

Government of Montenegro

Ministry of Education and Science

Questionnaire

Information requested by the European Commission to the Government of Montenegro for the preparation of the Opinion on the application of Montenegro for membership of the European Union

– ADDITIONAL QUESTIONS –

26 Education and culture

Minister:

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CHAPTERS OF THE ACQUIS – ABILITY TO ASSUME THE OBLIGATIONS OF MEMBERSHIP

26: Education and culture

I. EDUCATION, TRAINING AND YOUTH

Cooperation in the field of policies

1. Cross-sectoral cooperation on youth matters between various concerned Ministries is a very important aspect of the EU Youth cooperation framework. Please provide more information on how this cross-sectoral cooperation is ensured in Montenegro.

Cross-sectoral cooperation on implementing policies regarding the status and position of youth was defined by the National Youth Action Plan (hereinafter referred to as the "National Programme"), adopted by the Government of Montenegro on 12 October 2006. The competent ministries and other relevant governmental and non-governmental entities participated in the drafting of this National Programme and the action plan for its implementation.

In order to perform monitoring of the implementation of the National Plan, the Government formed the National Youth Steering Committee made of 11 members, which included representatives of five national entities (Ministry of Education, Ministry for European Integration, Public Health Institute, Social Work Centre in Podgorica, Employment Office of Montenegro), as well as six representatives from the non-government sector.

During the drawing up of the annual action plans for the implementation of the National Programme, the National Youth Steering Committee submits a proposal of the activities that should be included in the plan to all competent ministries and public institutions. The ministries and the institutions that are involved in the action plan for the implementation of the National Programme submit reports on realization of the undertaken activities. In order to make coordination of the activities on the implementation of the National Programme successful, contact persons responsible for the implementation of the National Programme. Within the competent ministries and the concerned institutions have been appointed

Youth Office has been created within the Ministry of Culture, Sports and Media, with the aim of establishing cooperation with the entities in charge of performing activities envisaged by the National Programme, as well as with the aim of collecting data relevant for the analysis of the success rate in the accomplishment of all those activities. On the basis of the collected information, the National Youth Steering Committee estimates the level of implementation of the planned activities, proposes additional measures and organizes activities aiming at the promotion of cross-sectoral cooperation.

Having recognized the importance and the necessity of solving the youth matters, on 25 February 2010 the Government of Montenegro established the Directorate for Youth and Sports as a special state organ competent for this area, which is in charge of defining and carrying out the issues referring to the condition of the young people in Montenegro. Directorate for Youth and Sports is directly connected with the Ministry of Education and Science.

2. On the reply to Question 3: Please complement the timetable for implementation of the most recent reforms and provide an indicative timetable regarding the upcoming steps.

The most important upcoming steps, which should ensure sustainability of the reform and make achievement of the system's vision possible	The year of implementation
Establishment of a National Qualification Framework that will ensure transparency and transferability of qualifications, and their comparability with the qualifications in other countries	2011
Implementation of the decentralization principle in financing education in order to delegate a number of finance-related duties from the central level to local governments, thus ensuring greater involvement and interest of local communities in education on their territories	2014
Implementation of the per-student formula funding in order to ensure more efficient spending of resources and promote larger autonomy and responsibility of school principals and governing bodies	2014
Strengthening the implementation of the quality assurance model at all levels of education, particularly regarding the self-assessment that is conducted by institutions themselves	2014
Optimisation of the network of primary schools in order to ensure potential savings within the system, which would provide a basis for a more efficient functioning of the system, through a reduction in the number of institutions and employees and without violating the principle of free and compulsory primary education	2014
Completion of development and testing of a reliable data base for all educational system segments; the data base will allow an informed decision making and will constitute the core of the Montenegrin Education Information System (MEIS)	2010
Further improvement of education of persons with special needs, primarily by supporting the development of mobile teams' capacities and transformation of special institutions for children with special needs into resource centres that will provide support to all institutions dealing with education of children with special needs	2014
Evaluation of the implementation of the new curricula and their revision, based on results and experiences of pupils, teachers, principals and other interested parties within the education process in the past period	Continually
Further development and evaluation of textbooks and teaching aids and their modification in accordance with the evaluation results in order to ensure improvement of their quality and adequate adaptation to the revised curricula	Continually
Provision of preconditions to increase preschool education coverage in order to allow as many children as possible to attend this level of education and thus ensure an adequate early development of children, which has a significant effect on their later achievements; this will be done primarily by regulating the issue of private institution licensing, where this type of education is currently practised	Continually

