

Chapter 1. General Provisions

Chapter 1

General provisions

Article 1. Subject matter of the legal regulation

This law regulates the legal relations of the stocking, registration, preservation, use of the Republic of Armenia archives collection and other archival documents irrespective of the right their property) as well as legal relations related to the archives business.

Article 2. Republic of Armenia legislation the archive business

1. The Republic of Armenia legislation on the archives business consists of the Republic of Armenia Constitution, law of the Republic of Armenia on the basis of cultural legislation, this law, other Republic of Armenia laws and legal acts and the Republic of Armenia international treaties.

2. In case other norms are envisaged by the Republic of Armenia international treaties than anticipated by this law norms of international treaties shall apply.

Article 3. Basic notions of the law.

The following basic notions are used in this law:

1. archives business: activity of state and local self-governing bodies, legal and natural persons in the stocking, registration, preservation and use of the Republic of Armenia archives collection and other archival documents;

2. archival documents: information of historical, cultural and documentary significance for the state and public with valid conditions recorded on a material bearer which allows to identify it;

3. other archival documents: archival documents not included in the Republic of Armenia archives collection preserved within dates determined by the Republic of Armenia legislation;

4. personnel documents: archival documents with information on the length of service during the working relations of citizens with the employer, amount of

salary and working activity;

5. archival documents with information on the personal and family secret of an individual: archival documents on the health, family and strictly personal relations, birth, adoption, marriage and divorce circumstances, personal data, personal business correspondence, notarial deals, properly law and sources of income;

6. a particularly valuable document: an archival document of historical, cultural and scientific value, of special importance for the state and public, for which the Republic of Armenia government determines special conditions for the registration, preservation and use;

7. a rare document: a particularly valuable document unique in its information or external features;

8. Republic of Armenia's archives collection: an entity of archival documents in the territory of the Republic of Armenia, historically shaped and permanently stocked, which is an indivisible part of the Republic of Armenia's cultural heritage and information resources and shall be subject to permanent preservation;

9. Republic of Armenia's archives collection document : archival document reflecting the material and spiritual life of Armenian people, with scientific, historical, social, economic, political and cultural significance evaluated by expertise, registered by the state and subject to permanent preservation;

10. archive: a legal person or a structural unit of an institution and organization, which shall stock, register, preserve and use archives;

11. personnel archives: a structural unit of state bodies, public administration and local self-governing bodies state institution or organization, which shall stock, register, maintain and use archival documents prior to handing to state or community archives for permanent preservation;

12. state archives: a state non-commercial organization set up by the state for the stocking, registration, preservation and use of the Republic of Armenia archives collection and other archival documents, as well as for the implementation of scientific, cultural and other activity specified by the Republic of Armenia legislation;

13. community archives : a community non-commercial organization set up by community for the purposes of stocking, registration, preservation and use of the Republic of Armenia archives 1 collection and other archival documents;

14. permanent preservation of archival documents: preservation of archival documents without specifying the preservation dates;
15. temporary preservation of archival documents: archival documents preservation within the dates specified by the Republic of Armenia legislation;
16. depository preservation of the Republic of Armenia archives collection documents: preservation of the Republic of Armenia archives collection documents by public administration bodies, state institutions and organizations in the manner specified by the Republic of Armenia government;
17. depository preservation of archival documents; preservation of archival documents in state or community archives within certain dates and conditions specified by relevant contracts with their owners;
18. owner of archival documents: Republic of Armenia, Republic of Armenia community, legal or natural person which has the right to ownership, use and disposal of archival documents;
19. user of archival documents: state or local self-governing body, legal or natural person , which in conformity with the specified manner, uses the archival documents with the view of obtaining and using the necessary information;
20. stocking source of the archives: state or local self-governing body, legal or natural person filing in archival documents and other information on a material bearer to state or community archives;
21. information and search means: entity of documents relating to the contents of archival documents and made up for their search;
22. register: basic state registration basic document, which ensures the registration of a rare document with the brief description of characteristic features and search data.

Chapter 2. Competences of Public Administration and Local Self-Governing Bodies in the Archives Business

Chapter 2

Competences of Public Administration and Local Self-Governing Bodies in the Archives Business

Article 4. Competences of the Republic of Armenia government in the archives business

The Republic of Armenia government:

1. shall ensure the implementation of the state policy in the archives business;
2. shall specify single rules and norms for the stocking, registration, preservation and organization of the use of the Republic of Armenia archives collection and other archival documents by state and local self-governing bodies, state institutions and organizations, state community archives, including the:
 - manner for the state registration of the Republic of Armenia archives collection
 - manner for the evaluation of archival documents by expertise and inclusion in the Republic of Armenia archival collections;
 - manner for the recognition of archival documents especially valuable and rare, their registration, creation of insurance copies and preservation;
 - manner for the preservation of the Republic of Armenia archival documents;
 - exemplary list of archival documents with preservation dates;
 - manner for the depository preservation of the Republic of Armenia archives collection and the list of state bodies, state institutions and organizations responsible for the depository preservation.

