

# Country Profile

## Germany

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# 1. Cultural policy system

## 1.1. Objectives, main features and background

### Historical background

In contrast to most European countries, Germany was made up of many independent feudal states and city republics that each pursued their own cultural policies and established a host of cultural institutions. Among them were distinct cultural traditions that were not centralised nor assimilated in the German Empire (Reich), founded in 1871. While the new Reich government was responsible for foreign cultural policy, the constituent states retained responsibility for their own cultural policies. The special autonomy of the municipalities extended to the area of cultural affairs, which was supported by a strong civic commitment to arts and culture. Under the new constitution of the Weimar Republic (1919-1933), public responsibility and support for arts and culture was divided among the Reich government, the governments of the federal states (Länder), the city and municipal councils.

The approach adopted by the National Socialist regime (1933-1945) replaced the diversity that had evolved over the course of centuries with forced centralisation, stifling civic commitment and instrumentalising culture to serve the aims of the Regime. This experience with centralisation later led to the emergence of a strong penchant for federalism in the Federal Republic of Germany.

The National Socialist tyranny and World War II ended on May 8th, 1945. The German Reich was then divided into three Western and one Eastern occupation zone. These four zones eventually became two: the Federal Republic of Germany and the German Democratic Republic (formally a Soviet occupation zone). Following a brief period marked by co-operation between the Federal Republic and the GDR, cultural policy evolved independently and developed along different lines in the two German states. This changed following Germany's reunification 40 years later on October 3<sup>rd</sup>, 1990.

### *German Democratic Republic (1949-1990)*

In the former German Democratic Republic, a break was made with the tradition of cultural federalism that had prevailed in Germany until 1933. In 1952, the federal states (Länder) were dissolved and replaced by 15 districts. From 1954, the state-controlled cultural sector was headed by the Ministry of Culture. Cultural policy in the GDR was based on a concept of culture that encompassed the "humanistic heritage" of classical art forms, on the one hand, and new forms of everyday culture, on the other. The ruling Socialist Unity Party (SED), which exercised tight control in all parts of society, including most cultural activities, proposed that the "working class" should be both participants and drivers of cultural life in the GDR. The ideological basis of this claim was, however, a one-sided view of history that embraced only certain traditions of the traditional workers' movement. In addition to the reactivation of "classical" cultural institutes, new institutions engaged in cultural activities emerged, such as "houses of culture" or youth clubs. Particularly important were those activities organised by social and cultural associations as well as worker's unions within larger companies, all of which were under state supervision. Such state-run companies, along with the national and local authorities, were the most important supporters of this type of "popular culture". As a rule, the cultural work of all organisations was funded by the state and orchestrated by the SED.

### *Federal Republic of Germany (1949-1990)*

Following World War II, Western Allies prescribed a very narrow role for the government of the new Federal Republic of Germany in the field of cultural policy, mainly as a consequence of the National Socialists' former abuse of culture and the arts. Following the restoration of the cultural infrastructure, cultural policy remained at first largely limited to the promotion of traditional art forms and cultural institutions. Not until the process of social modernisation got under way - accompanied by the youth and civic protest movements of the 1960s onward - did the scope of cultural policy broaden to include other, e.g. "sociocultural", areas of activity.

A New Cultural Policy emerged in the 1970s as part of a general democratisation process within society, the thrust of which was expanded to encompass everyday activities. The arts were to be made accessible to all members of society if at all possible. In the 1970s, the call for "culture for everyone" and for a "civil right to culture" led to a tremendous expansion of cultural activities, the further development of cultural institutions and the emergence of numerous new fields of cultural endeavour financed by increasing public expenditure. The reform-oriented cultural policy objectives of the 1970s were replaced in the 1980s by new priorities which saw culture as a factor enhancing Germany's attractiveness as a location for business and industry.

### *Reunified Federal Republic of Germany (since 1990)*

The 1990s were profoundly influenced by the unification of Germany. In the new eastern federal states (Länder), adoption of the administrative structure of the "old" Federal Republic and its approach to cultural policy prompted a restructuring of and radical changes in the cultural landscape. These years have also been marked by austerity measures and budgetary constraints and by the increasingly evident structural problems of the major traditional cultural institutions.

In the early years of the following decade, cultural policy in Germany stabilised in comparison to the changes of the 1990s. However, cultural policy still faces great challenges and requires a constant re-orientation. The main issues are financial, particularly as the negative consequences of the recent global financial crisis on local and regional public budgets become more visible. On the other hand, some of these problems are structural in nature and concern the conceptional basis of cultural policy. Despite an improved state budget on the national level and in some of the federal states (Länder), there is on-going pressure on cultural institutions to increase their economic equity-ratio, to lead their institutions more economically, as well as to obtain funds from other sources such as sponsorship, patronage and marketing. In particular, the structural problems require a readjustment of the relationship between the state, market and society concerning the financing of cultural institutions, among other methods, through public private partnership models and a stronger integration of civic commitments. In addition, the conceptional basis of past cultural policies has been challenged by migration processes, rapid media development and a change in the composition of audiences (a decreasing total population and an increasing number of older people). Currently, intensive discussion is taking place in Germany on the requirements of cultural policies, due to these societal changes.

### *Main elements of the current cultural policy model*

There is no binding definition of culture that could serve as the basis for cultural programmes and measures in Germany. In contrast to the situation in the first two decades after the founding of the Federal Republic of Germany, however, it can be assumed today that the cultural philosophies of the democratic parties at all levels

of government no longer differ significantly. One reason for this convergence is the intensive cultural policy debate that began in the early 1970s in the context of the New Cultural Policy. This debate led to a broadening of the narrow concept of culture prevailing in the 1950s and 1960s, which had been very strongly oriented towards the traditional cultural value system handed down for generations, to include new content and focus. The term "culture" today, thus encompasses contemporary creative and artistic activity (both inside and outside the framework of the traditional cultural institutions) as well as the culture of everyday life.

Cultural policy in Germany is based on a federal model. It is governed by the principles of decentralisation, subsidiary and plurality; a tradition rooted in the nation's historical development and reaffirmed in its Constitution.

All levels of government operate within a Constitutional framework which specifies their respective competence in the cultural field (see chapter 1.2). They are supposed to cooperate within one another on cultural matters (Kulturföderalismus) by jointly supporting cultural institutions and activities. In reality, there is a high degree of competition among the different federal states (Länder), municipalities, cultural institutions, artists and other intermediaries.

An important objective influencing the development of cultural policy throughout Germany, is to find a balance between public-sector responsibility for ensuring the existence and funding of cultural institutions and programmes without government interference in cultural activities. The Constitution guarantees freedom of the arts (Article 5 (3)) which not only provides the basis for artistic autonomy and self-governing rights of cultural institutions and organisations but also stipulates a form of protection from state directives and regulation of content. Accordingly, the state is responsible for actively encouraging, supporting and upholding this artistic freedom in what is referred to as a Kulturstaat (cultural state). This approach to cultural policy is primarily supply-oriented. This means that the majority of cultural infrastructure is governed under the rule of law and is supported by the government – mainly by the individual federal states (Länder) and by the municipalities. More recently, there have been discussions concerning the privatisation of public services and institutions which has intensified efforts to promote more efficient arts management. As a result, there is a greater receptiveness to public-private partnership models and a willingness to privatise some cultural institutions.

#### Cultural policy objectives

From the very beginning, the New Cultural Policy of the 1970s and 1980s reflected the priorities put forward by the Council of Europe on issues related to cultural identity, cultural heritage, cultural diversity and participation in cultural life.

Today, one of the main objectives of cultural policy in the Federal Republic of Germany is to enable as many people as possible to participate in arts and culture. Cultural policy as social policy deals with social challenges such as demographic trends, migration flows, handling value systems, financial development, economisation, digitalisation. In recent years, there has also been acknowledgment in the cultural field that Germany is a country of immigration. It has also been recognised that cultural policy – particularly at the municipal level – has to take this issue into consideration, which means taking multicultural diversity as a given, integrating the culture of immigrants into cultural policy and to take into account the cultural needs of people with migrant backgrounds.

## 1.2. Domestic governance system

### 1.2.1. ORGANISATIONAL ORGANIGRAM

Germany is a federally organised country with different tiers of government: the Federal Government (Bund; i.e. national authorities, Parliament etc), the federal states (Bundesländer / Länder) and the municipalities (Kommunen; cities, towns, counties). The German Constitution (Grundgesetz) stipulates the division of responsibility and competencies among the different levels of government.

Article 30 of the German Constitution assigns most competencies to the federal states (Länder): "the exercise of state powers and competencies lie with the federal states (Länder), except where specifically stipulated or permitted by the German Constitution". At the moment, there is no general constitutional clause giving the Federal Government responsibility for areas such as culture or education. Hence, the federal states are the main public actors in the cultural field and are responsible for setting their own policy priorities, funding their respective cultural institutions and for supporting projects of regional importance.

Article 28 (2) of the German Constitution affirms the role of municipalities in cultural affairs at the local level. The respective Constitutions of each federal state (Land) reinforce this provision and further define specific cultural responsibilities for local governments. Within this federal and highly decentralised system, there are a number of bodies which formulate and implement cultural policy: legislative or self-governing bodies (i.e. parliaments, councils), government administrations (i.e. ministries or departments for cultural affairs), or consultative bodies (i.e. expert committees). The size and structure of these bodies will differ across the country.

Within their fields of competence, the Federal Government, the federal states (Länder) and the municipalities are largely free to shape cultural policy as they see fit, in other words, to determine the form, extent and priorities of their cultural programmes.

Levels of public cultural policy (structures and competences) <sup>1</sup>	Federal (national) level	Federal States (Länder) (regional) level	Municipal (local) level
Bodies/institutions and self- coordination procedures	Federal Government, German Parliament (Deutscher Bundestag), Bundesrat (Länder representatives) Committee on Cultural and Media Affairs in the Bundestag Committee on Cultural Affairs in the Bundesrat Federal Government Commissioner for Culture and the Media; Federal Foreign Office, Federal Ministry of Education and Research and other ministries	16 federal states governments and Länder parliaments committees on culture in all federal states parliaments Ministries of culture	Municipal administrations and council assemblies (ca. 10,800) / county councils (294) Cultural affairs committees in larger cities Cultural affairs departments, as a rule in combination with other functions, including: cultural affairs offices, cultural institutes
Competencies	General legislation as a framework for cultural and artistic creation (e.g. tax and social law); special legislation in the artistic field (e.g. copyright law, film promotion); technical competence, especially in foreign cultural policy	Primary cultural competence (cultural sovereignty) of the federal states according to Article 30 of the Basic Law; legislation in individual sectors with special areas (e.g. Saxony's Cultural Areas Act, library laws, heritage protection laws, further education laws)	No legislative competence, but: constitutionally guaranteed right to "regulate all matters of the local community in its own responsibility" (§ 28,2 Basic Law), enactment of funding guidelines, fee regulations, target agreements, etc., also: cultural development planning
Joint institutions and cooperative arrangements	Inter-ministerial cooperation between the competent directorates-general/divisions of the federal ministries	Standing Conference of the Ministers of Education and Culture of the federal states(KMK + KM Kultur) with a Committee on Culture and specialised department	German Association of Cities, German Association of Towns and Municipalities, Association of German Counties, in some cases with a cultural affairs committee and a specialised division, also: local authority associations
(Co)ownership and Funding of cultural activities Facilities / Programmes	(Co-)funding of cultural institutions within the framework of capital city cultural promotion, Federal Cultural Foundation, intermediary organisations in foreign cultural policy, Deutsche Welle	Federal states museums, Federal states theatres, Federal states libraries, Federal States Archives	Municipal theatres, museums, music schools, libraries, concert halls, sponsors of independent institutions (= "basic cultural services")
Joint institutions and cooperative arrangements	Foundations as operators of cultural institutions and funding programmes (e.g. Prussian Cultural Heritage Foundation, Federal Cultural Foundation, Cultural Foundation of the Länder); cultural institutions under joint sponsorship (e.g. Art and Exhibition Hall of the Federal Republic of Germany)	Joint operations of cultural institutions and programmes (e.g. state theatres) as well as institutions for the funding of culture (e.g. Cultural Secretariats of North Rhine-Westphalia)	
	Federal, state and local authorities as responsible bodies, e.g: German Literature Archive Marbach, Ruhr Festival Recklinghausen, Bayreuth Festival, Industrial Garden Kingdom Dessau / Wörlitz		

## 1.2.2. NATIONAL AUTHORITIES

The tasks of the Federal Government in the field of cultural policy are concentrated in the following areas: representation of the state as a whole, establishing a regulatory framework for the development of art and

culture, promoting cultural institutions and projects relevant to the state as a whole, preserving and protecting cultural heritage, foreign cultural policy, fostering historical awareness and promoting Berlin as a capital city.

In 1998, the Federal Government created, for the first time, a Federal Government Commissioner for Cultural Affairs and the Media (today: Federal Government Commissioner for Culture and the Media / die Beauftragte für Kultur und Medien); thus creating a central contact point for cultural affairs at the federal level. The Commissioner post was held by Michael Naumann (SPD) from 1998 to 2001, Julian Nida Rümelin (SPD) from 2001 to 2002, Christina Weiss (Independent) from 2002 to 2005, Bernd Neumann (CDU) from 2005 to 2013 and since 2013 Monika Grütters (CDU).<sup>[1]</sup>

The Federal Foreign Office is responsible for international cultural policy. In 2018, the office of Minister of State for International Cultural Policy was introduced there. The incumbent is Michelle Müntefering (SPD).

In the 19th legislative period - since 2018 -, two further Minister of States in the Federal Chancellery will assume responsibilities with interfaces to cultural policy: Dorothee Bär (CDU) as the Minister of State for Digital Affairs and Anette Widmann-Mauz (CDU) as State Minister of State for Integration.

Since 1998, the German Bundestag(Parliament) subsequently set up a Committee on Cultural and Media Affairs. It acts as a supervisory body for the work of the Federal Government Commissioner for Cultural and Media Affairs (BKM) and for the department responsible for foreign cultural policy at the German Federal Office (Auswärtiges Amt).

One of the most important responsibilities of the Parliamentary Committee on Cultural and Media Affairs is to examine all legal initiatives and changes with respect to their possible effect on culture (Kulturverträglichkeit), e. g. tax laws including special provisions for non-profit organisations. The supreme right of the parliament is the budgetary law. The Parliamentary Committee on Cultural and Media Affairs was chaired by Elke Leonhard (SPD) from 1998 to 2000, Monika Griefahn (SPD) from 2000 to 2005, Hans Joachim Otto (FDP) from 2005 to 2009, Monika Grütters (CDU) from 2009 to 2013 Siegmund Ehrmann (SPD) from 2014 to 2017 and since 2017 Katrin Budde.

The Parliamentary Committee is sub-divided into specialised bodies such as the subcommittee for Foreign Cultural Relation and Education Policy, Civic Engagement or New Media. In autumn 2003, a Commission of Enquiry or "Enquete-Kommission" on culture in Germany was set up for a limited period. The final report of 1 200 pages lists 459 concrete recommendations for policymakers on the federal and regional level and was presented on 13 November 2007. It is still regarded as one of the key documents for German cultural policy.

Other Commissions of Enquiry on cultural-relevant topics were *The Internet and digital society* and *Growth, Wellbeing and Quality of Life* (both from 2010 to 2013).

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<sup>[1]</sup> To mark its twentieth anniversary, the German Cultural Council presented the publication *Wachgeküsst: 20 Jahre neue Kulturpolitik des Bundes 1998 -2018*.

### 1.2.3. REGIONAL AUTHORITIES

According to Article 30 of the German Basic Law, "cultural sovereignty" lies with the federal states (Länder), and is regarded as the core of the Länder' sovereignty (see chapter 1.2.1). Each of the 16 federal states has its own cultural policies, which are characterized by their respective legislation, their own priorities and differently structured funding:

All of the 16 federal states (Bundesländer) have their own Parliaments, Parliamentary Committees that deal with cultural affairs and Ministries responsible for culture. As a rule, culture is combined at the Ministerial level with other policy areas, mainly education or science. In such cases, there are specific departments for cultural affairs. Only in a few federal states, responsibility for culture is located in the State Chancellery or Senate Chancellery.

On 1 September 2006, a reform of the federal system came into force. This has involved a redistribution of competences between the federal government and the federal states (Länder) in some policy areas. In the field of culture, the federal government (or level) assumed more responsibilities for culture in the capital, Berlin, and for the conservation of cultural heritage. German representation in the field of cultural policy within the European Union (Article 23, paragraph 6 of the Basic Law) has been given greater weight.

In October 2018, the federal states decided to establish an independent [Conference of Ministers of Culture \(Kultur-MK\)](#), which began its work on 1 January 2019. The Conference of Ministers of Culture deals with matters of cultural policy of supra-regional importance with the aim of forming a common opinion, as well as representing common concerns vis-à-vis the Federal Government. The first chairman is Hamburg's Senator for Culture and the Media, Carsten Brosda, and the chairmanship rotates according to the rotation model of the Minister-Presidents' Conference.

### 1.2.4. LOCAL AUTHORITIES

The responsibility for cultural policy at local level has been passed on from the federal states (Länder) to the municipalities. There is no specific legal basis for the competence on cultural policy of the municipalities. They are generally anchored in Article 28, Paragraph II of the Basic Law and are regulated in the various state constitutions in municipal and district laws.

On the municipal level, cultural affairs fall, in most cases, under the responsibility of specific Cultural Commissioners (Kulturdezernenten) with their own administrative structures. They are responsible for programmes, public cultural institutions such as local theatres, libraries, museums or music schools, etc. Municipal and county councils have their own cultural affairs committees.

The local authorities have joined together in 3 local authority umbrella organisations: the German Association of Towns and Cities (3,600 municipalities), the German Association of Towns and Municipalities (for district municipalities and towns - 13,000 small and medium-sized municipalities) and the German Association of Counties (295 counties). They represent the interests of the administrative districts, towns and municipalities vis-à-vis other political actors. Although they do not have a qualified right to be heard or a legislative right of co-determination according to Article 28 of the Basic Law, some federal states have guaranteed them participation in legislative procedures. All municipal umbrella organisations have cultural committees (in the case of the Association of Towns and Municipalities in combination with the departments of schools and sport).

A legally regulated general financial equalisation system between municipalities and districts exists in all federal states (Länder). In addition to the general financial allocations, half of the federal states also have earmarked allocations for cultural tasks, especially for theatre funding, and in some cases also for museums, libraries and music schools. The *Act on the Cultural Areas in the Freistaat of Saxony* is one important example of particular importance here. It was initially passed in 1993 for a period of 10 years, after which it was extended for a limited period. In 2008, the limitation on the Act was lifted. It is provided with a budget of at least 86.7 million EUR. These are allocated to the 5 rural and 3 urban cultural areas for the promotion of cultural institutions and cultural activities of regional and supra-regional importance. In 2011/2012 it was last amended and the financing of the Saxony State Theatre (Landesbühne Sachsen), until then a task of the Free State, was integrated into the Cultural Areas Act.

### 1.2.5. MAIN NON-GOVERNMENTAL ACTORS

In addition to government bodies and actors, there is a host of actors involved in supporting different forms of cultural work and cultural programmes such as: radio and television broadcasters, business-sector institutions, various groups in society (churches, unions, and associations), civic organisations and initiatives, clubs and private individuals.

This extensive network of intermediaries between the state and the culture scene complements public-sector activity and is indispensable for a vibrant and progressive cultural life in Germany. Pluralism of sponsors and vehicles of culture is a structural and important element of the system which is also indicated in the Constitution and the laws governing Germany's cultural sector. The various forms of commercial cultural activities likewise play an important role in the nation's cultural life.

As a rule, there is no organised form of co-operation or coordination of cultural activities between "the state" and this diverse network of non-governmental actors. There are, however, more and more instances where public cultural affairs administrations at the Federal, Land and local level are cooperating with intermediaries (arms-length bodies) in order to implement their support programmes or to generate sponsorship for cultural institutions.

In Germany there is a National Network for Civil Society (Bundesnetzwerk Bürgerschaftliches Engagement BBE), linking organisations and associations from the third sector (non-profit organisations) and civil society, from business and work life and federal and community institutions. It was founded by the National Council of the International Year of Volunteers (IYV 2001) in 2002. Meanwhile, the BBE has 270 member organisations representing millions of members. The BBE promotes civic involvement in all social areas and forms (e.g., in social work and health care, sports, cultural activities, the environment, education and academic life, politics and business).

In the cultural (political) field there are numerous nationwide associations as strong actors of civil society.

The Association for Cultural Policy ([Kulturpolitische Gesellschaft](#)) and the German Cultural Council ([Deutscher Kulturrat](#)) are to be emphasized as cross-divisional associations. The Association of Cultural Policy is a network of around 1,500 people and organisations interested and committed to cultural policy, including in the fields of cultural policy and administration, cultural practice, science, art, cultural education and training, socio-culture and journalism. It is committed to a publicly responsible, democratic cultural policy that is actively shaped at all

political levels, which ensures cultural diversity and artistic freedom and enables as many people as possible to have access to art and culture. The German Cultural Council is the umbrella organisation of the federal cultural associations. It is supported by eight sections (Music, Performing Arts and Dance, Literature, Visual Arts, Monument Culture, Design, Media, Sociocultural and Cultural Education), which are divided according to professional aspects and are in turn made up of a total of 258 federal associations. Its aim is to introduce cross-disciplinary issues into the cultural policy debate at all levels throughout Germany.

In addition, there are a number of sector-specific cultural associations, such as German Library Association (Deutscher Bibliotheksverband), Federal Association of Visual Artists (Bundesverband der Bildenden Künstlerinnen und Künstler), Federal Association for Cultural Child and Youth Education (Bundesvereinigung Kultureller Kinder- und Jugendbildung), Federal Association of Youth Art Schools and Cultural Pedagogical Institutions (Bundesverband der Jugendkunstschulen und Kulturpädagogischer Einrichtungen), Federal Association of Liberal Performing Arts (Bundesverband Freier Darstellender Künste), Federal Association of Socio-Cultural Centres (Bundesvereinigung Soziokultureller Zentren), German Stage Association (Deutscher Bühnenverein), German Museums Association (Deutscher Museumsbund).

In addition, there are other associations of actors from the economy, churches, trade unions, etc.

#### 1.2.6. TRANSVERSAL CO-OPERATION

There is no official body in charge of coordinating cultural policy initiatives, programmes and measures undertaken by all levels of government. The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) acts as a platform for co-operation and exchange among the federal states (Länder). Co-operation platforms also exist at the municipal level through local authority associations such as the German Association of Cities, the German Association of Towns and Municipalities, and the Association of German Counties. These associations have created specialised divisions and cultural affairs committees to address specific topics which may also be relevant at the level of the federal states (Länder) and Federal levels (Bund). The sub-committees prepare recommendations which are submitted to the respective local authorities for consideration.

The office of the Federal Government Commissioner for Cultural and Media Affairs (BKM) cooperates with the KMK on specific subjects as needed. Regular communication takes place on a working level. Representatives of the BKM regularly attend meetings of the KMK's Committee for European and International Affairs and the Film Committee of the federal states (Länder).

Consultation and coordination of cultural policy between the federal states (Länder) and their municipalities is handled in a number of ways. In addition to bilateral contacts between the relevant ministry and individual municipalities, consultations take place between the ministry and the local authority associations on issues of significance for the Land as a whole. In several municipalities, specific offices have been created to facilitate supraregional cooperation. In other municipalities this type of cooperation is accomplished by Regional Conferences on Cultural Affairs.

The various levels of government have rather different approaches to the systematic integration of culture into other policy areas and to strategic planning. However, dwindling resources at all governmental levels have encouraged greater inter-ministerial coordination in terms of the definition of goals and the use of resources.

Within the general process of intensifying transversal debates across different policy areas, several working groups have been set up. An example is the "culture and integration" working group which was set up within the office of the BKM, with members drawn from the federal government, the government of the federal states and municipalities, plus representatives of non-governmental organisations, as well as the inter-ministerial federal State- Working Group EUBAM (EUropäische Angelegenheiten für Bibliotheken, Archive, Museen und Denkmalpflege / European Affairs for libraries, archives, museums and monument preservation). The group brings together representatives of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK), the federal and federal state ministries, the German Research Foundation (DFG) and experts from libraries, archives, museums and monument preservation.

## 1.3. Cultural institutions

### 1.3.1. OVERVIEW OF CULTURAL INSTITUTIONS

Over the past few years, the Federal Government, the federal states (Länder) and the municipalities have increasingly relinquished direct responsibility for running cultural facilities and programmes. This organisational restructuring of the cultural sector is not only strongly advocated by the state but also favoured by representatives of the business sector and groups in society, provided it does not involve an abdication of the state from its responsibility to ensure financing.

Institutional reforms now reflect a growing preference for new sponsorship models while at the same time demanding that the public sector maintains its responsibility to ensure funding. Two strategies should be distinguished in this context:

- the partial liberation of cultural institutions from the confines of budgetary and public service law and from municipal and other administrative structures through choice of another legal form such as a limited liability company or a foundation. The assumption that such change of legal form would result in a reduction of public funding, however, has thus far proved incorrect; and
- the transfer of tasks (such as allocation of public resources and maintenance of facilities) to institutions in civil society (generally foundations and associations). This strategy of cooperating with intermediary organisations is particularly prevalent at the federal and Land levels.

Irrespective of these trends, which certainly reflect an increasingly widespread acknowledgement of the important role of civil society or third sector actors, the fact remains that most municipal cultural institutions are still integrated into and bound by the structures and hierarchies of public administration. The transfer of public sector responsibilities to private sponsors in the cultural sector began in Germany as early as the 19th century. Prominent national and internationally renowned cultural institutes such as the Bach Archives in Leipzig, the Beethoven House in Bonn, the Archives of German Literature in Marbach, the Goethe Museum in Frankfurt am Main, the Weimar Classics Foundation in Weimar, and the National Museum of German Art and Culture in Nuremberg are privately run but receive public funding from all three levels of government. Many of these institutions belong to the Working Group of Independent Cultural Institutes (ASKI).

