to be realised by the denunciation of the Agreement shall be maintained, and the applications submitted prior to denunciation thereof shall be resolved in accordance with the provisions of this Agreement.

Signed at Podgorica on February 27, 2023 in two originals in the Montenegrin, Albanian and English languages, all texts being equally authentic. In case of differences of interpretation, the text in English shall prevail.

For Montenegro

Admir Adrović

For the Republic of Albania

Delina Ibrahimaj

Član 3

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom listu Crne Gore - Međunarodni ugovori“.