Article 5. Competences of the public administration body authorized by the Republic of Armenia government in the archives business.

The public administration body authorized by the Republic of Armenia government in the archives business (hereafter authorized body):

1. shall establish the:
 - manner for the preservation of the Republic of Armenia archival collection:

documents considered to be state property;

- manner for the use of the Republic of Armenia archives collection: documents considered to be state property;

- framework for the regulation of archival documents and filing in to the state archives;

- exemplary regulations of expert commissions of state bodies, state institutions and organizations;

2. shall organize the preservation stocking, registration and use of the Republic of Armenia archival collection;

3. shall ensure the implementation of the temporary import and export of the Republic of Armenia archives collection documents in the manner prescribed by law.

Article 6. Competences of Local Self-Governing Bodies in the Archives Business

1. The community council shall:

1) take a decision on the establishment, reorganization and liquidation of community archives;

2) take a decision on the transfer of the property right to archival documents, considered to be community property, to state property.

2. The community head shall:

1) submit the draft resolution on the establishment, reorganization and liquidation of a community archives for the approval by the council;

2) ensure the stocking, registration, preservation and use of community archives and archival documents of other community organization;

3. The provision of finance and logistics of community archives shall be implemented at the expense of community budgetary resources.

Chapter 3. Creation of Archives

Chapter 3

Creation of Archives

Article 7. Creation of Archives

1. State and community archives shall be created in the manner prescribed by the Republic of Armenia legislation.
2. State bodies , public administration and local self-governing bodies, state institutions and organizations with the view of stocking, registering, preserving and using archival documents evolved during their activity shall set up personnel archives , prior to filing in to state or community archives for permanent preservation.
3. Other legal persons shall establish archives for the preservation of archival documents evolved during their activity.

Chapter 4. Republic of Armenia Archives Collection

Chapter 4

Republic of Armenia Archives Collection

Article 8. Composition of the Republic of Armenia archives collection

The Republic of Armenia archival collection shall include archival documents permanently available in the territory of the Republic of Armenia and evaluated by expertise irrespective of the source of their origin, time and manner of creation, type of material bearer, venue of preservation and property right, including:

- documents of historic and cultural significance;
- legal acts;
- clerical documents;
- documents of containing the results of scientific, research, experimental, design and technological work;
- urban development documents;
- documentary films; documentary photos and records electronic and facsimile documents;
- manuscripts, pictures, drawings ,correspondence, journals, memoirs ;)

- copies of archival documents equivalent to the original.

Article 9. Inclusion of Archival Documents in the Republic of Armenia Archives collection.

1. Documents shall be included in the Republic of Armenia archives collection based on expertise with the dates of preservation established by the Republic of Armenia government in conformity with the exemplary list of archival documents.
2. All documents on any material bearer deemed to be state and community property, shall be evaluated by expertise.
3. Documents of the Republic of Armenia archives collection deemed to be the property of legal and natural persons shall be included following the evaluation of archival documents by expertise and shall be registered by the owner, which shall anticipate the obligation of the parties for the registration, preservation and use of the documents in the Republic of Armenia archives included in collections.
4. The expert evaluation of documents deemed to be the property of legal and natural persons, shall be carried out by state or community archives with the consent and participation of the owners.
5. The destruction of the documents shall be prohibited if they have not been evaluated by expertise.

Article 10. Archival documents deemed to be state property

The state shall own:

1. documents of historic and cultural significance;
2. archival documents of state bodies, state institutions and organizations;
3. archival documents preserved in state archives;
4. archival documents of the bodies and organizations of the Armenian Soviet Socialist Republic, of the former Soviet Union's Communist Party and the All-Union Young Lenin Communist Union;
5. archival documents of local self-governing bodies, NGOs and association trade unions, legal and natural persons handed over to the state as a property

in conformity with the Republic of Armenia legislation.

Article 11. Archival documents deemed to be community property

The community shall own:

1. archival documents of local self-governing bodies and community organizations;
2. archival documents of legal and natural persons handed over to the community as a property in conformity with the Republic of Armenia legislation;

Article 12. Archival documents deemed to be the property of legal and natural persons

Archival documents created or acquired legally by legal and natural persons shall be the property of legal and natural persons

Article 13. Transfer of the archival documents property right.

