

Pursuant to Article 82 paragraph 1 item 2 and Article 91 paragraph 2 of the Constitution of Montenegro, the Parliament of Montenegro of the 24th assembly, at the seventh session of the first regular (spring) assemblage in 2011 year, on 22 June 2011 years, it adopted

**LAW
ON AMENDMENTS
TO THE LAW ON EMPLOYMENT AND WORK OF FOREIGNERS**

Article 1

Article 3 of the Law on Employment and Work of Foreigners ("Official Gazette of Montenegro" no. 22/08) is amended and it reads as follows:

"A foreigner may be employed or work in Montenegro, provided that he/she has: a work permit, permanent residence or temporary residence permit and a signed employment agreement or an agreement on performance of jobs or services."

Article 2

In Article 4, paragraph 1 after the item 9 the following two items are added and they read as follows:

"9a) authors and performers in the fields of film, television, music, music-drama, dance and ballet, as well as supporting technical staff, if they do not stay in Montenegro longer than 30 days, or three months a year with interruptions;

9b) employees of a foreign company who conduct additional training and development of employees, i.e. who are additionally trained and developed with a legal entity based in Montenegro associated with that foreign business company through business or ownership;"

After paragraph 1 a new paragraph is added and it reads as follows:

"(2) Legal and natural persons using services of foreigners as provided

»14) **movement of persons within a foreign business company** is a secondment of foreign employees (executives, managers, specialists) to a legal entity based in Montenegro, which has established that foreign business company, or in a foreign company branch registered in Montenegro;"

Items 16 and 17 are deleted.

Items 19, 20 and 21 are amended to read:

"19) **Head Officer** is a foreigner employed with a foreign business company who provides guidance to company management, conducts business policy and is seconded to the legal entity based in Montenegro which has established that foreign business company, or a foreign company branch registered in Montenegro;

20) **Manager** is a foreigner employed with a foreign business company to perform jobs on the company management, who is seconded to a legal entity based in Montenegro which has established that foreign business company, or a foreign company branch registered in Montenegro;

21) **Specialist** is a foreigner employed with a foreign business company who is seconded to a legal entity based in Montenegro which has established that foreign company, or the foreign company branch registered in Montenegro and possesses special knowledge relevant to company's business operations, as well as a high degree of professional competence in relation to the type of work or activity;"

Item 22 is deleted.

Former items 14, 15, 18, 19, 20 and 21 become items 12, 13, 14, 15, 16 and 17.

Article 4

Article 6 paragraph 2 is amended to read:

"(2) Quota referred to in paragraph 1 of this Article shall be determined by the Government, on proposal of the State Administration body in charge of labour affairs (hereinafter referred to as: Ministry), with previously obtained opinions of the State Administration bodies responsible for certain activities for which quota and opinion of the Social Council of Montenegro are determined."

Article 5

In Article 7 paragraph 1, item 9 is amended to read:

"9) migrant labourer;"

Item 11 is deleted.

Article 6

In Article 8 paragraph 1, line 2 is amended to read:

"- cross-border service of foreigners."

Paragraph 2 is amended to read:

"(2) Within the quota for employment of foreigners a quota for seasonal employment of foreigners is separately determined."

Article 7

In Article 11 paragraph 4 the words: "civil-legal agreement" are replaced by the words: "agreement on performance of jobs or services."

Article 8

In Article 12 paragraph 1 the words: "organizational unit of a foreign business company registered in Montenegro" are replaced by the words: "a foreign company branch registered in Montenegro".

Article 9

In Article 14 after paragraph 2 a new paragraph is added and it reads:

"(3) Employment Agency is obliged to decide on a request for work permit within seven days from the date of request submission."

Former paragraphs 3 and 4 become paragraphs 4 and 5.

Article 10

In Article 16 paragraph 1 item 1 the words: "organizational unit of a foreign business company registered in Montenegro" are replaced by the words: "foreign company branch registered in Montenegro;"

Item 2 is amended to read:

"2) Employer, legal person or a foreign company branch registered in Montenegro does not inform the Employment Agency about the commencement of a foreigner's work, within the period provided for in Article 34 of this Law;"

Article 11

In Article 18 paragraph 4 the words: "no later than 30 days" are deleted.

Article 12

In Article 21 paragraph 3 the words: "not later than 30 days" are deleted.

After paragraph 3, two new paragraphs are added and they read as follows:

"(4) The permit for seasonal employment referred to in paragraph 1 of this Article may be issued for the period of up to eight months a year, within a certain quota for seasonal employment.

Article 16

Article 26 is amended to read:

Article 21

In Article 32 paragraph 2 the words: "civil-law agreement" are replaced by the words: "Agreement on performance of works or services".

Article 22

After Article 32 a new chapter and an Article are added and they read as follows:

"III a. COMMENCEMENT OF A FOREIGNER'S WORK

Article 32a

(1) A foreigner who is issued an employment permit or work permit may not be employed or perform jobs or services before being granted a temporary residence, in accordance with a special law.

(2) Request for issuance of authorization for temporary residence shall be submitted to the State Administration body in charge of movement and residence of foreigners, not later than five working days from the date of issuance of the work permit.

(3) A foreigner who was granted a temporary residence for the purpose of joining his/her family is entitled to employment in the period of validity of a temporary residence, in accordance with this Law.

(4) An employer, a legal person or a foreign company branch registered in Montenegro, are obliged to conclude, prior to the commencement of work, an employment agreement or an agreement on performance of jobs or services with a foreigner to be employed or already employed."

Article 23

Title of chapter IV is amended to read:

"IV. REGISTRATION OF COMMENCEMENT AND TERMINATION OF A FOREIGNER'S WORK".

Article 24

Article 33 is deleted.

Article 25

Article 34 is amended to read:

"An employer, a legal person or a foreign company branch registered in Montenegro are obliged to inform the Employment Agency on the commencement or termination of a foreigner's work, within eight days after the conclusion, or termination of the employment agreement, or the agreement of performance of jobs or services."

Article 26

In Article 35, paragraph 2 is amended to read:

"(2) The State Administration body referred to in paragraph 1 of this Article shall be obliged to inform Employment Agency on approval of a temporary residence of a foreigner with a work permit, the validity period of temporary residence, termination or cancellation of permanent residence or temporary residence of a foreigner within eight days from the date of approval of temporary residence, or termination or cancellation of permanent residence or temporary residence".

Article 27

In Article 38 paragraph 3 the words "organizational unit of a foreign business company registered in Montenegro" are replaced by the words: "a foreign company branch registered in Montenegro".

Article 28

In Article 39 paragraph 1 the words: "from twenty to three hundred times the minimum wage in Montenegro" are replaced by the words: "from 500 EUR to 20,000 EUR".

After item 1, a new item is added and it reads as follows:

"1a) uses services provided by a foreigner without a signed agreement or other appropriate evidence of the type of services performed by foreigners (Article 4 paragraph 2);".

After item 2, a new item is added and it reads as follows:

