

# **LAW ON THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION SERVICE**

## **I. GENERAL PROVISIONS**

### **Scope of the Law**

#### **Article 1**

This Law shall establish the Centre for Training in Judiciary and State Prosecution Service (hereinafter referred to as: the "Centre" and govern the organization and the method of work, funding and other matters relevant for the operation of the Centre.

### **Centre for Training**

#### **Article 2**

Centre shall be an independent legal entity.  
Headquarters of the Centre shall be in Podgorica.  
Centre can have organizational units in other locations In Montenegro.

### **Trainings**

#### **Article 3**

Centre shall organize and implement trainings for judges and state prosecutors.  
Centre can also organize and implement trainings for attorneys-at-law, notaries, bailiffs, advisers, clerks and trainees in courts and state prosecution offices (hereinafter referred to as: special trainings), according to this law.

### **Purpose of Training**

#### **Article 4**

Purpose of the training shall be acquiring and improving knowledge and skills that will ensure independent, autonomous, impartial, expert and efficient discharge of the duties of judges and state prosecutors in line with the principles of independence and autonomy and standards of ethics of their profession.

### **Types of Training**

#### **Article 5**

Training for judges and state prosecutors shall be organized and implemented as initial and in-service training.

Initial training shall be organised and implemented for candidates for judges and state prosecutors, while in-service training shall be organised for judges and state prosecutors according to the programmes adopted and implemented in line with this law.

### **Right to and Duty of Training**

#### **Article 6**

Judges and state prosecutors shall have the right to and duty of training.

## **Funds for the Operation of the Centre**

### **Article 7**

Funds required for effective and efficient operation of the Centre shall be provided in the budget of Montenegro.

## **Use of the Gender Sensitive Language**

### **Article 8**

Expressions used in this Law for a natural person in the masculine gender shall include the feminine expressions of the same gender.

## **II. ORGANISATION AND COMPETENCES OF THE CENTRE**

### **1. Competences and Bodies of the Centre**

#### **Competences of the Centre**

##### **Article 9**

Centre shall:

- 1) organise and implement the initial training;
- 2) organise and implement the in-service training;
- 3) organise and implement trainings for attorneys at law, notaries, and bailiffs;
- 4) organise and implement trainings for advisers, clerks and trainees in courts and state prosecution offices;
- 5) organise and implement trainings for trainers and mentors;
- 6) issue certificates on completed trainings;
- 7) issue publications;
- 8) organise a library for training purposes,
- 9) keep documentation on implemented trainings;
- 10) be responsible for the information system for training purposes;
- 11) cooperate with other national and international organisations and institutions; and
- 12) do other tasks stipulated by the law.

#### **Bodies**

##### **Article 10**

Bodies of the Centre shall be the Steering Committee and the Programming Council.

Centre shall be managed by the Steering Committee.

Programming Council shall be an expert body.

**Statute**  
**Article 11**

The Centre shall have its Statute.

The Statute of the Centre shall regulate:

- 1) the scope of work of the Centre;
- 2) the manner of operation of the bodies of the Centre;
- 3) organization of the organizational units of the Centre in other places in Montenegro and determine their locations;
- 4) manner of acceptance of candidates for the in-service training;
- 5) manner of adoption of the initial training programme and in-service training programme;
- 6) coordination, monitoring and evaluation of initial and in-service training;
- 7) other matters significant for the work of the Centre.

**2. Steering Committee**

**Steering Committee Composition and Remuneration**  
**Article 12**

Steering Committee shall consist of seven members as follows:

- 1) a judge of the Supreme Court of Montenegro (hereinafter referred to as: Supreme Court) who is not a member of the Judicial Council ;
- 2) a state prosecutor from the Supreme State Prosecution Office, who is not be a member of the Prosecutorial Council;
- 3) a representative of the Judicial Council from among the judges who hold the judicial office for not less than five years and who is neither a Supreme Court judge nor a member of the Judicial Council
- 4) a representative of the Prosecutorial Council from among the prosecutors who hold the prosecutorial office for not less than five years and who is neither a state prosecutor in the Supreme State Prosecution Office nor a member of the Prosecutorial Council;
- 5) a representative of the state administration body in charge of the judiciary (hereinafter referred to as: "Ministry of Justice"), with at least ten years of experience;
- 6) a representative appointed from among the law professors; and
- 7) a representative of the Bar Association of Montenegro from among attorneys-at-law

Members of the Steering Committee shall have high professional characteristics and reputation for performing their functions and professions, recognized results of work, published papers and articles, as well as the experience in training or mentorship in the judiciary and state prosecution service.

