

# LAW ON SCIENTIFIC RESEARCH ACTIVITY

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## I. BASIC PROVISIONS Subject-Matter

### **Article 1**

The present Law shall regulate the organization, conditions and the manner of financing of scientific research activity and other issues relevant for carrying out this activity.

### **Scientific Research Activity**

### **Article 2**

Creative activity on scientific discoveries, application and exploitation of scientific results, training of researchers for scientific research work and professional development of researchers shall be considered scientific research activity.

### **Accessibility of Research**

### **Article 3**

Scientific research activity shall be an activity of public interest.

Performance of scientific research activity shall be free and accessible to all domestic and foreign natural and legal persons.

### **Principles**

### **Article 4**

Scientific research activity shall be based on the principles of:

- 1) Widening and deepening of scientific knowledge;
- 2) Development of science with a view to increased effectiveness, protection and development of the general knowledge base;
- 3) Increasing the effectiveness of the scientific research activity and networking of organizations in the field of science, education and economy;
- 4) Integration into the European Research Area and Framework Programmes of the European Union for research and development, and other international programmes;
- 5) Inclusion into regional cooperation programmes in the field of scientific research activity;
- 6) Freedom and autonomy of scientific creation which needs to be morally and intellectually independent from any political authority and economic power and which is performed with respect for ethical standards and principles of scientific truth and critical thinking;
- 7) Ethics and responsibility of persons performing scientific research work for the consequences of their work;
- 8) Education of high profile experts for research and development;
- 9) Sustainable development and protection and enhancement of the environment;
- 10) Protection of person and dignity of individuals who perform scientific research work;
- 11) International quality benchmarks; and
- 12) Networking of persons performing scientific research work at the national and international level.

### **Types of Research**

### **Article 5**

Scientific research activity shall encompass: basic (fundamental), applied and developmental research. Scientific research activity shall enable training of researchers for performing scientific research work (hereinafter: researcher).

Basic research shall consist of theoretical and experimental work performed primarily with a view to acquiring new knowledge or discovering new areas of research, with long-term goals of application.

Applied research shall imply creative work performed for the sake of application of the results of basic research in certain areas of science.

Developmental research shall mean creative work based on the results of applied research, undertaken with a view to developing new technologies, production of new or improvement of existing materials, products and devices, or the introduction of new or improvement of existing procedures, systems and services. The results of scientific discoveries shall contain elements of authenticity and originality and shall be valued by publication in scientific publications or through testing in application.

Training of researchers shall mean gaining of new knowledge through study programmes of postgraduate and doctoral studies and other forms of scientific professional development.

## **Fields of Research**

### **Article 6**

Scientific research activity shall be performed in the fields of: natural and mathematical sciences; engineering and technology; medical sciences; agricultural sciences; social sciences; humanities; as well as through multidisciplinary research.

## **Implementation of Scientific Research Activity**

### **Article 7**

Scientific research activity shall be implemented by: Montenegrin Academy of Sciences and Arts, scientific research institutions, higher education institutions and other legal and natural persons, in accordance with the law.

The activity of the Montenegrin Academy of Sciences and Arts shall be regulated by a separate law.

## **Supervision**

### **Article 8**

Supervision over the implementation of the present Law shall be performed by the public administration body in charge of science affairs (hereinafter: the Ministry).

## **Use of Gender-Sensitive Language**

### **Article 8a**

The terms used in the present Law for individuals in the masculine gender shall equally refer to the same terms in the feminine gender.

## **II. DEVELOPMENT AND PROMOTION OF SCIENTIFIC RESEARCH ACTIVITY** **Strategy of Scientific Research Activity**

### **Article 9**

With a view to establishing priorities, encouraging and monitoring scientific research activity, the Strategy of Scientific Research Activity (hereinafter: the Strategy) shall be adopted.

The Strategy shall determine in particular the following:

- 1) Priorities in scientific research activity;
- 2) Plan of encouraging young researchers with the scientific title of a doctor and master of science in priority development areas;
- 3) Approximate amount of funds for financing programmes of public interest;
- 4) Plan of investment of annual financial resources for scientific research activity;
- 5) Necessary scientific research infrastructure; and
- 6) The system of spreading scientific information.

The Strategy shall be adopted for a period of five years.

The Strategy shall be adopted by the Government of Montenegro (hereinafter: the Government), at the proposal of the Council for Scientific Research Activity.

## **Programmes of General Interest**

### **Article 10**

The priorities in scientific research activity shall be implemented through the programmes of general interest.

The programmes of general interest shall be the programmes:

- 1) Which contribute to the development and strengthening of national economy, and whose realization contributes to the improvement of the living standard of citizens and building of a knowledge-based society;
- 2) Which integrate scientific research institutions and researchers into the European Research Area and international scientific programmes;
- 3) Encouraging research, which promote career development and mobility of Montenegrin researchers, with a view to enable their work in research centres and institutes, as well as the use of high technologies and modern laboratories in the country and worldwide;
- 4) Of regional cooperation and infrastructural networking in research;
- 5) Of national and international scientific research projects, basic, applied and development research;
- 6) of Centres of Excellence;
- 7) Enhancing infrastructure and acquiring equipment necessary for realization of research;
- 8) Which stimulate scientific productivity and enhance the quality of scientific research activity and promote science and research and their role in the development of society;
- 9) Which stimulate publishing activity and organization of scientific congresses;
- 10) Involving scientific diaspora into the scientific research activity in Montenegro;
- 11) Involving internationally recognized scientists into the research programmes and projects in Montenegro;

- 12) Which enable access to the results of scientific work in the country and worldwide;
  - 13) Of national importance, which have multidisciplinary character; and
  - 14) Other programmes of significance for the realization of scientific research activity;
- The conditions for approval and the manner of use of funds from the national budget allocated through the Ministry for the programmes referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

### **Programme and Project Management**

#### **Article 11**

Scientific research work shall be carried out through scientific research programmes and projects. Scientific research programmes and projects shall be managed by the leaders of scientific research programmes and projects.

The conditions that must be fulfilled by leaders of scientific research programmes and projects and researchers engaged in the research team, as well as the level of financing necessary for the implementation of scientific research programmes and projects referred to in Article 10 of the present Law, shall be prescribed by the Ministry.

### **Evaluation of Programmes and Projects**

#### **Article 12**

Evaluation of scientific research programmes of general interest and other programmes and projects that are financed from the national budget shall be performed by the experts from the fields of sciences relative to the programme or project, whereas the experts shall be nominated by the Ministry.

The criteria for the nomination of experts as well as the procedure for evaluation of scientific research programmes and projects referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

### **Announcing Competitions**

#### **Article 13**

In order to fund programmes of scientific research activity referred to in Article 10 of the present Law, the Ministry shall announce a competition.

Mutual rights and obligations between the Ministry and the beneficiaries shall be determined by an agreement.

### **Databases**

#### **Article 14**

The Ministry shall set up and keep databases for the area of scientific research activity.

Institutions, legal and natural persons that conduct scientific research activity and the bodies of public administration shall provide the data necessary for keeping the databases upon the Ministry's request.

The Ministry shall process the provided data solely for the purpose of scientific research activity, exercising supervision and providing and controlling resources, monitoring and analyzing the state of play in scientific research activity and for statistical purposes.

### **Council for Scientific Research Activity**

#### **Article 15**

The activities of promotion of scientific research activity shall be performed by the Council for Scientific Research Activity (hereinafter: the Council).

### **Competences of the Council**

#### **Article 16**

The Council shall analyze the state of play and achievements in the scientific research activity, issue expert suggestions and therefore has special powers to:

- 1) Prepare and propose the Strategy;
- 2) Propose the priorities from the Strategy and programmes of general interest for the current year;
- 3) Issue opinions on the criteria for granting the research and scientific titles;
- 4) Issue opinions on laws and other regulations in the area of scientific research activity and other areas, which ensure general conditions for the promotion of scientific research activity and exploitation of its results;
- 5) Issue opinions in the process of determining the amount of funds for financing priorities determined in the Strategy;
- 6) Propose to the Ministry to adopt decisions on awarding the status of a Centre of Excellence;
- 7) Monitor the implementation of the Strategy;
- 8) Nominate the commissions for the implementation and monitoring of the activities defined by the Strategy, as well as the quality control of the scientific research work;
- 9) Cooperate with the Higher Education Council;
- 10) Perform other tasks prescribed by the present Law and the act establishing the Council.

