# Agreement
# Between
# The Government of the State of Israel
# and
# The Government of the Republic of Austria

# Concerning the use of reproductions of certain archival documents

It is the common wish of the State of Israel and the Republic of Austria (hereinafter: the "Parties") to facilitate research into the injustice committed during the National Socialist regime on the territory of the Republic of Austria. For this purpose is the Parties intent to reinforce the cooperation among Yad Vashem - the Holocaust Martyrs' and Heroes' Remembrance Authority (hereinafter: "Yad Vashem"), the Austrian State Archive and the Austrian Federal Ministry of the Interior/Mauthausen Memorial (hereinafter: "Mauthausen Memorial"), with a view to researching and collecting the archival documents of Yad Vashem, the Austrian State Archives and the Mauthausen Memorial (hereinafter: the "Institutions") relating to National Socialism.

For this purpose both Parties agree on the following:

## Article 1

(1) The Republic of Austria shall grant researchers nominated by Yad Vashem access to the archival documents of the Austrian State Archive listed in the Annex of this Agreement and relating to the Holocaust, in order for Yad Vashem to make electronic reproductions of such documents, at its own cost, to use them for research purposes, to make them available to the public at Yad Vashem, and to publish them, all in accordance with Article 4. Such access shall be granted to up to four researchers to be nominated by Yad Vashem. New nominations may be made after the termination of the mandate of each of the researchers.

(2) The Republic of Austria shall grant researchers nominated by Yad Vashem access to those archival documents of the collection of the Mauthausen Memorial, which the Mauthausen Memorial owns or is otherwise permitted to transfer to third parties, in order for Yad Vashem to obtain electronic reproductions of such documents, at its own cost, to use them for research purposes, to make them available to the public at Yad Vashem, and to publish them, all in accordance with Article 4.

(3) Yad Vashem shall provide copies of the reproductions that it makes, free of charge, to the Austrian State Archive, whose archival documents have been reproduced, it being understood that the technical format of these reproductions shall be agreed between the institution concerned and Yad Vashem. The Mauthausen Memorial shall reproduce the materials for the researchers nominated by Yad Vashem, according to the Mauthausen Memorial's relevant policies, standards and tariffs in force at the time.

(4) Additions to the Annex may be agreed between the Austrian State Archive and Yad Vashem. The provisions of this Agreement shall apply to the archival documents added in this way to the Annex.

Article 2

(1) The State of Israel shall grant researchers nominated by the Austrian State Archive or the Mauthausen Memorial access to the archival documents of Yad Vashem relating to Austria, which Yad Vashem owns or is otherwise permitted to transfer to third parties, in order for the Austrian State Archive or the Mauthausen Memorial, as applicable, to make electronic reproductions of such documents, at their own cost, to use them for research purposes, and to publish them, all in accordance with Article 4.

(2) Yad Vashem shall reproduce the materials for the researchers nominated by the Austrian State Archive or the Mauthausen Memorial, according to Yad Vashem's relevant policies, standards and tariffs in force at the time.

Article 3

In this Agreement, "archival documents" shall include all types of archival materials.

Article 4

(1) Each Party recognizes that the other Party and the Institutions are subject to the national laws and regulations on the protection of privacy in relation to personal data.

(2) The use by any Party or Institution of the reproductions of the archival documents made pursuant to Articles 1 and 2, including the publication of any such documents that contain personal data, shall be subject to the national laws and regulations on the protection of privacy in relation to personal data applicable to such Party or Institution.

(3) Personal data contained in archival documents obtained from the Austrian State Archive or the Mauthausen Memorial in accordance with Article 1 may only be published in the view of a prevailing public interest in the documentation and research

of National Socialist crimes except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

(4) The Institution which has made available archival documents in accordance with this Agreement for use in a publication shall obligate the media proprietor (editor) to provide the Institution keeping the originals of the electronic reproductions in accordance with Articles 1 or 2 with copies of such publication free of charge.

Article 5

Each Party shall bear the expenses incurred by its authorities and institutions in implementing this Agreement.

Article 6

This Agreement shall remain in force unless terminated by either Party in writing through diplomatic channels, in which case such termination shall take effect three months after such written notice. The Agreement shall continue to apply to the reproductions of archival documents transmitted before the termination thereof.

Article 7

(1) At the request of either Party, the Parties shall enter into consultations with respect to amendments of this Agreement.

(2) By consent of both parties, this Agreement may be amended in writing through diplomatic channels at any time. Any such amendment will enter into force in accordance to the procedure specified in Article 8 of this Agreement.

Article 8

Each Party shall notify the other Party in writing through diplomatic channels of the completion of its internal legal procedures required for the entry into force of this Agreement. This Agreement shall enter into force on the first day of the third month following the date of the last notification.

Done in Vienna on ....., corresponding to the 8th of May, 2019, in the English, German and Hebrew languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of the State of Israel

For the Government of the Republic of Austria

**Annex**

Index of archival documents according to Article 1 para. 1 of the Agreement between the Government of the Republic of Austria and the Government of the State of Israel concerning the use of reproductions of certain archival documents:

Inventory: Finanzlandesdirektion

Shelfmark: AT-OeStA/AdR E-uReang FLD

Period of Creation: 1940-1947

End of Protective Period: 31.12.1977