

# HARMONIZATION WITH THE LAW ON ARCHIVAL MATERIAL AND ARCHIVAL ACTIVITY

JPM

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## **HARMONIZATION WITH THE LAW ON ARCHIVAL MATERIAL AND ARCHIVAL ACTIVITY**

The deadline for preparation of general acts and their obligatory submission to the competent Archive is approaching - December 31, 2021.

We remind you that the obligation of companies, among other things, is to:

1. Render and adopt general acts:

- Rulebook on the manner of recording, classification, archiving and storage of archival material and documentary material,
- List of categories of archival material and documentary material with retention periods,
- Rulebook on the manner of recording, protection and use of electronic documents,


and submit them to the competent Archive for approval, no later than December 31, 2021. If you have not been registered with the competent Archive so far, it is necessary to submit a copy of the Incorporation act and an registry excerpt from the Business Registers Agency, along with the contact details of the responsible person in charge of the archival material.

2. Arrange and classify archival material and documentary material,

3. Prepare a transcript of the Archive Book and submit it to the competent Archive by April 30, 2022,

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4. Undertake other actions and measures in order to protect archival material and documentary material as prescribed by the Law, and that, inter alia:
  - a) Provide adequate space and equipment for the storage of archival material, as well as electronic form material;
  - b) Designate a responsible person for the protection and handling of archival material;
  - c) Record, mark and classify archival material, and ensure permanent storage of archival material in electronic form, its maintenance and migration;
  - d) Keep an archive book in the prescribed form;
  - e) Submit to the competent archive a transcript of the archive book no later than April 30 of each current year for the previous one - the obligation applies from 2022. The archive book is an inventory record, i.e. list of all documentary material kept on any basis by the creator and holder. All documentary material is entered in the Archive Book on an annual basis, and then marked with the corresponding archive numbers. Archive book can be kept in book form or in electronic form and includes a list of documents from the year of the company incorporation until the last completed calendar year;
  - f) Inform the competent archive and obtain an opinion in case of status change, relocation, adaptation of space or similar activities;
  - g) Select archival material and extract for destruction worthless documentary material whose storage period has expired, one year from the date of expiration of the determined period;
  - h) Enable the competent person of the archive to perform supervision and act in accordance with the imposed measures and deadlines;
  - i) Notify the competent archive of all changes related to archival material within 30 days from the date of such change;
  - j) Provide professional training and development;
  - k) Destroy the expired documents. The competent public archive issues a destruction permit for the documentary material recorded in the archive book;
  - l) Submit the arranged and listed archival material to the competent public archive after the expiration of the period of 30 years from its creation;
  - m) Adopt the Plan of measures for protection of archival material and documentary material in case of risk of catastrophes and emergency situations and in cases of emergencies, to state in the minutes the time and circumstances that occurred and to inform the competent archive without delay.



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The creator and holder of archival material and documentary material is obliged to keep the archival material as a whole - the archival fund. If the archive material and documentary material are in electronic form, it is obliged to carry out procedures and techniques for storage, as well as to use an information system that guarantees the protection, authenticity and integrity of the electronic document.

Misdemeanour fines in the amount of RSD 50,000 to RSD 2,000,000 are prescribed for non-compliance with legal obligations.

At the same time, we would like to inform you that the Decree on Unique Technical-Technological Requirements and Procedures for Preservation and Protection of Archival Materials and Documentary Material in Electronic Form ("Official Gazette of RS", No. 107/2021) has been adopted and in force since November 20, 2021, but will be applied deferred, from September 1, 2022.

Thus, the handing over of the transcript of the Archive Book in 2022 will be possible in paper form, while from September 1, 2022 the electronic archiving will be obligatory.

The Decree was passed on the basis of the Law on Archival Material and Archival Activity, and until the beginning of its application, creators and holders of documentary material in electronic form are obliged to perform electronic archiving in accordance with the Decree on conditions for document preparation for reliable electronic storage and document formats suitable for long-term storage ("Official Gazette of RS", No. 86/2018) and the Rulebook on conditions for procedures and technological solutions used during reliable electronic storage of documents ("Official Gazette of RS", No. 94/2018 and 87/2020).





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