Members of the Steering Committee from among the judges and state prosecutors can, upon their request, have their workload in the court, i.e. state prosecution office, reduced by at least 50%.

Chairman of the Steering Committee shall be entitled to remuneration for his/her work in the amount of 50% of the average gross salary in Montenegro in the preceding year, while members of the Steering Committee shall be entitled to remuneration for

their work in the amount of 25% of the average gross salary in Montenegro in the preceding year.

### **Election of the Steering Committee Members**

#### **Article 13**

Steering Committee Members shall be elected as follows

- 1) a judge of the Supreme Court shall be elected by the general session of the Supreme Court;
- 2) a state prosecutor from the Supreme State Prosecution Office shall be elected by the session of the Supreme State Prosecution Office;
- 3) a representative of the Judicial Council shall be elected by the Judicial Council;
- 4) a representative of the Prosecutorial Council shall be elected by the Prosecutorial Council;
- 5) a representative of the Ministry of Justice shall be appointed by the Minister of Justice
- 6) a representative from among the law professors shall be elected by the Montenegrin Academy of Sciences and Arts;
- 7) a representative of the Bar Association of Montenegro shall be elected by the Steering Committee of the Bar Association of Montenegro;

Composition of the Steering Committee shall be promulgated by the Minister of Justice and the Promulgation Act shall be published in the Official Gazette of Montenegro.

### **Steering Committee Competences**

#### **Article 14**

Steering Committee shall:

- 1) adopt the Statute and other general enactments of the Centre and monitor their implementation;
- 2) elect and dismiss the chairman of the Steering Committee and his deputy;
- 3) determine the termination of membership in the Steering Committee;
- 4) establish the composition of the Programming Council;
- 5) elect members of the Programming Board for the Initial Training and the Programming Board for the In-service Training;
- 6) establish the Programming Board for special trainings, depending on the needs for their implementation;
- 7) establish the list of trainers;
- 8) elect and dismiss the Director of the Secretariat of the Centre;
- 9) determine the number of participants and criteria for the selection of in-service training participants, upon the proposal of the Programming Council;
- 10) establish the list of mentors and, upon the proposal of the Programming Council, define the criteria for evaluation of mentors appointed by the Judicial Council and Prosecutorial Council;
- 11) adopt the Annual Work Plan of the Centre;
- 12) adopt the Annual Training Programme;
- 13) adopt the initial training programme and in-service training programme upon the proposal of the programming boards;

- 14) adopt the special training programme;
- 15) adopt the draft budget allocation for training;
- 16) adopt the financial statement;
- 17) discuss and adopt its own Annual Work Report;
- 18) adopt the Annual Work Report of the Centre for the previous year not later than 1st March of the current year and deliver it to the institutions represented within the Steering Committee;
- 19) give instructions to the Steering Committee chairman related to establishing cooperation with organisations and institutions in the country and abroad, regarding international projects, grants and donations;
- 20) adopt acts on the internal organisation and job description (systematization) of the Secretariat, upon the proposal of the Director of the Secretariat;
- 21) decide upon complaints of training participants regarding the training implementation; and
- 22) does other tasks stipulated by this Law and the Statute of the Centre.

### **Steering Committee Term of Office**

#### **Article 15**

Steering Committee term of office shall be four years.

Member of the Steering Committee shall have the right to one re-election.

### **Termination of the Term of Office of the Steering Committee Member**

#### **Article 16**

Membership in the Steering Committee shall be terminated:

- 1) upon expiry of the term of office of the Steering Committee;
- 2) upon personal request;
- 3) in case of termination of the function or the employment status in the body on the basis of which the member was appointed to be a member of the Steering Committee;
- 4) in case of impediment to discharge the duties of a member of the Steering Committee lasting more than six months, due to illness or other justifiable reasons;
- 5) if by a final court ruling the member is prohibited from performing his/her profession, activity or duty; and
- 6) if by a final court ruling the member is convicted and sentenced to unconditional prison sentence.

