

ARCHIVES AND ARCHIVAL INSTITUTIONS ACT

I GENERAL PROVISIONS

Article 1

The present Act regulates the protection of public archives and the conditions for consulting, preserving, using and processing archives, public archives service, and archival institution's responsibilities and tasks.

Article 2

Archives are of interest for the Republic of Croatia and enjoy its special protection.

Archives and current records are protected regardless of whose property or possession they are in, regardless of who owns them, or whether they are registered or recorded.

The regulations concerning the protection of cultural monuments also apply to archives.

Article 3

Archives are considered to be records or documents created by corporated bodies or persons in pursuance of their activities, being of permanent significance for culture, history and science regardless of the place and time of their creation, not depending on the form and medium they have been preserved thereon.

Records or documents are in particular acts, charters, subsidiary office and business books, card indexes, maps, plans, drawings, placards, blank forms, photographs, moving images (film and video recordings), sound recordings, microforms, machine readable records, databases, including programs and tools for using thereof.

Archives are created by selection from current records.

Current records are all records or documents created or received through the function and activity of a particular corporated bodies or person.

Current records are considered to be archives in creation, and the provisions of this Act and other regulations related to archives apply with respect to their protection.

Owners of archives and current records are considered to be corporated bodies and persons owning or possessing them, those managing or being entitled to keep them.

The creators of archives and current records are considered to be the corporated bodies and persons by whose function and activity they are created.

Archival institutions are institutions for the keeping, preservation, processing and use of archives that may be public or private.

A registry is a structural unit where archives or current records are filed and preserved up to the time they are transferred to a competent archival institution.

The selection of archives is a procedure by which current records are selected according to defined regulations.

Article 4

Archives created through the function and activity of a particular corporated bodie or person form a whole (archival fonds), and cannot, as a rule, be divided.

Current records may be split or merged due to a change of the internal structure of the creator, owing to a transfer of a part of or all the other creator's task, but only with a previously obtained opinion issued by a competent state archival institution.

A body or a person making a decision on the division or merger of current records is obliged to determine the owner of each part of the archives that are being split or merged.

In case of doubt whether a particular record is archival, museum or library by character, the minister of culture is called on to make a final decision.

II. PUBLIC ARCHIVES AND CURRENT RECORDS

Article 5

Public archives or current records are considered to be records created through the function and activity of a state authorities' body, units' of local self-government and administration bodies, public institutions and enterprises, companies derived from former public enterprises, public notaries and other persons performing public service or being vested with public authority (hereinafter referred to as: creators of public archives or current records).

Creators of public archives and current records are due to inform a competent state archival institution on their establishment and on any changes of their status and structure in order to get an opinion with respect to the treatment of records.

A competent state archival institution establishes a list of creators and owners of public archives and current records on the territory of its activities.

Article 6

Public archives and current records are inalienable.

1. Responsibilities of Creators and Owners

Article 7

Creators and owners of public archives and current records are obliged:

- to keep records in good order and to protect them from damage up to the their transfer to a competent archival institution;
- to deliver a list of the records and inform about any changes concerning it upon the competent state archival institution's request;
- to obtain the competent state archival institution's opinion prior to taking measures related to their records;
- to select regularly archives from current records;
- to enable the inspection of the preservation of their archives by authorized professionals of a competent state archival institution;

- to follow instructions of a competent state archival institution concerning the preservation of archives.

Creators and owners of public current records are also obliged to ensure the preservation of current records whose retention period has not yet expired after archives are selected.

Article 8

Creators and owners of public archives and current records are obliged to provide proper space and equipment for the storage and preservation of records.

Creators and owners of public archives and current records are obliged to determine which employee is responsible for the activity of a registry and, if necessary, which employee is to serve in a registry.

Employees in a registry need to have at least secondary-school qualifications and a passed professional exam qualifying them to work in a registry.

At the proposal of the Croatian State Archives, the minister of culture enacts the Regulations concerning professional education and on the examining of professional qualifications of professionals in registries.

Article 9

If an owner of public archives and current records is careless or unprofessional in the preservation of records, and consequently if there is a danger for them to be damaged or destroyed, a competent state archival institution shall decree measures to be taken within a determined period for their arrangement, listing or physical protection.

If after a determined period the owner fails to carry out the decreed measures, the decree shall be executed by a competent state archival institution at the owner's expense.

An appeal against a decree from Paragraph 1 of this Article may be lodged with the Ministry of Culture.

An appeal does not delay compliance with the decree.

