

April 2021

Reminder: Law on Archival Material and Archival Activity

As a reminder, in relation to the new Law on Archival Material and Archival Activities (hereinafter: the **Law**), **all business entities have a deadline until 30 April 2021 to submit a transcript of the archive book for the previous year.**

Entities that did not fulfil that obligation are required to submit a transcript of the archive book in 2021, starting from their establishment. For now, only the Historical Archives of Belgrade (hereinafter: the **Archives**) extended the deadline until the end of 2021 for submitting a transcript of the archive book, due to the epidemiological situation, while other archives have not yet issued official notifications postponing this obligation.

In accordance with the notice posted on the website of the Archives, please note that in case you are an entrepreneur, an association whose founders are exclusively natural persons, representative office of a foreign company or branch office, for now you are not obliged to submit normative acts to the Archive, as well as the archive book. In case of any changes regarding this matter, we will notify you in a timely manner.

The documentary and archival material as a term

Documentary material represents all documents, produced by subjects, both in the private and public sectors. The retention periods for keeping such material (which is not necessary to be permanently kept) are

determined by the business entity from whose work they arise, applying the retention periods prescribed by special laws.

Archival material represents a specific kind of documentary material. The particularity reflects in the fact that archival material is made up of documents that have a certain cultural, historical, and general social significance, which must be permanently preserved and submitted to the competent archive for retention, 30 years after the creation of documents representing archival material.

The Law introduces different rules for the public and private sectors. In the text below you can find an overview of the most important obligations of the private sector.

Obligations stipulated by the Law for the private sector

Firstly, it is required to retroactively list all the documentation, starting from the founding of the company, and form an archive book, as a basic record of the entire archive and documentary material created in the work of its creator.

Furthermore, it is required to appoint **the responsible expert for the protection and handling of archival and documentary material** and to start drafting the following documents:

- i. **List of categories of archival and documentary material** - a special act which determines the types of

- archival and documentary material with retention periods;
- ii. **Rulebook on the manner of recording, classifying, archiving and storing archival and documentary material;** and
 - iii. **Rulebook on the manner of recording, protection and use of electronic documents;** and
 - iv. **Plan of measures for protection of archival and documentary material in case of risk of catastrophes and emergency situations** - in order to prepare the protection of archives in time, in case of force majeure or risk of disasters and emergencies.

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Among others, the Law stipulates the obligations of providing appropriate space and equipment for storage and protection of archival and documentary material, handing over archival material to the competent archive under the conditions and within the deadlines provided by the Law, keeping the archive book in the prescribed form, etc.

Penalty provisions

The Law prescribes fines for failure to draft the above-mentioned documents (the List of categories of archival and documentary material, the Rulebook on the manner of recording, classifying, archiving and storing archival and documentary material and the Rulebook on the manner of recording, protection and use of electronic documents), as well as for other misdemeanours for:

- legal entities in the amount of RSD 50,000.00 to RSD 2,000,000.00;
- the responsible person in a legal entity in the amount of RSD 5,000.00 to RSD 150,000.00.