

# Screening Report

# Montenegro

## Chapter 26 – Education and Culture

**Dates of screening meetings:**

Explanatory meeting: 26 September 2012

Bilateral meeting: 16 November 2012

## I. CHAPTER CONTENT

The areas of education and training, youth, sport and culture are primarily the competence of the Member States. The Treaty on the Functioning of the European Union (TFEU) provides that the Union shall encourage cooperation between Member States and support and supplement their actions, while fully respecting their responsibility for the content of teaching, organisation of education and vocational training systems, and their national and regional cultural diversity. The TFEU also provides that the Union shall contribute to promoting European sporting issues.

The *acquis* on education and culture consists mainly of a cooperation framework, using programmes and the open method of coordination (OMC) to move towards convergence of national policies and attainment of shared objectives. In the field of education, training and youth, Member States need to have the legal, administrative and financial framework as well as the necessary implementing capacity in place to ensure sound management, including financial management, of decentralised EU programmes. The *acquis* also contains a Directive on education of the children of migrant workers<sup>1</sup> and the judgments of the European Court of Justice on cases related to non-discrimination between nationals of an EU Member State and other EU nationals. The objectives of education and training systems endorsed in 2001, as well as the Copenhagen process for vocational training and the Bologna process for higher education, provide guidance for the improvement of the quality of education and training systems. The work programme 'Education and Training 2010', and the strategic framework 'Education and Training 2020', integrate all actions at European level, and contribute to improving the quality of education and training systems. Common objectives for EU youth policies have been set out in the EU Youth Strategy (2010-2018), which is based on a reinforced open method of coordination. In the field of sport, the 2011 Commission Communication "Developing the European Dimension in Sport" proposes concrete actions to support and coordinate policy measures, with a view to the possible adoption of a first multi-annual EU work plan for sport by the Council.

As regards cultural policy, Member States need to uphold the principles enshrined in Article 167 of the TFEU and, in particular, ensure that their international commitments allow for the development and implementation of policies and instruments aimed at preserving and promoting cultural diversity. In accordance with these principles, the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions is a major element of the *acquis* in the field of culture. The Commission Communication on a European Agenda for culture in a globalised world introduced a structured dialogue with the cultural sector and an open method of coordination, in order to implement three common sets of objectives: cultural diversity and intercultural dialogue; culture as a catalyst for creativity; and culture as a key component in international relations.

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<sup>1</sup> Directive 77/486/EEC, OJ L 199, 06/08/1977, p. 32.

## II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY

This part summarises the information provided by Montenegro and the discussion at the screening meeting.

Montenegro indicated that it can accept the *acquis* regarding education and culture and indicated that it does not expect any difficulties to implement the *acquis* by accession.

### II.a. Education, training, youth and sports

#### Cooperation in the field of Policies

Montenegro indicated that it is willing to achieve the common goals agreed by the EU for the education and training systems as part of the broader Europe 2020 and Education and Training 2020 strategies.

In Montenegro, the Ministry of Education and Sports is responsible for planning, implementing and updating education policy. The education system is defined in the General Law on Education and in a number of more specific sector laws and sector strategies. Montenegro defines the goal of its education system as developing the country as a knowledge-based society with education as a key factor for economic and social development. The education system is financed from the State budget. In 2010, Montenegro allocated budget expenditure equivalent of 4.5% of GDP to education.

Currently, 34% of children aged 0-6 are covered by early and pre-school education, with regional differences in these participation rates. Montenegro's strategy on early and pre-school education aims at achieving a rate of 40% in 2015, in order to align with the UN Millennium Development Goals and to increase participation rates both in rural areas and in the north of the country.

