



UNMIK/REG/2003/20  
23 June 2003

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**REGULATION NO. 2003/20**

**ON THE PROMULGATION OF  
A LAW ADOPTED BY THE ASSEMBLY OF KOSOVO  
ON ARCHIVE MATERIAL AND ARCHIVES**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

In conformity with paragraphs 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account a communication from the President of the Assembly of Kosovo, dated 23 April 2003 concerning the Law on Archive Material and Archives adopted by the Assembly of Kosovo on 17 April 2003,

Hereby promulgates effective as of the date of signature the Law on Archive Material and Archives attached to the present Regulation (Law No. 2003/7) with the replacement of the term "citizens" in article 14 of the Law by "residents", which shall be reflected in the final official text of the Law.

Signed on this 23<sup>rd</sup> day of June 2003.

Michael Steiner  
Special Representative of the Secretary-General

## **LAW NO. 2003/7**

The Assembly of Kosovo,

On the basis of the Regulation No. 2001/9 of 15 May 2001, “On a Constitutional Framework for Provisional Self-Government in Kosovo,” Sections 5.1(h), 9.1.1, 9.1.26(a), and 11.2 thereof;’

Taking into account the need to set up a modern system of archives which will enable an efficient protection and advanced use of archival material:

Hereby adopts the following law:

### **THE LAW ON ARCHIVE MATERIAL AND ARCHIVES**

#### **GENERAL PROVISIONS**

##### **Article 1.**

1.1. By the Law on Archive Material and Archives (hereinafter: “Law”) are defined and regulated:

1.1.1. The Legal Status of Archives (hereinafter: “archives”);

1.1.2. Types of archives;

1.1.3. Activities of archives;

1.1.4. Foundation, organisation, funding and operations of archives;

1.1.5. Archive materials and registered materials;

1.1.6. Creation, maintenance, protection and use of archive material;

1.1.7. Selection;

1.1.8. Delivery and receipt of archive materials;

1.1.9. Archive network and archive services;

1.1.10. Governing of archives;

1.1.11. Supervision of archives;

1.1.12. Professional, technical and supporting staff of archives;

1.1.13. Other archival issues determined by the Law and other general subsidiary acts based on this law.

1.2. This Law is applied directly and also by general subsidiary acts based on this law.

## **Article 2.**

2.1. A public archive is a legal person.

2.2. Archives are institutions that evidence, receive, maintain, conserve, settle, process and may publish archive material and make them accessible for their to be used for scientific research work and professional work as well as for other needs of the interest of civic and legal bodies, organisations, institutions, individuals and citizens.

2.3. An archive institution exercises public activity of specific importance.

2.4. An archive institution exercises its activity in compliance with the Law and general subsidiary acts based on it, as well as on international archive standards.

2.5. Archival services in Kosovo are unique, integral and inseparable and they are performed on the basis of international standards and are implemented within the entire Kosovo.

## **ARCHIVAL MATERIAL**

### **Article 3.**

3.1 *The archival material*, in terms of this Law means the whole original and reproduced material (written, drawn, pictured, filmed, phonographed, mechanographed, in micro format, records read by machine, digital records, databases, including programs and devices for their inclusion and all other documents created in some other form) by public and non public bodies, legal or natural persons in their activity, of permanent value for science, culture and general public needs.

3.2. The archival material is created by selection from the registering material.

3.2.1. *Registering material* is considered the whole original and reproduced material (written, drawn, pictured, filmed, phonographed, mechanographed, digital or recorded in some other way), books, folders and other evidence of the material created through the activity of public central bodies, municipal bodies and citizens' associations, institutions, organisations and associations, political organisations, non-governmental organisations and other associations, natural and legal persons, individuals who perform their activity or profession independently

and the natural persons of importance for their operational work while archive material has not yet been selected from it.

3.2.1.1. Registering material contains all the records, documents created or received through their activity and certain legal and physical individual work mentioned in paragraph 3.2.1. of this Law.

3.3. Archival material include the whole material created during the activity of the entities mentioned in paragraph 3.2.1 of this Law, regardless on the time and way of its creation and its types, such as the different documents originated from an international administration that has acted or is still acting in Kosovo, without prejudice of the privileges and immunities of UNMIK and KFOR and the directions for the implementation of their mandate under the Resolution 1244 (99).

#### **Article 4.**

4.1. Archival material are protected by the Law, regardless of the time, place and mode of its creation, or in whose ownership it is found.

4.1.1. Archival materials and archives institutions are protected and secured by the competent bodies.

4.2. An archive as an institution of specific importance is protected by the Law.

4.2.1. Archive material is of historical, cultural and scientific importance; it has the character of a cultural monument and is permanently maintained.