Article 10

The body making a decision concerning the cessation of the activity of a creator or an owner of public archives and current records is obliged to determine a new entity that will preserve those records or to make a decision on their transfer to a competent archival institution.

The body from the Paragraph 1 of this Article is obliged to notify a competent state archival institution about new storage of the records.

2. Selection

Article 11

After the retention period of a particular type of records has expired, the creators and owners of public records shall regularly select the archives following the instructions of a competent state archival institution and with their permission.

The selection is carried out according to regulations adopted by competent archival institution and the owner.

Article 12

Special rules decreed by the minister of culture upon the proposal of the Croatian State Archives shall regulate the procedure of selecting archives preserved in a registry, as well as providing detailed regulations concerning the criteria, the methods of appraisal, records schedules and the regular execution and procedure of selection.

Article 13

After the selection is done, the creators and owners are obliged to destroy the unselected (weeded) current records whose retention period has expired. During the act of their destruction security measures should be taken to protect the data that may violate privacy or public interests.

3. Transfer of Archives to an Archival Institution

Article 14

Public archives shall be transferred to competent archival institution within a period that, as a rule, cannot be longer than 30 years after their creation.

Creators or owners are obliged, prior to the transfer to competent archival institution, to select and arrange the archives.

The archives may be transferred to competent archival institution prior to the expiry of the period from the Paragraph 1 of this Article if an owner and competent archival institution reach such an agreement, or if it is so required for the protection of the records.

If the archives are needed for current business even after the period from the paragraph 1 of this Article has expired, the creator or owner and competent archival institution shall make a list of such archives, and determine the period within which the records shall be transferred to an archival institution.

The obligation for the transfer applies also to archives containing personal data as well as to archives classified as secret determined by Act or general regulations on keeping secrecy. On the occasion of a transfer to archival institution, such archives are obligatory specially marked on the list, and access date is notified.

Article 15

Creators and owners of archives and current records are due to transfer them to competent archival institution in their original form, arranged, marked, listed and grouped in rounded wholes, and technically equipped, in accordance with the Regulations concerning the transfer of archives to archival institution.

The Regulations concerning the transfer of archives to archival institution are enacted by the minister of culture following the proposal of the Croatian State Archives.

Archival institution shall take charge of the records even if the conditions from this Article are not fulfilled if it is necessary for the preservation or saving of archives from damage or destruction.

The owner of archives shall cover the transfer expenses including the arrangement and listing of material if this has not been done earlier.

Article 16

Producers of films intended for public screening, regardless of the technique they were filmed in, are obliged to deliver, during the first year of the screening, one unused copy of each produced film together with corresponding documentation (a screenplay, a script-book, a dialogue list, a poster and a selection of photographs) to the Croatian State Archives.

One year after filming, the producer is obliged to deliver for permanent preservation the original records of the shot film (original picture and sound negatives).

Distributors are obliged to deliver to the Croatian State Archives the best copies of each film imported for public screening following the expiry of the film license.

Videocassette distributors are due to deliver, for permanent preservation, one copy of each imported film to the Croatian State Archives.

Article 17

If person from Articles 15 and 16 of this Act fails to comply with the determined obligations, a competent archival institution shall order the selection, arrangement and transfer of the records, and to execute that at the owner's expense.

A complaint against the decree from the Paragraph 1 of this Article may be deposited with the Ministry of Culture. A complaint does not delay the compliance with the decree to do so.

4. Use of archives in archival institutions

Article 18

Every user has a right to consult public archives under equal conditions.

Article 19

Public archives in archival institution may be used for official purposes, for scientific research, public purposes, for teaching, exhibiting and publishing, for the realization or protection of personal rights as well as for other legitimate purposes.

Provisions concerning the use of public archives also apply to the consultation of private archives in archival institution unless a Act or other regulations regulate it otherwise, or unless this matter has been settled otherwise by a contract or document dealing with the transfer of the material to an archival institution.

Article 20

In principle, public archives are available for consultation 30 years after their creation. Archives are available for consultation before the expiry of 30 years if such records have been intended for the public since their creation or if their creator approves it.

Archives and current records containing the information relating to defense and international relations, to national security including the maintenance of Act and order, and to economic interests of the state, the disclosure of which would have harmful consequences for national security or national interests of the Republic of Croatia, become accessible for public use 50 years after their creation, if it is not regulated otherwise by any special statutes.

Article 21

Public archives referring to personal data (registers, medical documentation, personal files – including court, tax, financial and similar documents) are available for consultation 70 years after their creation or 100 years after the person concerned was born.

