

1. Назив прописа ЕУ COUNCIL REGULATION (EC) No 116/2009 of 18 December on the export of cultural goods (Codified version) (Official Journal L 39/1) УРЕДБА САВЕТА (ЕЗ) бр 116/2009 од 18. децембра о извозу културних добара (Кодификована верзија) (Службени лист Л 39 / 1)				2. „CELEX” ознака ЕУ прописа 32009R0116			
3. Орган државне управе, односно други овлашћени предлагач прописа Министарство културе, информисања и информационог друштва				4. датум израде табеле 01.06.2011.			
5. Назив (важећег, нацрта, предлога) прописа чије одредбе су предмет анализе усклађености са прописом ЕУ Нацрт Закона о архивској грађи и архивској служби The draft law on archives and archive services				6. Бројчане ознаке (шифре) планираних прописа из базе НПИ 2008-515			
7. Усклађеност одредаба прописа са одредбама прописа ЕУ							
а)	а1)	б)	б1)	в)	г)	д)	ђ)
Одредба прописа ЕУ (члан, став, подстав, тачка, анекс)	Садржина одредбе	Одредбе прописа (члан, став, тачка)		Усклађеност одредбе прописа са одредбом прописа ЕУ (потпуно усклађено, делимично усклађено, неусклађено, непреносиво)	Разлози за делимичну усклађеност, неусклађеност или непреносивост	Предвиђени датум за постизање потпуне усклађености	Напомена о усклађености прописа са прописима ЕУ

1	<i>Article 1</i> Definition Without prejudice to Member States' powers under Article 30 of the Treaty, the term 'cultural goods' shall refer, for the purposes of this Regulation, to the items listed in Annex I.			неусклађен	Ова материја се уређује у члану 24. Закона о културним добрима		
2. 1.	Article 2 Export licence 1. The export of cultural goods outside the customs territory of the Community shall be subject to the presentation of an export licence.	32.1.	Имаоци, односно власници приватне архивске грађе који намеравају да своју грађу изнесу из земље, привремено или трајно, дужни су да за то добију одобрење од Министрства, а на основу мишљења надлежног архива.	Потпуно усклађено			

2.2.	<p>2. The export licence shall be issued at <u>the request of the person concerned</u>:</p> <p>(a) by a competent authority of the Member State in whose territory the cultural object in question was lawfully and definitively located on 1 January 1993;</p> <p>(b) or, thereafter, by a competent authority of the Member State in whose territory it is located following either lawful and definitive dispatch from another Member State, or importation from a third country, or re-importation from a third country after lawful dispatch from a Member State to that country.</p>			Непреносиво			
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2.2.3	However, without prejudice to paragraph 4, the Member State which is competent in accordance with points (a) or (b) of the first subparagraph is authorised not to require export licences for the cultural goods specified in the first and second indents of category A.1 of Annex I where they are of limited archaeological or scientific interest, and provided that they are not the direct product of excavations, finds or archaeological sites within a Member State, and that their presence on the market is lawful.			неусклађено	Ово није предмет овог закона		
2.2.4	The export licence may be refused, for the purposes of this Regulation, where the cultural goods in question are covered by legislation protecting national treasures of artistic, historical or archaeological value in the Member State concerned.	32.3	Архив Србије утврдиће списак приватне архивске грађе, коју је због изузетног значаја за науку и културу забрањено трајно извозити, односно износити.	Потпуно усклађено			
2.2.5	Where necessary, the authority referred to in point (b) of the first subparagraph shall enter into contact with the competent authorities of the Member State from which the cultural object in question came, and in particular the competent authorities within the meaning of Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State			непреносиво			
2.3	3. The export licence shall be valid throughout the Community.			неусклађено	Ово није предмет овог закона		

2.4	Without prejudice to the provisions of paragraphs 1, 2 and 3, direct export from the customs territory of the Community of national treasures having artistic, historic or archaeological value which are not cultural goods within the meaning of this Regulation is subject to the national law of the Member State of export.			неусклађено	Ово није предмет овог закона		
3	<i>Article 3</i> Competent authorities 1. Member States shall furnish the Commission with a list of the authorities empowered to issue export licences for cultural goods. 2. The Commission shall publish a list of the authorities and any amendment to that list in the ‘C’ series of the <i>Official Journal of the European Union</i> .			непреносиво			
4	<i>Article 4</i> Presentation of licence The export licence shall be presented, in support of the export declaration, when the customs export formalities are carried out, at the customs office which is competent to accept that declaration.			неусклађен	Ово није предмет овог закона, већ Закона о спољнотрговинском пословању		

5	<p><i>Article 5</i> Limitation of competent customs offices 1. Member States may restrict the number of customs offices empowered to handle formalities for the export of cultural goods. 2. Member States availing themselves of the option afforded by paragraph 1 shall inform the Commission of the customs offices duly empowered. The Commission shall publish this information in the 'C' series of the <i>Official Journal of the European Union</i>.</p>			неусклађен	Ово није предмет овог закона		
6	<p><i>Article 6</i> Administrative cooperation For the purposes of implementing this Regulation, the provisions of Regulation (EC) No 515/97, and in particular the provisions on the confidentiality of information, shall apply <i>mutatis mutandis</i>. In addition to the cooperation provided for under the first paragraph, Member States shall take all necessary steps to establish, in the context of their mutual relations, cooperation between the customs authorities and the competent</p>			непреносиво			
7	<p><i>Article 7</i> Implementing measures The measures necessary for the implementation of this Regulation, in particular those concerning the form to be used (for example, the model and technical properties) shall be adopted in accordance with the procedure referred to in Article 8(2).</p>			непреносиво			