#### **Article 5.**

5.1. Archive material created during the activities of public and non-public bodies and in the work of certain legal and natural persons constitutes an entirety (archive fund) and in principle it cannot be divided.

5.2. Archive material that is placed in an archive institution is irrevocable and inalienable.

5.2.1. Archive materials, by exception to article 5.1, in compliance with the terms of contract between the archive and the one who hand over the archive material, should be revoked.

5.3. Archive material remains integral and cannot be alienated, annihilated, or misused. Its disposal or misuse shall denounced by the Law.

#### **Article 6.**

6.1. Archive materials can be public and private.

6.2. Public archive materials are created by natural and legal entities that perform public work or activity of general interest.

6.3. Private archive material are created by private natural and legal entities that perform public work or activities of general interest.

## SPECIFIC PROVISIONS

### ARCHIVE MATERIAL CREATORS AND HOLDERS

#### **Article 7.**

7.1. The creators and holders of public and registering archive material, according to the provisions of this Law, are public and non-public ones, in particular natural and legal persons who hold archival material or material on any legal grounds.

7.2. The creator and holder of public and private archive material is obliged to maintain the archive material they custody in compliance with legal requirements and archival standards.

7.3. The creators and holders of public and registered archive materials are obliged to:

- maintain them in due state and protect them against damage until they are delivered to a competent archive institution;
- at the request of a competent archive, they should deliver the register of archive material and inform about any changes related to it;
- receive an opinion from a competent archive before they undertaking any measures dealing with their material;
- select archive material regularly from the registered material;
- facilitate to archive workers of a competent archive institution to perform professional supervision related to the maintenance of material;
- register and classify public and registered archive material according to a determined system of official business;
- deliver archive material to a competent archive following the established timeline;
- comply with instructions of a competent archive institution as regards protection of material.

7.4. The holders and creators of public and registered archive material are obliged to undertake specific measures for the protection of archive material during the period of the state of emergency.

7.5. The existence of the state of emergency, in compliance with the constitutional act, is assessed and proclaimed by the competent body, and the required measures for the protection of archive material are determined by the Ministry of Culture, Youth and Sports according to the proposal of the Kosovo Archive Directorate,.

7.5.1. Except for the provision of paragraph 7.5 of this Law, in very urgent cases, the Kosovo Archives Directorate may also adopt provisional measures. Once the circumstances that have prevented the implementation of paragraph 7.4 of this Article have passed, the Ministry of Culture, Youth and Sports shall perform an evaluation of the provisional measures that have been adopted.

7.6. The creators and owners of public archive material should preserve, protect and maintain their archive material in compliance with the Law and archive standards.

### **Article 8.**

8.1 When the creator or holder of archive material does not comply with the maintenance of archive material, in compliance with Article 7 of this Law, or when there is justified fear that it can be damaged or annihilated, the competent archive shall officially adopt legal measures for the benefit of its appropriate preservation, protection and maintenance.

8.2. The competent archive authority may give orders to the creators and holders of archive materials to undertake necessary measures, and in case they fail to perform them, such measures should be undertaken by him/herself, but on the account of the creator or holders of the archive materials.

## SELECTION

### **Article 9.**

9.1. The creators and holders of public archive material that are regularly registered, after a certain deadline defined on the basis of the type of material, should select material from that archive material, according to a list that includes determined maintenance deadlines, supported by a commission allowed by the competent archive.

9.2. The procedure of selection of archive material and the provisions on the measures, manner of valorisation, design of the register with maintenance deadlines and regular implementation of the selection, are defined by a subsidiary act that is approved by the Ministry of Culture, Youth and Sports at the proposal of the Kosovo Archives Directorate.

9.3. The creators and holders are obliged to alienate the registered invalid material after its selection, for which the preservation deadline has expired. During its disposal appropriate measures should be taken for the protection of secrecy of the records, which might harm public or citizens' interests.

9.4. The registered microfilmed, digitalised or in some other way reproduced material, cannot be alienated until archive material is not selected from it.

## RECEIPT AND DELIVERY OF ARCHIVE MATERIAL

### Article 10.

10.1. Public archive materials shall be delivered to an archive institution within the deadline and the way established by this Law and other provisions.

10.2. Archive materials and original material, which are settled and registered in due manner and time agreed between the archive institution and archive material holders, shall be entirely delivered to the archive institution.

10.3. The holders of archive material are obliged to deliver to the competent archive institution any archive record older than thirty (30) years from the year of its creation.

10.3.1. In extraordinary cases, when archive material is endangered with its possessor or the latter does not have the appropriate conditions for its protection, the delivery deadline may be shorter.