Archives from the Paragraph 1 of this Article are available for consultation before the anticipated period if such records have been intended for the public since their creation or if the person concerned agrees, or if his or her spouse, children or parents agree after his or her death.

When public archives mentioned in the Paragraph 3 of Article 20 and in the Paragraph 1 of this Article are transferred to an archival institution, the transfer list must also include the access dates.

Article 22

If scholarly or scientific reasons demand the consultation of public archives prior to the expiry of the anticipated period, the director of an archival institution may approve the consultation of archives although the conditions from the Articles 20 and 21 of this Act are not fulfilled, in a way and under such conditions which guarantee the protection of the public interest, the respect of privacy, rights and benefits of third parties. Additionally, an opinion must be obtained from the Archival Council of Croatia prior to the consultation of these archives.

Creators whose activities caused the emergence of the public archives are allowed to use it without any restrictions for the purposes they were created for or the purpose for which they served.

Article 23

In principle, copies of archives are given for consultation.

In principle, documents required for official purposes are given for consultation in the form of a certified copy.

As an exception, original archives may be loaned to state bodies, but temporarily and under condition that a security copy was previously made at that body's expense.

As an exception, original archives may be given for consultation if the copies of those records do not exist or if a research method demands so.

Archives may be used for exhibitions being held outside an archival institution if conditions are fulfilled for their protection and security, and with the obligation that they are copied for security reasons at the user's expense and before their delivery to the user.

Article 24

The consultation of archives and finding aids in archival institution is free of charge. Compensation is paid to archival institution for making copies or for special technical equipment.

Special permission on the part of competent archival institution is required for the consultation of archives for propaganda, profit making, for copying and publishing of archives reproductions.

Compensation for the use of archives in accordance with Paragraphs 1 and 2 of this Article is determined by the Regulations concerning the Use of Archives and is to be paid to archival institution.

Article 25

The director of archival institution gives permission for the consultation of public archives.

In case that a request for the consultation of public archives is denied, a written order is issued to that effect.

An appeal against the order from the Paragraph 2 of this Article can be lodged with the Ministry of Culture.

Article 26

The conditions and the procedures of use of public archives, the making of copies and certified transcripts are regulated by the Regulations for the Use of Archives approved by the minister of culture based on the proposal made by the Croatian State Archives.

Article 27

A person having permission for use of archives is responsible for any damage or violation of anyone's rights that occur using archives.

Article 28

Original archives may be taken abroad for exhibiting, expert evaluation or undertaking preservation measures with the permission of the minister of culture. The permit implies the period within which the archives are to be returned to the country, but other conditions may also be stipulated.

The archives must be copied for protection and security before being taken out of the country.

III PRIVATE ARCHIVES

Article 29

Private archives are considered archives created through the activities of private corporate bodies or persons, unless they were created in the execution of public duty or public service or unless they are owned by the state.

Article 30

The Croatian State Archives shall draw up a list of owners of privately owned archives that have been determined to be of interest to the state.

Article 31

Private archives are entered in the Register of Owners of Private Archives.

The Register from the paragraph 1 of this Article is kept by the Croatian State Archives, and contains the following information:

- the owner's name, surname, address a Citizen's Unique Register Number;
- the basic information about the creator of archives;
- a short description of the contents, the period covered by the archives and quantity of the archives;
- the date of entry, and the number and date of the order proclaiming the records to be a part of the cultural heritage.

1. Private archives owner's responsibilities

Article 32

The provisions of this Act on Public Archives also apply in a corresponding way to creators and owners of private archives if it is not otherwise regulated by this Act.

Article 33

The owners of private archives authorized on any basis to preserve archives and single documents of permanent value are obliged to:

- notify a competent state archival institution about the possession of the records;
- preserve records and take measures needed for their custody and protection;
- arrange records and make a list;
- permit an authorized professional from a competent state archival institution to survey the records, and if necessary to make security copies.

If the owner of private archives is not in a position to arrange records and to make a list, he shall allow this to be done at his expense by a competent state archival institution.

Article 34

If the owner of private archives keeps the records carelessly or unprofessionally, and therefore there is a danger for them to be damaged or destroyed, and if he fails to ensure conditions for proper preservation and professional maintenance of archives even after a warning issued by the competent state archival institution and within a given term, the competent state archival institution may order that the archives be transferred to an archival institution for custody and execute such an order until such a time when the owner proves that the conditions have been ensured.

An appeal against the order from the Paragraph 1 of this Article may be lodged with the Ministry of Culture.

