

# 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 the arts and culture. Under the new constitution of the Weimar Republic (1919-1933), public responsibility and support for the 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 8 May 1945. The German Reich was then divided into three Western and one Eastern occupation zones. 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 3 October 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

A binding definition of culture that could serve as a basis for cultural programmes and measures does not exist 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" (see chapter 1). 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. Historically grown and constitutionally confirmed, cultural policy in Germany is determined by the principles of decentralisation, subsidiarity and plurality (see also Chapter 1). Within the scope of their competence, municipalities and Länder maintain their own cultural institutions and offerings and promote or support a number of other cultural institutions and events.

In the sense of cooperative cultural federalism, the different political levels of action in the field of cultural policy behave in a complementary way to each other (see also chapter 1.2). Joint sponsorship of cultural institutions and activities is an expression of this effort (cooperative cultural federalism).

Another characteristic of the cultural policy of the Federal Republic of Germany is the principle of "state neutrality" with the simultaneous high guarantee and financing responsibility of the public sector for the maintenance of cultural institutions and programmes. 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

The "New Cultural Policy" of the 1970s and 1980s, the principles of which have since become common knowledge, was in line with the programmatic recommendations of the Council of Europe from the very beginning. The concepts of cultural identity, cultural heritage, cultural diversity and participation are part of the programme of this policy concept.

Today, the main task of cultural policy is to enable as many people as possible to participate in art and culture. Cultural policy as social policy deals with societal challenges - demographic development, migration movements, dealing with value systems, financial developments, economisation, digitalisation.

"We want to make culture possible with everyone by ensuring its diversity and freedom, regardless of the form of organisation or expression, from classical music to comics, from Plattdeutsch to record shops," reads the first sentence of the chapter on culture and media policy in the new coalition agreement (2021). It advocates anchoring culture in its diversity as a state objective.

## 1.2. Domestic governance system

### 1.2.1. ORGANISATIONAL ORGANIGRAM

Germany is a federally organised country with different levels of government:

- the federal state or federation (i.e. the national authorities, parliament, etc.),
- the federal states (as autonomous states),
- and the municipalities (cities, municipalities, districts).

The German Constitution (Grundgesetz) sets out the division of responsibilities and competences between 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 is a matter for 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. Therefore, cultural affairs "together with responsibility for schooling and higher education" are seen as the "heart of the sovereignty of the Länder", expressed in the term "cultural sovereignty" of the Länder.

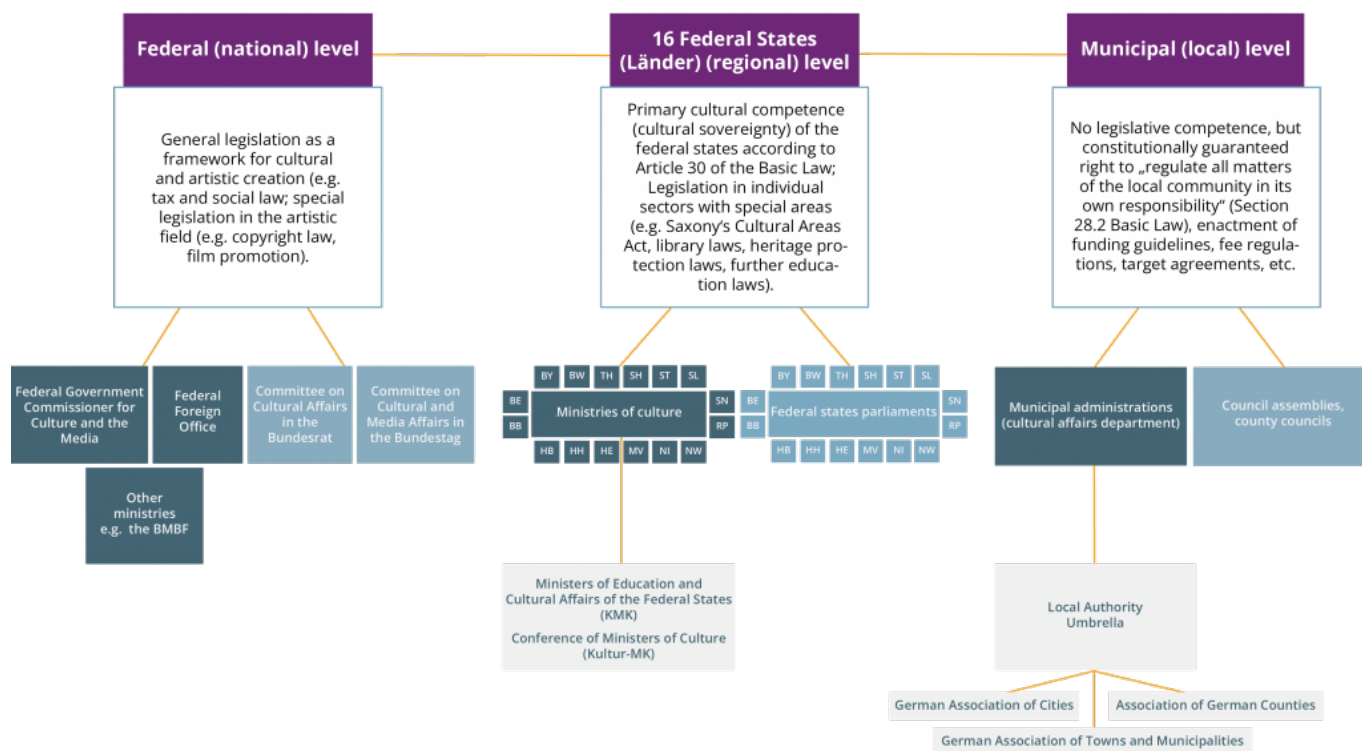
As the most important public actor in the cultural sphere, the federal states are thus responsible for setting their own political priorities, for funding their respective cultural institutions and for promoting projects of regional significance. However, the federal and state governments are by no means the only public actors in cultural policy. The local authorities, i.e. the cities and districts, also have a cultural mandate and can refer to the Basic Law (Article 28, Paragraph 2) and to provisions in the respective state constitutions, which have generally given the municipalities their own cultural responsibility within the overall structure of public competences.