The most important upcoming steps, which should ensure sustainability of the reform and make achievement of the system's vision possible	The year of implementation
Further improvement of initial education of the teaching staff	Continually
Continuous professional development and training of teaching staff, with the increasing tendency to conduct these activities on the regional level and level of schools, where the peer exchange will ensure significant savings in financial resources that are allocated for teacher training; this will also ensure stronger connection and better exchange of experiences among colleagues, and further strengthening of teaching staff at schools	Continually
Encouragement of teaching staff to continue their professional development, by providing a system of promoted posts that is based on knowledge, involvement, and accomplished results and that will be accompanied by different payment categories, and thus achieve better results with their pupils and attendants	2014
Capacity development of people working in adult education	2012
Continuous promotion of social partnership so that vocational education can effectively meet requirements of employers and labour market, and have social partners actively participate in planning, organization and implementation of vocational education	Continually
Definition of an enrolment policy that will adequately reflect the labour market needs and meet the requirement for the establishment of a long-term development policy of Montenegro	2011
Introduction of the system of credit valuation of vocational education curricula in order to: increase transparency and comparability of attained qualifications; enable recognition of learning outcomes and link formal, informal and non-formal learning; and improve mobility and promote lifelong learning	2011
Modularization of vocational education curricula so as to additionally encourage the reduction in the number of drop-outs and encourage an increase of population's overall level of education, along with the simultaneous support to the implementation of the lifelong learning principle	2011
Organisation of external Matura and professional exam, which will be taken by the final grade pupils of gymnasiums and vocational school for the first time in the school year 2009/10, in order to use the achieved results for further improvement of the educational system, and also to objectively evaluate the pupils' achievements because these examinations will be one of the criteria for enrolment in higher education institutions	2011
Creation of conditions for linking formal, non-formal and informal learning	2012
Provision of conditions for the functioning of post-secondary vocational schools	2011
Development of the Strategy on Higher Education in Montenegro	2011
Definition of norms and standards for higher education financing	2011
Increase of the mobility level of university students, professors, and researchers	2011

The most important upcoming steps, which should ensure sustainability of the reform and make achievement of the system's vision possible	The year of implementation
Involvement of higher education institutions in similar European institutions and agencies	2011
Increase of students' involvement in the work of various bodies at higher education institutions	2010
Provision of conditions for a quality implementation of the tertiary cycle of higher education (PhD studies)	2014

3. Please complement the reply to Question 5 with a description of the arrangements for the recognition of informal and non-formal learning.

In compliance with the laws referring to the field of education (General Law on Education, Law on Vocational Education, Official Gazette of the Republic of Montenegro 64/02 and 49/07 and Law on National Vocational Qualifications, Official Gazette of Montenegro 80/08), there are two basic types of qualifications: education level qualification (vocational qualification degree) and professional qualification. These two types of qualifications are connected – vocational qualification degree contains one or more professional qualifications.

Education-level qualifications, i.e. vocational qualification degrees are attained at the end of the formal education curricula, more precisely at the end of general high school education, vocational education and higher education.

Resulting from the need to recognize every individual's knowledge, skills and competence through the precisely defined procedures, and to grant every individual a formal certificate by means of the nationally acknowledge vocational qualification, the Law on National Vocational Qualifications was adopted.

In addition to this, solutions offered by this Law ensure that the attained vocational qualifications shall be recognized in the further education. The Law, therefore, envisages connecting of the qualifications attained in the formal education with the qualifications acquired by the acknowledgment of the non-formal and informal learning.