An appeal does not delay compliance with the order to do so.

Article 35

The owner of private archives may deposit, donate, or sell the material to the state archival institution.

Private archives coming into possession of state archival institution by depositing, donation or purchase are available for use under the same conditions and in the same way as public archives, unless this has not been regulated otherwise by a contract or a document on the transfer of the archives to the state archival institution.

The owner who deposits the material in the state archival institution retains all the rights to the archives unless this has been regulated otherwise by the contract governing the deposit.

2. Trade in Private Archives

Article 36

State archival institutions have a pre-emption of privately owned archives that appear on the market.

The owners of private archives intending to sell their archives shall first offer them to a competent state archival institution on whose territory they have a seat or in which they reside. Their offer shall contain the price and other conditions of the sale.

In case that the competent state archival institution have no intention of using its right of first refusal, that archival institution shall, within the period of 30 days starting with the day of the offer, notify the Croatian State Archives, which shall make a decision concerning the offer within the period of a further 30 days.

Unless the offer is accepted within the period of 60 days starting from the day of its delivery to the state archival institution, the proprietor may sell his archives to another corporate bodies or person, provided that the price is not lower than the one listed in the offer given to the state archival institution and provided that the sale is not made under conditions that are more favorable for the buyer than those included in the offer given previously to competent state archival institution.

In case that the owner of private archives acts in contravention of the provisions of this Article, a competent state archival institution may take the matter to court and request the

annulment of the contract of sale, but at the latest within the period of five years starting from the date of the conclusion of the contract concerned.

Article 37

Persons selling their archives to a state archival institution are exempt from payment of any kind of tax in that transaction.

State archival institution may grant proper compensation to persons that help in identifying and recording archives.

Article 38

Owners of private archives intending to take their records abroad shall ask for permission regardless of the fact whether these records are entered in the Register from the Article 31 of this Act. A permit for taking these records abroad is issued by the minister of culture.

The minister of culture may approve temporarily or permanent transfer abroad of private archives subsequent to a previously obtained opinion of the competent state archival institution.

IV. ARCHIVAL SERVICE

Article 39

The archival service is a compulsory public service that is carried out for the whole territory of the Republic of Croatia.

Public institutions such as the Croatian State Archives, regional state archival institutions and archival institutions in units of local self-government and administration carry out the archival service.

Specialized archival institutions and private archival institutions may perform certain tasks of the archival service, and in doing so act as institutions in the manner regulated by this Act and other regulations.

Article 40

The Ministry of Culture performs administrative and other professional tasks from its sphere concerning the activity of archives through its Archive Administration as an administrative organization within the Ministry.

Article 41

The Croatian State Archives, as the central and parent State Archives, perform archival services relating to archival and current records created by state bodies, state and public institutions and enterprises, and by corporate bodies, families and individuals whose activity covers the whole or a part of the territory of the Republic of Croatia or a greater part of the territory, or else, whose activity is of interest to the Republic of Croatia.

Regional State Archives perform archival services with respect to archival and current records of state bodies, corporate bodies vested with public authority and public services, performing their activity on the territory of one or more units of local self-government and administration, and with respect to material being created on the territory of the activity of that archival institution.

Archives of units of local self-government and administration preserve, protect, process and consult public archives of the bodies of local self-government and administration as well as of their own public services.

Article 42

Specialized and private archives (university archives, business archives, church archives, bank archives etc.) may collect and preserve archival and current records created through activity of their founders and other domestic corporate bodies or persons.

Specialized archives established for the protection, processing and consultation of public records may be established based on the approval and a decree on the division of responsibilities referring to archives from the Article 3 Paragraph 2 of this Act as ruled by the Minister of culture.

Article 43

Within their tasks from the Article 41 of this Act State Archives:

- carry out measures for the protection of archival material housed in archival institution, and take care of its security;
- arrange, list and publish archives, and make them available for consultation;
- perform the professional inspection of the preservation and selection of archives stored out of archival institution, and take measures for its protection;
- carry out the direct inspection of the activity of archival institution and of other owners of archives not included in the system of State Archives;
- take over of public archives;
- collect private archives through acquisition, through donations or deposit;
- perform security and preservation microfilming, and restoration and conservation work concerning these records;
- provide information, extracts from documents and certified transcripts at the users' request;
- prepare and publish finding aids for particular fonds and collections;
- organize lectures, seminars and other forms of professional education of archival staff;
- prepare exhibitions, lectures and other forms of cultural activity to promote interest in archives and activities;
- cooperate mutually and with other cultural, scientific and related institutions engaged in documentation and information services with the aim of promoting archival activity and scholarly research in the fields of archive science and supporting auxiliary historical and information sciences;
- perform other tasks stipulated by this Act and other regulations.