10.4. The receipt and delivery of the archive material between the archive institution and the holder of archive material is performed on the basis of a subsidiary act on receipt and delivery of archive materials, that is approved by the Ministry of Culture, Youth and Sports on the basis of a proposal made by the Kosovo Archives Directorate.

10.5. The holder of archive material shall pay for all the expenses caused for receipt and delivery of archive material from the place of its delivery to the place of its receipt.

10.6. Archive material is delivered as registered and recorded in compliance with rules. If archive material is not settled in accord with the methodology of work defined by the archive, the archive institution shall establish a deadline within the holder is obliged to settle it, but if the holder fails to settle archive material within that deadline, the archive can settle it itself on the holder's account.

10.6.1 Expenses from the first location will be estimated in accordance with tariffs, which will be determined by the archives institution that regulate the archive material, with agreement from Directorate of Kosovo Archives.

### Article 11.

11.1. In cases of administrative territorial changes, of reorganisations of the activities of the public bodies, the Kosovo Archives Directorate and the competent archive institutions should be notified about it.

11.2. When non-governmental bodies and natural and legal private persons cease to develop their activity, when they do not exist any more and do not have any successor recognised by the Law, the documents of historic, scientific and national interest that they possess shall be handed over to a competent archive.

**Article 12.**

12.1. Archive material created by the work of persons and families can be handed over to an archive institution free of charge, on payment or deposit basis. Terms and ways of maintenance and use of archive material shall be established at the time of its receipt and delivery.

12.2. The documents of non-governmental bodies, natural and legal persons, of both private and public and those of higher public officials and of political, cultural, scientific personalities, created outside their state activities, proclaimed of historical and national interest, shall be delivered to the competent archive institution, according to their will or the will of their successors and in an agreement with them.

**Article 13.**

If a film, whether is a documentary or a feature film, has historical, cultural or scientific value, the Director of the Kosovo Archives and the Ministry of Culture, Youth and Sports shall take all the necessary steps to procure one copy of the print, screen play, dialog list, posters and photographs to be preserved in the Kosovo Archives to maintain them for their historic, cultural or scientific value.

**THE USE OF PUBLIC ARCHIVE MATERIAL****Article 14.**

14.1. Archive material is kept, maintained and used for educational, scientific, cultural, information requirements, in professional work and for citizens' needs.

14.2. Archive material, in certain conditions and by certain procedures, irrespective of its basis, can be used by the citizens of Kosovo.

14.3. The research and use of archive material, the communication of public documents and research devices form part of the fundamental rights of the citizens to free and uninhibited information, and accordingly they may not in principle be limited.

14.4. When it is evaluated that it is of general, public, scientific, cultural and educational benefit, an exception from paragraph 14.3 of this Law can be envisaged on the legal basis and by a determined procedure foreseen by a certain regulation.

14.5. When a legal act, letter, object or action is treated as archive material, it will be put for public use by a certain procedure.

**Article 15.**

15.1. A public document included in the Article 16 of this Law may be demanded for its use by any natural and legal subject normally within certain time, procedure and conditions.

15.2. A competent archive institution, in compliance with Article 16.2.3 of the Law, may refuse an appeal under Article 17, paragraph 5 of this Law. The appeal may be refused orally, but at the demand of the appellant it may be also done in written, by a decision. Against such

a decision the appellant may file a complaint to the competent archive institution within fifteen (15) days, which will be reviewed by the Kosovo Archives Directorate.

### **Article 16.**

16.1. Archive materials (documents of archive funds and collections) are in principle given for use by a short, simple and prompt procedure.

16.2. Documents from archive funds and collections, as a rule, are allowed for their use thirty (30) years after their creation.

16.2.1. Some categories of documents, which contain important information on security of specific state, personalities and individuals' interests, etc., court investigation folders and documents containing information about individual's identity, are allowed for use seventy-five (75) years after their creation.

16.2.2. Documents of certain categories determined by paragraphs 16.2 and 16.2.1 are given for use before the deadlines defined by this Law have expired, in specific cases and only by permission of their supervisor, while those kept in archives, with the permission of the Kosovo Archives Directorate.

16.2.3. Archive materials of directing, information and investigation institutions are as a rule classified. This archive material may be opened only to higher-level persons (who perform public functions).

16.3. Archive material containing specifically important information about an individual personality, a legal or state, investigation files and secret information of different levels and characters, may be given for use on special terms and procedures, determined by a Law.

16.4. Banning of the archive material usage can be done by the decision of the Directorate.

### **Article 17.**

17.1. The use of archive material is in principle free of charge.

17.2. By an exception from paragraph 1 of this Article, an archive institution may charge for its service delivered to the material user who requested it.