### 1.3.2. DATA ON SELECTED PUBLIC AND PRIVATE CULTURAL INSTITUTIONS

*Table 1: Cultural institutions, by sector and domain*

Domain	Cultural institutions (subdomains)	Total		Public sector		Private sector		Mixed ownership	
		Number (year)	Trend last 5 years (In %)	Number (year)	Trend last 5 years (In %)	Number (year)	Trend last 5 years (In %)	Number (year)	Trend last 5 years (In %)
Cultural heritage	Cultural heritage sites (recognised)	About 1 million (2018)*	nda #	nda #		nda #		nda #	
Museums	Museum institutions	6,771 (2017)**	+ 6.5 %**	3,479 (2017)**	+ 1.5 %**	3,033 (2017)**	+ 12.6 %**	259 (2017)**	+ 18.8 %**
Visual arts	exhibition halls	477 (2017)**	+0	nda #		nda #		nda #	
	art galleries	340 (2019)***	nda #	nda #		nda #		nda #	
Archives	Archive institutions	nda #		Federal archives: 25 locations; Federal state archives: 58 locations (2016) ****	nda #	nda #		nda #	
Performing arts	Theaters			142 with 807 locations (2018) *****	+0				
	orchestras ##	128 (2018) *****	-1.5%						
Libraries	Libraries	Public 7,240 / Scientific 249 (2018) *****	Public – 8.1 %; Scientific – 4.4 %*****						
Audio-visual	Cinemas	1,662 venues / 4,849 auditoriums (2018)*****	Venues:: + 2.1 % / Auditoriums:: + 5.2% *****	nda #		nda #		nda #	
Interdisciplinary	Socio-cultural centres / cultural houses	728 (2019) *****	nda #	nda #		nda #		nda #	
Other	Music schools		929 (2017) *****		340 (2016) *****				
	Art Schools	400 (2019) *****	nda #						

Sources:

\* [Statistische Ämter des Bundes und der Länder \(2018\)](#): Spartenbericht Baukultur, Denkmalschutz, Denkmalpflege, Wiesbaden: Eigenverlag

\*\* [Institut für Museumsforschung \(2018\)](#): [Statistische Gesamterhebung an den Museen der Bundesrepublik Deutschland für das Jahr 2017](#), Berlin: Selbstverlag und [Institut für Museumsforschung \(2018\)](#): [Statistische Gesamterhebung an den Museen der Bundesrepublik Deutschland für das Jahr 2012](#), Berlin: Selbstverlag and own calculations

\*\*\* Bundesverband Deutscher Galerien und Kunsthändler: this is the number of members of the association

\*\*\*\* [Statistische Ämter des Bundes und der Länder \(2017\)](#): Museen, Bibliotheken, Archive, Wiesbaden: Eigenverlag

\*\*\*\*\* [Deutsche Bibliotheksstatistik 2018](#), Deutsche Bibliothekstatistik 2013 and own calculations

\*\*\*\*\* [Filmförderungsanstalt 2018](#)

\*\*\*\*\* Bundesamt für Statistik (2020): Spartenbericht Soziokultur und Kulturelle Bildung, Wiesbaden: Eigenverlag

\*\*\*\*\* Bundesverband der Jugendkunstschulen und kulturpädagogischer Einrichtungen

# nda = no data available

# # *Orchestra: This is the total number of independent cultural orchestras, cultural orchestras integrated into the theatre and broadcast orchestras*

### 1.3.3. PUBLIC CULTURAL INSTITUTIONS: TRENDS AND STRATEGIES

In recent years, numerous types and models for partnerships between public cultural institutions and private firms emerged in Germany. However, most cultural institutions, including the largest ones, are still exclusively state-run. Permanent co-operation and co-financing arrangements have been reached mainly for smaller institutions at local level, i.e. between local businesses and the respective municipal administration. There are now more and more examples of institutionalised cooperation in the realisation and maintenance of larger institutions such as the Pinakothek der Moderne in Munich and the NRW-Forum Kultur und Wirtschaft in Düsseldorf, of which the federal states (Länder), the municipalities and private firms / patrons are permanent sponsors.

The wealth of vibrant cultural institutions in all of Germany's regions – a number of which are renowned throughout Europe – is a product of German history. Following each profound societal change (in 1918, in 1945 and – in eastern Germany – in 1990), the federal states (Länder) and the municipalities reaffirmed their responsibility for theatres, orchestras and museums.

While the most important public theatres and museums still enjoy fairly stable means of public support, the increasingly severe financial problems of the federal states (Länder) and the municipalities have prompted, in recent years, an ongoing nationwide debate on a reform of public cultural institutions– as well as of wage and salary scales at theatres and orchestras (whose levels are sometimes overestimated in public debates).

## 1.4. International cooperation

### 1.4.1. PUBLIC ACTORS AND CULTURAL DIPLOMACY

Article 32 (1) of the Constitution states: "Relations with foreign states shall be conducted by the Federal

Government". Following from this *Article*, the Federal authorities and Parliament are responsible for foreign cultural policy.

Nevertheless, the structures of the cultural relation and education policy reflect the social diversity and independence of the actors: "The Federal Government creates the framework conditions for cultural and educational work abroad through strategic guidelines and give commissions intermediary organisations the task to implement them. The cultural mediators (such as the Goethe-Institute, the German Academic Exchange Service (DAAD), the Institute for Foreign Cultural Relations (ifa), the Alexander von Humboldt Foundation (AvH) and the German Commission for UNESCO (DUK)) and partner organisations design their programmes and projects largely under their own responsibility and thus enjoy a higher degree of independence and freedom than in state-organised models. The German missions abroad, provide coordinating support on the ground, thus strengthening the coherence of the various partners."<sup>[1]</sup>

Within the Federal Government different ministries are involved: The political guidelines establishing the priorities for foreign cultural policy are formulated and coordinated by the Federal Foreign Office (Auswärtiges Amt). The Federal Government Commissioner for Cultural and Media Affairs (Bundesbeauftragte für Kultur und Medien) is responsible for a number of important fields, for example foreign broadcasting services or the restitution of art works ("looted art"). Also the Federal Ministry of Education and Research (BMBF) is an stakeholder within the cultural relation and education policy. Other federal ministries as the Ministry for Economic Co-operation and Development (BMZ), the Federal Ministry for Families, Senior Citizens, Women and Youth (BMFSFJ), the Federal Ministry for Economic Affairs and Energy (BMWi), the Federal Ministry of Food and Agriculture (BMEL), the Federal Ministry of Interior, Building and Community (BMI) are also active in foreign cultural policy, although to a much lesser extent than the Federal Foreign Office (AA) and the Federal Government Commissioner for Cultural and Media Affairs (BKM).

There has been a Committee or Sub-Committee for External Cultural Policy in the German Federal Parliament (Deutscher Bundestag) intermittently since 1969. Currently, it is a subcommittee of the Committee on Foreign Affairs. Furthermore, in the 1970s the German Federal Parliament had a Commission of Inquiry on Foreign Cultural Policy.

The most important areas of foreign cultural relations and educational policy (AKBP) as third pillar of foreign policy besides the political and economic relationships are cross border co-operation in education and science, international cultural dialogue, promotion of the German language abroad, and exchanges in the fields of art, music and literature.

With its Coalition Agreement 2018, the Federal Government has strengthened the importance and tasks of the AKBP and given it new priorities. "In the face of shrinking places for civil society worldwide, nationalism and isolation, and a competition of narratives in which fact-based information and communication are sometimes openly questioned, the Federal Government is making its contribution to peace and stability through the AKBP as an integral part of German foreign policy. As part of European integration, the AKBP communicates our values, creates and protects access to culture and education across geographical, social and cultural borders and defends the freedom of art, science and opinion"<sup>[2]</sup>. The German Bundestag has given the AKBP both new political impetus and increased financial support.

In the 22nd report of the Federal Government on the AKBP *Strengthening Europe, protecting open spaces*,

*promoting innovation*<sup>[3]</sup>, the following priorities are listed for the period 2018: Working for freedom of art and science worldwide, cooperation with civil society, further development of strategic communication, strengthening Europe, support for the creative industries and digital initiatives within the framework of the AKBP, especially in Africa, commitment to transatlantic relations.

In 2018, the expenditures of AKBP amounted to 1 877 million EUR, around half of these amounts (56.6%) accounted for the AKBP household (budget) of the Federal Foreign Office.

The relevant bodies of the federal states (Länder) cooperate closely with the Federal Government in the field of foreign cultural policy. Municipalities and civil society groups are actively involved in cultural work abroad.

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<sup>[1]</sup> 22. *Bericht der Bundesregierung zur Auswärtigen Kultur- und Bildungspolitik für das Jahr 2018*, p. 9 (translation: Ulrike Blumenreich).

<sup>[2]</sup> *Ibid.*, p. 6.

<sup>[3]</sup> *Ibid.*

#### 1.4.2. EUROPEAN / INTERNATIONAL ACTORS AND PROGRAMMES

International co-operation in the cultural sphere is taking on increasing significance. In February 2007, the Federal German Parliament passed the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and, simultaneously, the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (UNESCO-Übereinkommen zum Kulturgüterschutz) (see also chapter 4.2.2). Germany acceded to the UNESCO Convention on Intangible Cultural Heritage in 2013, with the instrument of acceptance deposited with UNESCO in Paris on 10 April 2013 and the Convention entering into force for Germany in July 2013.

Europe-wide co-operation in the cultural sector has developed since 1992 on the basis of Article 151 of the Treaty on the Foundation of the European Community continued by Article 128 of the Maastricht Treaty and finally by Article 167 of the Lisbon Treaty. Member states work together on passing a common legal framework, such as the *Directive 96/100/EC on the return of cultural objects unlawfully removed from the territory of a member state* and by specific programmes such as Creative Europe (2014-2020). The programme Creative Europe consisting of the sub-programmes, CULTURE and MEDIA, supports the co-operation among the member states themselves, as well as member states and third countries. The general objective of Creative Europe is, besides the promotion of cultural and linguistic diversity, especially the strengthening of the competitiveness of the cultural and creative sectors. A total of EUR 1.46 billion is available for the current term. The sub-programme CULTURE will receive 31% of the total amount.

As for all EU programmes, the new programme period (2021-27) will begin in 2021. The continuation of Creative Europe was already announced by the European Commission in May 2018, according to which both sub-programmes are to remain in place. In the CULTURE sub-programme, the existing funding areas are to remain in place and, according to the Commission proposal, be supplemented by further sector-specific funding for music, cultural heritage, architecture, mobility, design and fashion, and cultural tourism. The financial allocation

of the programme is currently being negotiated in the course of the negotiations on the EU's multiannual financial framework. The respective national contact points (Creative Europe Desks) will provide information on EU funding. For information on the CULTURE sub-programme, the CED CULTURE office in Bonn will provide information. Four regional desks (Potsdam / Berlin, Düsseldorf, Hamburg and Munich) provide advice on MEDIA.

A special measure financed by the EU cultural funding programme is the initiative European Capital of Culture. After Berlin (1988) and Weimar (1999), Essen (RUHR.2010), representing the Ruhr region, was the third German city to be chosen as European Capital of Culture in 2010. According to a regular interval determined in 2014, Germany will host the next European Capital of Culture in 2025 (together with Slovenia). The German pre-selection will be made via a multi-stage process conducted by the federal states (Länder), the Federal Foreign Office (Auswärtiges Amt) and the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (Kultusministerkonferenz). On 12.12.2019 the shortlist consisting of 5 cities was announced with Magdeburg, Hannover, Nürnberg, Chemnitz and Hildesheim. The final decision will be made in autumn 2020.

There are, however, other EU funding programmes beyond Creative Europe for which cultural operators can apply. Further details can be found on the website <http://www.europafoerdert-kultur.info>. This also includes, for example, the programme Europe for Citizens. The German contact point in Bonn provides information and advises German applicants during the application process. Likewise, the EU Framework Programme for Research and Innovation Horizon 2020 (2014-2020) includes several sections where culture appears as an European cross-cutting issue. The Institute for Foreign Cultural Relations (ifa) has set up its own research programme Culture Relations and Foreign Policy, in which experts conduct research on questions of foreign cultural relation and educational policy (AKBP), especially in the thematic priorities: Europe, terms of dispute within the AKBP, civil society, cultural education internationally and art and cultural exchange.<sup>[1]</sup>

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<sup>[1]</sup> Current publications are e.g.: Weigel, Sigrid (2019): *Transnationale Auswärtige Kulturpolitik – Jenseits der Nationalkultur*; Blumenreich, Ulrike / Löding, Ole (2017): *Synergien auswärtiger Kulturpolitik im Inland am Beispiel von Kommunen*.

### 1.4.3. NGO'S AND DIRECT PROFESSIONAL COOPERATION

In addition to the longstanding international town twinning arrangements, communities in all the federal states (Länder) have entered into bilateral or multilateral regional partnerships with comparable territorial communities or authorities of other countries, primarily – but not exclusively – in Europe. This cross-border cultural exchange is particularly lively in the so-called "Euregios" (26 European regions are involved including Germany), e.g. EuRegioSaar-Lor-Lux-Rhein, Euregio Egrensis, Euroregion Erzgebirge e. V., Euroregion Elbe-Labe, and the Euroregion Spree-Neiße-Bober). Since the 1970s, many private actors, professional organisations (e.g. of theatres, museums or libraries) and informal networks have started to develop their own international relations and exchange programmes. The Foreign Office is not directly involved in funding such programmes but allocates the major part of its funds to the mediators of foreign cultural policy such as the Goethe Institute and the Institute for Foreign Relations ifa. The Goethe Institute promotes the study of German abroad and encourages international cultural exchange through cultural events and festivals for film, dance, music, theatre, exhibitions, literature and translation. Additionally, the Foreign Office supports the German Academic Exchange Service

(DAAD), the funding organisation for the international exchange of students and scientists, e.g. the Artists in Berlin programme which awards grants to foreign artists, in visual arts, literature, and music, to work in Berlin for one year.

Furthermore, the Federal Foreign Office (AA) supports major cultural projects with considerable impact on foreign cultural policy. Besides artistic quality, major emphasis is put on regional prioritisation, sustainability as well as partner-like cooperation with institutions and prominent individuals in the host country. Yet another significant field of work is the support of cultural projects from developing countries or the participation of artists from these countries in cultural events in Germany. Particularly important in this context is the House of the Cultures of the World (Haus der Kulturen der Welt), which also receives grants from the Foreign Office for jointly organised programmes which include concerts, readings, exhibitions and symposia.

## 2. Current cultural affairs

### 2.1. Key developments

The collapse of the system in Eastern Europe and the unification of Germany in 1989/90 produced new cultural tasks, both within the Federal Republic of Germany and in its relations with European neighbours. The difficult financial situation of all public funds has been a determining factor in cultural policy discussions on the municipal and federal state(Länder)level since the mid-1990s, and increasingly so since the turn of the century.

In the past ten years, discussions and actions (on the part of both public and private actors) have focused on:

- support for culture institutions in the new capital city Berlin;
- Enquete-Commission "Culture of Germany";
- passing of new laws in the fields of copyright and taxation for foundations as well as re-enforcing social insurance provisions for self-employed artists;
- cultural education;
- cultural industries;
- repatriation of unlawfully seized cultural assets;
- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
- design of the cultural infrastructure;
- concept-based cultural policy in the federal states (Länder);
- Transatlantic Trade and Investment Partnership (TTIP);
- sale of art objects owned by the federal states;
- Humboldt Forum;
- provenance research;
- culture and climate / sustainability;
- culture and home(land).

The [current priorities](#) of the Federal Government Commissioner for Culture and the Media are women in culture and media - asserting equal opportunities, cultural education and integration, art in exile, dealing with cultural assets from colonial contexts and film promotion.

#### Capital Culture

During the 1990s, the Federal German Parliament (Deutscher Bundestag), the Council made up of representatives from the 16 federal states (Länder) (Bundesrat) and the Bundesregierung (Federal Government) all moved to Germany's new capital city Berlin. The transfer of power from Bonn (former capital) to Berlin underscored the national cultural significance of the new capital and led to a growing commitment on the part of the Federal government to support cultural life in the city. In 2001, the Capital Cultural Contract was concluded between the federal government and Berlin, in which the takeover of Berlin institutions by the federal government was agreed (e.g. Haus der Kulturen der Welt, Akademie der Künste, Deutsche Kinemathek, Berliner Festspiele) and the stipulation of an annual 10 million EUR subsidy to the Capital Cultural Fund. The most recent version of the Capital of Culture Treaty came into force on January 1st 2018. It contains the increase of the resources for the Capital Cultural Fund to 15 million EUR annually.

## Streamlining and optimising cultural funding Commission of Enquiry "Culture in Germany"

The 2007 final report of the Commission of Enquiry "Culture in Germany", set up by the Federal German Parliament (Deutscher Bundestag), resulted in many debates about cultural policy at the federal level in subsequent years. Eleven members of the Bundestag and eleven experts in cultural policy had produced a [comprehensive report](#), which runs to more than 500 pages, based on numerous expert reports, opinions and hearings. Along with a status description of the arts, of support for culture and of the position of artists in Germany, the report contains over 400 recommendations for improving cultural support and the legal framework for the various cultural fields and the various stakeholders in cultural policy. In 2017 - on the occasion of the 10th anniversary of the publication of the final report - a cultural policy debate took place on the status of the implementation of the recommendations for action.

### Legal regulations

Since 1998, the Federal Government has launched legal reforms in the area of *Foundation Law* (especially with regard to taxation), *Copyright Law* and the *Law Governing Social Insurance for Artists*. In summer and autumn 2006, a *Draft Bill for New Regulations on Copyright Law*, submitted by the Federal Government, caused a great deal of debate with respect to payments to artists. It has enacted legislation to safeguard the system of fixed book prices and has extended support to the film sector under the *Federal Film Promotion Act*.

In 2006, the Federal Government agreed on a new measure of support for the film industry, which came into effect at the beginning of 2007. In November 2008, the German Bundestag ratified the amendment to the *Film Support Act*. The sixth amendment to the *Film Support Act* was adopted in the summer of 2010, the seventh amendment to the *Film Support Act* was introduced in summer 2014.

The Federal Government has broadened the scope of support for: research on German culture and history in Eastern and Central Europe under section 96 of the *Federal Expellees Act*; and memorials commemorating the victims of dictatorship.

In 2009 and 2010, the public debate on *Copyright Law* enlarged and intensified due to the new possibilities of digital production and reproduction, not limited to music. A flat rate on culture was debated, but rejected by the parties of the governing coalition. The ancillary copyright for publishers, an act to amend the copyright law, entered into force in March 2013. In April 2019 - after two and a half years of intensive discussion - the Copyright Directive was adopted, in which the copyright regulations were adapted for the digital market. The ancillary copyright law for press publishers and the copyright responsibility of platforms were particularly discussed.

Recently, in some federal states (Länder) specific acts on libraries came into force, in September 2008 in Thuringia and two years later in Saxony-Anhalt and Hessen. In Rhineland-Palatinate, a library law was adopted in 2014, in Schleswig-Holstein the state cabinet agreed on adopting a draft law concerning libraries in November 2015. For the first time, in December 2014, North Rhine-Westphalia implemented a culture law on a federal state level (Landeskulturgesetz) – a law which does not only concern a certain cultural field but the entire cultural sector. The discussion about those and other acts supporting culture also reached the parliaments of some other federal states (Länder) (see also chapter 4.2).

In January 2015, the protection law regarding the social insurance provisions for self-employed artists (Künstlersozialabgabengesetz) came into force. In Autumn 2015, the draft law concerning the

amendments of the *Act to Protect Cultural Property against Removal* was adopted by the Federal Cabinet (see also chapter 4.1.6). Furthermore, the Federal Ministry of Justice and Consumer Protection presented a draft bill regarding an *Act to Enhance the Enforcement of the Authors and Artists' claim to adequate Remuneration* and the Federal Cabinet adopted the draft of a *Collecting Societies Act*.

## UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions

The process to develop the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions as an international legal instrument has been supported by the [German Commission for UNESCO](#) with active support from civil society actors, the German Bundestag and the Federal Government Commissioner for Culture and the Media. The initiative was paramount in raising awareness of the inherent dangers to public support for culture which could arise from WTO international trade agreements (e. g. GATS) or the EU Services Directive. The Federal Government of Germany signed the convention in September 2006. The German Parliament passed the convention on February 1st 2007. Germany provided its first report on the implementation of the convention in April 2012. It was created under the auspices of the relevant ministries, the Conference of the Ministers of Education and Cultural Affairs of the Länder (KMK), the German Association of Cities and the German Commission for UNESCO.

The German Commission formed a Coalition for Cultural Diversity involving civil society in 2004 to verbalise the German position on the Convention. This coalition, made up of experts from culture, associations, political parties, the economy, municipalities, public institutions, research and journalism, accompanied the UNESCO Convention. The coalition provided, among other things, a White Paper in December 2009 with recommendations for cultural policy in Germany and Europe regarding the implementation of the Convention. Furthermore, in 2010 the publication *Mapping Cultural Diversity* was presented which included good-practice examples from around the world regarding the implementation of the Convention as one of the projects of the U40- Programme Cultural Diversity 2030.

In February 2018, the UNESCO commissions of Austria, Germany, Switzerland and Luxembourg presented the UNESCO World Report 2018 *KULTURPOLITIK NEU GESTALTEN - Promoting creativity, advancing developments in cultural policy*. The series of World Reports accompanies the implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions of UNESCO with monitoring. It shows in concrete terms how this implementation process contributes to achieving the sustainable development goals of the United Nations' Agenda 2030 (Sustainable Development Goals, SDGs). It offers recommendations for future policy-making, which also address necessary cultural policy adjustments to the rapidly changing digital environment, taking into account human rights and fundamental freedoms.

## Design of the cultural infrastructure – the Kulturinfarkt (infarkt of culture)?

In March 2012 four renowned authors from cultural administration and cultural management – Armin Klein, Pius Knüsel, Stephan Opitz und Dieter Haselbach – published the book *Kulturinfarkt. Too much of everything and the same everywhere (Kulturinfarkt. Von allem zu viel und überall das Gleiche)*. They plead for a radical restructuring of cultural policy and propose to halve the existing cultural infrastructure and to redistribute savings. This publication has gained a lot of publicity, created many – often very emotional – debates and initiated several events and further publications.

## Concept based cultural policy in the federal states

Several federal states have gained attention for their new cultural policy structures and programmes over the last years. Most of the 16 states have concrete initiatives for a more concept-based and systematic cultural policy. For this, they use different elements: Saxony-Anhalt carried out a cultural convention that presented its findings in February 2013, and Brandenburg presented its *Cultural Policy Strategy 2012* in September 2012. Lower Saxony started working on a concept for culture development in 2011. Thuringia published a culture concept at the end of 2012. Following Bavaria, North Rhine-Westphalia, Saxony and Lower Saxony and Schleswig-Holstein, Berlin presented a culture (funding) report in 2012. Given the topicality of the issue, the Kulturpolitische Gesellschaft organised a nationwide congress on concept-based cultural policy in June 2013 with approximately 500 participants.

## Transatlantic Trade and Investment Partnership (TTIP)

At the G8 summit in Ireland in June 2013, the countries involved decided on the implementation of a free trade agreement (Transatlantic Trade and Investment Partnership TTIP) between Europe and the USA, aiming on strengthening the economy of the transatlantic alliance. At an early stage, the German Cultural Council (Deutscher Kulturrat) already pointed out the impact of TTIP on the cultural sector and requested an exception for the domains of culture and media.

Central points of criticism uttered by many stakeholders from the cultural field, and from nature conservation and environmental protection – besides the lack of transparency during the negotiations – concerned the equal treatment of cultural and regular economic goods, since it does not take into account satisfactorily the dual nature of the concept of culture, as outlined in the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Therefore, critics fear restrictions to cultural diversity. Other concerns are the planned investment protection, the implementation of arbitration courts and certainly the fear of German cultural funding being misinterpreted as a restriction to free trade.

In July 2014, the European citizens' initiative Stop TTIP was founded. Its 150 stakeholders from 18 European countries also included German associations such as the German Cultural Council (Deutscher Kulturrat) and other associations for environmental and consumer protection. This citizens' initiative was rejected by the European Commission. After that, the initiative appealed to the European Court of Justice against the rejection. The association, now comprising 250 organisations, launched a petition/signature campaign in autumn 2014 which was handed over to the Commission President in December and contained over 1 million signatures. The World Day for Cultural Diversity (May 21st) was transformed into the Day against TTIP in 2015. On 10 October 2015, a large-scale Stop TTIP - demonstration took place in Berlin and assembled more than 250 000 protesters. Since 2013, there have been various opinions within the cabinet concerning TTIP. Therefore, in October 2015, the Federal Chancellor Angela Merkel clarified in a position paper that the government committed to advocate a treaty "that will not contain regulations which could entail restrictions to the diversity of culture and media in Germany". In May 2017, the European Court of Justice ruled on the European Citizens' Initiative case and declared the Commission's decision rejecting the registration of the proposed European Citizens' Initiative. The self-organised citizens' initiative, which was founded in response to the rejection of the official European Citizens' Initiative, collected 3.2 million signatures against TTIP and CETA between October 2014 and October 2015 and achieved a quorum in 23 Member States.

## Sale of art objects owned by the federal states

The auction of two paintings by Andy Warhol from the holding of WestSpiel (a casino operator) in 2014 has initiated a debate on the sale of art objects owned by the federal states. The owner of the casino is the federal state North Rhine-Westphalia. Due to changes within the gaming market, the state-owned casino operator found itself in a difficult financial situation and aimed on rehabilitating those casinos which were making a loss by selling the Warhol paintings. The Federal Government Commissioner for Culture and the Media (BKM) criticised the sale of art objects "to plug holes in the budget". The discussion rose up again when it came to be known that Portigon as the legal successor of the WestLB (federal state bank) was planning to sell its art collection (its focus lies on artists from North Rhine-Westphalia since 1960, inter alia Joseph Beuys). After a subsequently held round-table discussion, the intended sale was not realised.

## Humboldt-Forum

In June 2013, Federal President Gauck set the foundation stone for the reconstruction of the Schloss Berlin, the former residence of the Prussian Kings. Upon completion in 2019, the collections of non-European art and culture of Berlin's museums (such as the Ethnological Museum and the Museum of Asian Arts) shall be presented there under the name Humboldt Forum. The topping out ceremony was celebrated in June 2015.

In 2002, an international commission of experts had already submitted an utilisation concept for the Stadtschloss (City Palace) and recommended to install a Humboldt Forum – as a place for dialogue between the world cultures in the center of the capital city – also in conjunction with the collections of European Art on the Museum Island. The Humboldt Forum was and is the subject of numerous debates, some of them very emotional, including questions of location (including the demolition of the Palace of the Republic of the GDR, provenance, self-dramatisation, spatial separation from the European ethnological collections, cost increases<sup>[1]</sup>, etc.). Following postponements of the opening, the Humboldt Forum is now scheduled to open its doors in 2020.