## **Composition of the Council**

### **Article 17**

The Council shall have nine members, appointed by the Government for a period of four years. One member of the Council shall be appointed from among the representatives of the Ministry, while eight members shall be appointed from among prominent experts who contribute to the development and application of scientific research activity from research institutions, institutions of higher education, the academies of sciences and arts and the economy, with respect for the principle of equal representation of the fields of science, upon previously obtained opinion of these institutions and with the obligation of providing a prior opinion of the University of Montenegro on the proposed composition of the Council. The act establishing the Council shall determine closer composition, method of appointment and dismissal of members of the Council and other issues relevant to the work of the Council.

## **Work of the Council**

### **Article 18**

The work of the Council shall be public. The Council shall disclose its conclusions, recommendations and opinions to the public. The funds for the work of the Council shall be provided from the Ministry's funds.

## **III. PROMOTING THE QUALITY OF SCIENTIFIC RESEARCH ACTIVITY** **Promoting Quality**

### **Article 19**

The Ministry shall promote the quality of scientific research work activity by:

- 1) Awarding prizes for scientific achievements to researchers;
- 2) Implementing programmes of general interest by which scientific productivity in the form of publication of research papers in referent scientific publications and other forms is promoted;
- 3) Awarding the status of the Centre of Excellence to a scientific research institution or group of researchers in an institution.

## **Awards for Scientific Achievements**

### **Article 20**

The Ministry may award prizes for scientific achievements, as follows:

- to the most successful young talent in the field of science under 20 years of age;
- to the most successful scientist;
- to the manager of the scientific research programme or project and the research team, who implemented the most successful national project financed from the Ministry's funds; and
- to inventor – innovator, for the most successful patent or innovative solution.

Prizes referred to in paragraph 1, indent 1, 2 and 4 of this Article shall be awarded annually, and the prize referred to in indent 3 following the completion of research on the project.

The conditions and detailed criteria for awarding the prizes referred to in paragraph 1 of this Article and the amounts of prizes shall be determined by the Ministry.

## **Centres of Excellence** **Definition of Centre of Excellence**

### **Article 21**

A scientific research institution or a group of researchers in an institution that has, in terms of the originality, significance or actuality of achieved results in the scientific research activity in the period of five years achieved the highest level and internationally recognized results in its area of science, may be granted the status of a Centre of Excellence.

A Centre of Excellence shall have:

- A programme that promotes scientific research at the national level, contributes to the strengthening of the national economy and competitiveness in the European market;
- Connection established between knowledge, research and innovation, i.e. between research and economy;
- Focused research programmes that include interdisciplinary topics, results from applied, development and basic research;
- Premises and infrastructure provided for the implementation of the research;
- Capacity to provide a working environment that contributes to the creation of new scientific results;
- Current, original and internationally recognized research results;
- Programmes to attract funding through the European and other international funds which provide sustainability and further work;
- Conditions provided for the application of the results of scientific research into practice;

- Programme that encourages the creation of a new generation of scientific-technological talents; and
- Ability to generate a dynamic partnership with public administration bodies and local self-government.

### **Application for Status**

#### **Article 22**

A scientific research institution or a group of researchers in an institution shall submit an application for obtaining the status of the Centre of Excellence to the Ministry. The application shall contain an elaborated programme and project, by which the fulfilment of conditions referred to in Article 21 of the present Law is reasoned and proven, and which is to be implemented for a period of maximum three years.

### **Decision on Awarding the Status**

#### **Article 23**

The Ministry shall make the decision on awarding the status of the Centre of Excellence on the basis of the Council's proposal.

The Council shall determine the proposal on awarding the status of the Centre of Excellence on the basis of evaluation of an expert commission which must include international evaluation.

The commission referred to in paragraph 2 of this Article shall be formed by the Ministry.

The status of the Centre of Excellence shall be awarded for a period of three years.