8	<i>Article 8</i> Committee 1. The Commission shall be assisted by a committee. 2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.			непреносиво			
9	<i>Article 9</i> Penalties The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.	84.1.4	Новчаном казном у износу од 100.000 до 500.000 динара казниће се за прекршај физичко, односно правно лице. 4) уколико имацац или власник приватне архивске грађе изнесе или изведе у иностранство грађу без сагласности надлежне установе из члана 32. став 1 овог закона.	Потпуно усклађено			
10	<i>Article 10</i> Reporting 1. Each Member State shall inform the Commission of the measures taken pursuant to this Regulation. The Commission shall pass on this information to the other Member States. 2. Every three years the Commission shall present a report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of this Regulation.			непреносиво			

11	<i>Article 11</i> Repeal Regulation (EEC) No 3911/92, as amended by the Regulations listed in Annex II, is repealed. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.			непреносиво			
12	<i>Article 12</i> Entry into force This Regulation shall enter into force on the 20th day following its publication in the <i>Official Journal of the European Union</i> .			непреносиво			
a.1.A.1	A. 1. Archaeological objects more than 100 years old which are the products of: — excavations and finds on land or under water 9705 00 00 — archaeological sites 9706 00 00 — archaeological collections			неусклађено	Ово није предмет овог закона		
a.1.A.2	2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years 9705 00 00 9706 00 00			неусклађено	Ово није предмет овог закона		
a.1.A.3	3. Pictures and paintings, other than those included in categories 4 or 5, executed entirely by hand in any medium and on any material (i) 9701			неусклађено	Ово није предмет овог закона		
a.1.A.4	4. Watercolours, gouaches and pastels executed entirely by hand on any material (i) 9701			неусклађено	Ово није предмет овог закона		

a.1.A.5	5. Mosaics in any material executed entirely by hand, other than those falling in categories 1 or 2, and drawings in any medium executed entirely by hand on any material (i) 6914 9701			неусклађено	Ово није предмет овог закона		
a.1.A.6	6. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters (i) Chapter 49 9702 00 00 8442 50 99			неусклађено	Ово није предмет овог закона		
a.1.A.7	7. Original sculptures or statuary and copies produced by the same process as the original (i), other than those in category 1 9703 00 00			неусклађено	Ово није предмет овог закона		
a.1.A.8	8. Photographs, films and negatives thereof (i) 3704 3705 3706 4911 91 80			неусклађено	Ово није предмет овог закона већ Закона о културним добрима		
a.1.A.9	9. Incunabula and manuscripts, including maps and musical scores, singly or in collections (i) 9702 00 00 9706 00 00 4901 10 00 4901 99 00 4904 00 00 4905 91 00 4905 99 00 4906 00 00			неусклађено	Ово није предмет овог закона		
a.1.A.10	10. Books more than 100 years old, singly or in collections 9705 00 00 9706 00 00			неусклађено	Ово није предмет овог закона		
a.1.A.11	11. Printed maps more than 200 years old 9706 00 00			неусклађено	Ово није предмет овог закона		

a.1.A.12	12. Archives, and any elements thereof, of any kind or any medium which are more than 50 years old 3704 3705 3706 4901 4906 9705 00 00 9706 00 00			неусклађено	Ово није предмет овог закона		
a.1.A.13	13. (a) Collections (i) and specimens from zoological, botanical, mineralogical or anatomical collections; 9705 00 00			неусклађено	Ово није предмет овог закона		
a.1.A.14	14. Means of transport more than 75 years old 9705 00 00 Chapters 86-89			неусклађено	Ово није предмет овог закона		
a.1.A.15	15. Any other antique items not included in categories A.1 to A.14 (a) between 50 and 100 years old toys, games Chapter 95 glassware 7013 articles of goldsmiths' or silversmiths' wares 7114 furniture Chapter 94 optical, photographic or cinematographic apparatus Chapter 90 musical instruments Chapter 92 clocks and watches and parts thereof Chapter 91 articles of wood Chapter 44 pottery Chapter 69 tapestries 5805 00 00 carpets Chapter 57 wallpaper 4814 arms Chapter 93 (b) more than 100 years old 9706 00 00 The cultural objects in categories A.1 to A.15 are covered by this Regulation only if their value corresponds to, or exceeds, the financial thresholds under B.			неусклађено	Ово није предмет овог закона		

a.1.B.	<p>B. Financial thresholds applicable to certain categories under A (in euro)</p> <p>Value:</p> <p>Whatever the value</p> <p>— 1 (Archaeological objects)</p> <p>— 2 (Dismembered monuments)</p> <p>— 9 (Incunabula and manuscripts)</p> <p>— 12 (Archives)</p> <p>15 000</p> <p>— 5 (Mosaics and drawings)</p> <p>— 6 (Engravings)</p> <p>— 8 (Photographs)</p> <p>— 11 (Printed maps)</p> <p>30 000</p> <p>— 4 (Watercolours, gouaches and pastels)</p> <p>10.2.2009 EN Official Journal of the European Union L 39/5</p> <p>50 000</p> <p>— 7 (Statuary)</p> <p>— 10 (Books)</p> <p>— 13 (Collections)</p> <p>— 14 (Means of transport)</p> <p>— 15 (Any other object)</p> <p>150 000</p> <p>— 3 (Pictures)</p> <p>The assessment of whether or not the conditions relating to financial value are fulfilled must be made when an application for an export licence is submitted. The financial value is that of the cultural object in the Member State referred to in Article 2(2).</p>			неусклађено	Ово није предмет овог закона		
a.2	Repealed regulation			непреносиво			
a.3	Correlation table			непреносиво			