Apart from the fact that it is expected to advance the opportunities of the individual on the labour market, after the conditions for its implementation have been created, this solution should also bring about the increase of the education level of the population, since the qualifications will be attained gradually and in various ways, which provides a stimulus for life-long learning.

The Ministry of Education and Science, in cooperation with the Vocational Education Centre, Examination Centre, Ministry of Labour and Social Welfare, Union of Employers, Chamber of Commerce and Employment Office, prepared rulebooks that are to enable the implementation of the Law on National Vocational Qualifications, which entails the recognition of non-formal and informal learning. Those rulebooks include the following: the Rulebook on manners and procedures of issuing and revoking the license for examination of the knowledge, skills and competence of the candidates for vocational qualifications and the Rulebook on operating and other relevant issues important for the work of the commissions that perform examination of the knowledge, skills and competence necessary for the attainment of vocational qualifications. In addition to this, the Ministry of Labour and Social Welfare, in accordance with its competence, prepared the relevant rulebooks envisaged by this Law (Rulebook on proceeding and manner of recognition of foreign certificates, Rulebook on form and content of the certificates and Rulebook on form, content, and manner of conducting, maintaining and using the central register). Examination Centre has created the Programme for training of the examiners for attaining the vocational qualifications.

It is important to mention that IPA 2007 project, which is a component of the National Framework Qualifications, is actively included in these activities and that a verification of the solutions and decision, envisaged by the Law on National Vocational Qualifications and the aforementioned rulebooks, is planned for the forthcoming period in the field of tourism and construction. In addition, this Project supports capacity development in the institutions that are involved in some of the stages in the recognition of non-formal and informal learning. The Project will help creating the guidelines, including training programmes for the employees of the main institutions participating in the recognition of the non-formal and informal learning. As a part of the Project, various training programmes will be organised within the Employment Office of Montenegro, in the Union of Employers and Employees, among the education providers, etc. A special attention will be given to the information services and counseling on the possibilities, conditions, manners and procedure of attaining the vocational qualifications.

The Law on National Vocational Qualifications and the related rulebooks envisage the following basic steps in the process of attaining the nationally recognized vocational qualifications and the acknowledgement of non-formal and informal learning.

In order to attain a vocational qualification, the candidate can apply directly in the Examination Centre for the verification of the previously acquired knowledge, skills and competence.

If a candidate needs an additional education and training, it will be organised by the education providers that hold licenses issued by the Ministry of Education and Science, in compliance with the special regulations. The candidates are informed about the education providers by the relevant information and counseling services within the Employment Office, education providers, unions of employers or trade union.

The testing of the knowledge, skills and competence will be carried out by the examination commission composed of three members with the examination license and formed by the Examination Centre for each particular vocational qualification. In order to acquire the examination license, the examiner must have the required level of education and a suitable occupational profile, established by the examination catalogue for the particular vocational qualification. Moreover, the examiner must have minimum five years of the working experience in the related jobs, as well as completed training programme for the examiners.

The testing of the knowledge, skills and competence will be carried out in accordance with the examination catalogue that was created in line with the relevant occupational standards. The examination commission should assess the candidates' success in reaching the set standards of knowledge, skills and competence, as predetermined in the examination catalogue. The examination commission will keep minutes on the course and the results of the testing, and it will bring decision on the success of the exam. On the grounds of the submitted decision, the Ministry of Labour and Social Welfare will issue a certificate on the national vocational qualification, keeping the record of the issued certificates. The Law on National Vocational Qualifications stipulates that the procedure for attaining a vocational qualification must be valid for attain of the key competence as well. Furthermore, the Law envisages the possibility for recognition of foreign certificates, which is in the competence of the Ministry of Labour and Social Welfare and it was established by the before mentioned rulebook.

It is expected that by the end of 2010, the procedures for acknowledging non-formal and informal learning will be verified in practice.