17.3. Charge for archive services shall be determined by a subsidiary act on archive services fees, to be approved by the Kosovo Archives Directorate.

17.4. Foreign institutions and citizens can use archive materials in compliance with international conventions and agreements on the basis of factual reciprocity. Foreign citizens can use archive material on basis of a permission issued by the Kosovo Archives Directorate.

17.5. An archive authority may issue a decision inhibiting the use of archive material in a manner, by a procedure and for a period that may harm:

- security, defence and relationships with foreign countries;

- public security;
  - inhibition, investigation and persecution of a criminal activity;
  - private life, and legal private interests;
  - trade, economic, public and private interests;
  - parties' equality at a jurisdiction instance;
  - the nature and living environment;
  - supervision mission, inspection and administration control;
  - financial, monetary and taxation policy;
- decision-making, understanding within or between public authorities on purpose of internal preparation of a file by some authority.
  - Any record in the custody of any archival institution of Kosovo that contains information or materials that could affect fundamental human rights and freedoms of persons, in particular the right to honour and intimacy as stated in the European Convention of Human Rights and its Protocols, may not be disclosed or divulged by any means whatsoever.

17.6. Archives can issue certificates of the facts contained in archive material on the basis of the Law on Administrative Procedures. Such certificates will be accepted as sufficient documents.

## ARCHIVE NETWORK AND SERVICES

### **Article 18.**

18.1. The Kosovo Archive Network is established for the purpose of creation, maintenance, protection and appropriate use of archive material and promotion of archive activity.

18.2. The Kosovo Archive Network is established through the functional interrelations of all archival institutions in Kosovo.

18.3. The Kosovo Archive Network shall be established, organised and function in compliance with a subsidiary act of the Kosovo Archive Network, which shall be adopted by the Kosovo Archives Directorate.

### **Article 19.**

19.1. The Kosovo archive services are performed through archival institutions of Kosovo.

19.2. The Kosovo archive service is a functional entirety of activities and services of the Kosovo archival institutions.

19.3. The Kosovo archive services are performed in compliance with the Law and general subsidiary acts that are approved for its implementation.

## ARCHIVAL INSTITUTIONS

### **Article 20.**

20.1. Archival institutions perform Kosovo archive services.

20.2 The Kosovo archival institutions are:

1. The Kosovo Archives;
2. Inter-municipal Archives;
3. Municipal Archives;
4. Special Archives, and
5. Private Archives.

### **Article 21.**

21.1. Archives of Kosovo are founded by the Assembly of Kosovo.

21.2. An Inter-municipal Archive shall be established by law on the basis of a common proposal made by the competent executive bodies of two or more municipalities. Before deciding this issue, the Ministry of Culture, Youth and Sports will approve the agreement mentioned in the first paragraph of this article prior consultation with the Kosovo Archives Directorate.

21.3. A Municipal Archive shall be established by a decision of the Municipal Assembly, on the basis of this Law and at the proposal of the executive and with the consent of the Director of the Kosovo Archives Directorate.

21.4. All the Municipal Assemblies in Kosovo are obliged to establish archives on purpose of protection of archive material.

21.5.A Special Archive shall be established by a decision of the competent natural and legal person, on the basis of the Law, in the agreement with the consent of the director of the Kosovo Archives Directorate.

21.6.A Private Archive shall be established by a private natural or legal person, on the basis of this Law.

## ARCHIVAL INSTITUTIONS ORGANISATION

### **Article 22.**

22.1. The Director is the body of a public archival institution.

22.2. . The selection and dismissal of the directors of public archives must be done according to the procedure established in the applicable legislation on Civil Service

### **Article 23.**

23.1. The Kosovo Archives Director:

23.1.1. Should have professional qualifications from the field of archive sciences and other social sciences, managerial skills and at least five years professional from these fields;

23.1.2. Is the legal representative of the Archive;

23.1.3. Organises and directs the work, activity and operation of the Archive;

23.1.4. Is responsible for the legal organisation and operation of the Archive;

23.1.5. Is responsible for the accomplishment of archival operations to its users and of legal rights of professional, technical and supporting workers in the Archive. He/she proposes the structure of professional, technical and supporting services of the Archive, which is approved by the Kosovo Archives Directorate, by the respective procedure.

23.1.6. Performs other works and duties envisaged by this Law and by the subsidiary acts.

### **Article 24.**

24.1. The Kosovo Archives' Director is at the same time the Director of the Kosovo Archives Directorate, and is elected by public announcement published by the Ministry of Culture, Youth and Sports. The Director can also be discharged from his or her position prior to his or her mandate termination, by the same procedure and in compliance with the Law and the Archive's Statute.