In the case referred to in paragraph 1 item 1 of this Article the member of the Steering Committee whose term of office expired shall continue performing his/her duties until the new Steering Committee is elected.

In the case referred to in paragraph 1 items 2 to 6 of this Article, the body that elected the member whose membership in the Steering Committee has been terminated, shall elect a new Steering Committee member within 30 days from the day of termination of the membership of the Steering Committee member.

Term of office of the Steering Committee member elected according to paragraph 3 of this Article shall be terminated on the day of expiry of the term of office of the Steering Committee.

## **The Manner of Operation of the Steering Committee**

### **Article 17**

The Steering Committee shall perform its work during sessions.

The chairman of the Steering Committee shall convene and chair the sessions of the Steering Committee.

A session of the Steering Committee can be convened upon the request of the director of the Secretariat or a member of the Steering Committee.

The Steering Committee shall hold a session provided that more than half of the total number of members of the Steering Committee is present.

Director of the Secretariat can attend the session of the Steering Committee without a voting right.

## **Decision-Making Process of the Steering Committee**

### **Article 18**

Steering Committee shall render its decisions by majority of votes of all the members of the Steering Committee.

Chairman of the Steering Committee shall have a casting vote in case of a tie.

## **Chairman of the Steering Committee**

### **Article 19**

Steering Committee shall have a chairman to be elected from among the Steering Committee members who are judges and state prosecutors.

The chairman of the Steering Committee shall have a deputy.

If the chairman of the Steering Committee is a judge, deputy of the chairman shall be elected among the members of Steering Committee who are state prosecutors and vice versa.

The deputy shall replace the chairman of the Steering Committee in the event of the chairman's absence or in cases when due to illness or some other justified causes he is prevented from discharging the duties of his office.

Deputy chairman of the Steering Committee may perform other duties from within the competences of the chairman that the chairman entrusts him with.

While holding the office of the Steering Committee Chairman, the Chairman shall not discharge judicial, i.e. prosecutorial duties.

In the case referred to in paragraph 6 of this Article, Chairman of the Steering Committee shall retain his/her judicial i.e. prosecutorial salary.

## **Rights and Duties of the Steering Committee Chairman**

### **Article 20**

Chairman of the Steering Committee shall:

- 1) manage the Centre;
- 2) represent and present the Centre before national and international organisations and institutions;
- 3) propose the Annual Work Plan of the Centre to the Steering Committee;
- 4) submit the Annual Work Report of the Centre to the Steering Committee;
- 5) propose amendments to the Statute and other general enactments of the Centre; and

6) perform other duties in accordance with this Law, Statute and general enactments of the Centre.

Chairman of the Steering Committee shall be the financial ordering party of the Centre.

The authority referred to in paragraph 2 of this Article can be transferred by the Chairman of the Steering Committee to the Director of the Secretariat.

### **3. Programming Council**

#### **Composition of the Programming Council**

##### **Article 21**

Programming Council shall consist of the Programming Board for the Initial Training and the Programming Board for the In-service Training;

Programming Council shall comprise ten members that are at the same time members of the programming boards referred to in paragraph 1 of this Article.

Term of office of the Programming Council shall be four years.

Members of the Programming Council may not be members of the Steering Committee.

#### **Competences of the Programming Council**

##### **Article 22**

Programming Council shall:

- 1) adopt the draft annual programme for initial training upon the initiative of the Programming Board for Initial Training;
- 2) adopt the draft annual programme for in-service training upon the initiative of the Programming Board for In-service Training;
- 3) adopt the draft programme for special training;
- 4) monitor the implementation of programmes and their efficiency and success;
- 5) update and improve training programmes, depending on the annual training needs assessment, the proposals and suggestions of the training participants, trainers and mentors;
- 6) give instructions for improvement of teaching methods and techniques, at its own initiative or in collaboration with the trainers and mentors;
- 7) designates and hires trainers from the list of trainers; and
- 8) perform other duties in accordance with this Law, Statute and general enactments of the Centre.

#### **Manner of Operation and Decision-Making of the Programming Council**

##### **Article 23**

Programming Council shall perform its work during sessions.

Programming Council shall have a chairman to be elected from the pool of its members.