In this federal and highly decentralised system, political responsibility is assumed by the legislative bodies of the Federation and the Länder (parliaments) and the self-governing bodies of the municipalities (council assemblies) and their committees responsible for culture. The government authorities (ministries of culture) or the administrations of the municipalities (cultural departments) are responsible for the technical implementation. The structure of the ministries and

-The number of departments varies; often different departmental tasks are bundled together.

Within the framework of their competences, the Federal Government, the Länder and the municipalities have room for manoeuvre in terms of cultural policy, i.e. extensive freedom to shape the type, scope, focal points and priorities of their cultural promotion.

#### *TAB. 1: THE DIFFERENT LEVELS OF GERMAN CULTURAL POLICY*



### 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 office was held or has been held since its establishment by: Michael Naumann (SPD) from 1998 to 2001, Julian Nida Rümelin (SPD) from 2001 to 2002, Christina Weiss (no party affiliation) from 2002 to 2005, Bernd Neumann (CDU) from 2005 to 2013, Monika Grütters (CDU) from 2013 to 2021 and currently in the 20th legislative period since autumn 2021 Claudia Roth (Bündnis90/Die Grünen).

Responsibilities for international cultural policy lie with the Federal Foreign Office. In 2018, the office of Minister of State for International Cultural Policy was introduced there; the first incumbent was Michelle Müntefering (SPD); since autumn 2021, Katja Keul has been *Minister of State for International Cultural Policy*.

In the 20th legislative period, another Minister of State in the Federal Chancellery will assume responsibilities with interfaces to cultural policy: Reem Alabali-Radovan as *Minister of State for Migration, Refugees and Integration*. The Federal Ministry of Research and Education is responsible for cultural education.



Since 1998, the German *Bundestag* (Parliament) subsequently set up a [Committee on Culture and the Media](#). 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*). Furthermore, one of the most important tasks of the Culture Committee is to advise on and examine legislative initiatives and amendments with regard to their cultural compatibility (e.g. tax law, non-profit law) and to stimulate debates on cultural policy. The most noble right of the parliament is the budget right. In this respect, the Culture Committee has a central steering and decision-making function in the adoption of the culture budget, in order to fulfil its responsibility towards the electorate and for the interests of art and culture. The chairpersons of the Committee for Culture and Media were or are: 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 Katrin Budde (SPD) since 2017 (19th and again 20th legislative period).

The *German Bundestag* not only has its Committee on Culture and the Media as an instrument for safeguarding the interests of the arts and culture. Cultural issues are also dealt with in subcommittees (e.g. in the subcommittee "Foreign Cultural and Educational Policy").

In addition, there is the establishment of the Enquete Commission, which can be appointed for a limited period of time to discuss specific political issues in cooperation with parliamentarians and experts. In autumn 2003, for example, the Enquete Commission "Culture in Germany" was set up to discuss fundamental questions of cultural policy and promotion. The 1200-page final report, which contained 459 recommendations for action for policy-makers and legislators at the federal and state levels, was presented on 13 November 2007 (<https://dserver.bundestag.de/btd/16/070/1607000.pdf>). To this day, it is regarded as a central document in cultural policy. Other commissions of enquiry with topics relevant to culture included "Internet and Digital Society" and "Growth, Prosperity and Quality of Life" (both 2010 to 2013).