### **Centre Manager**

#### **Article 24**

A Centre of Excellence shall have a manager in charge of organizing the work and research, who shall be responsible for fulfilment of annual programmes and projects implemented in the Centre.

### **Funding Centre's Programmes and Projects**

#### **Article 25**

A Centre of Excellence shall implement programmes and projects from the funds of:

- The Ministry;
- Other public administration body;
- Institution's own resources;
- International research funds;
- Economy;
- Other sources.

An agreement shall be concluded between the Centre of Excellence and the Ministry on the implementation of the Centre's programmes and projects referred to in paragraph 1, indent 1 of this Article.

The agreement referred to in paragraph 2 of this Article shall stipulate the mutual rights and obligations of the Ministry and the Centre of Excellence, special incentives for excellence in implementation of the programme and project, as well as the amount of funds necessary for the implementation of basic activities for the Centre's work.

### **Monitoring and Independent Evaluation**

#### **Article 26**

The Ministry shall carry out continuous monitoring and periodic independent evaluation of the Centre of Excellence at least once a year, with a view to ensuring the highest quality of results and the most efficient use of resources.

The independent evaluation shall determine whether the Centre of Excellence has reached its goals referred to in Article 21 of the present Law, as well as whether it has exercised effectiveness, sustainability, efficiency and relevance in relation to the priorities of scientific research activity set in the Strategy.

The results of the independent evaluation shall be made public.

### **Decision on Extension or Revocation of Status**

#### **Article 27**

After the expiry of a period of three years, the Ministry shall issue a decision on the extension of the status of Centre of Excellence for a period of three years.

The status of Centre of Excellence may be revoked prior to the expiration of a period of three years, in the case of a negative periodic evaluation of the Centre of Excellence conducted on the basis of Article 26, para. 1 and 2 of the present Law.

## **IV. SCIENTIFIC RESEARCH INSTITUTIONS**

### **1. Joint Provisions**

#### **Scientific Research Institutions**

##### **Article 28**

Scientific research activity shall be carried out by a scientific research institution (hereinafter: institution). Institutions shall be founded as public or private and shall have the character of a legal person, which is obtained by registering in the Central Register of the business entities. Notwithstanding paragraph 1 of this Article, organizational units of universities, independent higher education institutions and organizational units of a legal person may carry out scientific research activity.

#### **Conditions for Establishment**

##### **Article 29**

An institution may be established if it has got:

- 1) A programme of scientific research activity and development of the institution;
- 2) Provided appropriate research personnel for carrying out the activity;
- 3) Scientific research equipment and premises for carrying out the activity;
- 4) Provided funds for establishment and work;
- 5) Provided hygienic and technical conditions, in accordance with a separate law;
- 6) Scientific and information documentation.

More detailed conditions referred to in paragraph 1, item 2, 3 and 4 of this Article shall be prescribed by the Ministry.

#### **Licensing**

##### **Article 30**

Before starting to work, the founder of an institution shall apply to the Ministry for obtaining a license for work (hereinafter: the license).

The application for license shall also contain the act on establishment of the institution and proof of fulfilment of conditions referred to in Article 29 of the present Law.

#### **Issuing License**

##### **Article 31**

In the process of issuing the license, the Ministry shall check whether the institution meets the criteria prescribed by the present Law for carrying out scientific research activity, adopting an appropriate decision thereon in accordance with the law governing general administrative procedure.

The licence shall be issued for a period of five years and shall be renewed under a procedure for issuing licences in accordance with the present Law.

#### **Amending License**

##### **Article 32**

The founder of an institution shall, in case of amendments to the activity for which the license has been obtained, apply to the Ministry for issuing amendments to the license.

#### **Proof Submission**

##### **Article 33**

Along with the application referred to in Article 32 of the present Law and in addition to the proof of fulfilment of the conditions referred to in Article 29 of the present Law, the founder shall also submit the proof of amendments to the activity.

#### **Licence Revocation**

##### **Article 34**

The Ministry shall revoke the license ex officio, at the proposal of the competent inspector or other stakeholder, when it determines that the institution:

- Does not perform the activity for which it was established, and
- Does not meet the requirements under Article 29 of the present Law.