Article 44

In order to carry out their tasks, State Archives professionally and scientifically examine and study issues concerning the protection of cultural heritage, archival science, auxiliary historical, and information sciences, modern forms of automatic data processing and related disciplines.

State Archives may publish records and issue other professional publications from their field, make and publish scientific studies, organize scientific and professional meetings, carry out scientific and expert projects or participate in scientific and expert projects of other institutions.

Article 45

In addition to the tasks from Article 43 of this Act, the Croatian State Archives perform activities and tasks as follows:

- keep the register of archive fonds and collections in the Republic of Croatia;
- perform information and documentation concerning archives in the territory of the Republic of Croatia;
- keep records concerning archives stored in foreign archival institutions being of importance for the Republic of Croatia, as well as concerning archives of Croatian emigrants;
- keep the Register of all Archives of the Republic of Croatia;
- keep the Register of Owners of Private Archives in the Republic of Croatia;
- keep records of persons working in State Archives;
- make programs of education and other forms of training of professional archival staff;
- supply the Minister of culture with opinions concerning work programs of State Archives;
- perform other tasks regulated by Act.

The organizational parts of the Croatian State Archives are:

- Croatian Film Archives, a national film archives preserving and taking measures for the protection and restoration of film and other audio-visual records;
- Central Laboratory for Photography, Microphotography and Reprography;
- Central Laboratory for the Conservation and Restoration of Archives;
- Institute for Archival Science and Auxiliary Historical Sciences;
- Development Service.

Article 46

State archival institutions may establish intermediate storage (records center) as their branches for the purpose of acquiring, selecting, preserving and arranging archives and current records.

Article 47

Archival institutions are obliged to keep:

- accession register, a general inventory of archives and inventories of particular fonds and collections, a register of filmed archives, and a register of restored and conserved archives;

- records of creators and owners of archival and current records on their territories;
- records of the use of archives.

The minister of culture enacts the Regulations on keeping records from Paragraph 1 of this Article, based on the proposal made by the Croatian State Archives.

Article 48

By making finding aids and offering professional and scientific information, archival institutions form a unique information system, one that is included in the general information system of the Republic of Croatia, and international systems of information transfer.

1. Establishing of archival institutions and the funding of their activity

Article 49

The Republic of Croatia establishes state archival institutions.

A unit of local self-government and administration may establish its archival institution.

Several units of local self-government and administration may establish joint archival institution, and regulate their relations by a contract.

If a unit of local self-government and administration does not establish its archival institution, the tasks from Article 41 Paragraph 3 of this Act are performed at its expense by regional state archival institution that cover the territory of that unit of local self-government.

Domestic corporate bodies and persons may establish special and private archival institutions.

Article 50

An archival institution may be established if the following is provided:

- required and adequate working premises and a repository, and adequate equipment;
- the required number of archival professionals;
- funds required for the establishment and start of operations the archival institution, and resources for its activity.

The Ministry of Culture issues an order confirming the existence of conditions for the establishment of archival institution for units of local self-government and administration, as well as specialized and private archival institutions.

In case that the Ministry fails to issue a decree from Paragraph 2 of this Article within 30 days starting with the date of the receipt of the request, it is considered that the founder has fulfilled the conditions for the establishment of an archival institution.

The minister of culture enacts the Rules, based on the proposal of the Croatian State Archives, regulating the conditions of storage, equipment, and protection and processing of archives, and the number and structure of archival professionals.

Article 51

Funds for the activity of state archival institutions are provided in the state budget. Their founders finance the operation of other archival institutions.

If an archival institution gains additional profit in the course of its operation, those funds may be used exclusively for carrying out the activity of the archival institution and for its development.

Article 52

The Republic of Croatia provides the premises for the operation of the Croatian State Archives, for its repository and equipment.

Premises for the operation and the repositories of regional archival institutions are provided by towns where the archival institutions are seated, while the Republic of Croatia provides the equipment.

Premises for the activity of other archival institutions, their repositories and equipment are provided by their founders.

Units of local self-government and administration or other legal persons that have not established their archival institutions place their records in custody to State Archives, and cover the expenses of acquisition, storage, preservation and protection of their archives.

Mutual obligations from Paragraph 4 of this Article are regulated by a contract made between state archival institutions and a unit of local self-government and administration, or a corporate entity transferring its materials to the state archival institutions.