4. Could you please clarify which criteria and elements are considered for the planning and setting-up of educational infrastructure (clarification to Question 13).

During the planning and setting-up of educational infrastructure, the following criteria and elements are defined, in line with the Rulebook on more specified conditions for setting-up of the educational institutions:

- For the pre-school institutions the requirements have been defined regarding the following elements: minimum number of children, choice of the location, territorial area, outdoor space for children's games, economic space, storage space, luggage compartment, boiler room, the object itself, premises for children, shared rooms, communication paths, triage, wardrobe, sanitary rooms for children, hall for joint activities, kitchen and warehouse, living room and dining room, balcony, laundry room, room for library and didactic devices and materials, space for parents, staff room, rooms for the preventive health care, room for the expert associate, rooms for administration and secretariat, space for the storekeeper, storeroom, construction material, floors, walls, windows, doors, light, heating, airiness, electric installations, water supply and sewer treatment installations, stairs. The equipment that would enable realization of the planned activities has been precisely defined for all the above-mentioned components.

- As far as the elementary schools are concerned, the following has been defined: minimum number of pupils, choice of the location of the school, structure of the grounds, size of the area, the object, spatial structure within the object, teaching premises, shared rooms (rooms for extra activities/prolonged stay, library), other rooms (such as rooms for various activities of the pupils, staff room, rooms for administration and secretariat, rooms for professional services, health care premises, kitchen, rooms for energy plants, facilities and installations, light, heating, electric installations, water supply and sewer treatment installations, closets and wardrobe, other facilities, sanitary rooms, etc.), first cycle teaching premises, second cycle teaching premises, third cycle teaching premises, specialized (subject related) classrooms, physical education area, communication areas, doors, walls, floors, windows, stairs, adjusted communication areas. The equipment and teaching materials for all these premises have been precisely defined.

- Regarding gymnasiums and vocational secondary schools, the following elements have been defined: minimum number of students, location and territory, choice of the area, size of the area, the object/building, teaching premises (classrooms, laboratories and cabinets, workshops, ateliers, studios and gym for physical education), area size per student, teaching premises for secondary schools of art, library, staff room, expert assistance rooms, health care premises, rooms for auxiliary staff, rooms for practice and exercise, employers rooms, premises of the local units, communication areas, communication areas for children with special needs, wardrobe, sanitary rooms, warehouse, space for energy plants and devices, installations, light, heating, electric installations, water supply and sewer treatment installations, closets, walls, floors, doors, windows, stairs, fire protection. The equipment and teaching materials for all the above mentioned premises have been defined, along with the conditions that should be met regarding the choice of the equipment.

- As for the student halls and dormitories, the requirements have been set and described regarding the following: minimum number of students, space within the hall, structure of the area, choice of the location, size of the area, the building itself, electric installations, water supply and sewer treatment installations, other installations, heating, structure of the building, rooms, furniture and equipment inside the rooms, doors, windows, floors, joint rooms (such as reading rooms with the library, classrooms, TV room), sanitary space, shared bathrooms, communication areas, structure of the kitchen, kitchen, premises of the restaurant, organisation of the restaurant, catering, sanitary department of the restaurant, auxiliary objects, premises for food, storerooms, laundry, economist office, doorkeeper's premises, rooms for administration, teachers and secretariat, other staff rooms, fire protection. The equipment for all these premises has been precisely defined.

- Regarding the institutions for education of children with special needs, the following requirements have been defined: area, object/building, rooms, auxiliary rooms, special features of the premises, classroom, special space, sanitary rooms, premises for parents, premises for individual work, rooms for children who use wheel chair or other orthopedic aids, shelves, staircase, elevator, windows, electric installations, sanitary devices, and other equipment necessary for the realization of the planned activities.