Director of the Secretariat can attend the sessions of the Programming Council without a voting right.

Trainers and mentors, as well as other persons who, with their expert knowledge and professional experience, can contribute to the improvement of training can be invited by the Programming Council to attend the sessions of the Programming Council, without a voting right.

Programming Council shall render its decisions by majority of votes of all the members of the Programming Council.

Chairman of the Programming Council shall have a casting vote in case of a tie.

### **Termination of Membership in the Programming Council**

#### **Article 24**

Membership in the Programming Council shall be terminated:

- 1) due to the expiry of the term of office of the Programming Council
- 2) upon personal request;
- 3) in case of termination of the function or the employment status in the body on the basis of which the member was appointed to be a member of the Programming Council;
- 4) in case of impediment to discharge the duties of the office of a member of the Programming Council lasting more than six months, due to illness or other justifiable reasons;
- 5) if by a final court ruling the member is prohibited from performing his/her profession, activity or duty; and
- 6) if by a final court ruling the member is convicted and sentenced to unconditional prison sentence.

In the case referred to in paragraph 1 item 1 of this Article the Programming Council whose term of office expired shall continue performing its duties until the new Programming Council is elected.

In the case referred to in paragraph 1 items 2 to 6 of this Article, the Steering Committee shall elect a new Programming Council member within 30 days from the day of the decision on termination of membership of the Programming Council member.

Term of office of the Programming Council member elected according to paragraph 3 of this Article shall be terminated on the day of expiry of the term of office of the Programming Council.

### **Programming Boards**

#### **Article 25**

Programming Boards shall perform coordination, supervision and evaluation of the training activities implemented in line with the training programmes.

Programming boards shall have five members each.

Members of the Programming Board for initial training shall be elected from among judges and state prosecutors.

Members of the Programming Board for in-service training shall be elected from among the judges or state prosecutors with a minimum of ten years of experience as judges or state prosecutors, while one member can be a professor of law.

Members of the Programming Board for special trainings shall be elected depending on the special training programme.

Members of the programming boards shall possess high professional qualities and reputation for discharging the duties of their office and profession; they should be acknowledged for the results of their work, and have published papers and articles, as well as experience in training or mentoring in judiciary and state prosecution service.



Upon their request members of a the programming boards from among judges and state prosecutors may have an up to 70% reduction in the workload in the courts or the state prosecution offices they work in.

Members of the programming boards shall be entitled to remuneration for their work in the amount of 50% of the average gross salary in Montenegro in the preceding year.

#### **4. Secretariat of the Centre**

##### **Tasks**

##### **Article 26**

Secretariat of the Centre (hereinafter referred to as: the "Secretariat") shall be established as an expert service to perform expert, financial, administrative, IT, analytical and other tasks for the Centre.

Work of the Secretariat shall be managed by the director.

Director of the Secretariat shall be elected for a period of five years.

##### **Conditions for the Election of the Director of the Secretariat**

##### **Article 27**

To be elected to the position of the Director of the Secretariat, in addition to general conditions for employment in state authorities, a person shall also meet the following specific requirements:

- 1) has a law university degree (level VIII of education qualifications);
- 2) passed the Bar Exam;
- 3) has at least ten years of working experience;
- 4) possesses organisational capabilities;
- 5) has active knowledge of the English language.

Provisions of the law that define rights, obligations and responsibilities of civil servants and state employees and that refer to the high managerial staff shall apply accordingly to the employment procedure, rights, obligations and responsibilities of the Director of the Secretariat unless otherwise stipulated by this Law.

##### **Responsibilities of the Director of the Secretariat**

##### **Article 28**

Director of the Secretariat shall:

- 1) be responsible for the implementation of decisions of the Steering Committee;
- 2) submit the Annual Work Report of the Secretariat for the previous year to the Steering Committee not later than 1 February of the current year;
- 3) prepare the enactment on the internal organisation and job descriptions (systematization) of the Secretariat;
- 4) prepare the proposal of the Statute and other general enactments of the Centre and monitor their implementation;
- 5) prepare the proposal of the budget allocation for the operation of the Centre and be responsible for the use of the budget funds of the Centre;
- 6) prepare the proposal of the financial statement of the Centre;

- 7) be responsible for keeping timely and neat records stipulated by this Law;
- 8) discharge other duties stipulated by this Law, Statute and general enactments of the Centre.

