

N° 3188.

AUTRICHE ET POLOGNE

Accord concernant les questions
d'archives. Signé à Vienne, le 26
octobre 1932.

AUSTRIA AND POLAND

Agreement regarding Questions of
Archives. Signed at Vienna, Octo-
ber 26, 1932.

TEXTE POLONAIS. — POLISH TEXT.

N^o 3188. — UKŁAD¹ ARCHIWALNY MIĘDZY RZECZĄPOSPOLITĄ POLSKĄ
A REPUBLIKĄ AUSTRJACKĄ. PODPISANY W WIEDNIU, DNIA
26 PAŹDZIERNIKA 1932 r

*Textes officiels allemand et polonais communiqués par le délégué de la Pologne auprès de la Société
des Nations et le chancelier fédéral de la République d'Autriche. L'enregistrement de cet accord
a eu lieu le 24 mai 1933.*

PREZYDENT RZECZYPOSPOLITEJ POLSKIEJ i PREZYDENT ZWIĄZKOWY REPUBLIKI AUSTRJACKIEJ
pragnąc uregulować sprawę archiwalne zamianowali swoimi pełnomocnikami :

PREZYDENT RZECZYPOSPOLITEJ POLSKIEJ :

Pana Juljusza ŁUKASIEWICZA, Posła Nadzwyczajnego i Ministra Pełnomocnego Rzeczy-
pospolitej Polskiej w Wiedniu ;

Pana d-ra Bronisława DEMBIŃSKIEGO, Profesora Uniwersytetu ;

PREZYDENT ZWIĄZKOWY RZECZYPOSPOLITEJ AUSTRJACKIEJ :

Pana d-ra Engelberta DOLLFUSSA, Kanclerza Związkowego ;

Pana d-ra Ludwika BITTNERA, Profesora Uniwersytetu, Generalnego Archiwarjusza
Państwowego ;

pełnomocnicy ci po wzajemnem okazaniu swoich pełnomocnictw, uznanych za sporządzone
w dobrej i w należytej formie zgodzili się na następujące postanowienia :

Artykuł I.

Austrjacki Rząd Związkowy oświadcza gotowość wydania Rządowi Polskiemu na zasadzie
archiwalnej proveniencji wszystkich w jego przechowaniu znajdujących się części składowych
starych archiwów historycznych, wszelkich innych archiwaliów i części składowych nowych
registrator administracyjnych, które powstały na obszarze dzisiejszego Państwa Polskiego. W
to wchodzi także archiwalia, które w swoim czasie były wysłane do Wiednia do wglądu, a które
według swego przeznaczenia należą do archiwów i registrator na obszarze Państwa Polskiego,
a mianowicie : takie akta względnie dokumenty, które władze państwowe, komunalne, kościelne,
fundacje kościelne, związki religijne, szpitale i t. p. jak również osoby prywatne dołączyły jako
dowody do swych pism w toku korespondencji swej z austrjackimi władzami centralnemi.

Austrjacki Rząd Związkowy oświadcza gotowość wydania Rządowi Polskiemu bez uprzedniego
żądania z jego strony nowo odnalezionych tego rodzaju archiwaljów i akt.

¹ L'échange des ratifications a eu lieu à Vienne, le 23 mars 1933.

L'accord a été publié simultanément par les deux gouvernements, le 10 mai 1933.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 3188. — ARCHIVÜBEREINKOMMEN¹ ZWISCHEN DER REPUBLIK ÖSTERREICH UND DER REPUBLIK POLEN. GEZEICHNET IN WIEN, AM 26. OKTOBER 1932.

German and Polish official texts communicated by the Polish Delegate accredited to the League of Nations and by the Federal Chancellor of the Austrian Republic. The registration of this Agreement took place May 24, 1933.

DER BUNDESPRÄSIDENT DER REPUBLIK ÖSTERREICH UND DER PRÄSIDENT DER REPUBLIK POLEN haben in der Absicht, die archivalischen Fragen zu regeln, zu Bevollmächtigten ernannt :

DER HERR BUNDESPRÄSIDENT DER REPUBLIK ÖSTERREICH :

Herrn Dr. Engelbert DOLLFUSS, Bundeskanzler ;
Herrn Universitätsprofessor Dr. Ludwig BITTNER, Generalstaatsarchivar ;

DER HERR PRÄSIDENT DER REPUBLIK POLEN :

Herrn Juljusz ŁUKASIEWICZ, ausserordentlichen Gesandten und bevollmächtigten Minister der Republik Polen in Wien ;
Herrn Universitätsprofessor Dr. Bronisław DEMBIŃSKI ;

Diese haben nach gegenseitiger Mitteilung ihrer in guter und gehöriger Form befundener Vollmachten folgendes vereinbart :

Artikel I.