Access to education of EU citizens

5. Please provide more information as regards the existing situation concerning the stated equality of conditions applying to foreigners and Montenegro's nationals for access to education. There are also some contradictory statements in the replies to Question 35 and 36 which should be clarified. Examples:

- Reply to Question 35 (page 126, fifth paragraph) states, "The Law guarantees admission to study programmes of a higher education institution to the foreign citizens under the same conditions as to the citizens of Montenegro", and

- Reply to Question 36 (page 126, third paragraph): "Foreign citizens have the right to enrol in a study programme under the same conditions as the citizens of Montenegro."

- But in the same paragraph it is stated, that: "The student who is a foreign citizen has the status of a fee paying student", and

- Reply to Question 35 (page 123, seventh paragraph) states: "Foreign nationals can receive the same education as the citizens of Montenegro under the conditions of mutuality".

General Law on Education (Official Gazette of the Republic of Montenegro 64/02, 31/05 and 49/07), which lays down and regulates issues referring to the organisation of and conditions for performing educational work in the preschool, primary, general secondary and vocational secondary education, education for persons with special needs and adult education, makes distinction between the foreign nationals with either temporary or permanent residence permit in Montenegro and the foreign citizens who have not residence permit (Article 9). Namely, a foreign citizen who has not regulated his/her status in Montenegro in this respect can be educated in the same way as the citizens of Montenegro under the conditions of mutuality, i.e. under the conditions that our citizens are entitled to the same right in the country of that foreigner, which implies that a foreign national shall be granted this right under the same conditions as a Montenegrin national if thus ensured by an international agreement, with the exception of the primary education, which is compulsory and free of charge for all children, according to the Constitution of Montenegro and Article 4 of the Law on Primary Education (Official Gazette of the Republic of Montenegro 64/02 and 49/07), as well as by the international conventions. In accordance with Article 11 of the General Law on Education, the school shall be in obligation to provide a student attending the lessons in non-mother tongue language an adequate help in the learning of the language in which the teaching is carried out.

The foreign citizen with a temporary or permanent residence permit in Montenegro has a completely liberalized access to education and is equal in exercising the right to education with the citizens of Montenegro, in line with the laws that regulate certain fields of education.

The Law on Higher Education (Official Gazette of the Republic of Montenegro 60/03, Article 89) stipulates that foreign citizens have the right to be admitted to study programmes of the public higher education institutions in Montenegro under the same conditions as the citizens of Montenegro, i.e. on the competitive basis, in accordance with this law and the statute of the higher education institution. Therefore, the criteria for the evaluation during the process of admission to the University of Montenegro are the same for all students, whether they are Montenegrin or foreign citizens.

In the academic year 2008/09, the number of the foreign national students at public and private faculties totalled 504. In the academic year 2009/10, out of the 536 students who are foreign citizens, 466 study at the University of Montenegro, whereas 70 foreign citizens study at private higher education institutions.

According to Article 3 paragraph 9 of the Rulebook on conditions, criteria and procedure of the enrolment in the undergraduate studies of the University of Montenegro, a foreign citizen has the status of a fee-paying student. Hence, foreign students cannot be financed by the Budget, but are enrolled as the students who pay tuition fees.

The number of the students whose tuition fees are funded by the Budget is determined by the Government of Montenegro, in compliance with the Article 62 of the Statute of the University of Montenegro.

Foreign citizens and Montenegrin citizens are completely equal regarding the amount of the tuition fees, which means that the foreign students pay the same amount of tuition fees as the Montenegrin fee-paying students.

The students financed by the Budget have right to accommodation and meals in the student halls, student credits, scholarships and participation in the transport costs, in accordance with the Rulebook on criteria, manner, conditions and the amount of compensation for exercising right to accommodation and meals in students' halls, student credits, scholarships and participation in the transport costs.

Right to accommodation and meals at the economic price can be exercised by fee-paying students (both Montenegrin and foreign citizens) if there are free places in the student halls after the allocation. In the academic year 2008/09, there were 132 foreign citizens who had both accommodation and meals in the public institutions – student dormitories, whereas 29 foreign citizens exercised the right to meals in those institutions.

II. Culture

6. Please provide more information concerning the legal framework (and support provided) in the field of cultural heritage.