Article 53

The body that issues a ruling concerning the termination of the activity of an archival institution or a statement establishing the fact that an archive has ceased to operate is obliged to notify the Ministry of Culture.

Based on the Croatian State Archives proposal, the Ministry of Culture enacts measures for the protection of the records of the dissolved archives and appoints the executor.

2. Archival administration

Article 54

A director administrates an archival institution.

A person appointed to the post of director of an archival institution must have a university degree and a passed professional exam as an archivist; furthermore, he needs to have published outstanding expert and scholarly papers, as well as being characterized by expert, working and organizational abilities.

As an exception, a person appointed to the post of director of an archival institution need not have passed a professional exam as an archivist if it can be expected, based on his or her past work that he or she shall successfully manage the archives, and that he or she undertakes the obligation to pass the exam within the period of two years following the appointment.

Article 55

The director of the Croatian State Archives is appointed and relieved from his duties by the Government of the Republic of Croatia on the basis of a proposal made by the minister of culture.

Directors of regional state archival institutions are appointed and relieved from duty by the minister of culture.

Directors of other archival institutions are appointed and relieved from duty by their founders in accordance with provisions of the Act on Institutions.

Directors of archival institutions are appointed for a period of four years based on an open process of job applications, and there are no term limits set on their terms on duty.

Article 56

Archival institutions have an expert council.

The expert council of an archival institution discusses all professional issues stemming from the operation of an archival institution, makes suggestions and proposals to the director concerning the organization on the activities and conditions for the development of archival activities, as well as performing other professional tasks in accordance with the statute of the archival institution.

The statute of archival institution defines the composition of the expert council. In an archival institution that employs up to five professionals all of them sit in the expert council.

3. Inspection

Article 57

The Ministry of Culture performs the administrative inspection of the activity of state archival institutions.

The Croatian State Archives perform the professional inspection of the activity of regional state archival institutions, while the Ministry of Culture through its Archives Administration performs the professional inspection of the Croatian State Archives.

The administrative inspection of the operation of other archival institutions is performed by the county office for education, culture, information, sports and technical culture on whose territory the archival institution have a seat, or, in the case of the City of Zagreb, by the City of Zagreb Office for Education, Culture and Science, while the professional inspection of these archives is performed by a state archival institution on whose territory the archival institution operate.

V. THE CROATIAN COUNCIL ON ARCHIVES

Article 58

The Croatian Council on Archives is an advisory body to the minister of culture performing advisory and other professional tasks in archival activity in accordance with provisions of this Act. Specifically, in its work it

- discusses general issues from the field of archival activities, gives recommendations and suggestions concerning the promotion of these activities;
- examines mid-term and long-term programs of development of archival activity;
- examines work programs of and annual reports made by state archival institutions
- gives suggestions concerning the need for the establishment of archival institutions
- gives suggestions concerning the implementation of the scholarly and cultural function on archival institutions
- gives suggestions concerning the use of archives stored in archival institution prior to the expiry of the stipulated period;
- encourages the passing and changing of Acts and other regulations regulating archival activity and work of archival institution, and gives suggestions concerning the implementation of regulations enacted by the minister of culture;
- gives suggestions concerning international cooperation in the field of archival activity;
- gives suggestions concerning the activities and the funding of the archival institutions of units of local self-government and administration, as well as of specialized and private archives;
- gives proposals to the minister of culture concerning promotions to the rank of senior archivist and archival advisor;
- performs other tasks regulated by this Act and other regulations.

Article 59

The Croatian Council on Archives has 11 members that are appointed for a period of four years.

Members of the Croatian council on Archives are appointed by the Ministry of Culture – two members, and one member each by the Ministry of Administration, Ministry of Justice, Ministry of Defense, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Science and Technology, Croatian Bishops' Conference, the Croatian Archival Society. The final member is the director of the Croatian State Archives.

The Croatian Council on Archives elects a chairperson from its own ranks.

Article 60

The Croatian Council on Archives establishes the rules of procedure for its activity.

The Croatian State Archives provide professional and administrative services for the Croatian Council on Archives.

VI. PROFESSIONAL STAFF IN ARCHIVAL INSTITUTIONS

Article 61

Professional archival tasks are carried out by professionals having the title: archival technician, senior archival technician, archivist, senior archivist and archival advisor, as well as by corresponding staff from the field of conservation and restoration, reprography and microfilming, as well as from the field of the preservation of audio-visual and film archives.

An archive technician may be a person having secondary school qualifications whom has passed the professional exam for an archive technician.