In addition to information required by law, the decision on revoking the license shall contain the reason why the license is revoked.

Detailed conditions, manner and procedure of issuance, renewal and revocation of a license shall be prescribed by the Ministry.

## **Verification of Fulfilment of Conditions**

### **Article 35**

The Ministry shall carry out verification of the fulfilment of the conditions by institutions in possession of the license, at least once in three years.

## **Commencement of Work of Institution**

### **Article 36**

The institutions may start to work after they obtain the license.

The decision on license referred to in paragraph 1 of this Article shall be published in the Official Gazette of Montenegro.

## **Register**

### **Article 37**

The Ministry shall keep a register of the Centres of Excellence, licensed institutions and organizational units referred to in Article 28, paragraph 3 of the present Law.

Content of the register, process of registration and removal from the register shall be prescribed by the Ministry.

## **Articles of Association of Institutions**

### **Article 38**

The institutions shall have Articles of Association.

The Articles of Association of an institution shall contain in particular: name and seat; activity; bodies; delegation and representation; procedure for granting scientific and research titles; procedures for exercising rights and duties of employees; the manner of achieving the public nature of the work; financial control and other issues important for the work of the institution.

## **Expert Bodies**

### **Article 39**

The expert body of an institution shall be the Scientific Council (hereinafter: the Council).

The institution which has employment contracts with at least five employees with a scientific title shall form the Council.

The Council shall:

- 1) Adopt the programme of scientific research and development activity;
- 2) Analyze, evaluate and adopt the reports on implementation of programmes and projects;
- 3) Adopt the criteria for granting research and scientific titles, according to the previously acquired opinion of the Council;
- 4) Grant research and scientific titles;
- 5) Propose the procurement of equipment necessary for the implementation of research programmes and projects to the management board of the institution;
- 6) Conduct other tasks in accordance with the law and the Articles of Association of the institution.

The manner of work and decision-making of the Council and other issues relevant for its work shall be regulated in more details by the Articles of Association of the institution.

The Council may also be organized in the organizational unit of a legal person performing scientific research activity, if that organizational unit has employment contracts with at least five employees with scientific titles.

## **2. Public Institutions Establishing Public Institutions**

### **Article 40**

The decisions on establishing, i.e. abolishing a public institution shall be made by the Government, or the competent local self-government body.

In case of status changes or abolishing a public institution, the opinion of the management body of the institution shall be obtained.

## **Management Bodies**

### **Article 41**

The management body of a public institution shall be the management board.

The management board of a public institutions shall have five members, including: three representatives of the founder, that are appointed by the Government or the competent local self-government body and two representatives of the institution's employees.

The manner of appointment and dismissal, duration of the mandate, as well as the manner of work and decision-

making of the management board shall be regulated by the Articles of Association of the public institution.

### **Consent to Articles of Association**

#### **Article 42**

Consent to the Articles of Association and the Act on internal organization and jobs classification of a public institution shall be issued by the Ministry or the competent local self-government body.

### **Management Board Competences**

#### **Article 43**

The management board of a public institution shall:

- 1) Determine business policy;
- 2) Adopt annual financial plans;
- 3) Adopt periodic and annual statements of accounts;
- 4) Appoint and dismiss the institution's director;
- 5) Adopt Articles of Association, Act on internal organization and jobs classification and other acts;
- 6) Adopt a decision on disposal of funds up to the limit set by Articles of Association of the institution;
- 7) Analyze work of management bodies;
- 8) Perform other tasks in accordance with the law and Articles of Association.

### **Public Nature of Work**

#### **Article 44**

Management Board of the public institution shall submit the founder with the annual report on work until the end of the first quarter of the current year for the previous year.

#### **Director**

#### **Article 45**

Governing body of a public institution shall be the director.

The director shall be responsible for efficient and quality functioning of the public institution, as well as for management within the business policy established by the management board.

The director shall be appointed for a period of four years, on the basis of a public competition and submitted programme of development of the institution.

The competence, detailed conditions for appointment and dismissal of the director and other issues of importance for work shall be regulated by the Articles of Association of the public institution.