The legal framework in the field of cultural heritage currently includes:

- Law on Protection of Cultural Monuments (Official Gazette of the Republic of Montenegro 47/91),
- Law on Museum Activity (Official Gazette of the Socialist Republic of Montenegro 26/77 and 33/89),
- Law about the library activities (Official Gazette of the Socialist Republic of Montenegro 16/77 and 2/89, 29/89 and 39/89, as well as Official Gazette of the Socialist Republic of Montenegro 27/94),
- Law about archives activities (Official Gazette of the Socialist Republic of Montenegro 25/92 and 6/94)
- Law on Cinematography (Official Gazette of Montenegro 14/08),
- Law about rehabilitation of the monumental area of Kotor (Official Gazette of the Republic of Montenegro 1/84 i 19/86),
- Law about rehabilitation and revitalization of old towns damaged in the disastrous earthquake on April 15, 1979 (Official Gazette of the Republic of Montenegro 47/91),
- Law on Culture (Official Gazette of Montenegro 49/08).

In addition, the following international conventions are also applied in Montenegro in the field of cultural heritage protection:

- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Hague, 14 May 1955),
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 14 November 1970),
- Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 16 November 1972),
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003 (Paris, 17 October 2003),
- UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions (Paris, 20 October 2005),
- UNESCO Convention on the Protection of the Underwater Cultural Heritage (Paris, 2 November 2001),
- Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro, 27 October 2005),
- European Convention on the Protection of the Archaeological Heritage (London, 6 May 1969),
- European Convention on the Protection of Archaeological Heritage (Granada, 3 October 1975).

The reform in the field of cultural heritage, implemented in compliance with the European and international standards, as well as in line with the positive experiences from the region, is ongoing. In this aspect, new proposals for the laws were prepared in 2009, which are planned to be adopted

by the Government in the first quarter of 2010, and then sent for discussion and adoption to the Parliament of Montenegro. These proposals for laws include:

- Law on Cultural Goods,
- Law on Museum Activity,
- Law about Archives Activities and
- Law about the Library Activities

Principles and obligations ensuing from the ratified conventions, relevant international directives, recommendations and resolutions, as well as the principles resulting from the international professional organisations, have been implemented into the new laws.

Following the adoption of the new Law on Cultural Goods, the Law on Protection of Cultural Monuments (Official Gazette of the Republic of Montenegro 47/91) and the Law about rehabilitation and revitalization of old towns damaged in the disastrous earthquake on April 15, 1979 (Official Gazette of the Republic of Montenegro 47/91) shall cease to have effect.

In order to implement the new laws, a great deal of secondary legislation shall be adopted, which will make the certain procedures more precise and the legal framework more complete and applicable in practice.

Support to the cultural heritage is provided through the financing of the public institutions dealing with culture, protection of cultural heritage, archaeological research, museum, library, archives and cinematographic activities. These institutions are in charge of a significant fund of the movable cultural heritage and, in this respect, they perform the activities on its protection, expert treatment, filing, valorisation, presentation and popularization.

Every year, the state finances archaeological researches that are either performed independently by the competent institutions of culture or are carried out in cooperation with other national and foreign researchers.

In the previous years, the state directly financed or participated in the financing of a larger number of immovable cultural goods, in particular of the sacral objects of all confessions. Also, in the conservation ateliers of the public institutions (Republic and Regional Institute for the Protection of Cultural Monuments), conservation and restoration of the movable cultural goods (icons, old books, etc.) is performed, either free of charge or at the prices that only cover the costs of the material.

The Ministry of Culture and offices and institutes for the protection of cultural monuments are directly involved in the process of preparing development and planning documents, with the view of ensuring the adequate treatment, protection and sustainable usage of the cultural goods.

The Ministry has promoted a practice of creating management plans for old towns and cultural-historic areas, which should represent strategic documents for the long-term management and sustainable usage of these goods, with the aim of their permanent conservation and improvement of their condition.