## Provenance research /repatriation of unlawfully seized cultural assets

Since the fall of the Iron Curtain, the international discussions concerning the repatriation of cultural assets that have been taken unlawfully from their owners during World War II led to concrete restitution of artworks. The Federal Government (Foreign Office, Federal Government Commissioner for Culture and the Media) – in coordination with the Federal States (Länder) – negotiates with many European neighbours. The Consultative Committee in conjunction with the restitution of Nazi-confiscated cultural assets, especially from Jewish collections, is working since 2003 and serves as mediator if problems occur in the course of restitution claims. Members of the committee are scientists and prominent personalities. In autumn 2006, a far-reaching debate started about the restitution of artworks caused by the returning of a famous painting by Ernst Ludwig Kirchner that was handed out to the heirs of the former owner by the Berlin Government. It was claimed that the former owner was forced to sell it in the 1930s. Subsequently, a number of similar cases became known. Museums intensified the research as to the origin of their artworks (provenance research), supported by special funds. On federal level, an office for provenance research was established at the Institute for Museum Research of the Foundation of Prussian Cultural Heritage in the beginning of 2003 to support museums in their research concerning Nazi-confiscated cultural assets.

In November 2013, the debate about restitution and returning unlawfully removed cultural assets once again arose by the announcement of the discovery of artworks in Schwabing comprising more than 1 400 works, that the police found in the apartment of Cornelius Gurlitt, son of the art dealer Hildebrand Gurlitt. In the same month a Task Force for creating transparency and intensifying the provenance research was established by the Bavarian Ministry of Justice (Bayerisches Justizministerium), the Bavarian State Ministry for Education and Cultural Affairs (Bayerisches Kultusministerium), the Federal Ministry of Finance (Bundesfinanzministerium) and the Federal Government Commissioner for Cultural and Media Affairs (BKM). Furthermore, artworks under the suspect of having been unlawfully seized were published on the platform of the central coordination office Magdeburg (Koordinierungsstelle Magdeburg).

In January 2015, the German Lost Art Foundation (Deutsches Zentrum Kulturgutverluste) was established as an institution of the Federal Government (Bund), the Federal States (Länder) and the municipalities (Kommunen). The central coordination office for lost cultural property, the office for provenance research, the temporary Task Force Schwabinger Kulturfund and the office of the Limbach-Commission are united under its roof in Magdeburg. The new institution focuses thematically on Nazi "looted art" as well as the loss of cultural assets under Soviet occupation and in the GDR. Chairman of the board of foundation is the Federal Government Commissioner for Culture and the Media. In its second term of office, the Federal Government Commissioner for Cultural and Media Affairs (BKM) will continue to focus on expanding provenance research. In 2018, the BKM has developed a guideline for the handling of collected objects from colonial contexts. In July 2019, the Federal Office for Foreign Restitution became part of the BKM.

#### Culture and home(land)

In the last 2 years, the topic of home has received a lot of attention in cultural policy. It thus also addresses the different uses of the term in different political camps, but also deals intensively with the entanglements of homeland and culture. For example, as discussed during [the 10th Federal Congress of the Association of Cultural Policy \(Kulturpolitische Gesellschaft\)](#) in Berlin in June 2019: "Should cultural policy include "homeland" as a concept and target category in its programmatic portfolio? Can cultural policy be homeland policy in so far as it is concerned with reaching people who are concerned about their homeland and supporting those who are looking for a home in their search for a home? Which concept of home could provide orientation in this context?" The German Cultural Council (Deutscher Kulturrat) has also put this topic on the agenda, for example as a priority topic in "politik und kultur", in statements and a series of events lasting several years together with the Federation for the Environment and Nature Conservation of Germany (BUND).

#### Culture and climate / culture and sustainability

For some years now, the issue of sustainability in culture has gained importance in the cultural policy discourse. In this context, an ecological deficit in cultural policy is deplored, and a new understanding of nature-related culture and sustainability is demanded as a key objective of cultural policy action. At the federal level, a Council for Sustainable Development and a Sustainability Culture Fund have been established. The Federal States (Länder) and local authorities are beginning to develop concepts, as are cultural institutions. The German Cultural Council (Deutscher Kulturrat) has launched a campaign to network the sustainability discourse between the environmental and cultural sectors, and the Institute for Cultural Policy is working intensively on the subject as part of a research project (see also chapter 2.8).

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<sup>[1]</sup> In November 2019, the cost estimate was increased to EUR 650 million.

## 2.2. Cultural rights and ethics

The normative framework of cultural rights and ethics is laid down in the *Basic Law* (constitution). Articles 1 to 19 set out the fundamental rights. These include the right to the free development of personality (Article 2), equal rights for men and women (Article 3), freedom of belief (Article 4), freedom of assembly (Article 8) and freedom of association (Article 9).

Article 5 includes freedom of expression in speech, writing and pictures (para. 1), freedom of the press (para. 1), the rejection of censorship (para. 1), and freedom of art, science, research and teaching (para.3). The guarantee of artistic freedom of the *Basic Law* (Article 5 para. 3) establishes the artistic autonomy and the right of self-administration of cultural institutions and organisations, and their protection from directives and regulations of the state on content. As an objective value decision for the freedom of art, it is also understood as a mandate to the state to actively promote and support it.

There is no national objective for culture in the *Basic Law*, although there have been various initiatives to include a new article 20b "The state protects and promotes culture", which, however, was not able to prevail. Following a debate among politicians involved in cultural, sports and legal affairs, the inclusion of a national objective for culture in the *Basic Law* remains controversial.

## 2.3. Role of artists and cultural professionals

Economic and social situation of the artists

As early as 1975, the German government had presented a report on the social situation of artists in Germany. As a reaction, the legislator affirmed that artists and publicists were particularly in need of protection and passed the *Artists' Social Security Act*. Since then, this artists' social insurance has become a central instrument for supporting the social situation of artists and publicists by creating access to statutory health, nursing and pension insurance. In 1999, the Budget Committee of the German Parliament asked the Federal Government to submit another report on the social situation of artists and the draft amendment to the KSVG. The Federal Government responded to this request with a 55-page report.

The social situation of artists has become a major theme in recent years. Various studies have been published, such as *Zur wirtschaftlichen und sozialen Lage in den Kulturberufen* (German Cultural Council 2013) and *Zur wirtschaftlichen und sozialen Lage der Bildenden Künstlerinnen* (BBK 2016). The Cultural Committee of the German Parliament also held a specialist discussion on this topic in 2017, with the aim of improving the framework conditions for the exercise of artistic-creative professions.

In 2013, the international movement "Art but fair" was launched, whose aim is to achieve fair working conditions and appropriate fees in the performing arts and music. The organisation consists of three mutually coordinated non-profit associations in Germany, Austria and Switzerland. The movement aims to raise awareness of the issue by, among other things, publishing studies like *Fair working conditions in the performing arts and music?*

(2016) and developing and implementing a certificate (quality seal) for cultural institutions.

### Artistic freedom

Artistic freedom, as a fundamental right that serves to protect artistic forms of expression, is anchored in Germany in Article 5 (3) of the *Basic Law*. There it is one of the most protected fundamental rights in the German catalogue of fundamental rights.

In the last two years, there has been an increasing discussion in Germany about the freedom of art. One concrete occasion was the cancellation of the concert of the punk band left-wing Feine Sahne Fischfilet at the Bauhaus in Dessau in November 2018. The director's argumentation was that the design and architecture school, as a UNESCO world cultural heritage site, should not become a venue for political agitation and aggression. The Bauhaus board feared in particular the demonstrations in front of the Bauhaus, which had already been announced by right-wing groups. Numerous actors from politics, cultural practice, the feature pages and civil society took a stand against this decision, including the former director of the Bauhaus, who interpreted the cancellation of the concert as damaging democracy and cultural life in Germany. The band's concert was finally realised at another venue in Dessau.

The discussion of artistic freedom was also prompted by demands by the AfD not to make public funds available for "primarily politically motivated" art and culture, which they represent in party programmes and state parliaments. However, various actors from cultural policy and cultural practice also warn against restricting the freedom of art through "excessive political correctness".

As part of the celebrations for the 70th anniversary of the *Basic Law* in May 2019, a series of events and media reports also took place on the subject of artistic freedom.

The issue of artistic freedom is at the heart of the Arts Rights Justice programme, which is based at the UNESCO Chair Cultural Policy for the Arts in Development at the University of Hildesheim. From 2017 to 2019, the project examined the persecution of artists and the threat to artistic freedom internationally, offered documents in the form of an online library, organised exchange forums and initiated advocacy activities.

### Promoting the mobility of artists

Numerous intermediary organisations (including the Goethe-Institut) and associations have set themselves the goal of supporting the mobility of artists. The interests of visual artists are represented by the International Society of Fine Arts (IGBK), for example, with the information portal "touring-artists", which contains a wealth of information for mobile visual and performing artists on visas, customs, taxes, social security, etc., and with numerous projects and events on mobility and international exchange.

## 2.4. Digital policy and developments

Since 2009, the Federal Government Commissioner for Culture and Media Affairs, together with two games associations, award a prize for an educationally valuable German Computer game (endowed with 385 000 EUR sponsored by the games associations).

In 2011, the computer games museum in Berlin opened a new permanent exhibition. [A beta-version of the German Digital Library \(Deutsche Digitale Bibliothek\)](#) was launched in November 2012. This portal is the basis to bring all German cultural and science organisations and their digital components together and integrate them in the European digital library Europeana. On March 31st in 2013, the first full version was activated. The German Digital Library provides access to Germany's cultural heritage in digital form. This includes digital collections and indexing information from libraries, archives, museums, cultural heritage offices and media libraries as well as universities and other research institutions. The contents of the German Digital Library include digital representations and derivatives of books, documents, paintings, statues, installations and monuments, all the way through to films and music. Currently it includes 18.3 million objects.

After an Enquete Commission on "Internet and digital society" was working during the 17th legislative period (2009-2013), the German Parliament decided in February 2014 to install a German Parliaments Commission "Digital Agenda". This is the first time that the German Parliament has a permanent formal parliamentary body that focuses on current issues regarding net politics. In August 2014, the Federal Government presented a "Digital Agenda" which aims to enable all people to participate on the chances of the digitalisation and to set framework conditions for living, learning, working and economising in the digital world. The "Digital Agenda" provides guidelines and combines measures on 7 key areas, among them "V: education, science, research, culture and media". In March 2015, Dieter Gorny was appointed as representative for creativity and digital economy.

## 2.5. Cultural diversity

### 2.5.1. NATIONAL / INTERNATIONAL INTERCULTURAL DIALOGUE

#### Cultural diversity in general

Cultural diversity has become increasingly important in Germany in recent years. This can be seen in a variety of publications<sup>[1]</sup>, studies<sup>[2]</sup>, programmes<sup>[3]</sup>, events and projects by cultural institutions<sup>[4]</sup> on this topic. In 2013, a separate institution on diversity was established in North Rhine-Westphalia - the Zukunfts-akademie NRW as a centre for diversity in art, culture and cultural education – which, however, ceased to work due to the end of funding in late 2019, with the dossiers and handouts created remaining as a store of knowledge on [the academy's internet platform](#). Other important players in this area are the Federal Foreign Office, the UNESCO Commission, the Federal Cultural Foundation – regional actors are also increasingly dealing with cultural diversity..

A change from interculture to transculture<sup>[5]</sup> or diversity can also be seen in the discussion of terms in recent years.

In June 2017, the initiative [DIE VIELEN \(THE MANY\)](#) was launched. Its goal is “to promote international attitudes, tolerance in all areas of culture and international understanding, and the promotion of popular education. THE MANY wants to strengthen communication and opportunities for action among artists, ensembles and actors in the performing and visual arts. This applies in particular to artists for whom theatre and art provide means to work on a society that is composed of people of all skin colours and gender variations, sexual orientations, needs and abilities, from religious and not religious.” The initiative has launched a *Declaration of the Many*, which has now been signed as a declaration in numerous municipalities and federal states by more than 2,500 cultural

institutions as a signal for an open society against racism, discrimination and national authoritarianism.

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<sup>[1]</sup> See, for example, the contributions in [the handbook for cultural education](#).

<sup>[2]</sup> For example, Mandel, Birgit (2013): *Intercultural Audience Development. Future strategies for publicly funded cultural institutions*, Bielefeld: Transcript.

<sup>[3]</sup> For example, the programme Living Diversity - Shaping Society by the Bertelsmann Foundation.

<sup>[4]</sup> For example, the development of concepts for the diversity-oriented opening of different cultural institutions.

<sup>[5]</sup> A brief introduction to transculture is provided by [the brochure of the same name](#).

## National / international intercultural dialogue

The intercultural dialogue in Germany relates both to conversations within the country (with groups of the population who have a migration background) and those at the international level. In the global context, the most important actors and programmes in Germany are those of foreign cultural policy (see chapter 1.4.): in particular the Goethe Institute, the Institute for Cultural Exchange, (ifa) the House of World Cultures (Haus der Kulturen der Welt), the Federal Foreign Office (AA) and the German UNESCO Commission (DUK). In recent years, debates on the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions have been the focus of the activities of the DUK, which involved a broad alliance of political and social actors (see chapter 1.4.2).

Many cultural institutions of various forms in cities and towns have committed themselves to intercultural dialogue and developed numerous programmes and activities. These activities often link intercultural dialogue with people who have a migration background and live in Germany, with global cultural dialogue, for example intercultural theatre, music and film festivals or the Carnival of Cultures, a parade of different ethnic and cultural groups on the streets of e.g. Berlin, Bielefeld or Frankfurt.

In the last years, the government, especially the Federal Foreign Office (AA), has been setting up some programmes to support trans-national intercultural dialogue. Worth mentioning is the programme "kulturweit" by the German Commission for UNESCO in cooperation with the Federal Foreign Office. Since 2009, this international cultural volunteer service for young adults offers the opportunity to become active in the foreign cultural and educational policy of the Federal Foreign Office for six to twelve months. The places of assignment are situated in developing countries in Africa, Asia and Latin America as well as in Middle and Eastern Europe. The goal of the programme is to strengthen intercultural competencies of young adults but also to contribute to a higher visibility of foreign cultural relations and education policy. "kulturweit" is organised by the German Commission for UNESCO and is realised through its partner organisations in the Foreign Cultural and Educational Policy domiciled in Germany.

In addition, the institutions mentioned in chapter 1.4 are also active in this area. Another important actor is the [Federal Cultural Foundation](#) (Bundeskulturstiftung), with many programmes and projects on cross-border

intercultural dialogue, for example the Initiative Fellowship International Museum and the 2012 established programme TURN – Funds for German-African Cooperation.

Some private foundations are very engaged as well, such as the Mercator Foundation with its centre for International Affairs and the current thematic cluster on integration or the Bosch Foundation with projects on international understanding. Twelve German foundations, including the Allianz Culture Foundation, the Bertelsmann Foundation and the Volkswagen Foundation, have formed the group Engaged Europeans (Engagierte Europäer), which aims to deepen European integration with several projects. But also regional actors are increasingly active in this field.

The Intercultural Council (Interkultureller Rat) was founded in 1994, bringing together people from different backgrounds and nationalities as well as different societal groups such as labour unions, employers' associations, religious groups, migrant and human rights organisations, municipalities and government branches, representatives from the media, science and sport. The Council initiated round tables and discussion forums and developed and tested pilot projects.

In 2003, the second federal cultural-political congress of the Association for Cultural Policy (Kulturpolitische Gesellschaft) took place in Berlin on the subject of "inter.kultur.politik".

In 2005, an intercultural network Ratschlag Interkultur was established, engaging individuals and institutions. It is coordinated by the Association for Cultural Policy (Kulturpolitische Gesellschaft) and works together with the Commission of UNESCO in Germany. The main projects of the initiative since 2006 are the federal conferences held biennially and the expert symposiums to discuss theoretical and practical issues. In the autumn of 2012, the 4th nationwide conference Diversity: Realities, Concepts, Visions was held in Hamburg. The title emphasises that recently the "diversity approach" has gained more and more significance over the "intercultural approach". The 5<sup>th</sup> conference 2014 in Mannheim had the title Moving Homelands (Heimaten bewegen), the 6<sup>th</sup> conference 2017 in Braunschweig Land in Sight. Intercultural visions for today and tomorrow ([Land in Sicht. Interkulturelle Visionen für heute und morgen](#)).

The first German Islam Conference took place in 2006. It is a dialogue forum between representatives of the German state and Muslims in Germany. The aim of the long-term dialogue is to promote cooperation and social cohesion. In its first phase from 2006 to 2009, the forum primarily negotiated fundamental questions and developed the legal framework. In its second phase from 2010 to 2013, it was about their implementation and the anchoring of the German Islam Conference in society. In doing so, the conference devoted itself to three thematic complexes: the establishment of an institutionalised cooperation between the state and Muslims, to live gender equality as a common value and the prevention of extremism, radicalisation and social polarisation. The focus of the third period (2014-2017) was strengthening Islamic welfare and social participation, as well as practicing religion and participating in religious law. In [its fourth phase](#), the Islam Conference has repositioned itself: it no longer meets in fixed forums and formats, "but sees itself as the framework and stage for a dialogue and exchange by and with Muslims on the overarching question of how an Islam can and looks like in, from and for Germany". It will have a practical, flexible and open-topic structure.

Since 2009, the Institute for International Relations (ifa) has been awarding the Intercultural Film Award. The award honours films that deal with issues of international understanding, peacekeeping and intercultural dialogue in a particularly substantive and aesthetic manner, and films that generally do not have a distribution

in Germany and are therefore often publicly inaccessible in Germany.

The Academy of the Arts of the World was founded in Cologne in 2011 to promote intercultural dialogue within the arts. It gathers well-known artists, musicians, dancers, theorists, authors, curators and other cultural actors from all over the world and from all fields who, as an artist society, determine and shape the programme of the academy.

In January 2019, the Federal Cabinet decided to appoint a commission for integration capability, of which the members are proposed by the Federal Ministry of the Interior, Building and Community, the Federal Ministry of Labour and Social Affairs and the Federal Government Commissioner for Migration, Refugees and Integration. The aim of the commission is to describe the economic, labour market, social and demographic framework conditions for integration and to propose standards for how these can be improved. To this end, the commission will submit a report in 2020 and present its recommendations.

Annually on May 21st, Germany celebrates the World Day of Cultural Diversity. In May 2017, the Initiative for Cultural Integration published fifteen theses on the role of culture in living together in a plural, cosmopolitan society.

## 2.5.2. DIVERSITY EDUCATION

Intercultural education is not an official component of general school education. Nevertheless, it does play a part in teaching practice as a cross-disciplinary principle. There is furthermore a growing sensitivity in schools to this issue and, in addition to some regulations for bilingual teaching, there are many projects that use art to address intercultural questions arising in schools.

Intercultural education, in breadth, is carried on primarily by educational institutions (kindergartens, schools, further education establishments). The topic is, however, also gaining importance for cultural policy. Cultural institutions themselves take the initiative on this issue and seek co-operation with schools.

In practice, intercultural programmes are mostly carried out at municipal level, mainly in the larger cities. At the state level, systematic initiatives so far exist only in North Rhine-Westphalia and to some extent in the city states of Hamburg, Berlin and Bremen. At the federal level, in addition to the provision of funding by the Federal Cultural Foundation (Kulturstiftung des Bundes), programmes to counteract xenophobia and right-wing extremism should be mentioned.

The normative framework is defined by the human rights articles established in the *Basic Law* (Constitution). The focus is on the recognition of difference, development of tolerance, the ability to engage in intercultural dialogue, information about the cultural traditions and values of people of other religions, and the rejection of racism and violence. In the educational institutions' understanding of their role, the command of the German language as "lingua franca" is of crucial importance, in this respect.

Many art and music schools incorporate other cultural traditions and contexts in their work. Art schools for young people, for example, take the immigrant background of their participants as a theme and reach them by artistic means. Music schools have courses which promote the teaching of instruments originating in other cultures (e.g. the Turkish longnecked lute). Conceptually, however, interculturalism as a part of the general school curricula has only just begun.

Many intercultural programmes and activities aim to promote an understanding of other cultural traditions and ways of life, to increase knowledge about basic human and civil rights and to develop humanitarian and democratic values. In this respect, intercultural and democratic skills are mutually dependent.

As part of the increased political efforts to develop practical measures for cultural integration, particular attention will be paid to intercultural education. Concrete stipulations are proposed in several educational plans for the pre-school sector and for primary schools in the individual Federal States (Länder). The German Cultural Council (Deutscher Kulturrat) has also published the cultural policy paper *Intercultural Education – A Chance for our Society*.

### 2.5.3. MEDIA PLURALISM AND CONTENT DIVERSITY

It is only in recent years that the media became a greater focus of public cultural policy. Only film funding was previously considered to be an object of this policy area. It is administered by the Federal Government and the Federal States (Länder) in order to promote film as a cultural asset and to support the national cultural industry.

#### Anchoring freedom of opinion in Article 5 of the Basic Law

Article 5 of the Constitution of the Federal Republic of Germany stipulates that everyone has the right "to freely express and disseminate his or her opinion in word, writing and pictures and to obtain information from generally accessible sources without hindrance. Freedom of the press and freedom of reporting by means of broadcasts and films are guaranteed. There shall be no censorship."

#### The dual broadcasting system

Television and radio programmes in Germany are produced and broadcasted by both public service broadcasters and private companies. This so-called "dual broadcasting system" was emphasised by the Federal Constitutional Court in its 4th broadcasting decision on radio and television of November 1986. Public service broadcasting in Germany is of particular significance due to its obligation to fulfil the educational mandate and guarantee the independent basic supply of information, education, advice and entertainment; its programmes have to contribute particularly to culture. Private broadcasting, on the other hand, is therefore permissible with a lower basic standard of diversity, since public service broadcasting assumes the task of providing basic services.

#### The Interstate Broadcasting Agreement and its amendments

The objective of the Interstate Broadcasting Agreement ("Rundfunkstaatsvertrag", 1.RStV 1987, 18th amendment of 2016) is to establish a set of rules concerning public service broadcasting and private broadcasting.

Of particular importance was the 12th Amendment to the Interstate Broadcasting Treaty (2009) with new regulations for the admissibility of the broadcasters' content on the internet. According to these regulations, public broadcasters may no longer make their programmes and accompanying information available for retrieval after the broadcast, as a rule after 7 days. Offerings going beyond this are permitted for longer if they are included in the broadcaster's tele media concept and have passed the so-called three-step test. These include, for example, documentaries and information programmes (duration of offer: 12 months), cultural

programmes (up to 5 years) and programmes with cultural history content (unlimited). The 15th Amendment to the Interstate Broadcasting Treaty, which came into force in 2013, brought about a paradigm shift with regard to broadcasting financing: the budget levy was introduced, according to which broadcasting fees were no longer charged per device but per household<sup>[1]</sup>. In the 19th Amendment to the Interstate Broadcasting Treaty, which came into force in 2016, ARD and ZDF commissioned an online youth service.

On May 1st 2019, the 22nd Amendment to the Interstate Broadcasting Treaty came into force, which reorganises the tele media remit of the public service broadcasters: online offerings are to focus on moving images and sound in order to differentiate themselves from the offerings of press publishers, while at the same time being given more leeway in terms of the duration of their provision.

On December 5th 2019, the Minister Presidents of the Federal States adopted the draft for an Interstate Media Treaty, thus replacing the Interstate Broadcasting Treaty. In future, the Interstate Media Treaty will also apply to so-called media platforms, intermediaries and user interfaces. The text has to be notified to the European Commission and ratified by the federal state parliaments and is expected to come into force in autumn 2020.

### Diversity in radio broadcasting

The Interstate Broadcasting Agreement ("Rundfunkstaatsvertrag" of 31 August 1991, 18th amendment of 2016) determines in § 11 that in their programme offers, the public service broadcasting "shall provide a comprehensive overview of international, European, national and regional events in all major areas of life" in order to "promote international understanding, European integration and the social cohesion on the federal and state levels". According to § 6 of the Interstate Broadcasting Agreement (18th amendment of 2016), "television broadcasters shall reserve the greater part of total time scheduled for the transmission of feature films, television plays, series, documentaries and comparable productions for European works in accordance with European law". There are nevertheless no official quotas to which the broadcasters must adhere. Culture and media policy in the Federal Republic of Germany has thus far reflected the view that the imposition of quotas – also in regard to certain groups – is an unsuitable instrument for the promotion of European films and television productions.

### Culture channels on radio and television

The German television landscape comprises several stations, which mainly focus on cultural content. In the initial period, the third channels in particular showed characteristics of cultural programmes. The development of own cultural channels started in the mid-1980s, such as 3sat (1984), ARTE (1992) or ZDFkultur (2011), which emerged from ZDFtheaterkanal. ZDFkultur existed until 2016; in February 2019 ZDFkultur was revived as a digital offering in the ZDF Media Library. The brand bundles the cultural content of ZDF, 3sat and arte. The German radio has as well channels specialised on cultural programmes, for example hr2 Kultur (1950), WDR 3 (1964), Deutschlandradio Kultur (1994), SR 2 KulturRadio (1995), SWR2 (1998), kulturradio (2003, previously RADIOkultur since 1997), ARTE radio (2002) or NDRkultur (2003). COSMO (until 2016: Funkhaus Europa), one of the international German radio channels, has recently started to transmit the Refugee Radio at certain times of the day, a special service in English and Arabic, providing news concerning the current situation in Germany and the political discussion

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<sup>[1]</sup> In July 2018, the Federal Constitutional Court confirmed the constitutionality of the broadcasting contribution in principle. However, it objected to the double payment for second homes and called on the legislator to adapt the current regulations by June 2020.

#### 2.5.4. LANGUAGE

German is the official language in the Federal Republic of Germany and the language used in schools, the media and other forms of communication. Maintaining the German language is the task of all groups in society. Learning the German language is also an important prerequisite for the integration. Improvement of the language skills of immigrants and foreign residents is, therefore, a focus of integration efforts. In addition to programmes of the federal states (Länder) and the municipalities, the Federal Government itself supports their language acquisition with a variety of measures. A broad range of courses are also offered by the private sector.