### **Organizational units**

#### **Article 29**

Secretariat shall have the organisational units for:

- 1) Initial Training;
- 2) In-service Training;
- 3) accounting, finance and logistics and
- 4) international cooperation.

Beside Organisational Units referred to in paragraph 1 of this Article, Secretariat could have other organisational units.

The duties of the organizational units referred to in paragraphs 1 and 2 of this Article shall be regulated in the enactment on the internal organisation and job descriptions (systematization) of the Secretariat.

### **Employees**

#### **Article 30**

Provisions of the law that defines rights, obligations and responsibilities of civil servants and state employees shall apply accordingly to the employment procedure, rights, obligations and responsibilities of the employees of the Secretariat.

## **III. TRAINERS AND MENTORS**

### **Trainers**

#### **Article 31**

Trainings in the Centre shall be implemented by trainers.

Trainers can be persons with at least five years of experience as judges, state prosecutors, attorneys-at-law, persons with academic titles, notaries, mediators, bailiffs, civil servants in state bodies and state administration bodies, as well other professionals for certain areas of trainings.

Rights and obligations of trainers shall be defined in a contract made between the trainers and the Centre, pursuant to the Statute and general enactments of the Centre.

The manner of selection of trainers, their term of office, reimbursement of costs and criteria for evaluation of initial and in-service training participants shall be regulated by the Statute and general enactments of the Centre, pursuant to the principles of transparency, professionalism and equal access.

### **Experts as Trainers**

#### **Article 32**

Prominent experts in the areas of medicine, computer technology, foreign languages, sociology, communication sciences, economy, psychology and other sciences, professions and activities related to the training programmes can be hired as trainers to deliver training on special legal areas and themes.

Trainers referred to in paragraph 1 of this Article shall be elected by the Programming Board depending on the training programme.

Director of the Secretariat shall notify the Steering Committee about the elected trainers referred to in paragraph 1 of this Article.

## **Mentors**

### **Article 33**

Practical part of the initial training shall be implemented by mentors.

Mentors can be judges, i.e. state prosecutors with at least five years of working experience as judges or state prosecutors.

Members of the Steering Committee, Programming Council, Judicial Council or Prosecutorial Council, court presidents and heads of state prosecution offices cannot be appointed as mentors.

The list of mentors defined by the Judicial Council, i.e. Prosecutorial Council shall be submitted to the Steering Committee.

## **Remuneration**

### **Article 34**

Trainers and mentors shall be entitled to remuneration.

The amount of the remuneration referred to in paragraph 1 of this Article shall be established by the Steering Committee.

## **IV. PROGRAMMES AND TRAININGS**

### **1. Programmes**

#### **Annual Training Programme**

##### **Article 35**

Training in the Centre shall be implemented according to the Annual Training Programme.

Annual Training Programme shall contain the areas for which the training is organized in a calendar year, pace and deadline of implementation, structure and number of participants, professional structure of trainers, required funds and the manner of evaluation of the programme activities.

Annual Training Programme shall be adopted not later than 1 November of the current year for the following year and it shall be published on website of the Centre.

On the basis of the Annual Training Programme, training programmes shall be adopted for initial and in-service training, and for the special training programmes as needed.

#### **Initial Training Programme**

##### **Article 36**

Initial Training Programme shall be the training programme for candidates for judges and state prosecutors and shall consist of theoretical and practical parts.

The programme referred to in paragraph 1 of this Article shall be prepared by the Programming Board for Initial Training in cooperation with the mentors

**In-service Training Programme**  
**Article 37**

In-service Training Programme shall contain the following:

- 1) training programme for judges and state prosecutors holding their office for less than four years;
- 2) training programme for judges and state prosecutors holding their office for more than four years;
- 3) training programme for court presidents and heads of state prosecution offices;
- 4) training programme for judges and state prosecutors who were evaluated with the grade “unsatisfactory”
- 5) training programme for judges and state prosecutors who are promoted or change the area of law or specialize in certain area of law while in the office;
- 6) joint training programme.

The programme referred to in paragraph 1 of this Article shall be prepared by the Programming Board for In-service Training in cooperation with the trainers.