### **3. Private Institutions Establishment**

#### **Article 46**

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

#### **Autonomy**

#### **Article 47**

Management and governing bodies and expert bodies of a private institution, their competences, number, composition, manner of appointment and dismissal, duration of mandate, as well as the manner of work and decision-making processes shall be determined by the Articles of Association of a private institution.

### **4. Higher Education Institutions**

#### **Article 48**

Expert bodies, governance and management bodies of a higher education institution, their competences, number, composition, manner of appointment and dismissal, duration of mandate, as well as the manner of work and decision-making processes shall be determined by the Law on Higher Education and the institution's Articles of Association.

### **V. RESEARCH AND SCIENTIFIC TITLES Performing scientific research activity**

#### **Article 49**

Scientific research activity shall be performed by persons with research titles and persons with scientific titles, in accordance with the present Law, as well as by persons granted academic and associate titles at the higher education institutions.

Scientific research activity may also be performed by a person with higher education, master or doctoral degree,



who is not granted research or scientific title within the meaning of the present Law, but who possesses references on the basis of published scientific papers, which enable him / her the performance of scientific research activity.

### **Research Titles**

#### **Article 50**

Research titles shall be researcher and senior researcher.

A person with at least higher education and who works on research jobs may be granted the title of researcher.

A person with academic title of master of science and published scientific papers may be granted the title of senior researcher.

More detailed conditions, period for which the title is granted, the manner and process of granting research titles shall be governed by the Articles of Association of the institution.

### **Scientific Titles**

#### **Article 51**

Scientific titles shall be: scientific associate, senior scientific associate and scientific adviser.

A person with a PhD degree may be granted the scientific title referred to in paragraph 1 of this Article.

Granting a scientific title is conducted for a five-year period, except for a scientific adviser, who is granted a title for an indefinite time period.

A higher scientific title shall be granted after the expiry of the period of granting a lower title.

The manner and process of granting scientific titles, as well as other issues related to the process of granting titles, shall be prescribed by the institution's Articles of Association.

### **Granting Titles**

#### **Article 52**

Scientific titles shall be granted to persons who are not employed in the institution, i.e. in the institution without the expert body, in an institution with a status of university in Montenegro.

Research titles shall be granted to persons who are not employed in the institution, i.e. in the institution without the expert body, in an institution in Montenegro which has the expert body in the field of sciences for which the research title is granted.

The process of granting titles, i.e. re-granting a scientific title or research title referred to in para. 1 and 2 of this Article shall be initiated at the request of the institution or the person who fulfils the conditions prescribed by the present Law.

### **Appropriate Implementation**

#### **Article 53**

The provisions of the Law on Higher Education shall appropriately apply to the process of granting scientific titles at the university and higher education institutions.

### **Comparability of Titles**

#### **Article 54**

Scientific titles shall be comparable to academic titles, as follows:

- The title of scientific associate – academic title of assistant professor;
- The title of senior scientific associate – academic title of associate professor;
- The title of scientific adviser – academic title of full professor.

## **VI. FINANCING**

### **Transparency of Financing**

#### **Article 55**

Financing of scientific research activity shall be carried out in a way that ensures effectiveness and transparency of the use of funds.

Funds for the implementation of programmes of general interest shall be provided from the national budget, institution's own resources and from other users of research results.

### **Receiving Funds**

#### **Article 56**

An institution may receive funds from:

- 1) The national budget;
- 2) Intellectual services;
- 3) Revenues exercised through sale of products and services;

- 4) Donations, sponsorships, legacies and trusts;
- 5) Projects and agreements with domestic and foreign research institutions and from consultancy activities;
- 6) Companies, institutions and associations;
- 7) Foreign funds;
- 8) Other sources.

The state shall encourage legal and natural persons through tax incentives and other measures to invest resources in the implementation of scientific research activity determined by the present Law.

Private institutions and other legal and natural persons may receive funds from the national budget, given that they implement a scientific research programme of general interest.

### **Co-Financing Priorities**

#### **Article 57**

The Government may determine priorities in co-financing projects from international cooperation programmes, as well as programmes of general interest.