Dialects of the German language are cultivated and promoted on a regional and local basis. The European Charter for Regional or Minority Languages entered into force in Germany on January 1st 1999. Under this Charter, *Niederdeutsch* is protected as a regional language, and funding is provided to further its use in the federal states (Länder) where it is spoken.

Minority languages that are protected benefit from funding provided by the Federal Government and the federal states (Länder) in which they are spoken. Languages of the minorities traditionally residing in Germany (i. e. autochthonous minorities) are protected under the Council of Europe Framework Convention for the Protection of National Minorities including: Danish, North Frisian, Sater Frisian, Upper and Lower Sorbian and the Romani spoken by German Sinti and Roma.

#### 2.5.5. GENDER

The issue of gender equality has received more attention in recent years. In June 2016, the study *Women in Culture and Media* by the German Cultural Council was published, which contains data on the proportion of women in the various branches of culture, on the radio, in training and in management positions, as well as the presentation of the legal instruments of the gender equality policy in Germany and recommendations for action.

The Federal Government Commissioner for Culture and the Media (BKM) has made gender justice in art, culture and the media one of the main concerns of its policy. In the coalition agreement, the government parties undertook to "further develop equality and gender equality in art, culture and the media". This applies to management positions, the appointment of juries and committees as well as decisions on grants or grants. The specific measures include the Round Table Women in Culture in the Media (2016) launched by the BKM, the establishment of a Women in Culture and the Media project office at the German Cultural Council (2017), the establishment of a mentoring programme for women (2018), the issuing of data reports (e.g. *How feminine is the cultural industry?*), the commissioning of further studies (e.g. *Women in Culture and Media: A European Comparison* (2017)), the family-friendly design of scholarships and prizes (e.g. in the Villa Massimo) and the establishment of an independent trust centre against sexual abuse and violence (2018).

Women artists have founded their own networks and associations to represent their interests and to exchange information. **GEDOK**, which was founded in 1926 as a community of German and Austrian artists' associations of

all art genres, is one of the cross-divisional associations. Its goal today is to present the work and achievements of artists through exhibitions, events, etc. and to improve the special life and work situation of artists. GEDOK is committed to gender-sensitive design of all areas of cultural life. Its instruments include awarding prizes and holding competitions. In addition, there are sector-specific networks such as the BücherFrauen (since 1990), the archive Frau und Musik (since 1979), Pro Quote Regie and Pro Quote Medien (since 2012).

The Gabriele Münter Prize should be highlighted in the price landscape at the federal level. It is awarded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in cooperation with the BBK, GEDOK and the Bonn Women's Museum. It is an art prize endowed with 20,000 EUR for the lifework of professional artists aged 40 and over.

Institutions for promoting equality have also been established at the state and local levels, such as the [NRW Women's Cultural Office](#), founded in 1991. Its aim is to make women more visible, through (among other things) the NRW Artists' Awards, scholarships, the implementation of further training and the publication of studies (e.g. on the participation of women in NRW: *Women in art and culture - Between new self-confidence and quota promotion*). The world's first women's museum was also founded in Bonn in 1981, and since its existence 3000 works by artists have been shown in more than 700 exhibitions. In the meantime, women's museums have also been opened in Berlin, Bremen and Wiesbaden. Also worth mentioning is the [International Women's Film Festival Dortmund Cologne](#). The festival emerged from the film festivals *Femme fatale* (Dortmund) and *Feminale* (Cologne) and was founded in the 1980s and, in addition to the annual international competition, focuses on networking for women of different branches of the film industry.

## 2.5.6. DISABILITY

In 2009, the United Nations ratified the UN Convention on the Rights of Persons with Disabilities. It is the first text with legal character that not only grants people with disabilities creative potential, but also the right to develop it.

At the federal level, in 1981 (the International Year of Disabled People) the Office of the Federal Government Commissioner for Matters Relating to Persons with Disabilities was established as the central contact for the Federal Government in all matters affecting people with disabilities and is assigned to the Federal Ministry of Labour and Social Affairs.

The umbrella organisation for representing the interests of artists with impairments in the German-speaking countries (Germany, Austria and Switzerland) was founded in 1989 with the [EUCREA Association for Art and Disabilities](#). It is committed to more diversity in the arts and culture area, develops model projects that should make visible how inclusion can take place in the art and culture business, sensitises artists, cultural institutions, politics and administration for the potential of artists with impairments, encourages cooperation and works on the further development of training opportunities and employment fields.

Since 2015, the BKM has been promoting the Network for Culture and Inclusion at the Remscheid Academy as a dialogue and specialist forum. The network enables the exchange of experiences and approaches from theory and practice, science and research, associations and politics. In 2018, the funding principles for the Placement and Integration programme were amended to support new strategic and methodological approaches in the area of inclusion as well as the transfer of successful projects to other institutions and sectors. In institutions

funded by the BKM on a permanent basis, donations are subject to the requirement that people with disabilities should also be able to participate. The BKM also funded the model project Art and Inclusion of the EUCREA Association for Art and Disabilities. The aim was to improve the work and training situation of artists with disabilities and their integration into the cultural scene. The CONNECT - Art in Process project, funded by the German Federal Cultural Foundation, is based on the ARTplus programme and is intended to transfer the model developed there to other cultural institutions. In the film sector, funding by the BKM is tied to the production of an accessible version. The Federal Film Board (Filmförderungsanstalt FFA) has also set up a round table, at which representatives of associations of people with disabilities define new standards for accessible cinemas with cinema operators, distributors and technology companies.

"Too often, however, artists and cultural audiences with disabilities are still left out. A lot has happened here in recent years, e.g. as far as accessibility in large museums and inclusive art education is concerned - but not enough. There is not only a lack of accessible cultural sites, but also of inclusive cultural and media offers, e.g. literature in simple or easy language. People with disabilities are still strongly underrepresented in the cultural sector as actors. In training and at work, the disability is often seen first, not the potential of the applicants." This is the view of the organisation Aktion Mensch, as published in the dossier [Inclusion in Culture and Media](#).

## 2.6. Culture and social inclusion

The Federal Republic of Germany ratified the Council of Europe's Framework Convention for the Protection of National Minorities. Under this Convention, which entered into force for Germany on February 1st 1998, the autochthonous (i. e. resident) minorities and ethnic groups with German nationality living in Germany are protected. These are the Danes, the North Frisians, the Sater Frisians, the Sorbs and the German Sinti and Roma. The Federal Government (Bund) and the Federal States (Länder) provide substantial funding to these groups. Preservation of the Sorb cultural and ethnic identity is guaranteed under an interstate agreement concluded between Land Brandenburg and the Freistaat of Saxony on August 28th 1998 (where traditionally the largest settlement of Sorbs is found).

The above groups are distinguished from immigrants and "Germans with an immigrant background". Whereas the above-mentioned indigenous minorities all consist of very small populations (e.g. the Sorbs numbering at most 60 000; Sinti and Roma approx. 70 000; Danish minority 8 – 50 000), immigrants and "Germans with an immigrant background" constitute a considerable proportion of the population living in Germany.

In 2014, about 16.4 million people in Germany had an immigrant background. This corresponded to a share of 20.3% of the total population, an increase of 3% compared to the previous year. Most of the persons with immigrant background had a German passport (56.0%), even in the group of immigrants the share was 46.1%. Compared to 2011 the number of persons with immigrant background has increased by a good 1.5 million people (+ 10.3%).

While Germans with an immigrant background have the same political rights as all other Germans, they still frequently suffer from discrimination in everyday life, at school, in seeking accommodation and in the workplace. Foreigners living in Germany are subject to a variety of regulations. Following the reform of the *Law Concerning Foreign Residents* (1990) and of *Citizenship* (2000), the *Immigration Law of 2005* was a third major political instrument on the way to acknowledge the Federal Republic as a country of immigration, resulting in an improvement of the situation for people from other cultures and countries living here. Binding regulations for

immigration and integration were established for the first time in Germany and were officially approved. This is an important development as many conservative politicians refused for a long time to acknowledge that Germany is a country of immigration. For some years, the integration of people of differing ethnic backgrounds, religious orientation and cultural traditions has been regarded not only as a central task of society but increasingly also as a significant challenge to cultural work and cultural policy. Meanwhile, a very diverse intercultural practice has evolved, but in this field there is still a considerable need for further development in many large cultural institutions such as theatres, museums and symphony orchestras. The same is true of cultural policy.

In a growing number of towns (for instance Stuttgart, Nuremberg, Dortmund, Essen, Osnabrück) and federal states (Länder) (for example North Rhine-Westphalia), interdepartmental inclusion concepts exist in which culture plays a significant role and that are equipped with suitable funds. Over the last years, there has been a discussion on the need for cultural policy to accord greater attention to the cultural interests and rights to participation and self-organisation of ethnic minorities.

Since 2006, the Federal Chancellor organised 10 integration summits in Berlin concerning, among other topics, cultural and cultural policy issues. The result of the first integration summit was an agreement to come up with a national plan for integration which was introduced for the first time in 2007. During the fifth integration summit in spring 2012, the National Action Plan for Integration was introduced which further developed the national plan for integration from 2007. Federal government and states agreed on goals for the first time, including the promotion of individual encouragement, to recognise the potential of children, youth and young adults, to improve the recognition of degrees obtained in other countries and to increase the number of people with a migration background in the public services on the federal and state level. During the sixth integration summit in spring 2013 an interim result of the national integration plan was drawn up. The focus was on the topics of work, employment market, qualification and language. The main topic of the eighth integration summit in November 2014 was health and care of the immigration society. The topic of the 9th integration summit in 2016 was participation, that of the 10th integration summit (2018) the cohesion of people with and without migration background.

In addition to the integration summits, a set of country wide conferences were held on intercultural dialogue and diversity, for example by the National Council for Cultural Diversity (Bundesweiter Ratschlag für Kulturelle Vielfalt). Another actor is the Council of Experts of German Foundations for Integration and Migration (Sachverständigenrat Deutscher Stiftungen für Integration und Migration), an independent, scientific body that adopts positions on integration and migration policy issues.

The body is made up of seven foundations: the Stiftung Mercator, Volkswagen Stiftung, Bertelsmann Stiftung, Freudenberg Stiftung, Bosch-Stiftung, Stifterverband für die deutsche Wissenschaft and Vodafone Stiftung Deutschland. In recent years, several documents were produced on integration and cultural diversity, such as *Cultural Diversity in the City Community* (German Association of Cities and Towns 2004); *Stuttgart's Impulse to Cultural Diversity* (2006); the *National Integration Plan* of the Federal Government (2007); the *Cologne Appeal* (German Association of Cities and Towns North Rhine-Westphalia 2008); *Intercultural Integration Report. Munich lives diversity* (City of Munich 2010); *Intercultural cultural activities* (Conference of the Ministers of Education and Cultural Affairs of the Länder (KMK) 2011); and the *National Action Plan Integration* (2012).

A study from May 2012 outlines the status of the municipal integration policy in Germany. Particular attention is

currently being paid to the importance of school and pre-school education for the mediation of intercultural expertise and the acceptance of cultural diversity. Concrete stipulations are suggested in several education plans for pre-schools and primary schools of the individual federal states (Länder). There are some special institutions and funding available to promote the art and culture of national and ethnic minorities for the purpose of intercultural exchange. Intercultural programmes are offered or sponsored inter alia by the federally funded House of World Cultures (Haus der Kulturen der Welt), by the federally endowed Sociocultural Fund and in the context of projects (such as the celebrations of foreign cultures) launched by individual federal states (Länder) and numerous municipalities.

In 2005, the Federal Commissioner for Migration, Refugees and Integration was housed organisationally within the Chancellery, enhancing significance to the Minister of State. Present officeholder is Annette Widmann-Mauz (CDU) since 2018. One of her tasks is to present a report on the situation of foreigners in Germany at least every two years.

In May 2015, the 10th report was presented with main focusses on education – from early childhood up to the course of studies – as well as training and employment market. It contains self-critical passages such as "the data situation shows that ... the step towards an immigration society is done too hesitant" and "that our educational system does not always manage to allow educational success according to their skills and potentials regardless of their social background". In December 2019, the 12th report was published: *Germany can integrate: promoting potential, demanding integration, strengthening cohesion*.

## 2.7. Societal impact of arts

The objectives of the new cultural policy in Germany largely reflect requirements and aims corresponding to the Council of Europe's definition of "social cohesion". In addition, they are of increasing importance with respect to equality of cultural opportunities, cultural diversity and intercultural dialogue. In this context, the 1999 integrated Action Programme of the Federal Government and federal states (Länder), which has been given the title Social Town (*Soziale Stadt*), is also of interest. Up to now 934 comprehensive measures in 533 cities and municipalities were admitted to the federal-state programme in order to counteract social and spatial division.

Concrete areas of activity include Urban District Culture (Stadtteilkultur), Social Activities and Social Infrastructure, as well as Different Social and Ethnic Groups Living Together. In 2014, the federal funds for the programme have been increased from 40 million EUR in 2013 to 150 million EUR. In 2017, the financial aid provided by the federal government for the Socially Integrative City funding programme was increased to 190 million EUR. The Federal Government also made the same amount available to the Länder in programme year 2018.

The positive impact that culture and the arts have on the process of cultural integration and social cohesion is increasingly being acknowledged. Only a few local or federal state (Länder) authorities, however, run concrete programmes and projects. Some federal states (Länder), such as North Rhine-Westphalia (NRW), have special funding programmes. Local authorities and public or private cultural institutions (like cultural centres) continue to be the main actors in this field. Beyond that, foundations become more and more active. The Federal Cultural Foundation (Shrinking Cities) and the Cultural Foundation of the federal states (Länder) (Kinder zum Olymp) may be highlighted in this aspect, both co-operating with civil society institutions. The cultural activities of the churches are growing in significance as well.

Exchange of experiences and best practices between actors and institutions (also online) helps to accelerate communication and adoption of new ideas and conceptions. Addressing audiences, especially those rather remote from the arts, is at the heart of projects that have a major concern with social cohesion. Programmes such as employing artists in public schools (e.g. with the project Cultural Operators for Creative Schools in Baden-Wuerttemberg, Hamburg, Berlin, North Rhine-Westphalia and Thuringia) or projects by theatres or orchestras working in social contexts, such as town districts, residential homes for elderly people, hospitals etc., are examples which are seen as both innovative and effective. There has been a certain revival of social and cultural ideas of the seventies and eighties, where cultural policy had a focus on the social impact of culture and arts as it is expressed with the term "Socio-culture" ("Soziokultur").

Themes linked to a value-based cultural policy are – among others – being discussed in the so-called "guiding culture" debate ("Leitkultur"-Debatte). This has an impact on the formation of public opinion. Themes like trust, respect, appreciation etc. play a major role here. Discussion, however, is only just starting. A debate, which is already more advanced, concerns topics like voluntary work, empowerment, participation, etc. Another focus of research and debate has been on the question of whether it is necessary to promote social cohesion even more than prescribed in the Constitution and laws of the country; the latter stating the values of society including the tradition of Christianity and Enlightenment.

## 2.8. Cultural sustainability

Since the turn of the century, the discussion about a sustainable and environmentally friendly cultural policy has been intensified in Germany. The ecological deficit of cultural policy is being deplored and a new understanding of nature-related culture is in demand. Sustainability, conservation of resources and deceleration are called forth as key objectives of cultural policy. This is exemplified by a project of the Institute for Cultural Policy of the Association for Cultural Policy (IfK), *The Importance of Culture as a Guiding Principle for Sustainable Development (2001/2002)*. In this context, the *Tutzinger Manifesto for Strengthening the Cultural-Aesthetic Dimension of Sustainability* was created in 2002.<sup>[1]</sup> The manifesto was supported by well-known actors from the cultural, environmental and scientific fields and has generated an enormous public response. Based on the recognised deficit that culture has so far played no role in international concepts and declarations on sustainable development, and with reference to the World Summit on Sustainable Development in Johannesburg in 2002, the manifesto called for Agenda 21 processes to be structurally opened up to the topic of culture and aesthetics.

However, the early processes of opinion formation – which were brought forward primarily by civil society actors – were followed by few concrete cultural policy actions. Only since climate change with its catastrophic consequences has dominated the headlines in the media, it has become increasingly clear that the old question about the limits of growth and the resulting constraints and necessary decisions are increasingly challenging for all policy areas, including cultural policy. There is now a growing call for federal, state and local cultural policy to meet the criteria of a sustainable and climate-friendly cultural policy. There are calls for cultural and environmental policy to be more closely interlinked. Furthermore, the debate on sustainability should be extended to include cultural topics. Specifically, there is a rising demand for programmes that enable cultural institutions to adapt to the climatic conditions that are expected to appear in the upcoming decades. Moreover, such programmes should provide incentives that encourage institutions to generate ideas for a change of direction and encourage them to communicate these new ideas proactively. The creation of sustainable equipment and a management of cultural infrastructure are regarded as further tasks to be tackled.

The message has also been getting through to official cultural policy makers for some time now. For example, in 2018 the Federal Government Commissioner for Culture and the Media, Professor Monika Grütters, declared: "We have a joint responsibility to leave a world worth living in to future generations. This is why I have long been advocating for more sustainable development and appropriate standards in our cultural institutions within the Federal Government." Specifically, the Federal Chancellery is providing the Council for Sustainable Development with approximately 7.5 million EUR until 2020 for the creation of a Sustainability Culture Fund "to support the transformation of our everyday culture"<sup>[2]</sup>.

The German Cultural Council (Deutscher Kulturrat), the umbrella organisation of German cultural associations, has also put the issue at the top of its agenda. With the support of the German Council for Sustainable Development and in cooperation with the German Environmental and Nature Conservation Association, it launched a campaign in September 2018 to build a bridge between the sustainability discourse in the natural and environmental sector and cultural policy debates. In contrast, the federal states are still rather reserved and the municipalities are only tentatively beginning to get ready for this major challenge. Concrete impulses, on the other hand, are coming from the cultural scene. For example, some theatres are making efforts to achieve CO2-free productions and the socio-cultural centres are, together with the German Council for Sustainable Development, developing a sector-specific sustainability code, which will allow them to convert their operations based on sustainable criteria.<sup>[3]</sup> (cf. Müller-Espey 2019)

Detailed findings on these new developments will be provided by a project of the Institute for Cultural Policy of the Association for Cultural Policy on the subject of Sustainable and climate-friendly cultural policy, which will start in 2020.

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<sup>[1]</sup> *Tutzinger Manifest* (2002), in: Kurt, Hildegard / Wagner, Bernd (Hrsg.), *Kultur – Kunst – Nachhaltigkeit. Die Bedeutung von Kultur für das Leitbild Nachhaltige Entwicklung*, Bonn / Essen: Kulturpolitische Gesellschaft e.V. / Klartext Verlag (Dokumentation 57), p. 265-267.

<sup>[2]</sup> Rauch, Matthias (2019): *Nachhaltigkeit als kulturpolitisches Ziel. Der Fonds Nachhaltigkeitskultur*, in: Kulturpolitische Mitteilungen Nr. 164, I/2019, p. 64-66.

<sup>[3]</sup> Müller-Espey, Christian (2019): "Ein Deutscher Nachhaltigkeitskodex für Kulturbetriebe? Soziokulturelle Zentren machen sich auf den Weg", in: *Forschungsfeld Kulturpolitik - Eine Kartierung von Theorie und Praxis, Festschrift für Wolfgang Schneider*, Hildesheim: Olms Verlag.

## 2.9. Other main cultural policy issues

*No information available.*

## 3. Cultural and creative sectors

### 3.1. Heritage

Heritage is a cultural policy priority at all levels of government and includes museums as well as the conservation of historic monuments and sites which bear witness to the country's cultural traditions. The federal states (Länder) and municipalities (Kommunen) are primarily responsible for cultural heritage issues and politics; however, the conservation of important national historic monuments is a main focus of cultural policy of the federal government too. The federal government supports the rescue and restoration of funded historical monuments through programmes such as Cultural Monuments of National Significance (National wertvolle Kulturdenkmäler). From 1950 to 2018, this programme provided 375 million EUR for conservation and restoration of about 680 cultural historic monuments. In 2007, the federal government launched a special investment programme worth 400 million EUR. Since 2007, the Federal Government Commissioner for Culture and the Media launched nine special programmes concerning cultural monument protection amounting to around 280 million EUR, besides other programmes concerning the conservation of historic monuments and sites.

Despite the still strained financial situation of many cultural budgets, several museums were built and opened over recent years, partly with public funding, partly with the support from private sponsors. A lot of money is still being spent on the renovation of existing cultural institutions, particularly opera houses and theatres. Particularly in recent years, the real costs of restoration proved to be considerably higher than originally planned, concerning e.g. Staatsoper Berlin (+130 million EUR), Elbphilharmonie Hamburg (+600 million EUR) – meanwhile parliamentary committees of inquiry are occupied with these two construction processes having submitted their reports in 2014 or 2015 – or the opera in Cologne (+240 million EUR). The importance of the conservation of historic monuments and sites lies not only in its preservation as cultural heritage but also in its economic significance for the construction industry, in particular specialised small and medium-size businesses. The protection of historic monuments is promoted through government sponsored public relations campaigns, e. g. the Day of the Monuments (for example in 2013 with the motto "Beyond the good and beautiful – inconvenient historic monuments?" and in 2019 "Modern(e): upheavals in art and architecture"). Germany's immaterial cultural heritage is continuously addressed and examined from a modern perspective in theatrical, musical and literary productions. Municipal and state sponsors of cultural institutions provide facilities for this purpose.

A public debate on the importance of immaterial and material cultural heritage in cultural policy has been going on for several years. It is usually fuelled by large scale projects and events of outstanding political significance in the Federal capital, e. g. the reconstruction of the Stadtschloss(former castle of the Emperor) or the reconstruction of the Museumsinsel in Berlin; both projects meanwhile received parliamentary approval and have partly been accomplished. The main issues continuously addressed in public debates are questions on *how many* and *which* monuments from the past the state should protect, reconstruct and maintain and by which measures. Cultural monument protection and policies which support the built cultural heritage are under growing pressure in the face of dwindling financial resources and difficulties to find appropriate and economically sound concepts for the use of reconstructed buildings. This also applies to some monuments of industrial culture included on the UNESCO World Heritage List, e.g. the Völklinger Hütte in the Saarland or Zeche Zollverein in Essen (North Rhine-Westphalia). Financial reasons are only one aspect of the problem;

another lies in the widened concept of culture that was developed in the 1970s and 1980s which included objects of everyday life as well as industrial culture – a concept which is no longer generally accepted. The reunification of Germany increased the number of objects worth protecting and reconstructing to an extent that makes the development of new evaluation criteria a necessity.

From 2015 to 2019, 7 more German cultural and natural sites were added to the UNESCO world heritage list, the Hamburger Speicherstadt and Kontorhausviertel with Chilehaus (2015), the architectonic oeuvre of Le Corbusier (2016), Caves and ice age art of the Swabian Alb (2017), Archaeological border complex Haithabu and Danewerk (2018), coal and steel region Erzgebirge / /Krusnohori (2019) and Augsburg Water Management System (2019). Now Germany is represented with 46 world heritage sites (43 cultural heritage sites and 3 natural heritage sites) on the list that records more than 1.000 cultural and natural sites. There are frequent discussions on whether objects of industrial spaces can be used in a meaningful and sustainable way by cultural projects because public funds are more and more insufficient to pay for their high maintenance costs. More fundamental cultural policy considerations regarding financial support to historic works of art and culture leaves little room for the support of contemporary living art, thus upsetting the balance between protection of heritage and support of contemporary creativity.

In July 2007, the Federal Commissioner for Culture and the Media (BKM) presented a Memorial Place Concept with the title *Notice Responsibility, Strengthen Refurbishment, Deepen Memories*. It relates to memorial places such as the former concentration camps on the one hand and, on the other, memorial places in memory of the GDR oppression. After a broad public debate about this, the Bundestag passed a revised plan in November 2008. According to this (among other things), memorials of national significance, that come to terms with the terror of the National Socialist regime and commemorate its victims, are being supported more strongly. In September 2015 a symposium for critical balancing of previous memorial work took place: *70 years later - Historical understanding and political-ethical orientation in memorial work in the 21st century* organised by the Federal Commissioner for Culture and the Media and the Federal Agency of civic education. Also in 2015 the expert-committee, which is advising the federal government regarding the allocation of funds of memorial places, argued for a pedagogical orientation of the German memorial work and furtherance of it. In May 2008 the Berlin Memorial to Homosexuals, which is near the Memorial of Jews Murdered under National Socialism, was handed over to the public. With this monument, the Federal Republic of Germany wants to honour persecuted and murdered homosexual victims, keep alive the memory of the injustice done to them, and maintain a permanent symbol against intolerance, hostility and discrimination towards gays and lesbians.

Within this framework, a great number of monuments and memorial places were set up. In 2010 for instance, after 20 years of planning and constructing, the documentation centre Topography of Terror (Topographie des Terrors) situated on a site of a former central institution of National Socialist persecution was opened. The first German monument for deserters was inaugurated in Cologne (September 2009). The Memorial Nürnberger Prozesse opened an exhibition with detailed data on the courtroom 600 at the venue of the Nürnberg Court of Justice in November 2010, one month before the study *The office and its past (Das Amt und seine Vergangenheit)* was presented by an independent Historical Committee established by the Federal Minister for Foreign Affairs. This study examined the role the Foreign Service played during the period of National Socialism and its deep involvement in the holocaust.

In 2011, a new documentation centre about the division of Germany was inaugurated at one of the most frequented border crossing points between East and West-Berlin (called the Palace of Tears). The memorial for

the Sinti and Roma that were murdered under National Socialism was designed by Dani Karavan and inaugurated by the Chancellor and the President in October 2012.

In April 2015, on the 70th anniversary of the Liberation of Munich, the National Socialism Documentation Center Munich – educational and memorial venue regarding the history of National Socialism (NS-Dokumentationszentrum München – Lern- und Erinnerungsort zur Geschichte des Nationalsozialismus) was opened.

In 2013, Germany joined the UNESCO Convention on the conservation of intangible cultural heritage. As a first step of implementation, a nationwide register of intangible cultural heritage was set up in 2013/2014. First entries were made in December 2014. As a result, in March 2015 Germany was able to submit proposals for the UNESCO lists that were previously withdrawn from this register.

In December 2019 Germany registered four entries on the UNESCO-list of intangible cultural heritage of mankind: idea & practice of cooperatives, organ building and music, falconry (in conjunction with 17 other states) and blue-printing (in conjunction with four other states). In March 2019 the multinational nominating of the German theatrical and orchestral landscape was submitted to the UNESCO. A decision referring to this is expected at the end of 2020.