**Special Training Programme**  
**Article 38**

Special Training Programme shall contain the following:

- 1) training programme for attorneys at law, notaries, and bailiffs; and
- 2) training programme for advisers, clerks and trainees in courts and state prosecution offices.

The programme referred to in paragraph 1 of this Article shall be prepared by the Programming Board for Special Trainings that will cooperate in that with the trainers and Director of the Secretariat.

**2. Initial Training**

**Contents of the Initial Training**  
**Article 39**

Initial training shall be organized for the purposes of acquiring practical and theoretical knowledge and skills of the candidates for judges in misdemeanour courts, basic courts, Commercial Court of Montenegro and Administrative Court of Montenegro and candidates for state prosecutors in basic state prosecution offices.

Initial training shall include substantive and procedural law, international law and European Union acquis, ethics of judges and state prosecutors, case law and practice of the European Court of Human Rights, as well as skills required for discharging the duties of judicial and prosecutorial office.

## **Theoretical and Practical Parts of the Training**

### **Article 40**

Theoretical part of the initial training shall be implemented to ensure the improvement of the general knowledge of the substantive and procedural national and international law and the abilities for logical reasoning and learning about social, cultural and economic aspects of law in a democratic society.

Practical part of the initial training shall be implemented to ensure development of practical judicial i.e. prosecutorial skills in line with the quality and efficiency standards, strengthening the sense of responsibility and ethics, as well as the capabilities for conducting the procedures, rendering decisions and elaborating them.

## **Participants in the Initial Training**

### **Article 41**

Participants in the initial training shall be the candidates for judges, i.e. state prosecutors determined by the Judicial Council, i.e. Prosecutorial Council in accordance with the Law.

Six months prior to the implementation of initial training the Judicial and Prosecutorial Council shall, for the purposes of planning the implementation of the initial training, inform the Centre on the plan of the vacant judicial i.e. prosecutorial posts.

## **Duration of the Initial Training**

### **Article 42**

Initial training for the candidates for judges of basic courts i.e. candidates for state prosecutors in the basic state prosecution offices shall last 18 months, out of which six months shall be theoretical, while 12 months shall be practical training; and it shall be implemented according to the Law on Judicial Council and Judges, i.e. the Law on State Prosecution Service.

Initial training for candidates for misdemeanour judges shall last nine months, out of which three months shall be theoretical and six months shall be practical training; and it shall be implemented in the Centre, i.e. in the Misdemeanour Court in Podgorica.

Initial training for candidates for judges of the Commercial Court of Montenegro shall last six months, out of which 40 lessons per month shall be theoretical training; and it shall be implemented in the Centre, i.e. in the Commercial Court of Montenegro.

Initial training for candidates for judges of the Administrative Court of Montenegro shall last four months, out of which 20 lessons per month shall be theoretical training; and it shall be implemented in the Centre, i.e. in the Administrative Court of Montenegro.

## **Implementation of the Initial Training**

### **Article 43**

Theoretical part of initial training shall be carried out on the basis of the initial training programme for certain type of court through special modules for individual areas for which the training is organized, on the basis of the schedule determined for the period of initial training implementation.

Implementation of the theoretical part of the initial training shall be monitored by one of the members of the Programming Board for Initial Training designated by the Programming Council.

Logbook on theoretical and practical parts of the initial training shall be kept for each participant of the training.

Contents and manner of keeping the logbook referred to in paragraph 3 of this Article shall be defined by the Programming Council.

## **Evaluation**

### **Article 44**

At the end of the theoretical part of the initial training the trainer who implemented individual training module shall compose a report on the implemented training containing the grade for each individual training participant.

The report referred to in paragraph 1 of this Article shall be submitted to the member of the Programming Board referred to in Article 43 paragraph 2 of this Law who shall prepare the proposal of the grade for the theoretical part of the initial training for every training participant.

At the end of the practical part of the initial training the mentors that supervised the implementation of the practical part of the initial training shall compose the report on the assessment of success in the practical part of the training for every participant of the training individually.

Proposal of the grade referred to in paragraph 2 of this Article and the report on the assessment referred to in paragraph 3 of this Article shall be submitted to the participant of the training to make a statement thereon and he/she shall do so within eight days from the day it has been submitted and shall submit his/her statement to the Programming Board for the Initial Training.