1. Documents deemed to be state or community property shall not be subject to privatization, cannot be subject to sales, exchange, donation or any other transaction which could lead to their alienation if not otherwise anticipated by law.
2. Documents, including those related to the personnel, emerged during the privatization of state and community organizations shall be remain the property of the Republic of Armenia or the community.
3. Documents deemed to be the property of legal and natural persons can be alienated or transferred from one person to another in the manner of comprehensive succession.
4. Documents filed in for the deposit of state and community archives (if the owner not taken withdrawn them) shall be disposed pursuant to the deposit contract following the expiry of the contractual dates of deposit and informing the depositary in writing on the expiration of the contract dates and taking back the document by the depositor.

Article 14. Peculiarities of the civil circulation of documents deemed to be the property of legal and natural persons included in the Republic of Armenia archives collections.

1. The contractual obligations under part 3 of Article 9 of this law shall be

transferred to the new owner in the event of the transfer of the properly right of documents deemed to be the property of legal and natural persons included in the Republic of Armenia archives collections to another person.

2. If pursuant to law the owner of especially valuable documents included in the Republic of Armenia archives collections preserves them in a wasteful manner which threatens the loss of their significance, based on the action of an authorized body and by court ruling can be withdrawn from the owner in the manner prescribed by the Republic of Armenia civil code.

Chapter 5. Preservation and Stock – Taking of Archival Documents

Chapter 5

Preservation and Registration of Archival Documents

Article 15. Preservation of the Republic of Armenia archives collections

1. Preservation of the Republic of Armenia archives collections deemed to be state property shall be implemented as follows:

- 1) permanent preservation in state archives;
- 2) temporary preservation in the archives of state bodies, state institutions and staff of organizations within the dates prescribed by this law till filing in for permanent preservation.

2. Preservation of documents deemed to be community property of the Republic of Armenia archives collections shall be implemented in the following way:

- 1) permanent in preservation in community archives;
 - 2) temporary preservation in local self-governing bodies and community organizations within the dates prescribed by this law.
3. Documents of the Republic of Armenia archives collections deemed to be the property of legal and natural shall be preserved by their owners in the manner prescribed by this law or filed in to archives for preservation on contractual basis.

Article 16 .State registration of the Republic of Armenia archives collection documents

1. Documents to be included in the Republic of Armenia archives collection shall be subject to state registration irrespective of their property right and place of preservation.
2. Republic of Armenia archives collections rare documents shall be registered also in the special register of the Republic of Armenia archives collection rare documents.
3. Republic of Armenia archives collection documents preserved in state and community archives shall be attached by their right to termless and gratuitous use.

Chapter 6. Stocking of Archival Documents

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Stocking of Archival Documents

Article 17. Stocking sources of the Armenian state and community archives

1. Republic of Armenia state and local self-governing bodies, state institutions and organizations during whose activity emerged the Republic of Armenia archives collection documents and other archival documents subject to preservation in state and community archives are stocking resources for state and community archives.
2. State and community archives shall draw up their lists of stocking sources.
3. Legal and natural persons shall be deemed stocking sources for state and community archives on contractual basis.

Article 18. Filing Republic of Armenia archives collection documents for permanent preservation.

1. Following the expiration dates of the temporary preservation of the Republic of Armenia archives collection documents deemed to be the state and community property they shall be filed to state and community archives for permanent preservation together with regulated information and search means.
2. The filing the Republic of Armenia archives collection documents to state and community archives deemed to be legal and natural persons property for the

purpose of stocking shall be implemented on contractual basis.

Article 19. Republic of Armenia archives collection documents temporary preservation dates (prior to handing over for permanent maintenance)

The Republic of Armenia archives collection documents temporary preservation maximum dates (prior to filing for permanent preservation) shall be:

1. for the documents of the Republic of Armenia President, legislative, executive and judicial powers bodies as well as other state bodies , exercising public administration functions ad government organizations-10 years;

2. for the documents of local self-governing bodies and community organizations-5 years;

3. for specific types of archival documents included in the Republic of Armenia archives collection in the prescribed manner:

- for the registration of civil status acts-100 years;

- for the registration of notarial transactions -10 years;

-for the cadaster affairs of the bodies maintaining real estate state cadaster and registration books -100 years;

-for the ledger books (registers of births, deaths and marriages) -75 years;

-for the implemented capital constructions project documents-20 years;

-for the documents of licensed technological, experimental and design documents-20 years;

-for scientific research and licensed documents-15 years;

-for state - sponsored films and documentary photos-5 years;

- for state - sponsored video and audio documents-3 years.

Article 20. Responsibilities of the Republic of Armenia state bodies and legal persons for the state and community archives stocking.

1. Republic of Armenia state bodies, state institutions and organizations in agreement with, an authorized body shall develop and approve the lists of the documents emerged throughout their activity with their preservation dates.