In 2016 the BKM advertised a research programme about debates on the NS-past of ministries and central government agencies. Subsidies with the amount of four million EUR are allocated for the period of 2017 – 2020.

The cultural minister of state opened the European year of cultural heritage in Germany in 2018. From the BKM´s budget 38 projects and initiatives all around the European year of cultural heritage were financed with a total amount of 7.2 million EUR. The programme for this thematic year was coordinated by the German National Committee for the Protection of Historical Monuments (Deutsches Nationalkomitee für Denkmalschutz) and accompanied by further activities of federal states, communes and other stakeholders.

Germany celebrated the 30<sup>th</sup> anniversary of the fall of the Berlin Wall in November 2019. Due to this anniversary and other historical dates like the 70<sup>th</sup> anniversary of the Second World War, activities and programmes concerning heritage and memory were especially affected.

According to the 2018 evaluation of the Institute for museology (Institut für Museumskunde), 6,771 museums existed in 2017, arranged in different organising institutions: 51% are in public sponsorship (state-owned operators: 441; local administrative bodies: 2,596; other forms of public institutions: 442), 44.8% in private sponsorship (associations: 1,978; societies / collectives 323; trusts of private law: 246; individuals: 486) and 3.8% in hybrid forms of private and public (259).

Divided by field the museums for local and regional history, ethnographic and local museums build the largest of nine groups (43.3%). The part of cultural-historical museums represented 15.4%, the science / technical museums 12.5% and the art museums 10.6%.<sup>[1]</sup>

Of those 6,771 museums 4,831 reported their attendances, which made a total amount of 114.4 million visits. In relation to fields of historical and archaeological museums (18.6%), art museums (18.0%) and science / technical museums (15.6%) exhibited the highest amount of visits.

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<sup>[1]</sup> Institut für Museumsforschung (2018): *Statistische Gesamterhebung an den Museen der Bundesrepublik Deutschland für das Jahr 2017*, Berlin: Self-published.

## 3.2. Archives and libraries

According to the Conventions of UNESCO's Declaration on Archives, the central tasks of archives are on the one hand to conserve cultural heritage and to open and convey it to the public and on the other hand, to act as a pillar of constitutional democracy by documenting administrative action and by providing archived information to citizens, for administration purposes and for research. Germany's archive landscape is very varied. The Federal Archive (Bundesarchiv) is a self-reliant higher federal authority, which has the statutory obligation (*Federal Archive Act* – original version from January 1988, revised version in March 2017) to save the archive material as well as to utilise it scientifically. The retention period is generally 30 years (§ 11 para. 1.) If the archival material concerns natural persons, the term of protection ends at the earliest ten years after death, possibly also 100 years after birth or 60 years after the documents were created (§ 11 para. 2).

The archives divide themselves in: 1. Federal Archives; 2. Local Archives; 3. Ecclesiastical Archives; 4. Archives of families, noble families and houses; 5. Archives of business; 6. Archives of parliaments, political parties and associations; 7. Media Archives and 8. University Archives, archives of scientific institutions and other stakeholders.<sup>[1]</sup>

Reliable data only are available for the first group: Federal Archives including the Federal Archive (Bundesarchiv), the Political Archive of the Federal Foreign Office, the National Archive of Prussian Cultural Heritage (Geheimes Staatsarchiv Preußischer Kulturbesitz) (indirectly) and the Archive of the federal commissioner for Stasi-documents of former GDR (Archiv des Bundesbeauftragten für die Unterlagen des Staatssicherheitsdienstes der ehemaligen DDR). In 2016, a total of 339 thousand metres of written material was stored in the nine locations of the Federal Archives, as well as 12.6 million pictures, almost 2 million maps, plans and technical drawings and over 150 thousand film titles. A total of 5,900 visitors were counted on 37,000 user days in 2016. The state archives of the federal states archive material amounting to 1.4 million linear metres at 58 locations.<sup>[2]</sup>

A total of 5,900 visitors were counted on 37,000 user days in 2016. The state archives of the federal states archive material amounting to 1.4 million metres held in 58 locations.

Libraries guarantee the fulfilment of the constitutionally guaranteed basic right of all citizens "to inform themselves unhindered from generally accessible sources" (*Basic Law, Article 5, Para. 1.*) The most frequent subdivision of libraries is made into public libraries and academic libraries. Both are open to the public, whereby the academic libraries focus on the needs of academics and students.

The [German library statistics](#) showed 7,240 public libraries in 2018. If the branches are also added, the number increases to 8,652 public libraries. Of the 7,240 public libraries, 27.0% are under full-time management and 73.0% are run on a part-time or honorary basis. In terms of ownership, 48.1% are public funded (all regional authorities), 40.9% by the Catholic Church, 8.9% by the Protestant Church and 0.7% by other ownership. In 2018, public libraries had a media stock of 113 million, 89 million of which were in public libraries under full-time management and 24 million under voluntary management. 94 million media were held by public libraries. Public

libraries had a total of 120 million visits and 340 million borrowings in 2018. In 2018 there were 238 academic libraries, including 5 national or central specialist libraries, 25 regional libraries, 79 university libraries and 129 polytechnic libraries. Of these, 74 million physical loans were made.

Comparing the data from 2018 with those from 2013, it is obvious that the number of public libraries has fallen by 8.0% over the past 5 years, the number of visits has fallen by as much as 20% and the number of loans from public libraries has decreased by 10%. The number of academic libraries also decreased during this period: by 4.4%.

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<sup>[1]</sup> Statistisches Bundesamt (2017): *Spartenbericht Museen, Bibliotheken und Archive*, Wiesbaden: Self-published.

<sup>[2]</sup> See *ibid.*

### 3.3. Performing arts

Germany has a large and diverse theatre landscape - divided into 3 sectors. These include: the state and municipal theatres, commercially run musical and entertainment stages and a high density of independent theatres, dance companies and performance groups. There are historical reasons for the high density of theatres in Germany: before the founding of the nation state in 1871, there were a large number of city-states, small states and principalities, whose residence cities each maintained their own court and state theatres. In the 19th century, theatre became the central form of self-understanding for the emancipating bourgeoisie, and numerous municipal theatres were established. As early as the 1920s, new, open theatre forms emerged (certainly in an avoidance from bourgeois theatre aesthetics), in the 1960s these developments were taken up in the western federal states and numerous independent theatres were established.

The central actors at association level are the German Stage Association (Deutscher Bühnenverein), the Federal Association of Independent Performing Arts (Bundesverband der Freien Darstellende Künste) and the Association of German Amateur Theatres (Bund Deutscher Amateurtheater). The [German Stage Association](#) pursues the goal of "maintaining, promoting and cultivating the diversity of the theatre and orchestra landscape and its cultural offerings". It is an interest and employer association of (publicly funded) theatres and orchestras. The Federation Association of Independent Performing Arts is the umbrella organisation of the 16 regional associations and three associated associations and represents the interests of its more than 2,300 members on a national level. Whether theatres and dance houses, collectives or individual actors: In total, the [Federal Association of Independent Performing Arts](#) represents around 25,000 theatre and dance professionals in Germany. The Association of German Amateur Theatres, founded in 1892, represents the German amateur theatre. The basis of its cultural and educational activities is formed by some 2,400 amateur theatres, including more than 500 children's and youth groups and 75 senior citizens' ensembles.

The German Stage Association regularly publishes theatre statistics and workshop statistics. The theatre statistics provide an overview of the most important data of publicly funded and private theatres, orchestras and festival companies in Germany. Each individual company is presented with details of events and visitors, personnel, income and expenditure, and prices. The workshop statistics contain information on the plays of a season, including the number of performances, the frequency of productions and the number of visitors.

The most recent theatre statistics of the German Stage Association<sup>[1]</sup>, published in 2019, contains the data for the 2017/2018 season. All in all 142 state theatres, municipal theatres and regional stages as well as 128 orchestras (including theatre orchestras), 199 private theatres and 85 festivals reported their income and expenditure, personnel data, attendance figures and events in 2017/2018. There were a total of 65,356 performances. Including publicly funded theatres, festivals, private theatres, independent symphony orchestras and radio orchestras, around 34.7 million spectators (previous year approx. 35.5 million) visited the venues in 2017/2018.

The Federal Association of Independent Performing Arts also regularly presents the results of its member survey, most recently in 2016<sup>[2]</sup>. Approximately one third of the members are production groups without their own performance venue or individual artists, about one quarter are groups or production groups with their own performance venue. The predominant legal form is self-employment or freelance work. In the independent performing arts, an average of 3.7 new productions are created each year and performed 54.7 times over time. The independent scene is strongly oriented towards networking; cooperations, guest performances and co-productions are among its typical forms of work. With 15,200 events for children and young people, 52% of the theatre offering for this target group is provided by the liberal performing arts (for comparison: 13,760 by the public theatres).

The structures of funding and also structures of employment for the theatres differ very considerably in relation to the sectors: While publicly funded state and municipal theatres generally receive institutional funding from the respective host countries or municipalities, funding for the liberal performing arts is predominantly project funding.<sup>[3]</sup>

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<sup>[1]</sup> Deutscher Bühnenverein: Theaterstatistik 2017/2018. Die wichtigsten Wirtschaftsdaten der Theater, Orchester und Festspiele, 53. Ausgabe, Köln: Self-published.

<sup>[2]</sup> Bundesverband Freie Darstellende Künste / Rosendahl, Matthias / Scholl, Dominik / Heering, Martin (2016): *Freie Darstellende Künste in Deutschland: Daten, Analysen und Portraits*, Berlin: Self-published.

<sup>[3]</sup> For the funding structures including further information on goals, funding levels etc. see: Blumenreich, Ulrike (2016): *Aktuelle Förderstrukturen der freien Darstellenden Künste in Deutschland, Ergebnisse der Befragung von Kommunen und Ländern*, Berlin: Self-published.

## 3.4. Visual arts and crafts

The visual arts in Germany are characterised by a great variety of artistic forms of expression, such as painting, sculpture, photography, installation, performance, film and interventionist art practice.

There are numerous rooms in all three cultural sectors – state, market, society – for the presentation and communication of the visual arts. These include more than 600 art museums, as well as numerous public and private exhibition houses (without their own collections), but also the more than 300 art associations in Germany, which are supported by the commitment of art enthusiasts on site – both in larger and smaller communities and in rural areas. The private galleries – 340 members have joined together in the Federal

Association of German Galleries and Art Dealers (Bundesverband Deutscher Galerien und Kunsthändler) – also show works by the artists they represent in their exhibitions and at art fairs. The most traditional annual art fair, which has been held since 1967, is Art Cologne<sup>[1]</sup>. Also worth mentioning is the Berlin Arts Week, which has been held annually since 2012. For Berlin Art Week, the major museums of contemporary art, Berlin exhibition houses and art associations, two art fairs, private collections of contemporary art and project spaces have joined forces to present a joint exhibition program.

Public space and digital space also play an increasing role for the visual arts: for example, there are now online galleries as salesrooms for art.

More than 10,000 visual artists are organised in the Federal Association of Visual Artists (Bundesverband der Bildenden Künstler). Since 1972 it has represented the professional interests of freelance visual artists in Germany towards politics and administration. In 2018, 65,600 artists were insured in the field of fine arts in the Artists' Social Security Fund.

Only a small percentage of visual artists are able to make a living exclusively from the sale of their works. Very often they combine various activities and sources of income, such as fees from artistic teaching activities. This mixed income structure requires artists to have a high degree of self-exploitation qualities and flexibility.

Germany has a network of about 400 youth art schools. At 25 art academies in Germany there are specific courses of study in the visual arts, at which between 150 and 4,000 students take advantage of these courses.

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<sup>[1]</sup> Art Cologne is the oldest art fair in the world, today it gathers around 180 galleries with works by over 2,000 artists every year.

## 3.5. Cultural arts and creative industries

### 3.5.1. GENERAL DEVELOPMENTS

The culture industries are a separate and autonomous pillar of cultural life in the Federal Republic of Germany.

Generally, the cultural field is divided into three sectors: a) private cultural enterprises, b) state or municipal publicly financed institutions and c) not-for-profit, intermediary organisations, foundations, associations etc. According to the Conference of Minister of Economic Affairs and Energy in 2009 the cultural and creative industry consists of 11 submarkets: music industry, book market, art market, film industry, broadcasting industry, performing arts market, architecture market, design industry, press market, advertising market and software and games industry (and others).

Once a year the Centre for European Economic Research (Zentrum für Europäische Wirtschaftsforschung ZEW) and the Fraunhofer Institute for Systems and Innovation Research (Fraunhofer-Institut für System- und Innovationsforschung ISI) examine the status and perspectives of the cultural and creative industries in Germany on behalf of the Federal Ministry of Economics and Energy, which is publishes in the annual monitoring report "Cultural and Creative Industries".

According to the current monitoring report *Culture and Creative Industries 2019* there were about 256,600 companies active in 2018 (comparison to 2017: no significant change). These companies generated a turnover of EUR 18.3 billion (comparison to 2017: +1.9 %). A total of around 938,000, and thus 2.9% of all employees subject to social insurance contributions, were employed in this sector. Added to this were the approximately 257,000 self-employed. Thus, the core employment in the cultural and creative industries in 2018 was about 1,195,000. If the 302,000 marginally employed and the 199,000 marginally employed (self-employed and freelancers with an annual turnover of less than 17,500 EUR) are also taken into account, the total number of working population for 2018 was almost 1.7 million. In 2018, the cultural and creative industries contributed 100.5 billion EUR, or around 3 percent of the total gross value added.

In the meantime, cultural and creative industry reports are available in all federal states, which are updated at different intervals. The most recent versions are listed here: Baden-Württemberg 2018, Bavaria 2012, Berlin 2008, Bremen 2010, Brandenburg 2009, Hamburg 2012, Hesse 2016, Mecklenburg-Western Pomerania 1997, Lower Saxony 2007, North Rhine-Westphalia 2007, Rhineland-Palatinate 2008, Saarland 2010, Saxony 2017, Saxony-Anhalt 2015, Schleswig-Holstein 2017 and Thuringia 2009. Numerous municipalities have also published cultural and creative industries reports - e.g. Dortmund, Düsseldorf, Aachen, Dresden, Cologne and Karlsruhe.

As in other countries, strategic partnerships in Germany, are increasingly being formed between the public and private sectors (public-private partnerships), in order to fund cultural projects and institutions. These strategic partnerships are expected to proliferate in the future. Even during periods of sluggish economic activity, the culture industries have been determined as an economic growth factor. Culture industries have been increasingly supported through cultural policy measures: indirectly through measures like tax exemptions and more directly e.g. through support to a music export office.

In 2007, intense discussions were held on the relevance of culture and creative industries for economic development and the employment situation in Germany. The Federal Government, in particular the Ministry of Economic Affairs and the Federal Government Commissioner for Culture and the Media, introduced the programme Culture Initiative and the Creative Industries as a method of optimising the framework for their growth and to financially and infrastructurally support the "Music Initiative", a core area of the creative Industries. This topic held an important place in the German EU Presidency, in the first half of 2007.

In the report of the Commission of Enquiry of the German Parliament, cultural industries occupy a prominent position in the report. *The Yearbook for Cultural Policy 2008* ("Jahrbuch für Kulturpolitik 2008") of the Institute of Cultural Policy within the Association for Cultural Policy (Institut für Kulturpolitik der Kulturpolitischen Gesellschaft) is likewise dedicated to this subject.

There are special training and in-service training programmes for professionals in the culture industries. At the higher education level, a number of cultural management and cultural marketing courses have been set up in the last ten years, which also provide qualifications for the culture industry sphere (e.g. the Institute for Culture Management at Ludwigsburg College of Education, the Academy of Music and Theatre, Hamburg, Passau University); they concentrate, however, on management and marketing methods. There are more concrete efforts to provide training - organised by private business - in the individual industry sectors and also, for example, within publicly financed small business start-up programmes for art and the culture industries. Exemplary in this area, has been StartART, which formed part of the North Rhine-Westphalia start-up network Go!nrw, and, within that, the Start Up Centre Culture Industry Aachen (Gründerzentrum Kulturwirtschaft

Aachen).

In 2007, the Ministry of Economic Affairs of Northrhine-Westphalia started a new programme in this field, particularly for young cultural entrepreneurs and artists with [Create nrw](#).

In 2010 the initiative took another important step by setting up a [Centre of Excellence for Culture and Creative Industries](#) in Eschborn with 8 regional offices. The Centre of Excellence was inaugurated during the regional conference held by the office of North Rhine- Westphalia in April 2012, by the Federal Government Commissioner for Culture and the Media. The task of the competence centre is "to make the cultural and creative industries visible, to communicate their interdisciplinary potential for the economy, society and politics and to develop solutions for challenges affecting the sector together with the players". The implementation is achieved by networking within and across sectors and by the conception and implementation of cross-border cooperation and special event formats

### 3.5.2. BOOKS AND PRESS

According to the current monitoring report [Culture and Creative Industries 2019](#), there were 17,411 companies in the book market in 2018 (compared to 16,232 in 2009). The turnover in 2018 was 13.5 billion EUR (2009: 14.8 billion EUR). In 2018, 69,000 people were employed in the book market's core labour force (2009: 79,000), 52,000 of whom were employees subject to social security contributions (2009: 63,000). The book market's gross value added in 2018 was 5.3 billion EUR (2009: 4.7 billion EUR). At 3,400 companies, the retail book trade accounted for the highest share of companies (2009: 4,300). Within the book market, the publishing companies generated the highest sales of 8.3 billion EUR.

According to the same report, there were 31,197 companies in the press market in 2018 (compared to 34,317 in 2009). The turnover in 2018 was approx. 29 billion EUR (2009: 31.4 billion EUR). In 2018, 143,000 people were employed in the press market (2009: 168,312), 112,000 of whom were subject to social insurance contributions (2009: 134,000). The gross value added of the press market amounted to 12.5 billion EUR in 2018 (2009: 10.4 billion EUR). At 8,000 companies, the retail trade in magazines and newspapers accounted for the highest share of companies (2009: 9,500). Within the book market, the biggest turnover of 10.0 billion EUR was generated by the publishing of newspapers.

### 3.5.3. AUDIOVISUAL AND INTERACTIVE MEDIA

In 1967, the *Film Funding Act* created the first legal basis for federal film funding. This act, which came into force in 1968, already contained essential elements of the law in force today, such as the establishment of the Film Promotion Agency, reference film promotion, short film promotion, support for cinema operators and the collection of a film levy. The producers of subsidised films were obliged to transfer the television exploitation rights to the Film Promotion Agency. The last amendment entered into force on the 1st of January 2017. Among other things, it provides for a gender-equitable composition of the bodies, securing a high level of the levy, more efficient structuring of funding, increased funding for screenplay promotion, greater remuneration for the performance of producers and better promotion of short films, as well as improving the participation of people with disabilities in the cinematic experience as a community.

The German Federal Film Board (Filmförderungsanstalt FFA) is a federal agency under public law. It is Germany's national film promotion agency and supports all aspects of German film. In addition to its task as a funding

body, it is also the organisation of central service providers for the German film industry. It funds cinema films in all phases of creation and exploitation: from script development and production to distribution, sales and video. Additional funds are used to promote cinemas, preserve the film heritage, promote the perception and distribution of German films abroad and to provide film education. In addition, the FFA has a mandate to support cooperation between the film industry and television stations to strengthen German cinema. Furthermore, the FFA regularly collects, analyses and publishes the most important market data of film, cinema and video industry in Germany. The FFA's budget for 2018 was 78.7 million EUR. The funding is financed by the collection of the film levy. The tax is levied on users of cinema films, including cinemas, companies in the video industry including providers of video-on-demand services, television broadcasters and marketers of Pay-Tv programmes.

In addition, the FFA administratively oversees the film funding of film projects supported by the Federal Government Commissioner for Culture and the Media (BKM). These include the German Film Fund (DFFF), the German Motion Picture Fund (GMPF) and the handling of project funding for long and short films.

The funding instruments also include numerous prizes (e.g. "German Film Prize", "German Screenplay Prize" and "German Short Film Award"). In addition, film festivals and symposia (e.g. "The Berlin International Film Festival"), international film productions (through bilateral film agreements), as well as institutions dedicated to the restoration and preservation of the cultural heritage of film (e.g. Foundation German Cinematheque in Berlin and the German Film Institute in Frankfurt am Main) are also supported by the the Federal Government Commissioner for Culture and the Media (BKM).

The FFA's cinema support aims to strengthen and maintain the nationwide and diverse cinema structure and its quality in both urban and rural regions. There is funding according to the project principle and funding according to the reference principle. Funding is granted, among other things, for modernisation, the creation of barrier-free access, for measures to strengthen competitiveness and for media pedagogical support.

In 2019, the Federal Government Commissioner for Culture and the Media initiated an emergency aid programme of EUR 5 million for the promotion of cinemas in rural areas, with which cinemas in towns with up to 25,000 inhabitants will be supported with investments. A new Future Cinema Programme (17 million EUR) is planned for 2020.

Deutsche Welle is the foreign broadcaster of the Federal Republic of Germany and a member of Consortium of public broadcasters in Germany (Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland ARD). It is broadcast in around 30 languages. Today, Deutsche Welle works trimedially: television (DW-TV), radio and internet. In accordance with § 4 of the Deutsche Welle Law, the task of Deutsche Welle is to make Germany understandable as a cultural nation that has grown up in Europe and as a free democratic constitutional state – and to promote understanding and exchange between cultures and peoples. This makes it one of the pillars of the Federal Republic of Germany's foreign cultural policy. Deutsche Welle is largely funded by tax money from the federal budget. It receives its subsidy through the Federal Government Commissioner for Culture and the Media (2019: 365 million EUR). Approximately 3,000 employees from 60 nations work at the headquarters in Bonn and the Berlin location. In 2018 Deutsche Welle celebrated its 65th anniversary.

According to the current monitoring report *Cultural and Creative Industries 2019*, there were 17,808 companies in

the broadcasting industry in 2018 (compared to 17,853 in 2009). The turnover in 2018 was 10.4 billion EUR (2009: 7.4 billion EUR). In 2018, 43,000 people were employed in the broadcasting sector (2009: 39,000), 25,000 of whom were subject to social insurance contributions (2009: 21,000). Gross value added in the broadcasting industry amounted to 7.7 billion euros in 2018 (2009: 6.3 billion EUR). The largest share of companies was made up of 251 radio broadcasters (2009: 266). Within the broadcasting industry, the largest turnover of 8.1 billion EUR was achieved by television broadcasters.

#### 3.5.4. MUSIC

According to the current monitoring report *Culture and Creative Industries 2019*, there were 14,382 companies in the music industry in 2018 (compared to 13,862 in 2009). The turnover in 2018 was 8.7 billion EUR (2009: 6.3 billion EUR). In 2018, the music industry employed 53,000 people in main occupation (2009: 47,000), 39,000 of whom were employees subject to social security contributions (2009: 33,000). Gross value added in the music industry in 2018 was 5.8 billion euros (2009: 4.5 billion EUR). At 1,600 companies, the highest share of companies was in the retail trade with musical instruments etc. (2009: 2,200). Within the music industry, the largest turnover of 2.1 billion EUR was achieved by theatre/concert organisers.<sup>[1]</sup>

The German Music Publishers' Association is made up of 350 music publishers who, with sales of 690 million EUR, account for around 90 % of music publishing sales in Germany. The German Orchestra Association is the interest group for professional musicians, which is committed to further the development of professional orchestras, choirs and theatres and independent ensembles and, as a trade union, advocates better working conditions for musicians.

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<sup>[1]</sup> *Monitoringbericht Kultur und Kreativwirtschaft 2019*

#### 3.5.5. DESIGN AND CREATIVE SERVICES

According to the current monitoring report *Cultural and Creative Industries 2019*, there were 40,363 companies in the software and games industry in 2018 (compared to 27,018 in 2009). The turnover in 2018 was 45.0 billion EUR (2009: 24.3 billion EUR). In 2018, the software and games industry employed 439,000 people in main occupation (2009: 244,000), 399,000 of whom were subject to social security contributions (2009: 217,000). Gross value added in the software and games industry amounted to 32.7 billion EUR in 2018 (2009: 15.2 billion EUR). At 25,800, other software development accounted for the highest share of companies (2009: 18,600). Within the software and games industry, the largest revenue of 33.3 billion EUR was generated by other software development.

The federal government also promotes game development. The federal budget for 2019 is also to receive funds of 50 million EUR for the introduction of a games fund, which in future will be used to promote computer game development at federal level. The fund will be located at the Federal Ministry of Transport and Digital Infrastructure.

According to the same report, there were 60,822 companies in the design industry in 2018 (compared to 48,332 in 2009). The turnover in 2018 was 20.5 billion EUR (2009: 17.6 billion EUR). In 2018, 153,000 people were employed in the design industry in main occupation (2009: 125,000), 92,000 of whom were subject to social

insurance contributions (2009: 77,000). The gross value added in the design industry in 2018 was 10.5 billion EUR (2009: 9.0 billion EUR). Advertising design accounted for the highest proportion of companies, with 13,100 companies (2009: 18,100). Within the design industry, advertising design generated the highest turnover of 12.6 billion EUR.

The report also states that there were 39,285 companies in the architecture market in 2018 (compared to 39,956 in 2009). The turnover in 2018 was 11.9 billion EUR (2009: 8.0 billion EUR). In 2018, 133,000 people were employed in the architecture market in main occupation (2009: 100,000), 93,000 of whom were employees subject to social insurance contributions (2009: 77,000). Gross value added in the architecture market amounted to 7.4 billion EUR in 2018 (2009: 4.7 billion EUR). The highest share of companies was made up of 24,400 architectural offices for building construction (2009: 28,100). Within the design industry, the largest turnover of 8.0 billion EUR was achieved by architectural offices for building construction.