Montenegro has a compulsory education system of nine years. The objectives of compulsory education are to make education available to everyone according to his/her potential, to promote the development of critical thinking and self-determination, to provide the opportunity for personal growth, to convey respect for the values of national history and culture, to respect differences and to recognise the culture and specificities of other peoples. Compulsory education is followed by two alternative paths: either by 4 years of general secondary education concluded by a general exam (Matura), which allows access to university; this path is chosen by about a third of the pupils. Two thirds of the pupils choose the alternative track of three or four years of vocational education, which includes a craftsman exam. The Syllabus of the four-year vocational education contains both elements of general and vocational education. Passing the exam of the 4-year vocational cycle gives access to post-secondary vocational education as well as to university education, depending on the admission rules of each university. 70% of all secondary graduates enrol in universities; only 40% of university students are graduates of general secondary schools, while about 60% come from vocational schools.

Montenegro's tertiary educational system consists of one public university, two private universities and seven private individual faculties, which all need to be licensed and accredited according to law. Higher education is structured as a three-cycle system including undergraduate, graduate and doctoral studies at 3, 2 and 3 years. Access is

competitive on the basis of secondary education, the professional or matriculation exam and/or a special admission exam. While, according to Montenegro, the system mostly complies with the Bologna objectives<sup>2</sup> regarding the structure, Montenegro stated that further strong efforts will be required at national and institutional level to achieve a comparable and compatible system within the European Higher Education Area such as international openness, mobility, data collection and multidimensional transparency tools. Montenegro is strongly committed to this goal and has representatives in the Bologna Follow-Up Group. Its strategic goals on higher education are defined in a strategy covering the period 2011-2020 and target quality improvements, labour market relevance, lifelong learning, research-orientation, internationalisation and increasing the share of adults aged between thirty and thirty-four with tertiary education to 40%. These goals are fully aligned with those set out in the Europe 2020 strategy.

The University of Montenegro is in the process of setting up services facilitating lifelong learning (LLL). It has set up a strategic plan for the introduction of the LLL concept and has formulated procedures and criteria, e.g. for the accreditation of LLL modules and for the enrolment of users. Two modules are operational in the fields of tourism and physiotherapy, which include monitoring indicators. A career development centre has been inaugurated offering students various kinds and forms of coaching. Further developments are envisaged in terms of the recognition of prior learning.

Since 2010, a comprehensive National Qualification Framework (NQF) is being developed. The Ministry of Education has the overall responsibility for the implementation of the NQF and representatives from ministries, employment services, universities, employers, trade unions etc. are involved in qualifications` development. Referencing to the European Qualifications Framework is planned.

Montenegro participates in the Commission`s vocational training meetings and in the network for quality in vocational education. It has participated in various events under the OMC, such as the evaluation of the EU youth policy. Moreover, Montenegro participates in the European Youth Policy Indicators Expert Group. Montenegro has participated in the 2006 and 2009 Pisa exercises.

The Ministry of Education and Sports is responsible for youth policy. It is advised by the national youth steering committee. It has implemented a multi-annual Action plan on youth and envisages the adoption of a comprehensive Law on youth policy. It is currently evaluating its 2006-2011 Action plan on youth and intends to develop its policy through evidence-based needs analysis. Among its priorities Montenegro lists the participation of young citizens in public life at local level; young people from the age of 14 may establish an association, thus enabling pupils to formalise their participatory initiatives at local and national levels. Montenegro wants to boost cross-sector and international cooperation. It also stated that it aims at improving its education facilities for children with special needs.

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<sup>2</sup> Education, Audiovisual and Culture Executive Agency: 'State of Play of the Bologna Process in the Tempus Partner Countries (2012)', A Tempus Study, No 9, April 2012, EACEA, Brussels.

The sports sector is regulated by the Law on sports and several more specific laws. A national programme for the development of sports sets out the priorities from 2012 to 2016 in 14 aspects. This includes an Action plan ranging from e.g. the financing of sport to issues like health or the fight against violence. In regulating and developing the sector, the Ministry of Education and Sports is consulted by the National Sports Council. Some municipalities have local sports councils. Montenegro stated that sport is the area in which the country's international participation is particularly high.