7. Please clarify in more detail the implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Express (Question 50).

Having regard to the guiding principles of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Law on Culture lays down the principles, which are compatible with the main principles of the UNESCO Convention, according to which the culture in Montenegro shall be developed and realised.

Article 3 of the Law on Culture (Official Gazette of Montenegro 49/08) stipulates, inter alia, that the culture in Montenegro shall be developed and realised in line with the following principles:

1. freedom of creating and respecting the right to culture;
2. orientation of the state and local self-government towards stimulation and promotion of the cultural and artistic creating, as well as towards protection and preservation of the cultural heritage;
3. equal preservation of all cultural identities and respect for the cultural diversity;
4. building and promotion of the cultural system in accordance with the international standards;
5. transparent activities in the field of culture;
6. respect and protection of the authorial and related rights.

In the context of the highly significant role that multiculturalism and cultural heritage have for the development of culture, but also for the progress of the society as a whole, the culture is defined in Montenegro as an activity of the public interest (Article 2 paragraph 2 of the Law) and, accordingly, the activities which are of public interest have been established, as their realization contributes to the affirmation, conservation and promotion of culture, cultural-artistic production and cultural heritage as a special mode of interaction and creativity of the multiple identities and various cultural expressions. Since the need to develop culture evenly over the whole territory of Montenegro has been recognized, which would ensure the equal treatment of all cultural identities and cultural-artistic expressions, Article 5 of the Law on Culture defined the following activities of the public interest:

1. Protection and preservation of tangible and intangible cultural heritage;
2. Providing conditions for realization and development of all fields of cultural and artistic creation;
3. International cultural cooperation and presentation of the Montenegrin cultural and art production and cultural heritage;
4. Scientific researches and professional development in the field of culture;
5. Conservation of the authentic and traditional cultural and ethnic-cultural features;
6. Development of the amateur cultural and art production;
7. Development of the cultural and artistic creation of the disabled persons;
8. Providing conditions for the development of creative industries.

Having regard to the specific circumstances and needs, the Law on Culture defines measures for protection and promotion of the Montenegrin culture as a whole, as well as cultural diversity, in the context of rights and obligations laid down in Article 6 of the Convention as follows:

1. there are no limitations for revitalization, creation, production, dissemination, distribution and enjoyment of the cultural activities, since the institutions of culture are set up with the aim of performing those activities, and they can be established by anyone: the state, a municipality, domestic and foreign natural persons (Article 14 of the Law);

2. all institutions of culture can be granted public financial support of the State, since the Law stipulates that the State and the municipality shall co-finance the programmes and projects in the field of culture (Article 68);

3. the measures aiming at providing stimulation and support to artists and other persons involved in the creation of cultural expressions, as well as at the promotion of entrepreneurial mindset in culture, have been laid down by the Law on Culture, and they refer to:

- Special acknowledgement of the artists for their creative contribution to the field of culture (status "distinguished artist" or "expert in culture", which implies a financial support, has been laid down by Article 52 of the Law, by the Decree on criteria and manner of granting the status of a distinguished artist – Official Gazette of Montenegro 49/08),

- Providing conditions for the work of representative professional associations of artists (Article, 86) as non-profit organisations made of professionals from different areas of culture,
- Providing assets in the state's budget for health insurance of the independent artists, under the conditions laid down in Article 65 of the Law;
- State's and municipalities' orientation towards providing better conditions for the artists, enabling them with the possibility of purchasing working and living premises (Article 85),
- Offering the artists compensation for the costs of customs duties and added value taxes during the import of equipment, instruments and materials necessary for the work (Article 87).

4. the public financial help is provided through the annual public competitions (Article 70 – 82 of the Law), which are open for all the entities that deal with cultural values (at the local level, for natural and legal persons, civil sector, entrepreneurs). The competitions concern all fields of culture and art (visual arts, music and music-dramatic arts, publishing, film, theatre, creative industries, amateur activities in culture, support to traditional artistic crafts, activities of the disabled persons).