### 3.5.6. CULTURAL AND CREATIVE TOURISM

Although the term "cultural tourism" was first used in the 1980s – also through European Union support programmes – there is no generally applicable definition, and in recent years it has been extended to include everyday objects and behaviour. In general, the term "cultural tourism" can be differentiated between the supply-oriented (the core of the definition is the supply of attraction), the demand-oriented (the starting point is the behaviour of the tourists) and the value-oriented definitions (cultural tourism as an offer of attractions accompanied by monument preservation and didactic objectives). Detached from this, four basic characteristics of cultural tourism can be identified: the tourist's interest in culture, the visit of cultural institutions, the attendance of cultural events and the well-founded provision of information. The cultural tourism offer ranges from historical buildings (churches, museums, castles) and contemporary architecture (railway stations, new museum buildings) to historical sites and urban ensembles (battlefields, old towns), cultural events (festivals, folk festivals, carnival customs) and cultural sights (wine landscapes) to typical regional gastronomic offers (food, wine).<sup>[1]</sup>

Cultural tourism in Germany consisted mainly of city tourism. In order to promote cultural tourism in rural areas, the Federal Ministry of Economics and Energy launched the project: The destination as a stage: how does cultural tourism make rural regions successful?, from 2015 to 2018. With this project rural regions were specifically supported in marketing their cultural offers. Five model regions were selected for project implementation. One component of the project was the online dialogue platform [www.culturcamp.de](http://www.culturcamp.de).

The field of action cultural tourism has gained relevance for cultural management in recent years. In 2018, [the Cultural Tourism Study 2018](#) was presented by the Institute for Cultural Management of the Ludwigsburg University of Education with the results of an empirical study of the practice of cultural and tourism actors (cultural institutions, cultural administrations and tourism organisations).<sup>[2]</sup>

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<sup>[1]</sup> Wissenschaftliche Dienste / Deutscher Bundestag (2017): *Aktueller Begriff: Kulturtourismus*.

<sup>[2]</sup> Burzinski, Matthias / Buschmann, Lara / Pröbstle, Yvonne (2018): *Kulturtourismusstudie 2018. Empirische Einblicke in die Praxis von Kultur- und Tourismusakteuren*. Ein Kooperationsprojekt von projekt 2508 und dem Institut für Kulturmanagement.

## 4. Law and legislation

### 4.1. General legislation

#### 4.1.1. CONSTITUTION

At present, the Federal Constitution for the Republic of Germany (Grundgesetz – GG) includes one phrase referring to culture and the arts: "The arts and science, research, and teaching shall be free." (Article 5.III GG). According to the interpretation of the Constitutional Court, this clause not only stipulates a right for creative artists to be protected from state interference but also mandates the state to preserve and promote culture and the arts.

This principle was explicitly reaffirmed in Article 35 of the 1990 Unification Treaty. In the past two decades, there have been efforts to insert a more precise "cultural clause" or to include culture among the main goals of the state in the federal constitution. The last of these proposals was issued in 2005 by the Commission of Inquiry set up by the German Parliament entitled "Culture in Germany". In contrast to the Federal Constitution, the majority of the federal states' (Länder) Constitutions address the arts and culture more specifically – the only exception being the city-state of Hamburg. Three of the federal states (Länder) – Bavaria, Brandenburg and Saxony – include culture among the main goals of the state in clauses such as: "Bavaria is a legal, cultural and social state" (Article 3.I). Similar or identical to the clause in Article 3.III GG of the Federal Constitution, basic protective rights are found in 11 of the federal states' (Länder) Constitutions. Furthermore, provisions regarding authors' rights can also be found in e. g. the constitution of Hessen: "The rights of authors, inventors and artists enjoy the protection of the state." (Article 46)

Most constitutions of the federal states (Länder) include pledges for public support of the arts or cultural development, e. g. in clauses such as: "The Land protects and supports cultural life" (Berlin, Article 20.II). In addition, many of the Constitutions oblige the authorities to foster public involvement in the arts and culture, e. g. "The whole people should be given the opportunity to make use of the cultural goods of life." (Rhineland-Palatinate, Article 40.III)

Many federal states' (Länder) constitutions include legal obligations with regard to specific public responsibilities, such as in the field of heritage protection or adult education and some mention the promotion and protection of cultural traditions of ethnic minorities. In a wider context, some clauses propose cultural goals for the educational system, such as in the constitution of Bavaria: "Openness to everything that is just, good and beautiful" (Article 131.II) or Thuringia: "Peace-loving and living together with other cultures and peoples" (Article 22).

In May 2019 the 70th anniversary of the Federal Constitution was celebrated.

#### 4.1.2. ALLOCATION OF PUBLIC FUNDS

In general, there are no legal provisions governing cultural financing in Germany, which would indicate the specific amount and / or means to distribute public funds. Exceptions are the *Act on the Cultural Areas in Saxony* (*Sächsisches Kulturraumgesetz*), which provides for joint funding of cultural endeavours of regional or supra-

regional importance by the Land, the counties and the municipalities. As well as a cultural treaty for the federal capital, which defines the funds to be allocated by the Federal Government to cultural institutions and activities in Berlin. With the amendment to *Saxony Law* in the summer of 2008, the cultural areas were, arranged differently and, most importantly, the time limit on the Act was lifted and endowed with a minimum annual budget of EUR 86,7 million.

Additional commitments can be found in the laws establishing public foundations, such as the Federal Culture Foundation or the Foundation for Prussian Heritage and the Foundation "Classic Weimar", with the latter being governed jointly by federal (Bund) and federal state (Länder) authorities. There are special laws or regulations governing the respective cultural foundations in many of the federal states (Länder). Beyond these exceptions, the funding for cultural institutions and general cultural activities supported by the federal (Bund) and federal state (Länder) authorities is regulated via the annual parliamentary budget appropriations. The same procedures apply for most of the federal states' (Länder) allocations to local cultural institutions and for the cultural budgets of cities and counties.

#### 4.1.3. SOCIAL SECURITY FRAMEWORKS

Artists and journalists / authors in the Federal Republic of Germany enjoy comprehensive social security coverage. When employed, they are covered under the general social security regimes. Self-employed artists and journalists / authors are obliged to join the Artists' Social Insurance Fund (KSK). The special protection for self-employed artists and journalists / authors provided for under the *Artists' Social Insurance Act* (KSVG) which came into force on August 2nd, 1983 encompasses statutory health, long-term or old age care and pension insurance. Like employees, the artists and journalists / authors must only pay half of the social insurance contribution.

The funds for the other fifty percent are provided by a federal subsidy (20%) and 30% are financed by the artists' social security contribution. To that effect, the enterprises are charged with an artists' social insurance levy (*Künstlersozialabgabe*) on all fees and royalties paid, whose level is subject to annual adjustments. For example, the levy reached 5.8% in 2005 and then decreased in the following years to 4.1 % in 2013. In 2018 this levy reached 4.2 %. Around 189,000 people are currently insured in the social insurance scheme for artists.

Through another amendment of the *Artists' Social Security Law* that came into effect in June 2007, the financial basis of the Fund was improved by broader coverage and a stricter examination of all contributors, including the artists as beneficiaries. In September 2008, the attempt of some federal states (Länder) in the Bundesrat to abolish the *Social Security Act for Artists* failed, due to a broadly supported protest against such plans both from cultural policy makers of all parties and from culture and artists' associations. 2018 also saw the failure of a company's constitutional complaint against the artists' social security contribution, which was supported by the Taxpayers' Association (Bund Deutscher Steuerzahler).

On 1st January 2015, the *Artists' Social Insurance Stabilisation Act* (*Künstlersozialabgabenstabilisierungsgesetz*) came into force. The aim is to insure the regular review and advisory services of the employers concerning the social insurance levy, in order to stabilise the rate of charge and to pursue levy justice. Now the German pension insurance compulsorily audits all undertakings (companies) and employers every 4 years, who have more than 19 employees that are already registered at KSK.

#### 4.1.4. TAX LAWS

Indirect state support for the arts and culture in the form of tax breaks is not laid down in a separate piece of legislation but instead consists of a multitude of regulations contained in various specialised acts. In the case of VAT, some cultural products (such as books) are subject to a lower rate of 7% instead of the standard 19%; under certain conditions, public cultural operations and non-profit activities (e. g. theatre performances) are exempt from VAT and corporate tax altogether.

Since January 1st, 2000, an *Act on the Taxation of Foundations* is in force, which includes tax incentives for the establishment of and donations to foundations. In recent years, additional tax breaks have been incorporated into the law governing donations, and the tax exempt ceiling for income from voluntary activity (the so-called standard exemption for course instructors) has been raised and extended to apply to other groups.

The reform of the *Law on Non-profit Character and Donations* in July 2007 eases taxation of civic commitment. Amongst others, donations remain free from income tax to a limit of 20% and the tax free allowance for the establishment of foundations was raised from 300 000 EUR to 1 million EUR.

In July 2014 the German Parliament has passed a bill to reduce the taxation of audio books from 19 % to 7 % (just as printed books), it came into force in January 2015. In July 2019, the federal government passed the draft of the annual tax law. As soon as the law comes into force, e-books will also be taxed at the reduced rate of 7% (instead of 19%).

#### 4.1.5. LABOUR LAWS

With the exception of the *Artists' Social Insurance Act* (see chapter 4.1.3), there are no special laws regarding the terms of employment for artists and other cultural workers. The general labour legislation is applied. If artists or cultural workers are employed in municipal, federal state (Länder) or federal facilities, then the public service regulations apply.

On the basis of the general *Wage Agreement Law* (TVG), special contracts and wage agreements for the cultural sector, including non-artistic staff, were concluded by unions and employers organisations for single artistic sectors and cultural facilities such as theatres, orchestras and music schools. The conditions of work for main occupational groups such as singers, actors, orchestra musicians etc., are laid down in these agreements. In addition, special courts of arbitration have been set up to settle employment disputes in theatres (Bühnenschiedsgericht).

The right of employees to participate in decision making processes is guaranteed through the *General Worker Co-determination Laws* (*Mitbestimmungsrecht*) and similar regulations for public service staff. However, these rights are somewhat restricted in companies such as e.g. theatres, museums or libraries as well as newspapers and broadcasters with regard to management decisions of artistic or scientific relevance (the so-called *Tendenzschutz*).

Of relevance for independent artists and journalists is a regulation from the 1970s: the *Wage Agreement Law* (§ 12a TVG), which was revised in October 2005. Under the law, freelancers who work predominantly for one company can enjoy an "employee-like" status which allows their professional organisations to conclude wage or fee agreements with their contractors.

In March 2018, the special regulations for unemployment benefit, for predominantly short-term employees were extended until 2021. This special regulation, from which many cultural workers also benefit, is now to be replaced by a solution worked out together with cultural workers from 2021 onwards.

#### 4.1.6. COPYRIGHT PROVISIONS

In Germany, the *German Copyright and Related Rights Act (Urheberrechtsgesetz - UrhG)*, which is still valid today, was passed in September 1965. In particular, it replaced the *Law on Copyright in Literary and Artistic Works* of 1901 and largely replaced the *Art Copyright Law* of 1907. Among other things, it provided for an extension of copyright from 50 to 70 years after the death of the author. Germany thus became an international pioneer in the extension of copyright periods.

Along with the *Copyright Law*, the introduction of a standard levy on audio equipment was passed in 1965 which was to be administered and distributed by the collecting societies. A levy on audio and video recording equipment was added in 1985. This applies to recording and reproduction equipment with a certain playing time and capacity. Since the form of reproduction is irrelevant in this regulation, authors and performing artists also receive levies on digital reproductions. These standard levies are collected by the collecting societies and distributed to professionals. Public lending rights were first introduced to the general *Copyright Law* in 1972 (Article° 27).

The *Amending Law on Copyright* came into effect on the 10th September 2003, which began to implement the European guidelines on *Copyright in the Information Society (2001/29/EU)*. It makes, inter alia, the evasion of copyright for commercial and private purposes a punishable offence (§§ 95 a ff. UrhG). Further elements of the revision are the clear definition of *Internet Law*, in terms of Right of Public Accessibility in § 19 UrhG, and the retention, in principle, of the system of payment for private copying. It also contains adjustments to take account of the new technological developments, in particular of the digital use and distribution of artistic, literary and scholarly and scientific works.

A new reform of *Copyright Law* (the so-called second tranche) was passed by the Bundestag in July 2007 and continued the work on fully implementing the EU guidelines on *Copyright in the Information Society (2001/29/EU)*. After long and intensive arguments between artists' representatives, the users, as well as the appliance industry, a compromise was reached. Afterwards, the lump-sum payment system, which adjusts charges to include a levy for private copying was reformed so that in the future, the rate of duty will be independently negotiated by the collecting societies and appliance industries. In 2009 and 2010, public debate about a restructuring of the *Copyright Law* intensified not only due to the new possibilities of digital production and reproduction; a "cultural flat rate" was discussed but not adopted.

In October 2012, the federal government proposed an *Eighth Amending Law on Copyright*. It would extend copyright for (exerting) performers and phonogram producers from 50 to 70 years. In addition, for joint productions, this period would be universally set to 70 years after the death of the longest living creator / originator. This amendment would implement an EU Directive. With the *Law on orphan and out of print works* the national parliament transposed the EU directive 2012/28/EU into national law in June 2013. The ancillary copyright for publishers was adopted in March 2013, which allows publishers to demand licences for any use of their articles made by third parties. In October 2015 the national ministry of justice and consumer protection presented a ministerial draft of a "*Law of improved enforcement for the right of equitable remuneration for*

*originators, authors and practicing artist".*

In November 2015 the German Cabinet adopted a draft of the *Collecting Societies Act* to transpose the EU directive 2014/26/EU for the collective defence of the copyright and related rights and the granting of the multirepertoire licenses for rights on musical works for the online use in the internal market and the amending of procedure concerning the remuneration of technical equipment and storage media.

In March 2018 the *Copyright Science Society Act* ("Urheberrechts-Wissenschaftsgesellschafts-Gesetz") came into force. It newly regulates which acts of use under copyright law are legally permitted in the field of education and science without requiring the consent of the authors and other rights holders (so-called copyright limitations).

In April 2019 – after two and a half years of intensive discussion - the Copyright Directive was adopted, in which the copyright regulations were adapted for the digital market. The ancillary copyright law for press publishers and the copyright responsibility of platforms were particularly discussed. It also contains numerous new regulations on publisher participation, copyright contract law, digital use in the educational sector and the availability of out-of-print works.

#### 4.1.7. DATA PROTECTION LAWS

In Germany, the state of Hesse opened data legislation in 1970 with the world's first data protection law. At federal level, the first version of the *Federal Data Protection Act* came into force in January 1978.

The *German Federal Data Protection Act* (BDSG), together with the data protection laws of the federal states and other area-specific regulations, regulates the handling of personal data that is processed in information and communication systems or manually. It implements the Data Protection Directive, which will be repealed and replaced by the Basic Data Protection Regulation. At the same time, a new version of the BDSG came into force in 2018.

In addition, the federal states' (Länder) data security laws apply on the level of state and municipal authorities. The purpose of the data security laws is to protect "the individual against an infringement of his personal rights through the misuse of his personal data" (§ 1.1 BDSG). This right of "information self-determination" is considered, according to a ruling of the Federal Constitutional Court, as a fundamental right of all German citizens. The basic principle of the law is a general ban on the collection, processing and use of person related data, except where explicitly permitted by law or individually approved – usually in writing – by the person concerned. Other important principles of the law include those on "data avoidance" and "data thrift" (e. g. the former Federal film statistics were abolished, in this context). A Federal Representative for Data Security and Access to Information (Bundesbeauftragte für den Datenschutz und die Informationsfreiheit, BfDI) and similar officials in the federal states (Länder) are responsible for supervising and guaranteeing these provisions.

On 23rd May 2001, the European directive on data protection, which defines minimum standards for data protection of EU member states, adopted by the European Parliament and by the Council of the European Union in 1995, was transposed into German national law through the amendment of the *Federal Data Protection Act* ("BDSG"). However, as the Federal Republic of Germany failed to adopt this transposition within three years after the enactment of the European directive, the European Commission initiated an infringement procedure against the Federal Republic of Germany.

Moreover, in 2005 the European Commission criticised the German implementation of the European directive in respect to contents as insufficient since the absolute independence from state interference of data protection supervision is not satisfied. Up to now, the BfDI had been under legal supervision of the Federal Government and administrative supervision of the Federal Ministry of the Interior (BMI) and resorted moreover to the organisational and administrative infrastructure of the latter. Therefore, the European Commission initiated a new infringement procedure. In 2010 the European Court of Justice passed the judgement that the European directive on data protection had not been transposed correctly into German national law: The control of data protection in the EU member states may not be subject to any other executive state bodies, as they could possibly have a political interest in the non-compliance of data protection laws.

Since January 2016, the BfDI was restructured into an entirely independent supreme Federal authority. In the course of conversion, the legal supervision of the Federal Government as well as the administrative supervision of the Federal Ministry of the Interior will be abolished and the BfDI will remain subject to parliamentary and juridical control only. These general data protection laws are complemented and clarified by many other data regulations, e.g. in the social security domain or with regard to church life. However, the BDSG regulations are also relevant in the cultural area, where they have gained relevance e. g. in the marketing work of cultural facilities.

There are also special rules for public service broadcasters. Religious societies under public law are not subject to the Federal Data Protection Act or the data protection laws of the federal states. The Roman Catholic Church has issued an order on church data protection and the Synod of the Protestant Church in Germany has issued the *EKD Data Protection Act*.

#### 4.1.8. LANGUAGE LAWS

There are no general regulations governing the representation of languages in the media. In areas with official ethnic minorities, such as Saxony, Brandenburg and Schleswig-Holstein, the languages of these minorities are represented in the media. In larger cities, especially in Berlin, in addition to single foreign-language radio channels (RFI and BBC); some programmes for ethnic minorities are produced by public broadcasters (such as SFB Multikulti or WDR 5) in alternating foreign languages. In addition, private radio and television stations feed foreign-language programmes into the cable network.

#### 4.1.9. OTHER AREAS OF GENERAL LEGISLATION

The (annual) finance law is currently being reviewed. There were also plans to amend areas that concern culture, for example: VAT liability for stage directors and choreographers, value added tax rate for art-trade and value added tax for educational institutions. The law was adopted in the national parliament in October 2012 but failed in the mediation committee. The federal states brought forward a new proposal in March 2013.

## 4.2. Legislation on culture

### 4.2.1. GENERAL LEGISLATION ON CULTURE

Legal aspects of cultural policy are governed by related provisions in constitutional and administrative law. These provisions, however, are not codified in a single text; they consist of a host of constitutional and statutory

provisions, above all the Federal Constitution and the constitutions of the federal states (Länder), the municipal and county codes, a few specialised statutes of the federal states (Länder) relating to cultural affairs, federal legislation such as the *Act on the Protection of German Cultural Heritage against Removal Abroad*, the *Copyright Law*, the *Federal Film Promotion Act* and the *Artists' Social Insurance Act*, the *Federal Archives Act* and various provisions relating to cultural matters in legislation such as the *Federal Building Act*, the *Federal Regional Planning Act* and the *Federal Act for the Expellees*. In addition, German cultural policy is bound by the provisions of international legal instruments such as the United Nations Universal Declaration of Human Rights, which includes the stipulation that "everyone has the right freely to participate in the cultural life of the community, to enjoy the arts ..."

Moreover, the federal authorities – based on the Constitution (see chapter 4.1.1 and chapter 4.1.2) and on the jurisdiction of the Federal Constitutional Court – lay a claim to competence originating "in the nature of the matter" where the matters in question are tasks that in a federally structured union are peculiar to the national level and cannot be effectively handled or regulated by a Land. In practice, the Federal Government and parliament derive their competence on these grounds when functions of significance for the state as a whole are at stake, such as representing the country in its entirety. This includes concrete activities in the area of promoting culture, whereby the Federal Government – aside from exceptions such as its contractual commitment to fund cultural institutions in the capital – generally only acts together with one or more federal states (Länder) or with a municipality. Prior to unification, cultural matters relating to both German states fell within the remit of the national government. Upon unification, the aspect "promotion of unity" as expressed in Article 35 of the *1990 Unification Treaty* took centre stage.

The cultural competence of the federal states (Länder) is limited by the tasks of the federal authorities defined in the Federal Constitution and by the responsibilities transferred to the municipalities within the framework of "local self-government" (Article 28.2 GG), as well as by the obligation of the municipalities under many Land constitutions to cultivate and promote cultural life. In contrast to the other two levels, the competence of the federal states (Länder) is more precisely defined by provisions in their constitutions and by individual laws.

In individual federal states, specific laws on cultural promotion have been passed in recent years: In December 2014, the *Cultural Promotion Act - Act for the Promotion and Development of Culture, the Arts and Cultural Education in North Rhine-Westphalia (Kulturfördergesetz)* – came into force in North Rhine-Westphalia. This is a law which does not deal with one sector, but with the promotion of the entire state cultural sector. This makes North Rhine-Westphalia the first federal state to adopt a legal regulation for cultural promotion. The *Cultural Promotion Act* concretizes the constitutional mandate of the state and shapes it, it sets out the principles of state cultural promotion and regulates fields of action and procedures. The Act introduces two new instruments: the Cultural Promotion Plan, which defines goals and priorities at the beginning of the legislative period, and the State Cultural Report, which comments at the end of the legislative period. Together with the annual cultural promotion report, the new promotion guidelines, the evaluations of the promotion measures and the associated impact dialogues, the Act also aims to achieve greater transparency and new governance structures. In other states, the drafting of a law to promote culture is being discussed, such as Thuringia and Lower Saxony.

Specific laws on cultural matters exist at state level in the fields of archiving, monument preservation and adult education. In some federal states there are also *Music School Acts* (e.g. Brandenburg since 2003 and Saxony-Anhalt since 2006) and *Library Acts* (e.g. Thuringia since 2008, Saxony-Anhalt since 2010, Hesse since 2010, Rhineland-Palatinate since 2014 and Schleswig-Holstein since 2016). However, there are no specific legal provisions for the majority of the cultural sector, such as theatres, museums, orchestras etc. Media law is

divided between the federal and state governments.

#### 4.2.2. LEGISLATION ON CULTURE AND NATURAL HERITAGE

One of the central tasks of cultural policy is the protection and preservation of the built heritage, i.e. cultural monuments and man-made landscapes including architectural, archaeological and paleontological monuments as well as parks. At the Land level, monument protection legislation has been passed. In addition to their sovereign right to define their own tasks, the federal states (Länder) also consider it their duty to preserve such monuments and provide funds for this purpose. Municipalities are also involved in monument conservation; as a general rule, they have been assigned specific roles in this domain.

Despite the primary role of the federal states (Länder) in monument conservation, a programme at the federal level has been operating since 1950 to promote monument conservation measures in order to preserve and restore immovable cultural monuments of national significance. This involves federal co-financing of those cultural monuments that are significant for Germany as a whole. Following re-unification, the Federal Government launched several monument conservation programmes to help meet the special needs for long overdue monument conservation work in Germany's eastern federal states (Länder).

These programmes are co-financed by the Land involved. The federal (Bund) and federal state (Länder) authorities work together in the German National Committee for Monument Protection.

Private sector activities in the area of monument conservation are of great importance. There are a substantial number of volunteer monument conservators in Germany who work hand in hand with the respective public authorities. Furthermore, private funding has become indispensable in this field.

The German Foundation for the Protection of Monuments functions as a useful and effective link between public and private sector activities in this area. The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) serves as the national clearinghouse for recommendations of monuments to the UNESCO World Heritage List.

Whereas monument conservation measures are designed to preserve and safeguard immovable cultural assets and thus protect this part of the nation's cultural heritage, other cultural heritage protection measures serve to protect its movable cultural treasures. These, too, are at risk of deterioration and destruction. The greatest threat to the nation's movable cultural heritage is, however, the loss of specific treasures, especially through their sale abroad.

The statutory basis for state protection against the export of cultural objects is the *Act on the Protection of German Cultural Heritage against Removal Abroad*. This legislation is in line with EU law, which – contrary to the generally prescribed free movement of goods within the EU internal market – expressly provides for such a restriction on trade and movement in the case of "cultural objects classified ... as national cultural treasures possessing artistic, historic or archaeological value". Protected from export are objects that have been entered by the federal states (Länder) in their registers of cultural treasures and archives that possess national value. The vast majority of these objects are privately owned such as paintings, medieval books, musical instruments, archaeological objects or archives.

The Federal Government Commissioner for Culture and the Media (BKM) maintains a consolidated register of

cultural treasures and archives possessing national value that is compiled from the Land registers and published in the Federal Gazette. The Commissioner is also responsible for deciding whether to permit the export of such objects.

In order to safeguard national treasures, the Federal Government also assists the federal states (Länder) and the municipalities in purchasing important objects when it is feared that they may be sold abroad (see chapter 4.2.2). In contrast, in September 2008, the federal cabinet agreed to the establishment of a register of cultural assets, which is to help prevent the illegal import of cultural assets from other countries.

In November 2015, the federal cabinet passed the draft law on protection of cultural assets. So far, in Germany three laws regulated the protection of cultural assets: the *Act on the Protection of German Cultural Heritage against Removal Abroad*, the *Act on the Return of Cultural Assets* and the *Act to Implement* according to the Haager Convention. The adopted amendment of the law on protection of cultural assets harmonises the different German regulation standards and transposes the EU-directive on protection of cultural assets of May 2014 into national law as well. Thus, the harmonised regulations comply with the European and international law and the requirements of data protection. The directive covers public collections, whereas private cultural assets only in case of classification as national cultural assets. The export control will be tightened by a permit requirement for cultural assets of certain categories; in addition, an import control for cultural assets transported to Germany will be exercised. The Federal Government Commissioner for Culture and the Media describes this adopted amendment of the law on protection of cultural assets as "one of the most important initiatives of cultural policy during this legislature".

The new *Cultural Property Protection Act* came into force in August 2016.<sup>[1]</sup> It includes an evaluation of, among other things, the expenditure for the federal states and the corresponding report was presented in January 2019. It comes to the conclusion that the additional burdens for the federal states and the compensatory funds of the Federal Government have been compensated, that losses in turnover at German auction houses have not yet been detected and that export applications are in the three-digit range.

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<sup>[1]</sup> In April 2017 a handbook on the protection of cultural property was presented for practical use.

### 4.2.3. LEGISLATION ON PERFORMANCE AND CELEBRATION

Apart from the general constitutional regulations and to the *Labour Law* (see chapter 4.1), there are no fixed legal provisions for the fields of music and theatre. The practical organisation of work in this domain is regulated through individual contracts between the authorities in charge of a facility or company and its manager ("Intendant"). Contracts are then drawn up between the facilities and the artistic and other staff members along the lines of general wage agreements such as the Normal Contract Stage, which summarises the main terms of employment of the different artistic groups working in a theatre. For the music schools, the general legal basis is the state supervision of the school system. In addition, the following federal states have their own *Music School Acts*: in Brandenburg (since 2000) and in Saxony-Anhalt (since 2006). In other federal states there are special legal provisions within the framework of other education laws, such as the *Youth Education Act* (Baden-Württemberg) or the *School Act* (in Berlin).