#### Access to education for EU citizens

There is no specific legislation in Montenegro concerning the education of children of migrant workers. The non-discrimination principle is largely implemented in Montenegro. Foreign nationals with permanent or temporary residence are equal to Montenegrin citizens in their right to primary and secondary education. For accession to the public institutions of higher education, foreign nationals are eligible under the same conditions as Montenegrin citizens who pay tuition fees. Loans are accessible for students who for the first time enter the semester of the appropriate study year and who did not change the study programme, without distinction between nationals and foreigners with residence permit.

English is taught from the first grade in elementary school. Other languages such as Italian, French, German, Spanish and Russian can be chosen at later stages. Montenegro is considering additional measures to promote the teaching of the mother tongue of the country of origin for migrant children.

#### EU programmes

Montenegro higher education institutions participate in the higher education assistance and cooperation programmes such as Tempus, Erasmus Mundus and Jean Monnet. It does not participate fully in the Lifelong Learning Programme but is willing to sign a Memorandum of Understanding for participation in certain centralised actions of this programme. Montenegro has expressed its interest to participate fully in the future Erasmus for All Programme and is committed to establish the corresponding legal, institutional and administrative framework.

## **II.b. Culture**

#### Cooperation in the field of policies

Montenegro defines culture as a public interest. This definition includes: equal development of culture, protecting tangible and intangible cultural heritage, preservation of cultural and ethno-cultural characteristics, creating the conditions for the development and promotion of talented young artists, development of cultural and artistic creativity of persons with disabilities, research and training, encouraging donations and sponsorship, supporting the development of creative industries, as well as international cultural cooperation and presentation of Montenegrin cultural and artistic creativity and cultural heritage.

Montenegro expressed its commitment to the EU's goals for cultural policy. It plans to participate in the EU policy cooperation frameworks. The central responsibility for developing and implementing cultural policies lies with the Ministry of Culture. The national programme for the development of culture in 2011-2015 is a long-term reform concept for the culture sector and is implemented through annual action plans. It also includes co-financing programmes and projects. Currently, an analysis of the implementation of laws in the field of culture by the public institutions is being carried out. Moreover, the National Council for Culture has been established to monitor the sector and to propose measures for its further development. In 2009, the Government initiated a programme for the revitalisation of culture in the North of Montenegro. Finally, the Law on culture outlines the State's obligation to stimulate creative industries. The foundation of an international centre promoting this purpose is envisaged.

In 2008, Montenegro ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. It is committed to implementing this Convention in various contexts. Regarding inter-cultural awareness, the school subject "civic education" promotes these values and competences. Moreover, to implement the Convention, a number of laws and by-laws have been adopted.

Montenegro places importance on the role of civil society organisations in developing cultural and artistic activities and supports this by public calls for co-financing of programmes. Members of the civil society sector participate in working bodies in the procedure of adopting strategies for the development of the sector.

#### EU Programmes

Since 2010 Montenegro has participated in the EU Culture programme and has set up a Cultural Contact Point to promote the programme and help potential applicants. It has signed a Memorandum of Understanding and participates in the Europe for Citizens programme since October 2012.

### **III. ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY**

Overall, Montenegro has reached a good level of alignment; further efforts are required to upgrade the capacity to fully implement the *acquis* in all areas. In order to make best use of the pre-accession period in terms of preparing for the full application of the *acquis* under this Chapter, Montenegro will need to establish the relevant structures for the management of the decentralised parts of the Erasmus for All Programme as well as for the monitoring and control of their implementation. Montenegro must ensure that all measures necessary for the full implementation of non-discrimination between EU and Montenegrin nationals are in place by the date of accession. Also, at the time of accession, legislation will need to be in place aligning Montenegro with the EU directive on the education of the children of migrant workers<sup>3</sup>.

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<sup>3</sup> Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers

### **III.a. Education, training, youth and sport**

#### Cooperation in the field of policies

Montenegro is willing to fully participate in the EU cooperation framework, including the OMC and to work towards the fulfilment of common objectives by exchanging good practices and present reports on its policies. Montenegro is committed to strengthening cooperation with the European Commission and EU Member States in this regard, in order to ensure that relevant EU policies and objectives continue to be integrated in its policy priorities. Montenegro already takes part in the Education and Training OMC and sub-groups in this process.