On the basis of the proposal of the grade referred to in paragraph 2 of this Article, report on the assessment referred to in paragraph 3 of this Article and statement referred to in paragraph 4 of this Article, the Programming Board for Initial Training shall determine the final proposal of the grade for both, theoretical and practical parts, for the participant in the training and submit it to the Judicial Council, i.e. Prosecutorial Council.

Final grade for the initial training shall be "satisfactory" or "unsatisfactory".

The grade "unsatisfactory" shall be given in the initial training to the participant who was graded as "unsatisfactory" in one or both parts of the training.

### **3. In-service Training**

#### **Contents of In-service Training**

##### **Article 45**

In-service training shall be implemented to ensure professional improvement and professional development of judges and state prosecutors and it shall be implemented according to the training programmes in accordance with this Law.

Judges and state prosecutors shall have the right and duty to attend the training referred to in paragraph 1 of this Article for at least two working days annually for which they are to apply based on their own interest.

If the judge, i.e. state prosecutor due to justified reasons cannot attend the in-service training he/she applied for according to paragraph 2 of this Article, he/she shall inform thereof the president of the court, i.e. the head of the state prosecution office that shall then inform the Centre in written form.

#### **In-service Training for Judges and State Prosecutors Holding the Office for Less than Four Years**

##### **Article 46**

In-service training for judges and state prosecutors holding the office for less than four years shall include:

- 1) organization and functioning of the judicial system;
- 2) code of ethics;
- 3) status, rights, obligations and responsibilities of persons holding the office in judiciary;
- 4) application of substantive and procedural laws and other regulations;
- 5) amendments to the substantive and procedural laws and other regulations;
- 6) introduction to the most significant areas of international law, including the European Union *acquis* and human rights and freedom;
- 7) professional skills;
- 8) case management;
- 9) alternative dispute resolution methods; and
- 10) other areas significant for their work.

#### **In-service Training for Judges and State Prosecutors Holding the Office for More than Four Years**

##### **Article 47**

In-service training for judges and state prosecutors holding the office for more than four years shall include:

- 1) position, rights and obligations of persons holding the office in judiciary and code of ethics;
- 2) application of substantive and procedural laws and other regulations;
- 3) amendments to the substantive and procedural laws and other regulations;
- 4) professional skills;

- 5) improvement of knowledge in the most significant areas of international law, including the European Union *acquis* and human rights and freedoms;
- 6) case management;
- 7) alternative dispute resolution methods; and
- 8) other areas significant for their work.

### **In-service Training for Court Presidents or Heads of State Prosecution Offices**

#### **Article 48**

In-service training for court presidents or heads of state prosecution offices shall include:

- 1) organization and internal management of a court or a state prosecution office;
- 2) case management;
- 3) solving the problem of backlog of cases;
- 4) management of human resources;
- 5) alternative dispute resolution methods;
- 6) public relations, access to information and personal data protection;
- 7) rights, obligations and responsibilities of civil servants and state employees;
- 8) financial and material management; and
- 9) other areas significant for their work.

### **In-Service Training for Judges, i.e. State Prosecutors Evaluated with the Grade "Unsatisfactory"**

#### **Article 49**

In-service training for judges, i.e. state prosecutors evaluated with the grade "unsatisfactory" shall be implemented according to the training programme developed on the basis of the evaluation report.

### **In-Service Training Programme for Judges i.e. State Prosecutors who are Promoted or Change the Area of Law or Specialize in a Particular Area of Law**

#### **Article 50**

In-service Training for judges, i.e. state prosecutors who are promoted or change the area of law or specialize in certain area of law while in the office shall be implemented according to the training programme developed based on the specific needs.

### **Joint Training Programme**

#### **Article 51**

Joint training programme shall be organized for judges, i.e. state prosecutors and representatives of other state bodies, state administration bodies, local government bodies, and attorneys-at-law, notaries, and bailiffs when it is necessary to implement the training about coordinated activities of several bodies in certain area of law.



## **IV. RECORDS**

### **Record-keeping**

#### **Article 52**

Secretariat shall keep the records on the following:

- 1) implemented training programmes;
- 2) structure and number of training programme participants;
- 3) issued certificates;
- 4) trainers and their engagement;
- 5) structure and number of judges and state prosecutors who have not attended the training;
- 6) other information that refer to the training.