### **Gaining Profit**

#### **Article 58**

An institution may gain profit to its benefit by conducting scientific research activity, in accordance with the law.

### **Use of Funds**

#### **Article 59**

The institutions shall use the funds referred to in Article 56, paragraph 1, item 1 of the present Law to:

- 1) Finance programmes of general interest and for necessary equipment for their implementation, in accordance with the Strategy;
- 2) Finance training and professional development of persons with research and scientific titles;
- 3) Finance international scientific cooperation and mobility of persons engaged in scientific research work;
- 4) Finance scientific publications and communications;
- 5) For other purposes determined by the present Law.

### **Tax Incentives**

#### **Article 60**

Equipment aimed for scientific research activity, obtained as donation from abroad or purchased abroad, may be exempt from customs fees and value added tax, based on the opinion of the Ministry.

## **VII. PENAL PROVISIONS**

### **Penalties for Offences**

#### **Article 61**

A fine in the amount of EUR 1,000 to 16,000 shall be imposed on a legal person – institution for an offence if it:

- 1) Grants research and scientific titles based on benchmarks for which the Council did not issue an opinion (Article 16, item 3);
- 2) Commences work without the license for work (Article 36);
- 3) Does not gain profit to the benefit of the institution (Article 58).

A fine in the amount of EUR 30 to 1,000 shall be imposed on a natural person responsible in the legal person for the offence referred to in paragraph 1 of this Article.

## **VIII. TRANSITIONAL AND FINAL PROVISIONS**

### **Establishing the Council**

#### **Article 62**

The Council referred to in Article 17 of the present Law shall be established within 90 days of the day of entry into force of the present Law.

Until the establishment of the Council referred to in paragraph 1 of this Article, the function of the Council shall be performed by the current Council.

On the day of the constitution of the Council in accordance with the present Law, the mandate of the Council members appointed in accordance with the Decision on the Establishment of the Council for Scientific Research Activity (Official Gazette of the Republic of Montenegro 56/06, 25/07 and 38/08) shall expire.

### **Deadline for Establishing the Council**

#### **Article 62a**

The Council referred to in Article 17 of the present Law shall be established within 60 days of the day of entry into force of the present Law.

Until the establishment of the Council referred to in paragraph 1 of this Article, the function of the Council shall be performed by the current Council.

On the day of the constitution of the Council in accordance with the present Law, the mandate of the Council members appointed in accordance with the Decision on the Establishment of the Council for Scientific Research Activity (Official Gazette of Montenegro 16/13) shall expire.

### **Deadline for Adoption of Secondary Legislation**

#### **Article 63**

Regulations for the implementation of the present Law shall be made within one year from the date of entry into force of the present Law.

Until the adoption of the acts referred to in paragraph 1 of this Article, the existing acts that applied until the entry into force of the present Law shall apply, if they are not contrary to the present Law.

### **Adopting Secondary Legislation**

#### **Article 63a**

The regulation referred to in Article 34, paragraph 3 of the present Law shall be adopted within six months from the date of entry into force of the present Law.

### **Initiated Procedures**

#### **Article 63b**

Requests for licenses upon which final decisions have not been made shall be completed in accordance with the present Law.

### **Re-Licensing**

#### **Article 63c**

Institutions that have a license on the date of entry into force of the present Law shall submit the Ministry with a request for re-licensing within one year from the date of entry into force of the present Law.

### **Harmonization of Centres of Excellence**

#### **Article 63d**

Centres of Excellence shall harmonize their organization, work and acts within a period of one year from the date of entry into force of the present Law.

Until the adoption of the acts referred to in paragraph 1 of this Article, the existing acts of Centres of Excellence shall apply, if they are not contrary to the present Law.

### **Termination of Validity**

#### **Article 64**

On the day of entry into force of the present Law, the Law on Scientific Research Activity (Official Gazette of the Republic of Montenegro 71/05) and the Decree on Professional or Scientific Development Abroad (Official Gazette of the Republic of Montenegro 16/94 and 23/97) shall be repealed.

### **Entry into Force**

#### **Article 65**

The present Law shall enter into force on the eighth day of its publication in the Official Gazette of Montenegro.