24.2. The directors of inter-municipal archives are elected through public announcements, at the common proposals of the municipal competent executives, by the decision of Kosovo Archives Directorate. The directors may also be discharged prior to their mandate period is terminated, by the same procedure and in compliance with the terms and procedures determined by the Law and by the inter-municipal archives' statute.

24.3. The municipal archive directors are elected by the proposal of the municipal competent executives with the opinion of the Kosovo Archives Directorate, by the respective municipal assemblies, and they may be discharged prior to their mandate period is terminated, according to the terms and procedures determined by the respective law and by the respective archive's statute.

24.4. The director or acting director of special archives are appointed and discharged by the archives' founders, in compliance with the ~~general~~-subsidiary acts on internal organisation.

### **Article 25.**

25.1. A Steering Council consisting of seven (7) members is formed in the Kosovo Archives.

25.2. The Steering Council under paragraph 1 of this Article consists of:

25.2.1. a representative of the Kosovo Archives;

25.2.2. a representative of the inter-municipal archives;

25.2.3. a representative of the founder – the Ministry of Culture, Youth and Sports;

25.2.4. a representative of the Institute of History;

25.2.5. a representative of the Academy of Sciences and Arts;

25.2.6. a representative of the University of Prishtina, and

25.2.7. the Director of the Archive, namely of the Directorate.

### **Article 26.**

26.1. The Steering Council:

26.1.1. Determines the developing archives' policy;

26.1.2. Determines the developing, financial and archival plan and program;

26.1.3. Reviews, analyses, determines the issues of professional, technical, supporting, financial investment, activity, services, network staffs, archive material issues, and proposes measures and methods for the solution to their problems and their accomplishments;

26.1.4. Gives general and concrete instructions and recommendations for the organisation and functioning of archives and their services;

26.1.5. Gives his or her opinion and justification related to the procedure of appointment or discharge of the Director;

26.1.6. Performs also other work activities envisaged by the subsidiary act approved by the Kosovo Archive Directorate within the frame of the Kosovo Archives.

26.2. The Steering Council is organised and functions in compliance with the subsidiary act on the Steering Council, which is adopted by the majority of members' votes.

### **Article 27.**

27.1. On the basis of this Law, the Ministry of Culture, Youth and Sports at the proposal of the Kosovo Archives, shall establish the Kosovo Archives Directorate.

27.2. The Kosovo Archives Directorate is established within the Kosovo Archives, conducts and supervises the archives of Kosovo, as well as it organises, conducts and supervises the archival activity in the archival services in Kosovo.

27.3. By a decision under paragraph 1 of this Article, the position and duties of the Directorate, the number of professional and technical workers and the general functions of the Kosovo Archives Directorate are determined.

### **Article 28.**

The Kosovo Archives Directorate is a supervising body with authority to give administrative directions to archival institutions in Kosovo. It gives binding professional instructions to archival institutions in compliance with the Law, and is authorised to undertake measures for their implementation. It requires from archival institutions information, work, measures and activities undertaking and undertakes measures in compliance with the Law and subsidiary act under paragraph 1 of Article 27 of this Law. It performs other duties and activities and exercises other functions determined by the Law and the subsidiary acts.

### **Article 29.**

#### **29.1 The Kosovo Archives**

29.1.1. It maintains, protects and administers archive material of public bodies and organisations, natural and legal entities, families and other entities, the activity of which is carried out in the territory of Kosovo or in a part of it, that is referred to inherited documents from the past of Kosovo, or those of central institutions of the former private entities in public or private ownership.

29.1.2. It keeps proper and full evidence of archive material of public importance that is found anywhere.

29.1.3. It keeps evidence of the inventory and information, scientific, cultural and inheritance means, or it refers to archive materials that are found anywhere.

29.1.4. It keeps, maintains, conserves, settles and processes archive materials in a professional manner, and accordingly defines needed criterions to the Kosovo Archives Directorate.

29.1.5. It provides the necessary conditions for the use of archive material.

29.1.6. It conducts research work and performs professional work for the completion of archival funds and archive material.

29.1.7. It performs professional and scientific works in the field of archives through studies, programs and projects for the development and improvement of archival services.

29.1.8. It publishes catalogues, studies and collections in the function of information, cultural, educational and scientific activities.

29.1.9. It organises scientific and cultural lectures, exhibitions and other forms of archival activities.

29.1.10. It organises training, courses, lectures and other professional capacity building courses for the archive staffs in Kosovo, and performs other work and activities envisaged by the Law and the general related to archives and archival activities.