This manner of funding develops and promotes an exchange and flow of ideas, cultural expressions and activities, stimulates creative and entrepreneurial mindset and ensures efficient access to the means of public support to production, dissemination and distribution of cultural activities, goods and services, without limitations and under equal conditions for all the entities in the field of culture.

Financial help is granted to the participants in the competition in accordance with the established criteria (Article 73 of the Law), whereby, in addition to quality of the project, author's references and the state of budget, the criteria that directly implement the UNESCO Convention are also included:

- Contribution to the development of multinational and multicultural values;
- Contribution to the stimulation of international dialogue and partnership development; international affirmation of the Montenegrin culture;
- Contribution to the preservation of tradition and the Montenegrin cultural heritage.

5. With the aim of integrating culture into the sustainable development, the Law on Culture also envisages special forms of support and encouragement of the creative industries, traditional crafts and skills and amateur activities in culture (Article 88, 89 and 90 of the Law). By means of the projects in this field, cooperation between the private and public sector is accomplished, which stimulates:

- a) art production of the creative potential,
- b) promotion of the cultural development at national and local level and contribution to the economic development of the community,
- c) affirmation of the authentic and original cultural values and intangible cultural heritage.

The forms of support in this sector are also realised through the annual public competitions and with regard to the established criteria (Article 73 of the Law)

6. In compliance with Article 9 point b of the Convention, a contact point for the Convention that shall be in charge for the exchange of information regarding the Convention has also been appointed.

III. Sport

8. Following the entry into force of the Lisbon Treaty on 1 December 2009, the EU has been attributed a new competence for sport (Article 165 TFEU). In this respect, please complement the information provided on Sport under the Youth Point with a description of the organisation of sport in Montenegro and the role sport plays in societal (health, education and social inclusion terms) and also economic terms. The Law on Sports that is referred to in the replies should be provided as annex to Chapter 26 in an English translation if possible.

The existing Law on Sports (Official Gazette of the Republic of Montenegro 49/04 as of 22 July 2004) specifies that sport in Montenegro is organised as an activity of public interest and on a voluntary basis.

Sport is recognized as an activity of great significance for the physical and social development of children and youth, which enables an organised practicing of sports, with minimal procedures, technical and material conditions. In that respect, the existing Law on Sports stipulates that the sport activities shall be performed by sports clubs, sports recreation associations, sports alliances and Montenegrin Olympic Committee.

The basic principle of support for organizing sport activities in Montenegro is co-financing of the massive sports, encompassing school sports and extra-curricular sporting, recreation and sports for disabled persons.

Apart from this and within its possibilities, Montenegro also pays special attention to the top sports and representative sports and, in this respect, it co-finances the programmes of the Montenegrin Olympic Committee, Montenegrin representative unions and alliances and sports clubs.

Furthermore, in order to encourage practicing of sports, as well as to express acknowledgments for the top results achieved in sports, Montenegro established rewards and compensations for the top sportsmen.

In Montenegro, sport can be organised on an amateur and professional basis, and in this respect, the existing law lays down criteria for transformation of the amateur into professional sports organisations. Some of the amateur sports clubs and the Montenegrin sports unions are sponsored by various companies and business associations, whereas the private sports clubs are sponsored by their owners, who realise their economic and commercial interests in this way.

Recognizing the level of sports development reached so far, as well as the need for its further improvement, the Government of Montenegro has planned to draw up a new Law on Sports in 2010, which would determine the realization of the public interest in sports, manners and conditions of founding, transforming and registering of sports organisations, the principles of functioning in sports unions, performing of professional jobs in sports, measures for stimulating development of the top and high quality sports, settlement of sports disputes and performing of anti-doping control.

The work on creating a draft of the new Law on Sports is ongoing, and it should be completed in the third quarter of 2010. Following the adoption of the new law, the creation of a new National Programme for the development of sports shall be initiated, which will set up the dynamics and determine the performers of particular activities.

Annex

1. Law on Sport



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