#### 4.2.4. LEGISLATION ON VISUAL ARTS AND CRAFTS

As is the case in other artistic fields, visual and applied art activities are covered under the *Freedom of Art Guarantee* of the Federal Constitution (Article 5.III GG). This provision guarantees everyone the right to freely work in the artistic domain and to strive for recognition of his / her work by the public, that is: the guarantee includes not only the "sphere of the creative work", but also the "sphere of impact" of that work via its publication and distribution.

With regard to the dissemination and use of artistic works, the frequently amended *Copyright / Authors' Rights Law* dating from September 9, 1965 (UrhG) is particularly relevant. The law includes regulations for publication, exhibition and transfer or granting the right of utilisation (e. g. via loans to museums) of artistic work. Other clauses clarify that the creator is entitled to economic returns from the use of his works (§11.2UrhG). However, an exhibition royalty demanded by artists' organisations similar to the existing public lending right (see chapter 5.3.4) is not included in the present *Copyright Law*.

The *Artists' Social Insurance Act* (see chapter 5.1.4) is important for all independent artists and for companies exploiting their works, by which the latter are required to pay a levy on all fees ("employer's share").

#### 4.2.5. LEGISLATION ON BOOKS AND PRESS

Article 5.1 of the Federal Constitution guarantees the freedom of expression of opinion and is, therefore, an important legal prerequisite for the development of free and lively literature. Furthermore, this Article stipulates that everybody has the right "to inform him / her unhindered from generally accessible sources". This could be interpreted as a duty for the state and its public facilities, in particular libraries, to provide an "unhindered" access to the literary resources administered by them. However, the right to participate in state services and educational supplies cannot be brought to court.

For a long time in Germany, legal regulations governing the public provision of appropriate facilities existed in only one federal state for a long time under the *Continuing Training Assistance Act* (Baden-Württemberg). There are now separate library laws in 5 federal states: first in Thuringia (since 2008), then in Saxony-Anhalt (since 2010), in Hesse (since 2010 with amendment in 2016), in Rhineland-Palatinate (since 2014) and in Schleswig-Holstein (since 2016).

In all other federal states (Länder), the general legal background for public library services is derived from the Federal Constitution (see above), the respective federal states' (Länder) constitutions as well as from regulations existing on the level of counties and other local communities. The discussion about such laws and on acts regulating the support for culture also reached the parliaments of some other federal states (Länder).

On July 1st 2007, the *Act on the German National Library* came into force with a stretching of the collection on the internet, certain provisions were amended in 2017. The *Copyright / Authors' Right Law* of 1965 (UrhG) is another legal instrument of importance in the literature and library sector. Among other items, the law regulates the rental, duplication and copying of printed products and media. Article 27 UrhG tries to balance the interests by introducing a *public lending right*: a library royalty paid by state authorities to authors' societies (VG Wort, GEMA, VG Bild-Kunst), which then compensate the authors as appropriate. For copying machines, Article 54 UrhG foresees a royalty both for the individual machine and for those operators which regularly use them for copying protected works. The VG Wort collects these duties from importers / traders, commercial operators and,

as regards the libraries, from the federal states (Länder)

The *Law on Fixed Book Prices* (BuchPrbG), of 2nd September 2002, is also an important piece of legislation for literature and its dissemination. Publishing companies are obliged to fix the retail prices for their new books. This regulation is meant to safeguard a stable book market and with it a diverse supply structure, from which both the authors and readers should benefit. Since September 1st 2016, the statutory price fixing has also been binding for electronic books (e-books). It applies to all book sales in Germany and is therefore independent of the dealer's registered office.

In Germany, press law is a sub-area of media law. Press law is reserved for the legislative competence of the Länder. Consequently, the press law for each individual federal state is derived from the respective state press law. The central requirements for the press include the duty of care in journalistic matters, the obligation to provide an imprint, the labelling of advertisements and the right to counterstatements.

#### 4.2.6. LEGISLATION ON AUDIOVISUAL AND INTERACTIVE MEDIA

Both the Federal Government and the federal states (Länder) provide support for film. National film support has its legal base in the *Federal Film Promotion Act* (FFG) which entered into force in 1968 and is constantly being updated. The present version (7th amendment to the *Federal Film Promotion Act*) came into force on August 1st 2014. The FFG is the legal basis for the Film Promotion Agency (FFA). Among other things, it determines the responsibilities and institutional framework of the Film Promotion Agency, includes regulations concerning requirements and funding and is the legal basis for the film support fee. The FFA is tasked with providing "measures for the promotion of German films as well as for the improvement of the structure of the German film economy" and to support the overall economic interests of the film industry, to improve the basis for the promotion and evaluation in line with the marketing of German films within Germany and its economic and cultural impact in other countries as well as promoting the coordination of film support from the national and federal states level. The FFA is financed via a "film levy" raised from all industries involved in the utilisation of films: cinemas, the video industry and broadcasting companies (§ 66 following FFG). The annual budget of the FFA amounts to 78,7 million EUR (2018) and is used, to support productions, scripts, the rental and distribution of films, cinemas and video stores.

In addition to the FFA, the German film industry is also supported by the Federal Government Commissioner for Culture and the Media (BKM). Every year, more than 130 million EUR in total flows into awards (for example, the German Film Award) and promotion programmes (support for productions, scripts, cinemas, etc.). Since 2005, the German Film Award (with prize money of 3 million EUR) is organised by the German Film Academy, founded in 2003. Furthermore, film festivals and symposia (for example, the International Film Festival Berlin), international film productions (through bilateral film agreements), as well as institutions dedicated to the restoration and preservation of film cultural heritage (for example Stiftung Deutsche Kinemathek in Berlin and the Deutsche Filminstitut in Frankfurt am Main) are also supported by the BKM.

The German cinema promotion amounts actually in total to 340 million EUR, made up of the promotion of FFAs as well as the Federal Government (Bund) and federal states (Länder). On January 1st 2007, a new support model entitled *Encouragement and consolidation of film production in Germany* came into force, which offers film producers a reimbursement of 15 to 20 % of production costs, spent in Germany, on the production of a cinema film. 60 million EUR p.a. has been provided. The intention is to increase Germany's attraction as a production

location for large-scale international productions.

In addition to support measures for the improvement of the artistic quality of films, federal policies in this domain include regulatory measures, e.g. concerning taxation and copyright frameworks. In that context, tax shelters for film funds were abolished in November, 2005.

The federal cabinet decided on a mandatory registration for German cinema films in October 2012. This was adopted accordingly in the *Federal Archive Act (Bundesarchivgesetz)*. In January 2014 the Federal Constitutional Court confirms the legality of the *Federal Film Promotion Act* and dismisses the constitutional complaint of four internationally represented cinema chains. This constitutional complaint had been particularly brought against the so-called film levy, which provides that cinema owners have to pay between 1.8% and 3% of their net income (if more than 75.000 EUR are achieved) to the Film Promotion Agency. Through this the Federal Constitutional Court confirms the in this manner since 1968 existing promotion and levy system.

Film promotion programmes also exist at the federal state (Länder) level. These differ considerably in scope and are funded by a variety of sponsors and bodies. In order to coordinate the film policies of the federal states (Länder) with the Federal Government, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) established a Film Committee of the Länder in 1994, which involves the participation of the respective state chancelleries and economic ministries.

The statutory basis for the public radio and television corporations (financed mainly by licence fees) and the private (commercial) television broadcasters (financed by advertising revenue) is the *Interstate Broadcasting Agreement* concluded among the federal states (Länder). On the basis of this Agreement and within the framework of their responsibilities for radio and television broadcasting, the individual federal states (Länder) have enacted detailed provisions in their respective *Land Broadcasting Acts*.

The legal framework for the new information and communications technologies is defined by the *Telecommunications Act*, which entered into force on August 1st, 1996, the *Federal Information and Communication Services Act*, which entered into force on August 1st, 1997, and the essentially identically worded *Interstate Broadcasting Agreement* concluded among the federal states (Länder).

#### 4.2.7. LEGISLATION ON DESIGN AND CREATIVE SERVICES

As early as 1950, a federal *Law on Art for Public Buildings (Kunst am Bau)* was passed to promote visual artists and to bring art into public spaces (actually, a regulation of the same name for the Reich, the federal states (Länder) and the towns already existed in 1934). The law foresaw that 1 percent – later 2 percent – of the construction budget of public buildings should be spent on works of art connected with the architecture. This regulation was reworked several times and is known today as the "K7" component of the *Guidelines for the Realisation of Construction Assignments of the Federal Government (RBBau K7)*. At the beginning of the 1990s, the 2 percent rule was taken out of the regulation. The RBBau K7 applies only to constructions carried out on the federal level. The federal states (Länder) introduced similar regulations for constructions carried out under their responsibility, some of them with the same name "K7", others under the title Art in the Public Space. Some local authorities also developed similar guidelines. More general definitions relating to architecture and town-planning are laid down in the Federal Construction Code and in building regulations, above all at state level.

In 2005, the Bundestag / Federal Parliament decided unanimously to establish a National Foundation for

Architecture (Stiftung Baukultur). However, this plan failed because of the resistance of the Bundesrat (Chamber of the federal states (Länder) in the Parliament) and because some federal states (Länder) feared too much influence from the national authorities.

Environmental care and landscape protection in general do not fall into the area of cultural policy in Germany. Both on the national and regional level, they are administered through separate laws and regulations by ministries for environmental affairs. However, the protection and care of the natural heritage and built monuments in the narrow sense are at least partly addressed by authorities in charge of the care of monuments, based on the laws for monument protection of the 16 federal states (Länder).

## 5. Arts and cultural education

### 5.1. Policy and institutional overview

At the federal level, the main governmental responsibility for art and cultural education lies with three ministries: the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, the Federal Government Commissioner for Cultural and Media Affairs and the Federal Ministry of Education and Research.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth began implementing its National Youth Strategy *Taking action for a youth-appropriate society* in 2011. The area of cultural education in particular advanced into the field of inclusion of non-formal education and cooperation with formal education. In addition to an innovation fund for cultural education within the so-called Independent Youth Policy, the Ministry contributed approximately 8.5 million EUR in 2012 to improve the federal infrastructure and further education in schools and vocational training within the framework of cultural policy practice. In December 2019, the Federal Government adopted the Youth Strategy, which was developed with the participation of all federal ministries concerned with youth issues. It identifies interdepartmental youth policy needs for action and 161 new or further developed measures to address them. With this inter-ministerial coordinated agenda, the Federal Government intends to gear its actions in future more closely to the views and needs of young people. In 2013, the Federal Ministry of Education and Research (BMBF) launched the Federal Government's largest funding programme for cultural education to date. The aim of the *Kultur macht stark* programme is to promote extracurricular educational opportunities for disadvantaged children and young people aged 3 to 18. In order to give them good educational opportunities and enable them to participate in society, the BMBF has been supporting local alliances for education in the implementation of extracurricular cultural education projects since 2013. Funding began in 2013 and extended in the first phase until 2017, the second project phase started in 2018 and will run until 2022. The BMBF will provide funds of up to 430 million EUR until the end of the project.

The BMBF is also funding another project, which has been implemented by the German Cultural Council since 2012: the Dialogue Platform for Cultural Education. It consists of an Internet portal *Kultur bilden*, a newspaper supplement *Kultur bilden* and dialogue forums.

In the current cultural policy debate, the view is gaining ground that cultural education for children and young people must be strengthened both inside and outside of school. The Enquete Commission Culture in Germany of the German Bundestag, for example, has placed this topic at the top of its agenda. Initiatives worth mentioning here are:

- In spring 2007, a programme titled An Instrument for Every Child (*Jedem Kind ein Instrument – JeKi*) was initiated in the Ruhr Area by the Federal Cultural Foundation, the state of North Rhine-Westphalia and the Zukunftsstiftung Bildung (Future Foundation for Education) with the participation of the Ruhr Area municipalities, private sponsors and participating families as a cooperation project of the Capital of Culture RUHR.2010. Every primary school child in the Ruhr Area should have the opportunity to learn a musical instrument of its own choice. The focus is on the children making music together – from the first to the fourth grade. The costs of around 35 million EUR are borne by the Federal Cultural Foundation, the state of North Rhine-Westphalia and private sponsors, as well as a small contribution from parents. After the four-year introductory phase, the Federal Cultural Foundation and the Zukunftsstiftung Bildung withdrew their

funding for the programme as planned. From the 2011/12 school year onwards, the state of North Rhine-Westphalia assumed sole sponsorship with approximately 8.7 million EUR annually. In the 2014/15 school year, around 40 municipalities, 50 music schools, 576 primary schools, 25 special schools with around 60,000 children took part in the JeKi programme. In order to make it possible for all communities in NRW to participate in the programme, it has been launched with a new concept under the name JeKits - Instruments, Dancing, Singing for Every Child in NRW from the 2015/16 school year.

- The youth culture and youth education initiative entitled [Children to Olympus](#) of the Cultural Foundation of the Federal States in cooperation with private sponsors. The concept is currently being revised; new event and funding formats will be announced in early 2020.
- Some federal states also have specific programmes such as Culture and School. This state programme, which was launched in 2006, aims to strengthen artistic-cultural education in schools through additional projects.
- The initiatives for the promotion of child and youth culture of the cities of Munich and Hamburg.
- Since 2009, the Federal Government Commissioner for Culture and the Media has awarded an annual prize for cultural education worth EUR 60,000.

In order to present examples of good practice and cooperation between cultural education institutions and schools, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Association for Cultural Education for Children and Youth founded a competition called Mixed Up!. Since 2005, prizes have been awarded annually.

With the school year 2011/12, a new programme called Cultural Agents for Creative Schools was launched in 5 countries (North Rhine-Westphalia, Berlin, Hamburg, Baden-Württemberg, Thuringia) at 138 schools with the aim of inspiring children and young people for art and culture in the long term and thus promoting their personal development. It is a model program of the non-profit forum K&B GmbH, initiated and supported by the German Federal Cultural Foundation and Stiftung Mercator in cooperation with the responsible state ministries and other partners. Even after the end of the funding by the two foundations, there will still be cultural agents in the participating states

In 2012, the 4th Education Report was presented, this time with the main topic Cultural Education or Cultural / Musical-Aesthetic Education in the Life Course. As a result of this focus, the topic of Cultural Education has been brought more into focus than before. However, it is also pointed out that there is an unsatisfactory data situation for cultural education – by using the different datas of sector associations with different surveys or survey methods.

The Council for Cultural Education was founded in 2012. It is an independent advisory body that deals with the quality of cultural education in Germany. It has eleven members representing different areas of arts education: dance and theatre education, music and literature education, educational research, educational science, pedagogy, political education, media education, sociology, cultural education and the arts. The Council for Cultural Education is an initiative of various foundations in Germany. It publishes annual memoirs and studies, such as *Jugend / YouTube / Kulturelle Bildung. Horizont 2019* – a study of 12 to 19-year-olds on the use of cultural education opportunities at digital cultural venues, and *Libraries / Digitization / Cultural Education. Horizont 2018* – on the impact of digitisation in libraries, on cultural education in all-day schools.

The Council for Socio-Culture and Cultural Education brings together key players: 25 associations and

institutions of cultural education, such as the Federal Association for Cultural Youth Education, the Federal Association of Youth Art Schools and Cultural Education Institutions, the Federal Association of Museum Education, the Federal Association of Socio-Cultural Centres, the Federal Academy for Cultural Education Wolfenbüttel and the Academy of Cultural Education Remscheid.

Since 2009, the Federal Government Commissioner for Culture and the Media has awarded an annual prize for cultural education worth EUR 60,000.

## 5.2. Arts in schools

Art, music, literature and music education are components of school education and fall within the responsibility of the federal states (Länder), which organise them differently in terms of scope and quality.

In the 2017/2018 school year, 595,000 students were enrolled in artistic subjects such as music, art, literature or similar subjects in the qualification phases I and II of the upper secondary school system at general schools throughout Germany. In relation to the number of pupils, the indicator value for Germany was 1.0, meaning that on average every pupil took a course in an artistic subject. In this connection, the federal states had very different values: from 0.7 to 1.5, which can also be explained by the different school ordinances and laws in the individual states.<sup>[1]</sup>

Figures on the type and scope of artistic subjects in primary and secondary schools up to grade level are published in the Education Report 2012 with the focus on Cultural Education. According to these figures, the number of hours per week for compulsory artistic subjects in the federal states is between 12 and 24, for lower secondary level I at secondary modern school (Hauptschule) between 11 and 26, at secondary modern school (Realschule) between 13 and 22 and at grammar school (Gymnasium) between 6 and 20 hours.<sup>[2]</sup>

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<sup>[1]</sup> Statistische Ämter des Bundes und der Länder (2019): *Kulturindikatoren kompakt*; Wiesbaden: Self-published.

<sup>[2]</sup> Autorengruppe Bildungsberichterstattung(2012): *Bildung in Deutschland 2012. Ein indikatorengestützter Bericht mit einer Analyse zur kulturellen Bildung im Lebenslauf*, Bielefeld: Bertelsmann Verlag.

## 5.3. Higher arts and cultural education

Higher education in Germany consists mainly of three types of institutions with the following courses of study:

Art and music colleges:

- Study programmes in the fields of design, fine and performing arts and in film, television and media and various music fields;
- Study programmes for cultural management;
- Some teach the whole spectrum of artistic subjects, others only certain disciplines.

Universities:

- Courses of study in theoretical disciplines (e.g. art history or cultural studies);
- Study courses in the arts or music education (e.g. to become a primary or secondary school teacher);
- Courses of study for cultural management, cultural anthropology.

Universities of Applied Sciences:

- Courses of study in cultural work, cultural education, cultural mediation, cultural tourism.

Over the past 30 years, the range of courses of study in the field of culture has grown very rapidly. In order to give an overview of the variety of study programmes in the field of culture, especially in terms of cultural mediation, offered at universities, universities of applied sciences and academies of art and music, the Institute for Cultural Policy within the Association for Cultural Policy has conducted a research project on the topic Study - Labour Market - Culture. One of the results is an online database with profiles of more than 300 courses of study in cultural representation and promotion (e.g. cultural education, cultural management, cultural tourism, etc.).<sup>[1]</sup>

Data on study programmes are only available for the subject group Arts and Art Studies. In 2017, a total of 94,300 students are studying in this subject group. Of the graduates, 3.6 % were assigned to this subject group (=11,100 students) in 2017. The overall proportion of women in this subject group was 65.2%.

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<sup>[1]</sup> Blumenreich, Ulrike (2012): *Studium – Arbeitsmarkt – Kultur. Ergebnisse eines Forschungsprojektes*, Bonn / Essen: Kulturpolitische Gesellschaft / Klartext Verlag.

## 5.4. Out-of-school arts and cultural education

In Germany, there are independent extracurricular institutions and offers of cultural (youth) education (e.g. music schools, youth art schools, interdisciplinary cultural workshops, media centres), which are partly publicly funded, partly privately or with mixed funding. These out-of-school cultural education and cultural pedagogy programmes are gaining in importance and increasing in quality and scope. New concepts and institutions, which increasingly combine classical cultural education with the use of new media, have been established primarily by non-governmental institutions with the support of the public sector. The promotion of cultural education for children and young people has received a significant boost since this task was enshrined in § 11 of the *Child and Youth Services Act* (1991).

The Federal Association for Cultural Child and Youth Education (Bundesvereinigung Kulturelle Kinder- und Jugendbildung BKJ e. V.) is the umbrella organisation for cultural education in Germany. More than 50 nationwide specialist organisations and state associations have joined together in the BKJ. Various umbrella and professional associations exist in Germany for the various institutions: the Association of German Music Schools with its 16 federal state associations is the municipal professional and sponsoring association of the approximately 930 public music schools in Germany; and 340 independent music schools have joined together in the Federal Association of Independent Music Schools. The Federal Association of Youth Art Schools and Cultural Pedagogical Institutions (bjke) has represented 400 youth art schools and cultural educational institutions nationwide since 1983 through its regional working groups and regional associations.

Statistical data are available for the music schools and adult education centres. In 2017, 1.5 million pupils were taught at 930 public music schools in Germany. The majority (85 %) of them were under 19 years of age at that time. In relation to the population of the same age, the proportion of students at public music schools up to 19 years of age was 8.6% nationwide. In [its annual statistics for 2016](#), the Federal Association of Independent Music Schools assumes a projected 158,000 music students at 340 member schools. At 883 out of 895 adult education centres in Germany, a total of 830,000 course bookings in the programme area Culture and Design were counted for the year 2017. This corresponds to 12.9 % of all course bookings.

## 5.5. Vocational and professional training

In 2017, the vocational training statistics counted a total of 1.3 million trainees. A culture-specific occupation is learned by 26,000 people, which represents 2% of all trainees. The five most common culturally relevant occupational groups were: technical media design (7,700 trainees), event, camera and sound technology (4,900 trainees), event service and management (4,500 trainees), publishing and media industry (2,400 trainees) and arts and crafts media design (1,600 trainees).<sup>[1]</sup>

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<sup>[1]</sup> Statistical Offices of the Federal Government and the Länder (2019): [Kulturindikatoren kompakt, 2019 edition](#); Wiesbaden: Self-published.

## 6. Cultural participation and consumption

### 6.1. Policies and programmes

The basic principle governing cultural policy in Germany – a principle that has been enshrined in some of the Land Constitutions – is to enable the greatest possible number of citizens to participate in the country's cultural life. All public cultural policy endeavours and expenditures serve the aim of creating the conditions for free and unfettered participation in cultural life. As in the past, however, some segments of the population are still afraid of trying something new and unfamiliar. Appropriate cultural support measures – in the fields of museum, theatre and arts education – are therefore being undertaken at all policy levels to reduce obstacles to access posed by educational deficiencies.

In the cultural policy debate, a direct link has, for some time, been established between the subject of cultural participation and issues of citizen involvement, of social cohesion etc. These issues are becoming increasingly important in relation to discussions on demographic developments and the growing significance of intercultural, inclusive and dialogue-oriented initiatives. Recently, some initiatives started to promote participation in cultural life, for instance for people with lower incomes or for children and young people.

In recent years, numerous programmes have been set up to promote cultural participation. These relate to (disadvantaged) children and young people, for example. Particularly noteworthy in this context is the programme Culture makes you strong ("Kultur macht stark") launched by the Federal Ministry of Education and Research in 2013, which supports projects that are explicitly aimed at children and young people in "difficult social situations" (low education, low income or parental unemployment) in order to "also enable these children and young people to have good educational opportunities and participate in society" (see also chapter 5.1). The Kulturrucksack (culture backpack) initiative launched in North Rhine-Westphalia in 2011 also aims to provide young people between the ages of 10 and 14 with free or low-cost access to cultural facilities. Cultural institutions also support this goal, for example by providing free admission for children and young people, as is the case in numerous Berlin museums, in Saxony with free admission for children up to 16 years of age to all public museums, for children and young people up to 18 years of age to all museums of the Rhineland Regional Association, and in many municipal museums in Frankfurt am Main.

Worth mentioning is also the initiative of Kulturlogen (culture lodges). The idea is to enable people with lower incomes to have free access to cultural performances by distributing seats that are provided by theatres and other cultural institutions. The first Kulturloge started in 2009 in Marburg; meanwhile the idea spread to other major cities such as Berlin, Hamburg, Dresden, Göttingen, and Gießen but also to rural districts e.g. Lahn-Dill-Kreis.

### 6.2. Trends and figures in cultural participation

Despite the continuously increasing number and variety of cultural and leisure-time activities since the 1970s – especially those made available by the culture and media industries – attendance and participation figures for public cultural institutions have continued to rise over the long term, though they have fluctuated widely and declined in some areas.

Table 2: People who participated in or attended a certain cultural activity during the last 12 months in Germany (in % of the population, over 3 available years)

Activities heavily subsidised by the state	Year 1	Year 2	Year 3
Opera performances *	2017/2018: 3.768 Mio. visitors	2016/2017: 3.797 Mio. visitors	2015/2016: 3.882 Mio. visitors
Dance *	2017/2018: 1.608 Mio. visitors	2016/2017: 1.576 Mio. visitors	2015/2016: 1.630 Mio. visitors
Operetta *	2017/2018: 0.433 Mio. visitors	2016/2017: 0.423 Mio. visitors	2015/2016: 0.452 Mio. visitors
Play	2017/2018: 5.431 Mio. visitors	2016/2017: 5.205 Mio. visitors	2015/2016: 5.362 Mio. visitors
Orchestras	2017/2018: 5.093 Mio. visitors	2016/2017: 5.303 Mio. visitors	2015/2016: 5.416 Mio. visitors
Libraries (only public ones) **	2018: 120.78 Mio. visits / 339.62 Mio. Loans	2017: 120.49 Mio. visits / 346.03 Loans	2016: 121.16 Mio. visits / 356.84 Mio. Loans
Museums ***	2017: 114,375,732 visits	2016: 111,877,085 visits	2015: 114,423,192 visits
Cultural centres ****	2017: 12.566 Mio. visits	2015: 10.890 Mio. visits	2013: 10.475 Mio. visits
<b>More data</b>			
Cinemas *****	2017: 122 Mio. visits		
First edition books *****	2017: 72.499:		
Daily newspapers sold *****	2017: per publication day: 14.7 million copies of 327 daily newspapers		
Access to the Internet *****	2017: 91 %	2003: 43 %	
Internet activities for cultural purposes of Internet users ***** Reading news, newspapers, magazines Listen to music via Internet radio or online streaming services Watch videos from commercial online providers	2017: 71% 2017: 48% 2017: 30%		

Sources:

\* Deutscher Bühnenverein: Theaterstatistiken 2017/2018, 2016/2017 und 2015/20126

\*\* Deutsche Bibliotheksstatistik: 2018, 2017, 2016

\*\*\* Institut für Museumsforschung: Statistische Gesamterhebung an den Museen der Bundesrepublik Deutschland: Heft 72 (2017), Heft 71 (2016), Heft 70 (2015)

\*\*\*\* Statistische Ämter des Bundes und der Länder (2020): Spartenbericht Soziokultur und Kulturelle Bildung

\*\*\*\*\* Statistische Ämter des Bundes und der Länder (2019): Kulturindikatoren kompakt

\*\*\*\*\* Statistische Ämter des Bundes und der Länder (2018): Kulturfinanzbericht 2018

Table 4: Cultural / artistic - aesthetic activities of 9- to under 25-year-olds by type of activity by age group in percent in Germany

	<b>2011</b>
<b>Musical activities in total</b>	50,0
Playing an instrument	34.4
Singing	20.5
Creating electronic music / sample	5.4
Rapping / beatboxing	3.0
DJ	4.2
Composing music	6.8
<b>Visual Activities in total</b>	65,9
Drawing	42.0
Handicrafts	27.8
Creating pictures / drawings on the PC	20.8
Artistic photography	18.6
Making videos / films	12.6
Making fashion / jewellery	7.5
Making pottery / figures / sculptures	3.6
Spraying / graffiti	2.3
Designing textiles	6.0
<b>Performing activities in total</b>	25,7
Dancing / ballet	16.3
Acting / playing theatre	9.2
Acrobatics / juggling	3.9
Comedy / cabaret	1.0
Poetry slam	0.3
<b>Cultural activities in total</b>	82.0

Source: Autorengruppe Bildungsberichterstattung: Bildung in Deutschland 2012. In indikatorengestützter Bericht mit einer Analyse zur kulturellen Bildung im Lebenslauf, Bielefeld: Bertelsmann.