Die österreichische Bundesregierung erklärt sich bereit, nach dem archivalischen Provenienzprinzip alle in ihrer Aufbewahrung befindlichen Bestandteile alter historischer Archive, sonstige Archivalien und Bestandteile moderner Verwaltungsregistraturen, die im heute polnischen Staatsgebiete entstanden sind, an die polnische Regierung abzugeben. Dazu gehören auch Archivalien, welche seinerzeit zur Einsicht nach Wien gesendet wurden, bestimmungsgemäss aber Archiven und Registraturen des polnischen Staatsgebietes angehören, und zwar : diejenigen Aktenstücke bezw. Urkunden, die bei dem Schriftwechsel mit österreichischen Zentralstellen von Staats-, Kommunal- und Kirchenbehörden, kirchlichen Stiften, religiösen Korporationen, Spitälern u. ä. sowie von Privatpersonen als Beweisstücke angeschlossen wurden.

Die österreichische Bundesregierung erklärt sich bereit, neuaufgefundene derartige Archivalien und Schriftstücke der polnischen Regierung ohne weitere Anforderung abzugeben.

¹ The exchange of ratifications took place at Vienna, March 23, 1933.
The Agreement was published by the two Governments simultaneously, May 10, 1933.

¹ TRANSLATION.

No. 3188. — AGREEMENT BETWEEN THE AUSTRIAN REPUBLIC
AND THE POLISH REPUBLIC REGARDING QUESTIONS OF
ARCHIVES. SIGNED AT VIENNA, OCTOBER 26, 1932.

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC and THE PRESIDENT OF THE POLISH REPUBLIC, being desirous of settling outstanding questions relating to archives, have appointed as their Plenipotentiaries :

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC :

Dr. Engelbert DOLLFUSS, Federal Chancellor ;
M. Ludwig BITTNER, University Professor, Keeper of the State Archives ;

THE PRESIDENT OF THE POLISH REPUBLIC :

M. Julius ŁUKASIEWICZ, Envoy Extraordinary and Minister Plenipotentiary of the Polish Republic in Vienna,
M. Bronisław DENBIŃSKI, University Professor ;

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following provisions :

Article I.

The Austrian Federal Government declares its readiness, in conformity with the principle of the preservation of records according to their provenance, to hand over to the Polish Government, all documents forming part of the old historical archives in its possession and all other records and documents in modern administrative registries which originated in the present territory of Poland. This also applies to records which were formerly sent to Vienna for inspection, but which according to the directions they bear belong to archives and registries in Polish territory, and in particular, acts or deeds which were attached as evidence to the correspondence exchanged with the central Austrian administrations by the State, communal and church authorities, ecclesiastical foundations, religious associations, hospitals, etc., and private individuals.

The Austrian Federal Government declares its readiness to hand over to the Polish Government, without further request, any records and documents of this kind which may hereafter be discovered.

Article II.

The Austrian Federal Government further declares itself ready to hand over to Poland all records of the former Imperial and Royal Austrian authorities and institutions dating from 1888 to November 3, 1918, which may be necessary for the carrying on of the military, civil, financial, judicial or other administration of the former Imperial and Royal Austrian territories, now Polish,

¹ Translated by the Secretariat of the League of Nations, for information.

and which concern these territories exclusively, as well as all other earlier documents going back to 1848 inclusive and forming part of the same files.

Older documents of the same category which are not handed over will be placed at the Polish Government's disposal for utilisation. In special cases which relate to records required for proving rights or legal relationships, such records shall, so far as possible, be handed over to the Polish Government upon special application being made.

Documents relating to both Galicia and the Bukovina shall not be handed over, but shall be left at the place where they are at present kept with a view to their joint utilisation.

Article III.

As "documents" shall be understood :

Documents contained in archives and registries (reference files, reports, drafts, declarations, opinions, minutes, annexes, proofs, papers not yet completed or not despatched, documents printed or otherwise multigraphed relating to the question at issue, such as memoranda, communications, schedules, tables, etc.), registers (public and official books, such as land registers, railway registers, trademark registers, etc., indexes, registers of entries, lists, catalogues, accounts, cash references, statistical tables, certificates, reports and publications of the State authorities and of the War economic bureaux placed under State control up to the revolution, etc.), plans, material belonging to the Land survey Administration (triangulation surveys, field survey books, maps, sketch maps, trigonometric plottings, survey records, as well as the cadastral registers with new surveys, calculations, books, records and maps, designs, sketches, studies, programmes, descriptions and any existing copies and originals on tracing paper), title deeds and legal documents (documents of every kind, such as foundation deeds, contracts, deeds of concession, statutes, deeds of transfer and the like), irrespective of the material with and upon which they have been drawn up (paper, parchment, leather, metal, stone, wood, etc.).

The present value of the plans, cadastral triangulation surveys and other material relating to draft schemes, in so far as such documents were prepared by State offices which had their seat in the territory of the Austrian Republic and in so far as these documents relate to work not begun before the end of October 1918, shall be refunded to the Austrian Federal Government. Such value shall be fixed by common agreement. If there are in the different archives official extracts or copies of originals which have to be handed over, such extracts and copies shall remain where they are.

Documents concerning transactions relating in general to the whole of the former Austro-Hungarian Monarchy or to territories of certain of the former provinces of the Crown, shall not be handed over.