A senior archive technician may be a person having two-year post-secondary school qualifications whom has passed the professional exam for a senior archive technician.

An archivist may be a person having a university qualification and one who has passed the professional exam for an archivist.

A senior archivist may be a person who has passed the profession exam for an archivist with at least five years of working experience performing professional tasks in the capacity of an archivist (or, correspondingly, as a conservator in archival activity) after passing a professional exam, and one who has published notable expert or scholarly papers from the archival profession.

An archival advisor may be a person who has passed the professional exam for an archivist, having a the recognized title of a senior archivist and at least ten years of working experience in the archival profession, a person who has published significant scholarly and expert papers from archival profession, and one who can, with respect to his or her professional qualities perform the most complex tasks in the archival profession.

Article 62

In order to acquire the needed professional knowledge to be able to perform independently the tasks of an archival technician, senior archival technician, and an archivist, the trainees have a training practice lasting a year.

Within the one year following the period of training practice, a trainee is required to pass a professional exam.

Trainees from the Paragraph 1 of this Article who fail to pass a professional exam shall stop working in the archival institution after the period stipulated for passing the exam has expired.

Article 63

The trainees and archival professionals who have not passed a professional exam take the exam according to the program and regulations on passing the professional exam enacted by the minister of culture on the basis of a proposal made by the Croatian State Archives.

Professional exams are taken before an expert commission appointed by the Croatian Council on Archives.

The Croatian Council on Archives also appoints an expert commission for the appraisal of expert and scholarly papers from the field of archival science written by persons fulfilling the conditions for promotion to the title of senior archivist and an archival advisor.

The minister of culture following the recommendation of the Croatian Council on Archives assigns the titles of a senior archivist and an archival advisor.

Article 64

With respect to professional exams of professionals of different professions and positions engaged in archival institution on the preservation of archives the regulations applied are those, that regulate the professional exams in their professions.

Until the regulations from Paragraph 1 of this Article are in place, these professionals take a special professional exam for archives before a commission responsible for archival professional exams.

VII. PENALTY CLAUSES

Article 65

A person who destroys, conceals, or makes archives useless or else takes them abroad without prior approval by a competent state body shall be punished with a prison sentence of up to five years.

Article 66

A fine of 5,000 to 20,000 kunas shall be imposed on:

- an owner, or a body making a decision about the division of current records in contravention of provisions of Article 4 of this Act;
- a creator and an owner of public archival and current records, and a creator and an owner from the Article 32 of this Act who, after being warned by a state archives, fails to fulfill obligations from Articles 7, 8 and 9 of this Act, or if due to non-compliance with those obligations damage is inflicted to the records;
- a body that has made a decision concerning the termination of the activity of a creator or an owner of public archival or current records or of records that are considered to be cultural property when that body fails to act in accordance with Article 11 of this Act;
- a creator and an owner who fails to destroy unselected current records in accordance with the provision of Article 13 of this Act;
- a creator and an owner transferring the material who fails to act in accordance with provision of Article 15 of this Act;
- film producers and distributors who fail to act in accordance with provisions of Article 16 of this Act;
- an owner of private archives who subsequent to a state archives' warning fails to execute obligations from Article 34 of this Act and, whose negligence in pursuance of those obligations results in permanent damage to the records;
- an owner of private archives who in the process of a selling records fails to act in accordance with provision of Article 36 of this Act;
- an archive that fails to implement measures for the protection of records, which consequently leads to them being damaged or destroyed in contravention to provisions of Article 43 of this Act;
- private and other enterprises and institutions that have taken over current records created through the activity of former organizations of associated labor in cases when they do not act in accordance with provisions of Article 69 of this Act.

A fine of 3,000 to 12,000 kunas shall be imposed on:

- a creator of public archival and current records who fails to notify competent state archival institution on the establishment and any change of the activity and structure in accordance with Article 5 Paragraph 2 of this Act;

- an owner of public archives and current records who within a period of 6 months from their establishment fails to identify the list and to ask for the opinion of a competent state archival institution from Article 11 of this Act;
- an archival institution that acquires records in a way and under conditions that are not in compliance with those regulated in Article 14 and 15 of this Act;
- an archival institution that makes records available for consultation while security conditions are not fulfilled, thus violating the provisions of Article 23 of this Act;
- an archival institution that allows consultation of the records prior to the expiry of the periods stipulated by the Article 20 and 21 of this Act unless consultation has been approved in accordance with Article 22 of this Act;
- a director of an archival institution giving permission for the consultation of records in contravention to Article 22 of this Act;
- an archival institution that fails to keep records from Article 47 of this Act.