## 6.3. Trends and figures in household expenditure

Table 5: Household cultural expenditure by expenditure purpose, 2015 and 2016

Items (Field/Domain)	Household expenditure per Household (in EUR)			Share of expenditure on selected consumer goods in total private consumption expenditure in %	
	2016		2015	Year 1	Year 2
I. Books and Press	372		360	12,0	11,9
Books	120		120	3,9	4,0
Press	252		240	8,1	7,9
II. Cultural Services	744		744	24,0	34,6
Visits of cinema, theatre, music events, circus and other events	128		129	4,1	4,3

Visits of museums, zoological and botanical gardens	37		38		1,2	1,3
Others	579		577		18,7	19,1
III. Audiovisual equipment and accessories	348		324		11,2	10,7
Television and video equipment, TV aerials	96		96		3,1	3,2
Photo, film and optical equipment	36		24		1,2	0,8
Data processing equipment and software	144		132		4,7	4,4
Sound, image and other data carriers	72		72		2,3	2,4
TOTAL	3.096		3.024		100,0	100,0

Source: Statistische Ämter des Bundes und der Länder (2018): Kulturfinanzbericht 2018 own calculations

## 6.4. Culture and civil society

The importance of cultural associations in Germany is just as great as their diversity. They range from small local or neighbourhood sponsors of cultural activities to museum associations that run their own institutions. Cultural institutions in smaller municipalities are frequently organised as associations and depend on the voluntary engagement of their members. This refers to the activities of libraries, monument protection, local culture and the running of local museums, historical museums, culture clubs and arts galleries.

Despite the tremendous diversity, all cultural associations have one thing in common: they are the ideal breeding ground for civic commitment and involvement. The larger ones are prime examples of how volunteers and professionals can work hand in hand. Cultural associations thus form an indispensable structural framework for the sponsorship of cultural activities in the Federal Republic of Germany.

According to the Volunteer Survey of 2014 (conducted every 5 years), about 43.6 percent of the resident population of Germany aged 14 and older are volunteers, 9.0 % in the field of culture and music (compared to 5.2 % in 2009).

The socio-cultural centres play a very important role, in particular they provide low-threshold access to culture. There are more than 700 socio-cultural centres in Germany. The majority of the sociocultural centres are members of the Federal Association of Socio-Cultural Centres (Bundesvereinigung Soziokultureller Zentren BuSZ) via the regional associations. According to the latest survey of the Federal Association of Socio-Cultural Centres<sup>[1]</sup>, which collected data for the 2017 financial year and was published in 2019, and the Socio-Cultural and Cultural Education Divisional Report<sup>[2]</sup>, more than 80,000 individual events, 227,000 continuous courses and 33,000 open courses were offered by the 566 socio-cultural centres organised in the BuSZ.

The range of offers include cross-divisional event work as well as educational and political work, district work, child and youth work, intercultural work, work with senior citizens and other special target groups. In addition to its own events, the premises of the member institutions of the BuSZ were used for around 9,600 external events in 2017. The diverse events of the socio-cultural institutions in the BuSZ led to around 12.6 million visits in 2017. The activities of the centres reach people of all age groups: about one fifth of the users are under 20 and over 60 years of age, 14 % of the users are migrants. Civic involvement is also very pronounced around the socio-cultural centres: of the 27,500 or so people working in socio-cultural institutions, around 16,200 are volunteers and voluntary workers, which corresponds to 59 % of all actors. The total income of the centres amounted to EUR

230 million. In 2017, slightly more than half of the income (58 %) came from the various funding sources (27 % from the municipalities, 18 % from the federal states, 5 % from federal funds and other funds from the EU, foundations and other sponsors), while 42 % was made up of own funds.

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<sup>[1]</sup> Bundesvereinigung Soziokultureller Zentren e.V. (2019): *Was braucht? Soziokulturelle Zentren in Zahlen*, Berlin: Self-published.

<sup>[2]</sup> Bundesamt für Statistik (2020): *Spartenbericht Soziokultur und Kulturelle Bildung*, Wiesbaden: Self-published.

# 7. Financing and support

## 7.1. Public funding

### 7.1.1. INDICATORS

#### Short overview

The financing of culture in the Federal Republic of Germany rests on several pillars. In keeping with the subsidiarity principle, culture – and thus the public financing thereof – is first and foremost the responsibility of the citizens and their local communities. Only when the scope or nature of a cultural policy task is beyond the community's resources does the state step in as a sponsor. The municipalities thus bear the lion's share of the cost of financing public cultural activities and institutions, followed by the federal states (Länder). Due to its limited competence in the field of cultural policy, the Federal Government provides only a small share of the total support for culture in Germany (see chapter 6.2). Impossible to quantify through financial statistics – but by no means insignificant – are the funds stemming from other policy fields, especially job promotion. In Germany's western federal states (Länder), the overwhelming majority of these funds were allocated to third sector sponsors of cultural activities and institutions, even prior to unification. In the eastern federal states (Länder), they have taken on great importance in the course of the past ten years for all cultural institutions.

However, the municipalities, the federal states (Länder) and the Federal Government operate on the basis of rather different definitions of the term "culture". To give an example: scientific museums and libraries are included in "culture" within the statistics on the municipality level by Deutscher Städtetag, whereas they are excluded at the level of the federal states (Länder) by the Kultusministerkonferenz or at the federal level by the Federal Office for Statistics. Another challenging aspect for comparisons is different calculation methods: the principle of gross expenditures by the Deutscher Städtetag and the net expenditures by the Kultusministerkonferenz. As a result, public cultural expenditure statistics often varied considerably, in some cases by billions of EUR.

A partial harmonisation was achieved when the Federal Office for Statistics co-operated with statistical offices of some federal states (Länder) to produce the second Cultural Finance Report, published in 2003. For the first time, the offices for statistics of the federal, federal states (Länder) and municipality level agreed on a generally admitted term of "culture", which is oriented towards the definitions of EUROSTAT and UNESCO in order to facilitate comparisons at international level. Since then, the following issues were measured by the offices for statistics for "cultural issues": theatre, music, scientific and other museums, scientific and other libraries, archives, heritage issues, cultural administration, academies of Arts and foreign cultural policy (see Table 4). Furthermore, "cultural related issues" include radio and television broadcasters and media companies, adult education centres and church affairs. Moreover, the principle of basic funds has been chosen to constitute the expenditure.

The following cultural finance reports – 2006, 2008, 2010, 2012, 2014, 2016 and 2018 – maintained the described concept of culture and the expenditure principles. Following the recommendation of the Enquete Commission, the federal governments and those of the federal states instructed the Federal Statistical Office to set up a national uniform cultural statistics that should be developed from 2014 to 2016. The discussions around a

standardisation of cultural statistics were also taken up by the Enquete-Kommission of the German Bundestag(Federal Parliament) on Culture in Germany, which submitted, in its final report, a suggestion on the harmonisation of cultural statistics. In 2008, this suggestion was discussed and at least partly introduced. Following the recommendation of the Commission of Inquiry, the Federal Government and the federal states (Länder) have commissioned the Federal Statistical Office in 2012 to establish a nationwide uniform cultural statistics system, the concept for which has been developed for 2014 to 2016. The project was extended from 2017 to 2022 under the title Nationwide Cultural Statistics.

In order to provide greater transparency on public spending on culture, some federal states (Länder) and municipalities published reports on culture offering statistical data as well as presentations of the development of the cultural sectors through public funding – e.g. Bavaria, North Rhine-Westphalia, Lower Saxony, Schleswig-Holstein, Colonia, Wuppertal and Ulm.

## Indicators

The source of the data presented here are the monitoring reports on cultural funding (Kulturfinanzberichte). Since 2000, they have been published by the Federal and State Statistical Offices, initially every three years and since 2006 every two years. The work of the statistical offices in the field of cultural statistics is accompanied by a Working Group on Cultural Statistics consisting of representatives of the German Association of Cities and Towns (Deutscher Städtetag), the Conference of Ministers of Culture (KMK), the Federal Government Commissioner for Culture and the Media (BKM), two federal state ministries of culture and other experts. The most recent version of the Cultural Finance Report - the [Cultural Finance Report 2018](#) - was published in December 2018. It contains the actual data up to 2011, for the years 2012 to 2015 the provisional actual figures and, in addition, for the federal and state levels, for 2016 the provisional actual figures and for 2017 and 2018 the target figures.

According to the *Culture Finance Report 2018*, the public sector (federal, state and local governments) spent a total of 10.4 billion EUR on culture in 2015 (according to finance statistics, defined according to the basic funding concept). The municipalities provided a budget of 4.7 billion EUR (44.9 % of total public expenditure on culture), while the federal states provided 4.2 billion EUR (40.3 %). The Federal Government contributed a further 1.5 billion EUR (14.8 %) to public cultural funding.

In relation to Germany's economic power, public spending on culture reached a share of 0.34 % of gross domestic product in 2015. Overall, public budgets allocated 1.73 % of their total budget to culture. Public spending on culture per capita 2015 was 126.77 EUR.

According to the *Culture Finance Reports*, total public expenditure on culture increased according to the basic budget as follows: 7.98 billion EUR (2005), 9.36 billion EUR (2010), 9.39 billion EUR (2011), 9.44 billion EUR (2012), 9.84 billion EUR (2013), 10.24 billion EUR (2014) to 10.41 billion EUR (2015). Per capita expenditure also increased from 98.20 EUR (2005), 116.65 EUR (2010) to 116.84 EUR (2011), 117.23 EUR (2012), 121.80 EUR (2013), 126.12 EUR (2014) and 126.77 EUR (2015). In contrast, there is no continuous increase in the share of gross domestic product accounted for by cultural expenditure, which changed from 0.35 (2005), to 0.36 (2010), 0.35 (2011), 0.34 (2012), 0.35 (2013 and 2014), 0.34 (2015). A similar development can be seen in the share of public cultural expenditure in the total budget. This changed from 1.60 (2010), to 1.68 (2010 and 2011), 1.66 (2012), 1.67

(2013), 1.72 (2014) and 1.73 (2015).

In addition to public expenditure on culture (which includes theatre and music, libraries, museums, monument protection and preservation, cultural foreign affairs, other cultural activities, public art colleges and the administration for cultural affairs), the public sector will also be responsible for cultural-related activities (i.e. adult education centres, other further education, church affairs and radio and television) with 2.0 billion EUR in 2015. The federal states contributed 1.1 billion EUR (53.2 %), the federal level 0.57 billion euros (28.6 %) and the municipalities 0.361 billion EUR (18.2 %).

In addition, the preliminary actual figures for 2016 and 2017 and the target figures for 2018 are still available for the federal and state levels. Federal cultural expenditure in 2016 was 1.636 billion EUR, in 2017 1.940 billion EUR (provisional actual figures) and in 2018 2.203 billion EUR (target figures), that of the federal states was 4.393 billion EUR in 2016, 4.465 billion EUR in 2017 (provisional actual figures) and 4.711 billion EUR in 2018 (target figures).

### 7.1.2. EXPENDITURE ON GOVERNMENT LEVEL

Table 6. Public cultural expenditure by level of government, 2015

Level of government	Total expenditure in billion EUR*	% share of total
State (central, federal)	1.5399	14,78 %
Regional (provincial, Länder, etc.)	4.1988	40,31 %
Local (municipal, incl. counties)	4.6786	44,91 %
TOTAL	10.417.3	100%

Source: Statistische Ämter des Bundes und der Länder (2018); Kulturfinanzbericht 2018, Wiesbaden

### 7.1.3. EXPENDITURE PER SECTOR

Table 7: cultural expenditure and cultural related expenditures 2015 in Germany by federal level, federal state level and local level

Field/Domain/Sub-domain	TOTAL		Federal level		Federal state level		Local level	
	in million EUR	in %	in million EUR	in %	in million EUR	in %	in million EUR	in %
Cultural heritage	500.4	4.8	77.6	5.0	235.5	5.6	187.3	4.0
Museums and exhibitions	1,9069	18.3	331.7	17.4	618.1	32.4	957.0	50.2
Libraries	1,5045	14.4	317.0	20.6	420.4	10.0	767.1	16.4
Theater and music	3,683.7	35.4	33.7	2.2	1,644.3	39.2	2,005.7	42.9
Cultural foreign affairs	552.2	5.3	551.9	35.8	0.3	0.0	0.0	0.0
Administration for cultural affairs	239.7	2.3	0.0	0.0	176.5	4.2	63.2	1.4
Public universities for arts and music	540.1	5.2	0.0	0.0	540.1	12.9	0.0	0.0
Other cultural activities	1,4900	14.3	228.0	14.8	563.6	13.4	698.4	14.9
Total cultural expenditure	10,4174	100.0	1,5399	100.0	4,1988	100.0	4,6787	100.0

Adult education centers	1,037.3	52.2	266.9	47.0	451.8	42.7	318.6	88.0
Church affairs	651.7	32.8	6.0	1.1	602.3	57.0	43.3	12.0
Radio and television	298.4	15.0	295.3	52.0	3.0	0.3	0.0	0.0
Total culture related activities expenditure	1,987.3	100.0	568.3	100.0	1,057.1	100.0	361.9	100.0

Source: Kulturfinanzbericht 2018 and own calculations

The distribution of public expenditure on culture among the eight cultural sectors in 2015 shows that theatre and music accounted for 35.4 %, or more than a third. Another 18.3 % went to financing museums, collections and exhibitions and 14.4 % to libraries.

A comparison of the expenditure structure of the level of governments shows that the focus varies according to the different distribution of tasks.

The municipalities were most involved in financing the theatre and music sector with 42.9 %. Museums, collections and exhibitions accounted for the second largest share of expenditure at 20.5 %, while libraries were in third place with 16.4 %.

The share of funding for theatre and music at the federal state level lies at 39.2 %, which is also significantly higher than the share of funding for museums (14.7 %) and for other cultural activities (13.4 %) and libraries (10.0 %). The structure of cultural expenditure also varied between the federal states. For example, the share of funding for libraries in the federal states ranged from 8.3 % (Thuringia) to 17.8 % (Lower Saxony).

The Federal Government provides the largest share of its culture expenditure on cultural foreign affairs, 35.8%. Expenditure on museums, collections and exhibitions ranked second with 21.5 % and expenditure on libraries third with 20.6 % within federal cultural expenditure.

Public budgets provided a total of 3.7 million EUR for the theatre and music sector. Compared to 2014, public spending increased by 1.6 % and compared to 2005 by 25.5 %. For libraries, public spending in 2015 amounted to 1.5 billion EUR. Compared to 2014, public spending rose by 2.7 %, and compared to 2005, it increased by 26.6 %. In 2015, the federal, state and local governments provided a total of 1.9 billion EUR for museums, collections and exhibitions. Compared to 2014, public expenditure for this area of responsibility decreased by 0.1 %, and compared to 2005, expenditure increased by 31.5 %.

Further information on the individual divisions can be found in the divisional reports prepared in the project Nationwide Cultural Statistics. So far, the *Divisional Reports Music (Spartenbericht Musik)* (2016), *Museums, Libraries and Archives* (2017), *Building Culture, Monument Conservation and Preservation* (2018) and *Film, Television and Radio* (2019) have been published.<sup>[1]</sup> Further sectoral reports will follow.

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<sup>[1]</sup> All sector reports are available via

[https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bildung-Forschung-Kultur/Kultur/Publikationen/\\_publikationen-innen-spartenberichte.html](https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bildung-Forschung-Kultur/Kultur/Publikationen/_publikationen-innen-spartenberichte.html) (Last access: 12.11.2019).

## 7.2. Support programmes

### 7.2.1. STRATEGIES, PROGRAMMES AND OTHER FORMS OF SUPPORT

The promotion of artistic production and reception is achieved on the one hand by funding the cultural institutions and on the other hand by creating art-friendly conditions. This also includes the provision of basic and advanced artistic training, primarily through 52 music, theatre and art colleges and four federal academies.

The Federal Government's cultural funding focuses on the following areas of responsibility: national, establishing a regulatory framework for the development of art and culture, funding cultural institutions of national interest (e.g. the National Library, the Federal Archives, the Art and Exhibition Hall of the Federal Republic of Germany) and projects, preserving and protecting cultural heritage, cultural foreign policy (e.g. Deutsche Welle), fostering historical awareness and promoting Berlin as a capital city (Capital City Funding Agreement).

The area of focus at federal level include cultural integration, protection of cultural assets, the return of Nazi looted art and looted art, the cultural and creative industries, provenance research, reappraisal of the Nazi regime of terror and the SED dictatorship, art in exile, digitalisation of culture and media and currently also the Bauhaus, the Humboldt Forum opening in 2020 and the Beethoven Jubilee 2020.

Other central funding instruments of the federal, state and local governments include specific programmes - in accordance with their responsibilities. Examples of programmes at federal level are: Nationally valuable cultural monuments (since 1950, until 2017 670 cultural monuments with a total volume of approx. 367 million EUR could be preserved and restored), investments for national cultural institutions in East Germany (since 2004, until 2017 approx. 83 million EUR), Initiative Music (since 2007), German Motion Picture Fund (since 2016, until 2018 approx. 36 million EUR), National Prevention Programme against Islamist Extremism (since 2017), Excellent Orchestra Landscape Germany (since 2017, until the end of 2019 approx. 11 million EUR), Preservation of the written cultural heritage (since 2017, until November 2019 approx. 11 million EUR), Youth reminds (since 2019, 2.5 million EUR are available for 2019 and 2020).

At the federal level, support for artists is provided primarily through the self-organised institutions of artists and cultural actors - the Art Fund, the German Literature Fund, the Socio-Cultural Fund, the Performing Arts Fund and the projects supported by the German Music Council. This support includes, for example, nationally significant exhibitions of contemporary art, competitions, scholarships, prizes and other suitable forms.

One of the central actors in federal cultural promotion is the Federal Cultural Foundation (Bundeskulturstiftung). Its task is to promote programmes and projects in an international context. In addition to general project funding, which is not restricted to specific sectors or themes, the Federal Cultural Foundation develops its own programmes, currently for example "hochdrei" to strengthen district libraries and the World-Cinema Fund with support for the production and distribution of films that enrich the cinema landscape in Germany. Other programmes include [TRAFO - Models for Culture in Transition](#), which promotes the "sustainable transformation of publicly funded cultural institutions into lively cultural and meeting places in rural regions" (since 2015, 11 model regions, 2015-2026: 26.5 million EUR). In addition, the Federal Cultural Foundation has set up a [Digital Fund](#) to encourage cultural institutions "to make better use of digital services in the areas of art, education and communication for the needs of the respective institutions or to develop them further as models".

Another promotion programme is Architectural Art (Kunst am Bau). This is understood to be an obligation, particularly on the part of the state as the building owner, to use a certain proportion - usually around 1 % - of the construction costs of public buildings for works of art, in line with its building culture requirements. This obligation is laid down by the Federal Government and the federal states in corresponding regulations.<sup>[1]</sup> Some cities (e.g. Munich and Dresden) have adopted this obligation at the municipal level.

In recent years, special programmes have been set up in some areas. These included numerous programmes at federal, state and municipal level for work with refugees.

Specific anniversaries have also been the occasion for promotion programmes, such as the Reformation Anniversary in 2017, the 100th anniversary of the Bauhaus in 2019.

However, individual art / artist promotion is also particularly important for the various sectors. Special support for companies, start-ups, self-employed and freelancers in the cultural and creative industries is provided by the Federal Government with the Competence Centre for Cultural and Creative Industries. The centre has eight regional offices where it offers individual services and advice.

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<sup>[1]</sup> For example, in the guidelines for the execution of federal construction tasks (status: 5.8.2019).

## 7.2.2. ARTIST'S FUNDS

The promotion of individual artists is primarily the responsibility of the federal states and local authorities. The Federal Government's promotion of artists - in addition to the benefits for the social insurance for artists and indirectly through the funding of cultural institutions - takes place, for example, through the funding of stays abroad by artists living in Germany: in Italy (German Academy Villa Massimo in Rome, Casa Baldi in Olevano Romano, German Study Centre in Venice and Villa Romana in Florence), in France (Cité Internationale des Arts in Paris) and in Turkey (Villa Tarabya in Istanbul). In addition, since the seventies there has been a national acquisitions budget and a collection of contemporary art.

The focus of individual artist promotion is on the municipalities, regions, and federal states. There is a great variety of funding instruments available here: among other things, financial funding for art projects, the purchase of works of art, as well as the awarding of commissions and scholarships, the funding of exhibition and performance spaces, studios and production facilities, the announcement of competitions and sponsorship prizes, and the awarding of publication grants. Support is also provided by municipal art libraries and programmes such as Art in Buildings and Art in Public Spaces, and by business management advice for artists and financial support for business start-ups.

An example of individual support for artists is the funding programme for artists in the Ruhr area, which is open to all artistic professions and disciplines such as the fine arts, literature, music, performing arts, film, media art, architecture or design. It consists of twelve-month scholarships (1,500 euros per month) and a "fire brigade pot" (for small projects and distributions in case of financial shortages). Since its inception in 2016, the programme has supported more than 200 projects to the tune of around 2.1 million EUR with funds from the state of North Rhine-Westphalia.

### 7.2.3. GRANTS, AWARDS, SCHOLARSHIPS

Scholarships and prizes are instruments of individual support for artists, which are awarded by public authorities at municipal, state and federal level as well as by private and civil society organisations.

The web portal Kulturpreise Online provides information on cultural funding, especially for individual support for artists in the form of prizes and scholarships.

Culture and art awards are a particularly important funding instrument that has grown in scope and importance in recent decades. In 1978, the *Handbook of Cultural Prizes (Handbuch der Kulturpreise)* listed 776 prizes and scholarships; by 1985 the number had risen to 1,329; in 1994 the figure was just under 2,000 entries; in 2000 there were 2,400 prizes with 3,100 price units. In the current version (as of April 2019) 2,661 main prize entries with 4,403 price units were listed. Of these 2,661 main prize entries, 405 were in the field of literature, followed by interdisciplinary prizes (391), visual arts (364), music (301), media and journalism (301), film (181), design / photography / arts and crafts (140), architecture / heritage conservation (124), performing arts (120) and other prizes (334). Compared to the prize landscape in 2000, the number of prizes increased most in percentage terms in the areas of "other cultural prizes", media and journalism, film, visual arts, architecture and the preservation of historical monuments, whereas the areas of music and performing arts recorded a decrease in prizes.<sup>[1]</sup>

Some prizes at federal level are mentioned here as examples: German Film Prize (since 1951, formerly: Federal Film Prize), Cultural Education Prize (since 2009), German Computer Game Prize (since 2009), German Music Author Prize (since 2009), Applause - Award for venues with outstanding live music programmes (since 2013), Culture Opens Worlds (since 2015), Federal Theatre Prize (since 2015), German Bookstore Prize (since 2015), German Publishing Prize (since 2019). There are also numerous prizes and scholarships at state and local government level.

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<sup>[1]</sup> Wiesand, Andreas (2019): *Entwicklung der Kultur- und Literaturpreise seit 1978*.

### 7.2.4. SUPPORT TO PROFESSIONAL ARTISTS' ASSOCIATIONS OR UNIONS

In addition to the support provided via artists associations, funds are made available to bodies such as the German Arts Council, the German Music Council and two Federal associations of visual artists. A portion of these funds are earmarked to assist these associations as well as to support individual projects.

## 7.3. Private funding

Cultural institutions, events and projects are also financed by private households, the business community, foundations and other private non-profit organisations, in some areas to a considerable extent. Reliable statistics on private cultural funding are unfortunately not available in Germany. In its *Kulturfinanzbe-richt 2018*, the Federal Statistical Office provides an estimate for a small section of private cultural financing, namely private expenditure on publicly subsidised cultural institutions in 2015, which amounted to 1.2 billion EUR, or 15.11 EUR per capita. In addition, public and private cultural institutions generate income through patronage and sponsorship. They also benefit from voluntary civil society commitment, the value of which cannot be

quantified. Furthermore, this estimate does not take into account cultural institutions that are financed entirely by private means (e.g. musical theatres, rock concerts, circuses and other cultural industry enterprises).

The study *Unternehmerische Kulturförderung*, published in autumn 2019 by the Kulturkreis der deutschen Wirtschaft in the BDI, offers an insight into corporate cultural promotion in Germany. The study, which is based on a survey of companies, nevertheless provides insights into the motivation for promoting culture, the cultural sectors supported, models and forms of cultural promotion and promotional instruments – although it also states that there is still no reliable database on the total amount of private expenditure on the promotion of art and culture in Germany.<sup>[1]</sup>

Only a few of the funding actors report their data, such as the Ostdeutsche Sparkassenstiftung, a cultural foundation and a joint venture of all member savings banks of the East German Savings Banks Association (of the federal states of Brandenburg, Mecklenburg-Western Pomerania, Saxony and Saxony-Anhalt). It promotes and initiates cultural projects in urban and especially rural areas.

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<sup>[1]</sup> Kulturkreis der deutschen Wirtschaft im BDI (Hrsg.) / Siebenhaar, Klaus / Müller, Achim (2019): *Unternehmerische Kulturförderung in Deutschland*, Berlin: Self-published.

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The German profile was first prepared by Norbert Sievers and Bernd Wagner and updated by Wagner. Since 2009, the profile was updated by Wagner und Ulrike Blumenreich and since 2014 by Blumenreich.