2. Republic of Armenia state and local self-governing bodies, state and community organizations shall ensure the legislation, preparation and handing over to state or community archives for permanent preservation of the documents included in the Republic of Armenia archives collection.
3. In the event of the dissolution of state and local self-governing bodies, state and community organizations the documents included in the Republic of Armenia archives collection (including those related to the personnel) shall be filed to state or community archives.
4. In the event of the privatization of state and community organizations the documents included in the Republic of Armenia archives collection (including those related to the personnel) shall be handfiled to state or community archives.
5. In the event of the liquidation of other legal persons the liquidation commission shall organize the detachment of personnel documents emerged as a result of the activities of the liquidated organization and file state or community archives.
6. In the event of the liquidation of individual entrepreneurs the individual entrepreneurs shall organize the detachment of personnel documents emerged as a result of their activity and file to the state or community archives.
7. In the event of liquidation of an organization recognized insolvent (bankrupt) the manager for the insolvency shall organize the detachment of personnel-related documents emerged as a result of the liquidated organization activity and handing to the state or community archives.

Chapter 7. Access to and Use of Archival Documents

Chapter 7

Access to and Use of Archival Documents

Article 21. Access to of Archival Documents

1. The user of archival documents shall have the right to free search and obtain archival documents for study from state and community archives, except for the cases prescribed by the Republic of Armenia legislation.

2. Access to archival documents for the users of archival documents in state and community archives shall be provided through information and search means and information thereon, as well as by providing original or copies of required documents.

Article 22 . Restriction of the Access to Archival Documents

1. Access to archival documents for the users of archival documents can be restricted in conformity with this law, the Republic of Armenia legislation, international obligations of the Republic of Armenia, as well as in conformity with the decisions of the owners of archival documents deemed to be the property of legal and natural persons.

2. Access to archival documents irrespective of their property right, shall be restricted within information containing state, service and other secrets protected by law as well as by rare and especially valuable original documents of the Republic of Armenia archives collection and archival documents with insufficient preservation (safety).

Restriction of access to the archival documents containing state, service and other secret, protected by law shall be removed in the manner prescribed by law.

3. Access to the use of archival documents containing secret personal and family information shall be restricted for 100 years since their creation unless otherwise prescribed by law. Based on the written permission of a person and, following his/her death, of his/her heirs or court ruling archival documents containing personal and family secrets can be available earlier than the date of 100 years since their creation.

Article 23. Use of Archival Documents

1. User of archival documents shall have the right to use, transfer and disseminate the information contained in the provided archival documents through any legal purpose and means, except for cases prescribed by the Republic of Armenia legislation.

2. State and community archives shall provide free and necessary conditions for users of archival documents for the search and study of archival documents.

3. State and local self-governing bodies, state institutions and organizations, legal and natural persons shall, in case they possess respective archival documents, provide free archives references related to the citizens social security and registered in the prescribed manner or copies of

archival documents.

4. State and community archives, as well as state and community organizations can provide paid information services to the user of archival documents, conclude contracts with the latter on the commercial use of archival documents and their information and search means.

5. State and community archives shall provide state and local self-governing bodies with the necessary archives information and copies of archives information and copies of archival documents for the implementation of powers reserved to them.

Chapter 8. Responsibility for Violation of the Republic of Armenia Law on Archives Business

Chapter 8.

**Responsibility for the violation of the Republic of Armenia legislation on
archive business**

**Article 24. Responsibility for the violation of the Republic of Armenia
legislation on archives business.**

Legal and natural persons shall bear responsibility prescribed by law for the violation of the Republic of Armenia legislation on the archive business.

Chapter 9. International Cooperation

Chapter 9

International Cooperation

Article 25. International cooperation in the archives business.

State and local self-governing bodies, state and community archives, as well as legal and natural persons deemed to be owners of archival documents can within their powers participate in international cooperation in the archive business and the work of international organizations, attend deliberations on archives and conferences, participate in international exchange of information.

Article 26. Import and export of archival documents.

1. Republic of Armenia archives collection documents shall not be subject to export from the Republic of Armenia territory.

2. Temporary export of the Republic of Armenia archives collection documents deemed to be the property of the state and community, legal and natural persons, from the territory of the Republic of Armenia and import into the territory of the Republic of Armenia shall be regulated by law.

3. Solely legally obtained or received archival documents shall be permitted to be imported into the territory of the Republic of Armenia.

Article 27. Import and export of copies of archival documents.

Export from the territory of the Republic of Armenia and import into the territory of the Republic of Armenia of the copies of legally obtained or received archival documents on any material bearer shall be implemented without restrictions except for copies of documents access to the use thereof is restricted by law.

Chapter 10. Concluding Provisions

Chapter 10

Concluding Provisions

Article 28. Concluding provisions

1. This law shall enter into force three months later following its the promulgation.

2. Upon entry into force of this law the Republic of Armenia law on Armenia's national archives fund (12 December 1997) shall be invalidated.

President of the Republic of Armenia

Robert Kocharyan

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