29.1.11. The Kosovo Archives, as established by law, may also perform other archival work and activities.

29.2. The central office of the Kosovo Archives shall be in Pristina.

## **Article 30.**

### **30.1. An Inter-municipal Archive**

30.1.1. Performs archival activity of the municipal interest, which covers it with its services;

30.1.2. Maintains, protects, classifies and categorises archive material referring to the respective municipalities.

30.1.3. Processes, uses and puts into service archive material at the regional level that it covers, and

30.1.4. Performs archival activity in compliance with standard norms of archives.

30.2. An inter-municipal archive shall determine the manner of its functioning and performance of an inter-municipal archive.

30.3. Inter-municipal archives shall exercise their activities in the territory of the municipalities which have established these inter-municipal archives.

## **Article 31.**

### **31.1. A Municipal Archive**

31.1.1. Performs archival activities for the needs of the respective municipality.

31.1.2. Performs the archival activities and services for the provision, collection, classification, maintenance, protection, selection and use of archive material in compliance with the decision on its establishment, professional binding instructions by the respective archival authority and according to archival standards in general.

31.2. The internal organisation and functioning of a municipal archive shall be defined by a decision under paragraph 1 of this Article,.

### **Article 32.**

32.1. **A Special Archive** performs its work and activity in compliance with the subsidiary act of its establishment as the regulation of internal organisation and operation.

32.2. A Special Archive is responsible to the Kosovo Archives Directorate and, as determined by a general legal act, it deals with the legal requirements referred to general interests of cultural, education, historic and scientific inheritance, and with archive material of specific importance.

32.3. The body under paragraph 2 of this Article is authorised to deal with the issues determined by that provision on the work and activity of a special archive in performing archival supervising power.

### **Article 33.**

33.1. **A Private Archive** is an archival unit established by a physical or legal private person.

33.2. A Private Archive, in case under the article 36, is subject to supervision by the respective archival authority in cases under Article 44 of this Law.

33.3. The archives institutions included in paragraphs 1 and 2 of this Article are obliged to inform, in a timely and regular manner, the Kosovo Archives Directorate about the archival material and archive material of specific importance and general interest that they possess and to follow its requests in order to protect, maintain and use archive material legally.

### **Article 34.**

The archive authorities, as institutions performing archival activities, are obliged to inform the public about their right to use archive material and about the conditions and manner of this use; to apply contemporary methods and procedures for the appropriate creation, maintenance, protection, selection and use of archive material; to coordinate their work and cooperate with archival institutions and public bodies, organisations and institutions and private entities that create, possess and use archive material; to undertake required measures and actions to promote archival services and perform their archival activities efficiently; to create professional archive staffs and promote them in accordance with contemporary needs for archives in the country and abroad; to provide the professional, technical and supporting staff and the possibility to accomplish their rights to work and work relationship, and perform in a transparent manner.

### **Article 35.**

35.1. Public and private bodies, organisations, institutions and entities, in compliance with the Law and standard public administrative work, should organise their printing and archive services.

35.2. The secretariat under paragraph 1 of this article is a professional and technical service for recording and processing, public and official documents and for their classification and maintenance. The archive authority is authorised to perform professional supervision and to undertake certain measures on purpose of appropriate and efficient organisation and operation.

### **Article 36.**

36.1. The Kosovo Archives Directorate, by the-subsidary act on terms and manner of organisation and operation of Kosovo archives, determines: the basic necessary requirements of professional, technical and supporting staffs of archives; necessary premises for performing the archive service activity; necessary requirements for location, protection and maintenance of archive material; material and financial means necessary for the work and operation of archives, and it also determines the necessary archive requirements, norms and standards for the Kosovo archives' activities.

36.2. The authorisation for the operation of an archive is issued when there are legal conditions and requirements envisaged by the subsidiary act as under paragraph 1 of this Article.

### **Article 37.**

37.1. A Public Archive established on the basis of this Law has its statute.

In compliance with its statute, the archive adopts general subsidiary acts, by which it regulates its organisation, operation and activity.

37.2. An archive statute shall be proposed by the competent archive and adopted by its founder.

## **ARCHIVE PROFESSIONAL STAFF**

### **Article 38.**

38.1. Archival and professional work is performed by professional archive workers that have the following titles: archivist assistant, restorer, archivist assistant of class I, senior archivist assistant, archivist, conserver, senior archivist, archive adviser (hereinafter: 'archive workers').

38.2. By the Subsidiary Act on Professional Staff of the Archives of Kosovo, which shall be adopted by the Kosovo Archives Directorate, will be determined the requirements for obtaining the archive workers' titles, archive work and duties that should be performed by professional archive workers and other issues related to professional, technical and supporting archive staffs. The provisions of the subsidiary act are directly applicable.

38.3. Professional archive workers are assigned to work and duties depending on their professional qualifications, professional experience and professional titles.

