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# Serbia: New Law on Archival Materials and Archival Activities

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Regulatory

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On 24 January 2020, the new Law on Archival Materials and Archival Activities (Official Gazette of the Republic of Serbia, No. 6/2020) was brought, but came into force on 2 February 2021 (hereinafter Law). The main reason for the adoption of this Law is insufficient regulation of many areas of archival material. The goal of the Law is not only to create a legal basis for the preservation of archival material, but also to develop awareness among citizens about the importance of its complete protection and preservation. The new Law defines archival material as a cultural good of general interest for the Republic of Serbia, which enjoys special protection determined by law, and it is prescribed that the material must be kept permanently in the form in which it was created.

The creator of archival material and documentary material is a legal or natural person whose activities create archival material and documentary material (hereinafter: Creator) and the holder of archival material and documentary material is the holder of rights to archival material and documentary material (hereinafter: Holder).

Considering that the obligation to keep an archive book is defined by the previous Law on Cultural Heritage, and that the form and sections will not differ, the order of actions should be as follows: first the archive book should be filled in, and then all documentary material should be inventoried with archival marks from archive books. This will also be used when making a proposal list, to enter all existing categories of documentation, in order to assign them retention periods. After the adoption of the categories list, it is necessary to select the archive material, i.e. to select the material whose expiration dates have expired and which has no further operational significance for extraction.

As in the previous law, it is necessary to bring general acts from Article 14 of the Law which determine and regulate the complete system of management of documentary material and archives.

The obligation of the Creators and the Holders of archival material is to bring:

- General act on the manner of recording, classification, archiving and storage of archival material and documentary material;
- A list of categories of archival material and documentary material with retention periods and
- General act on the manner of recording, protection, and use of electronic documents.

## **Main novelties:**

- All legal entities are obliged to submit a transcript of the archive book once a year to the competent public archive (by 30 April of the current year for the last year).
- All legal entities must appoint a responsible expert for the protection of archival material. There are no special conditions regarding the professional qualification of that person, and a legal entity can outsource these individuals.

The Law prescribes misdemeanor liability with the envisaged fines in the amount of 50,000 to 2,000,000 RSD for a legal entity and in the amount of 5,000 to 150,000 RSD for a responsible person in a legal entity.