Within the last few years, Montenegro has been undertaking major changes to its whole educational system, with a high level of stakeholder consultation. But in some levels of the educational system, further endeavours and reforms are necessary to meet Montenegro's primary objective of raising the quality of education and to promote the participation of adults in LLL. Education needs to remain a strategic priority for the development of Montenegro, and increasing its quality at all levels needs to be part of its commitment in converging with the Europe 2020 and Education and Training 2020 strategies. Montenegro's has started to develop a National Qualifications Framework; referencing to the European Qualifications Framework is needed to complete this process.

Montenegro is willing to achieve the set of goals and objectives agreed upon by the EU as part of the broader Europe 2020 strategy. To this end, it needs to continue to develop its indicators and benchmarks. Moreover, and most importantly, as a small country, Montenegro faces an administrative challenge in following, implementing and participating in the EU's comprehensive policy framework. While alignment with the *acquis* and EU guidelines has been achieved to a substantial degree, implementation will pose a particular challenge to the administration of a small country. Montenegro needs to define priorities for building up implementing capacities.

Montenegro's youth policy is already largely in line with the common objectives established at EU level following the Commission's White Paper on Youth<sup>4</sup>. The future adoption of the Law on youth is intended to lay a solid foundation for further developments in this field. The objectives of stimulating active youth participation in society and the cross-sector policy approach are meant to reinforce other education policy objectives such as critical thinking and self-determination. Montenegro is participating in the open method of cooperation in the youth field when invited.

Montenegro pursues an inclusive approach in preparing for accession negotiations: seven preparatory meetings with all stakeholders, including five Civil Society Organisations, were held in preparation of the screening meetings.

In its sports policy, Montenegro ensures that there is broad stakeholder involvement and addresses a wide range of objectives. The sports sector holds intensive international contacts. Montenegro has expressed its openness to international exchange of experiences.

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<sup>4</sup> COM(2004) 694 final

### Access to education for EU citizens

There are legal provisions in Montenegro which address the situation for foreign and Montenegrin citizens in relation to the right to education. However, a legal clarification on equal access of EU citizens is required, so that EU students are treated equally with all Montenegrin students and not only with those paying fees. Montenegro also needs to take further action to align its legislation with the Directive on the education of children of migrant workers.

In primary education, the non-discrimination principle is fully implemented. In secondary education, being a child of an individual holding a Montenegrin work and residence permit is one of the accepted criteria for a foreign pupil to be enrolled. There are no restrictions for EU citizens for access to secondary education. In higher education, the potential discrimination against EU citizens regarding tuition fees at the private universities or faculties will have to be removed. A timetable for alignment needs to be presented for both non-discrimination of EU citizens and provisions for children of migrant workers.

Related issues such as residents' permits for foreign students will be treated under Chapter 23 on judiciary and fundamental rights.

### EU programmes

Montenegrin higher education institutions participate in the Tempus, Erasmus Mundus and Jean Monnet Programmes. Montenegro does not take part in the core part of the Lifelong Learning Programme (i.e. decentralised actions), but has expressed its interest to sign a Memorandum of Understanding to participate in the centralised actions of the programme. Its participation in the Youth in Action Programme is good in relation to its population. Montenegro has indicated its interest to participate fully in the future Erasmus for All Programme.

Montenegro is willing to take the decision and necessary implementing measures establishing the legal, institutional and administrative framework in which a future National Agency, necessary for the decentralised action of education programmes, will be operating, monitored and controlled.

### **III.b. Culture**

Montenegro is committed to the objectives set by the TFEU and is willing to promote culture and the development of cultural policies in accordance with the provisions of Article 167. It is also committed to participate in the EU policy cooperation framework in the field of culture.

Following its ratification of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Montenegro is currently developing its policies in this field.

Montenegro participates in the Culture and Europe for Citizens programmes and no difficulties are expected concerning its participation in the latter and the Creative Europe Programme, as these are centrally managed and no requirements exist to establish structures such as a National Agency and a National Authority.