38.4. The archive workers performing archival work, for which they do not possess the appropriate qualification mentioned in paragraph 1 of this Article, should obtain their respective qualifications within a period of one (1) year from the time this Law begins to be applied, in order to be able to continue performing their respective work.

### **Article 39.**

39.1. An archive worker is obliged to keep secrecy during his/her office and also following the termination of his or her work in the archive.

39.2. An archive worker is obliged to keep all the classified information he might obtain about the archive activity, during his office and also after he finishes his work in archives.

## **PRIVATE ARCHIVE MATERIAL AND PRIVATE ARCHIVES**

### **Article 40.**

40.1. Private archive material is archive material in private possession of natural or legal entities.

40.2. A private archive is established, organised and operates in compliance with Article 33 of this Law. For issues under Article 33 of this Law, a private archive is subject to a public regime, similar to public archives.

40.3. Classification of private archive material, as under paragraph 2 of this Article, does not change its ownership relation. The owner of a classified private archive is obliged to inform the Kosovo Archives Directorate about any property change that is reflected on the archive, immediately and not later than seven (7) days following the change.

40.4. Archive material with historic, inheritance, cultural and national importance in private ownership is administered in the same way as the one in public ownership.

### **Article 41.**

41.1. The archival material and archive material of a legal entities in public ownership, which is transformed into private ownership, remains in public ownership, administration and use.

41.2. The archival material and archive material under paragraph 1 of this Article shall be taken over by the competent archive institution based on a decision made by the Kosovo Archives Directorate.

41.3. When a property transformation procedure begins, the public legal person that holds archival material or archive material is obliged to inform the Kosovo Archives Directorate immediately and not later than seven (7) days following the beginning of the property transformation procedure.

### **Article 42.**

42.1. A physical or legal person that in any basis holds private archive material of special importance under Article 33 of the Law, is obliged to inform the competent archive authority about it in a timely manner, to protect, maintain and use appropriately archive material, to perform full and proper registration and if necessary to do its recording and undertake necessary measures for its appropriate protection, maintenance and use.

42.2. A physical and legal person possessing archive material under paragraph 1 of this Article is obliged to allow the competent archive authority without any obstacles to have access to the manner of its protection, maintenance and use.

42.3. When a holder of archive material of special importance does not follow the requirements under Article 33 and paragraph 1 of this Article, the competent archive authority is authorised to undertake necessary measures for its appropriate maintenance, protection, preservation and use.

42.4. The body mentioned in the paragraph 3 of this Article, apart from other measures that he or she may evaluate appropriate, can receive that archive material from the owner. The competent archive authority may receive archive material temporarily or permanently. The archive material ownership is regulated by the subsidiary act under Article 10.4 of this Law.

### **Article 43.**

43.1. The holder of private archive material can hold his or her archive material at his or her will.

43.2. In the same conditions, a public archive has a priority right to buy archive material under paragraph 1 of this Article. In case of possession of archive material under Article 12 of this Law, a competent public archive is the only person that can buy archive material or receive it temporarily in possession.

## **INSPECTION SUPERVISION**

### **Article 44.**

44.1. The Kosovo Archives Directorate performs the inspection supervision of archival services, archival activity and archive work and operation in compliance with the Law.

44.2. During the performance of inspection supervision operation, the body under paragraph 1 of this Article is authorised to undertake administrative measures envisaged by the Law and by subsidiary acts for its implementation.

44.2.1. The body under paragraph 2 of this Article may, apart from administrative measures, issue directions or binding administrative instructions during the performance of inspection supervision.

44.3. An archive institution is obliged to follow the measures, orders and professional instructions of the body under paragraph 1 of Article 44 of this Law.

44.4. The supervision of inspection is determined and implemented in compliance with the Law and the subsidiary act designed by the Kosovo Archives Directorate.

## **ARCHIVES FUNDING**

### **Article 45.**

45.1. The Kosovo Archives Directorate, the Kosovo Archives and the inter-municipal archives as public archives are funded by the Kosovo Budget.

45.2. Municipal archives are funded by municipal budgets.

45.3. A Public Archive provides financial funds and additional materials also from donations, inheritance, piety and other sources, in compliance with the Law.

45.4. A Special Archive is funded by its founder.

45.5. A Private Archive is funded by its owner.

45.6. A Public-private Archive is funded by its owner, but with an agreement it can be funded by both its owner and public material and financial means, or by other entities.

## **PENAL PROVISIONS**

### **Article 46.**

46.1. Any natural or legal person is obliged to comply with the legal provisions of this Law dealing with archival issues.