A responsible person of a creator and an owner of archival and current records or an institution shall be fined by 2,000 to 8,000 kunas for offences from Paragraphs 1 and 2 of this Article.

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 67

The minister of culture shall enact the executive orders as authorized to do by this Act within a period of one-year starting with its becoming Act.

The following regulations remain valid until the executive orders stipulated by the Act are enacted, unless it is in contravention with this Act:

1. Instructions on Keeping Records in Archival Institution (“Narodne novine” no. 7/63);
2. Instructions on Keeping Records on Archives and Archival Collections (“Narodne novine” no. 12/67);
3. Regulations on Selecting and Weeding of Current Records (“Narodne novine” no. 36/81);
4. Regulations on Passing Professional Exams in the Archival Profession (“Narodne novine” no. 38/81);
5. Instructions on Transferring Archives to Archival Institution (“Narodne novine” no. 33/87);
6. Instructions on the Appraisal of Current Records (“Narodne novine” no. 33/87),
7. Regulations on Taking Exams to Establish Professional Qualifications of Employees for the Tasks and Activities on Preservation of Archival and Current Records outside Archival Institution (“Narodne novine” no. 17/88);
8. Regulations on the Preservation of Archival and Current Records outside Archival Institution (“Narodne novine” no. 17/88);
9. List of Owners of Archival and Current Records of the First and Second Category under the Jurisdiction of the Croatian Archives (“Narodne novine” no. 15/89).

Article 68

Archives preserved in state archival institutions, in terms of the Act on the Protection of Archives and Archival Institutions (“Narodne novine” no 25/78 and 47/86), archives

created before 31st December 1990 which were due to be transferred to archives according to the same Act (Articles 15 to 17), and archives of the former social-political organizations are state property and are considered public archives according to provisions of this Act.

Article 69

Private and other enterprises and institutions that developed through the transformation of property from social or state ownership, may retain archives that they have taken over during this transformation that they require for carrying out their basic tasks for a period no longer than ten years subsequent to the expiry of the calendar year in which their transformation is carried out.

Corporate bodies from Paragraph 1 of this Article are obliged to ensure that records are protected against destruction or damage, and to transfer them after the expiry of the stipulated period, in good order and listed, to a competent state archival institution. If the archives are in no position to take over the records, the corporate bodies is obliged to preserve it in good order until further notice.

Provision of this Act referring to the transfer of public archives apply in a corresponding way to the parts of the records that are needed for performing the activity even after the expiry of the period from the paragraph 1 of this Article.

The owner of corporate bodies from Paragraph 1 of this Article and a competent state archival institution shall draw up a contract concerning the transfer of records. The contract may stipulate limitations to the right of consultation of the transferred records if there is a justified reason for doubt that by consulting it damage could ensue to the owner.

Article 70

On the day of that this Act comes into force, the existing Historical Archives in Bjelovar, Dubrovnik, Karlovac, Osijek, Pazin, Rijeka, Slavonski Brod, Sisak, Split, Varaždin, Zadar and Zagreb continue their activity as regional state archival institutions under the title State Archives in Bjelovar, Dubrovnik, Karlovac, Osijek, Pazin, Rijeka, Slavonski Brod, Sisak, Split, Varaždin, Zadar and Zagreb.

Archival institutions from Paragraph 1 of this Article shall bring their statutes and the way they undertake their operations in line with the provisions of this Act within a period of six months from it coming into force.

Article 71

On the day of this Act coming into force, the following legislation becomes invalid: Preservation of Archives and Archival Institutions Act ("Narodne novine" no. 25/78, 47/86 and 47/89) and the Act on the Procedure of Nomination of Directors of Archival Institutions and on composition of the Croatian Council on Archives ("Narodne novine" no. 96/93), Article 28 of the Act Defining the Tasks within Self-governing Activity of Units of Local Self-government and Administration ("Narodne novine" no. 75/93).

On the day of coming into force of this Act the following legislation becomes invalid: the Regulations on the Preservation, Processing and Selection of Current Records and

Preservation of Archives Created by the Activity of Administrative Bodies Responsible for the People's Defense ("Narodne novine" no. 37/83).

Article 72

This Act shall enter into force on the eighth day after being published in "Narodne novine".

Zagreb, September 19th, 1997

HOUSE OF REPRESENTATIVES
PARLIAMENT OF THE REPUBLIC OF CROATIA

Academician Vlatko Pavletić
President
House of Representatives