The form, content and manner of keeping records referred to in paragraph 1 of this Article shall be defined by the Steering Committee.

## **V. FINANCING THE CENTRE**

### **Funds for the Work**

#### **Article 53**

Funds for the work of the Centre shall be allocated in the special portion of the Budget of Montenegro in the amount of 2% of the allocated budget for judiciary and state prosecution service.

### **Other Sources of Financing**

#### **Article 54**

Funds for the work of the Centre can also be obtained through:

- donations and gifts; and
- incomes generated through publishing activities, implementation of special trainings, implementation of projects, grants that contribute to the implementation of the competences of the Centre approved by the Steering Committee, and other incomes pursuant to the law.

## **VI. TRANSITIONAL AND FINAL PROVISIONS**

### **Deadline for Election of the Bodies of the Centre**

#### **Article 55**

Election of the Steering Committee of the Centre shall be done within a month from the day of coming of this Law into effect.

Election of the Programming Council of the Centre shall be done within a month from the day of promulgation of the composition of the Steering Committee according to this Law.

### **Deadline for the Election of the Director of the Secretariat**

#### **Article 56**

Director of the Secretariat shall be elected within 30 days from the day of promulgation of the composition of the Steering Committee.

### **Deadline for the Registration of the Centre**

#### **Article 57**

The Centre shall be registered in the Central Register of Commercial Entities within three months from the day of coming of this Law into effect.

### **Deadline for Adoption of the Statute**

#### **Article 58**

Statute of the Centre shall be adopted within two months from the day of promulgation of the composition of the Steering Committee.

### **Deadline for Adoption of the Enactment on Internal Organization and Job Descriptions (Systematization)**

#### **Article 59**

The enactment on the internal organization and job description (systematization) of the Secretariat of the Centre shall be adopted within 30 days from the day of election of the Director of the Secretariat.

### **Deadline for Adoption of the other General Enactments of the Centre**

#### **Article 60**

Other general enactments of the Centre shall be adopted within three months from the day of coming of this Law into effect.

### **Taking over of Employees**

#### **Article 61**

Civil servants, i.e. state employees employed at the Judicial Training Centre on the day this Law comes into effect shall be taken over by the Centre established by this Law and they shall have the status of employees of that Centre until they are reallocated pursuant to the Internal Organization and Job Description (Systematization) Act of the Secretariat of the Centre.

Civil servants, i.e. state employees who have not been reallocated in accordance with paragraph 1 of this Article because there are no vacant posts for which they meet requirements shall be placed at disposal and on that ground they shall exercise rights and fulfil duties in accordance with the regulations governing civil servants, i.e. state employees.

### **Taking over of Equipment, Documentation and Information System**

#### **Article 62**

Equipment, documentation and information system of the Judicial Training Centre shall be taken over by the Centre established by this Law.

## **Continuation of Work**

### **Article 63**

Executive director of the Judicial Training Centre, Coordination Board and programming boards elected according to the Law on Training in Judiciary (Official Gazette of RMNE 27/06), shall continue working until the Director of the Secretariat of the Centre, Steering Committee of the Centre and Programming Council of the Centre are elected according to this Law.

## **Initial Training according to Previous Regulations**

### **Article 64**

Advisors in courts and state prosecution offices who have completed the initial training in accordance with the Law on Training in Judiciary (Official Gazette of RMNE 27/06), and were selected as candidates for judges or state prosecutors shall attend the theoretical part of the initial training in the duration of two months, and practical part of the training in the duration of six months, in accordance with this Law.

Other candidates for judges or state prosecutors, who have completed the initial training in accordance with the Law on Training in Judiciary (Official Gazette of RMNE 27/06), shall attend the theoretical part of the initial training in the duration of two months and practical part of training in the duration of nine months, in accordance with this Law.

## **Repealing of this Law**

### **Article 65**

The Law on Training in Judiciary (Official Gazette of Montenegro 27/06) shall be repealed on the day of entry into force of this Law.

## **Entry into Force**

### **Article 66**

This Law shall enter into force on the eight day from the day of its publishing in the Official Gazette of the Montenegro.

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