46.2. A natural or legal person is charged with a fine for violation of archival issues.

### **Article 47.**

47.1. Disposal or misuse of archive material, in compliance with Article 5, par.3 of this Law, as well as the creator and possessor of archive material that fails to file archive material for evidence, in compliance with Article 7, paragraph 2 of this Law, are fined from 500 to 2,500 Euros.

47.2. The creator and possessor of public archive material who do not protect, maintain and use public archive material as envisaged under Article 7, paragraph 3 of this Law, are fined from 500 to 2,500 Euros.

47.3. The creator and possessor of archive material who do not provide organisational and technical conditions for protection and maintenance of archive material, in compliance with Article 7, paragraph 4 of this Law, are fined from 500 to 2,500 Euros.

47.4. The creator and possessor of archive material who do not select archive material in the manner envisaged by Article 9, paragraph 1 of this Law, are fined from 300 to 1,500 Euros.

47.5. The creator, possessor and another person that performs delivery and receipt of archive material in contradiction to Article 10, paragraph 4 of this Law, are fined from 500 to 2,500 Euros.

47.6. When a state or public body or organisation is reorganised in the aspect of its structure, function, administration and territory and which creates or possesses archive material, does not inform the Kosovo Archives Directorate or its legal representative, as envisaged by Article 11, paragraph 1 of this Law, is fined from 250 to 1,000 Euros.

47.7. When a state or public body or organisation is in the process of dissolution and creates or possesses archival material or material, does not inform the body as envisaged by Article 11, paragraph 2 of this Law, or its legal representative, is fined from 250 to 1,000 Euros.

47.8. The creator or possessor of public or private archive material considered of special interest that does not deliver it to the competent archive as envisaged by Article 12 of this Law, is fined from 1,000 to 3,500 Euros.

47.9. When archive material is conditioned by requirements causing any difference to the user, in contradiction to Article 14, paragraph 3 of this Law, the legal representative of the archive is fined from 250 to 1,000 Euros, and the archive is fined from 500 to 2,000 Euros.

47.10. When an archive authority gives archive material for use in contradiction to Article 16 of this Law, he or she is fined as follows: the legal representative from 250 to 1,000 Euros, and the institution from 500 to 2,000 Euros.

47.11. When an archive authority does not stop or restrict the use of archive material in the envisaged manner under Article 17, paragraph 2, item 1 of this Law, he or she is fined as follows: the legal representative from 500 to 2,000 Euros, and the archive from 1,000 to 4,000 Euros.

47.12. When an archive does not inform the Kosovo Archives Directorate about archive material that it creates and uses and which is of special importance, in compliance with Article 33, paragraph 3 of this Law, it will be fined as follows: its legal representative from 250 to 500 Euros, and the archival institution from 500 to 1,000 Euros.

47.13. An archive worker acting in contradiction to the principle of professionalism, in compliance with Article 39, paragraph 1 of this Law, he or she is fined from 1,500 to 3,500 Euros.

47.14. A legal person that is in the procedure of bankruptcy and that creates or possesses archive material, and which does not inform the competent archive authority in timely manner, as envisaged under Article 44, paragraph 3 of this Law, is fined as follows: the legal person from 500 to 3,000 Euros, and its legal representative from 250 to 1,500 Euros.

47.15. A legal person that creates or possesses archive material or material and does not allow access to the competent archive body, in the manner determined under Article 44, paragraph 2 of this Law, is fined as follows: its legal representative from 250 to 1,500 Euros, and the legal person from 500 to 3,000 Euros.

47.16. The penal measures under this Article are determined by the competent court according to a certain procedure, depending on the application form of the respective archive, in compliance with the Law.

## **FINAL AND TRANSITIONAL PROVISIONS**

### **Article 48.**

48.1. Within a deadline of six (6) months from the date this Law enters into force, in compliance with this Law, the institutional organisation of public archives, specific archives and private-public archives in Kosovo will be carried out.

48.2. Following the date the Kosovo Archives Directorate is constituted, the Kosovo Archives Directorate will adopt its general subsidiary acts envisaged by the Law within six (6) months, which are referred to archival institutions in Kosovo.

48.3. The archival institutions shall carry out the adoption of their statutes and for implementation of subsidiary acts under paragraph 2 of this Article, within six (6) months following the date of its adoption.

48.4. The archival institutions that existed to the date of adoption of this Law, and which are not determined by this Law, will be reorganised in compliance with paragraph 1 of this Law.

### **Article 49.**

49.1. By the entering this law into force the Law 50/76 on Archives Material and Archives Services and the Law 47/78 on Archives of Kosovo will be substituted.

49.2. This Law enters into force on the date it is published.

**Law Nr. 2003/7**

**17 April 2003**

**President of the Assembly of Kosovo**

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**Dr. Nexhat Daci**