Article IV.

The documents specified in Article II which specifically relate to former Imperial and Royal Austrian territories, now Polish, but which also concern Austria or a third State, and consequently cannot be handed over by the Austrian Federal Government, shall be placed at the Polish Government's disposal in order that the latter may make copies, transcriptions, extracts and photographs thereof. In so far as the exigencies of the service permit, such documents may also be lent for a specified period.

The costs arising out of the utilisation of these documents shall be defrayed by the Polish Government. No charge shall be made for their actual use.

Documents which concern both Poland and Czechoslovakia and them alone shall be handed over on the basis of an agreement to be concluded between the Governments of these two States. This agreement shall be communicated to the Austrian Federal Government.

Article V.

Applications for the records in question may be made by the Polish Government either through the delegates of the Polish Archives specially appointed for the purpose or through the diplomatic channel.

It shall be optional for the Polish delegates to describe the documents to be handed over either in detail or in general terms. For this purpose, they shall be given an opportunity, to examine without disturbance, in the administrative premises concerned and during office hours the official reference catalogues (lists of documents, registers of entries, indexes and the like) relating to the files containing the documents referred to in Articles I to IV. The number of Polish delegates shall not, as a rule, exceed three for the whole of the various Austrian archives and registries in question.

The Polish Government shall supply these delegates with official credentials, which must be endorsed by the Foreign Affairs Department of the Austrian Federal Chancellery.

These delegates may, with the previous consent of the Foreign Affairs Department of the Austrian Federal Chancellery, request the assistance of other Polish official organs to settle particular questions. These official organs shall be allowed to co-operate freely in the designation of the documents to be handed over and in the supervision of the work of sorting on the basis of the official reference catalogues.

Article VI.

The results of the activities of these official organs, which shall be under an obligation to maintain official secrecy, may only be utilised for purely official administrative purposes and not for any other, more especially for literary, purposes. These results, whatever their nature, may only be utilised for other, in particular for literary, purposes (and therefore in scientific works and periodicals as well as in daily newspapers and the like) with the consent of the Austrian Federal Government, in so far as this involves files which, according to the provisions at present in force in Austria, are not available for use for scientific purposes. In utilising the results of their activities for scientific and literary purposes, the said official organs shall be bound by the service rules and the regulations of the Austrian archives and registries governing the utilisation of official documents.

Article VII.

Files in regard to which an application for handing over or loan is made shall be taken out and sorted solely by organs of the Austrian Federal Government. Both as regards documents lent and as regards those handed over, the organs of the Austrian Federal Government shall draw up delivery vouchers in three identical copies, which must be signed by the representatives of the two Parties at the time of delivery. One copy shall be retained as a receipt by the Austrian Federal Government and the two others shall be delivered to the Polish organs as certificates of the delivery.

Should it prove impossible for the work of sorting and handing over to be carried out by the organs of the Austrian Federal Government without disturbing current work, the Polish Government shall refund to the Austrian Federal Government the extra expense resulting from the overtime worked by its officials, etc. The number of hours overtime and the amount of the extra expenditure shall be fixed by common agreement between the two Parties in each particular case. The Polish Government shall be given an opportunity of verifying the work of sorting and handing over.

Article VIII.

The Polish Government shall be responsible for the conveyance of the documents handed over to it.

In the case of an export licence being necessary for the documents taken over, it shall be delivered free of charge. Consignments of documents shall cross the Austrian frontier free of all Customs duties, taxes and charges.

Article IX.

The handing over of the documents applied for shall take place within eight weeks from the date on which application is made to the Austrian Federal Government.

Article X.

Military documents relating to operations and to administrative and judicial matters, up to November 3, 1918, inclusive, which are not to be handed over inasmuch as they arise out of the administration of the Austro-Hungarian military authorities, shall be placed at the Polish Government's disposal for utilisation.

Such documents shall be taken out and exhibited solely by the Austrian archives administration.

In so far as an exchange of such documents is considered possible, it shall take place on the basis of the principle of reciprocity.

Article XI.

The Polish Government declares its readiness to grant the Austrian Federal Government full reciprocity in the application of the foregoing provisions as regards all documents relating to the territory of the Austrian Republic which are in its possession or which may hereafter come into its possession. Records which in virtue of previous treaties were delivered by the Austrian Empire to Poland or to the Free City of Cracow, as well as the documents of the Military General Governorship of Lublin and of the services subordinate thereto, shall be exempt from delivery.

Article XII.

The present Agreement shall be ratified and the instruments of ratification shall be exchanged in Vienna as soon as possible. It shall come into force within ten days after its publication in the form prescribed by the legislation of each of the High Contracting Parties.

In faith whereof the Plenipotentiaries have signed the present Agreement in duplicate in German and Polish and have thereto affixed their seals.

Done in Vienna, October 26, 1932.

DOLLFUSS, *m. p.*
Ludwig BITTNER, *m. p.*

J. ŁUKASIEWICZ, *m. p.*
Bronisław DEMBIŃSKI, *m. p.*