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### 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 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 and will and representing common concerns vis-à-vis the Federal Government. The first chair was Hamburg's Senator for Culture and Media, Carsten Brosda, and the chair 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 (Länder) 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. In addition, the municipal level (municipalities, independent cities and districts) has its own elected representatives (municipal councils or district councils), usually with cultural committees.

The local authorities have joined forces in three central municipal associations: the German Association of Cities and Towns (3,200 municipalities), the German Association of Towns and Municipalities (for municipalities and towns belonging to districts - 11,000 smaller, medium-sized and large municipalities via the 17 state associations) and the German Association of Counties (294 counties). They represent the interests of the districts, cities and municipalities vis-à-vis other political actors. Although they do not have a qualified right to be heard or a right to participate in the shaping of legislation according to Article 28 in the Basic Law, some Länder 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 school and sports departments).

A legally regulated general financial equalisation system between the Länder and municipalities exists in all 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 *Cultural Area Act* in Saxony is of particular importance here. It was passed in 1993 for ten years, after which it was extended for a limited period. In 2008, the law was extended by at least 86.7 million euros. These are allocated to the five rural and three urban cultural areas for the promotion of regionally and nationally significant cultural institutions and cultural activities. In 2011/2012 it was last amended and the funding of the Saxony State Theatre (Landesbühne Sachsen), until then a free state task, was integrated into the Cultural Areas Act.

#### 1.2.5. MAIN NON-GOVERNMENTAL ACTORS

In addition to the cultural policy and promotion of the public sector, there is extensive and diverse cultural work and promotion carried out by public and private radio and television stations, institutions of the economy and other social groups (churches, trade unions, associations), by civic organisations (initiatives, associations) and by

private institutions.

This network in the intermediary sector between the state authorities and the cultural scene is indispensable as a complementary sector to the state sector for a lively culture in civil society. The diversity of cultural institutions (plurality of institutions) is a structural element of the German constitutional law on culture. Commercial cultural activities also play an essential role in the nation's cultural life.

As a rule, there is no organised cooperation or coordination of funding activities between this diverse network of non-governmental activities and "the state". However, there are more and more examples at the federal, state and municipal levels of public cultural administrations working with arms length bodies to implement their funding programmes or to ensure the sponsorship of cultural institutions.

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

The Association for Cultural Policy ([Kulturpolitische Gesellschaft](#)) and the German Cultural Council ([Deutscher Kulturrat](#)) are to be mentioned as cross-sectoral associations. The Kulturpolitische Gesellschaft is a network of around 1 500 people and organisations interested in and committed to cultural policy, including from the fields of cultural policy and administration, cultural practice, science, art, cultural education and training, socio-culture and journalism. It advocates a publicly accountable, democratic cultural policy that is actively shaped at all political levels, 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, building culture and monument culture, design, media as well as socio-culture and cultural education), which in turn are made up of a total of 264 federal associations. Its aim is to introduce cross-sectoral issues into the cultural policy discussion at all levels throughout Germany and to stand up for freedom of art, publication and the media. /

In addition, there are a large number of sector-specific cultural associations, such as:

- the [German Library Association](#) (Deutscher Bibliotheksverband) with its 2 100 members representing 9 000 libraries in Germany;
- the [Federal Association of Visual Artists](#) (Bundesverband Bildender Künstlerinnen und Künstler e. V.) as an umbrella organisation via the regional associations in which more than 10 000 artists are organised;
- the [Federal Association for Cultural Education for Children and Young People](#) (Bundesvereinigung Kulturelle Kinder- und Jugendbildung) as an umbrella association for cultural education in Germany, in which over 50 institutions, professional associations and state associations have joined forces;
- the [Federal Association of Youth Art Schools and Cultural Education Institutions](#) (Bundesverband der Jugendkunstschulen und kulturpädagogischen Einrichtungen) which represents over 400 youth art schools and cultural education institutions nationwide via its state associations;
- the [Federal Association of the Performing Arts](#) (Bundesverband Freie Darstellende Künste), which as an umbrella association, represents the interests of its 2 300 members via its state associations and associated associations;
- [Bundesverband Soziokultur](#) as an umbrella organisation in which more than 600 cultural centres and initiatives are members;
- [Deutscher Bühnenverein](#) as an association representing the interests and employers of theatres and orchestras, uniting 210 theatres (state and municipal theatres, state theatres and private theatres) and 31

independent symphony orchestras as well as other members;

- *Deutsche Museumsbund* as an association representing the interests of more than 1 000 museums and their employees.

In addition, there are other associations of actors from business, the churches, trade unions, etc. These include the *Federal Network for Civic Engagement* (*Bundesnetzwerk Bürgerschaftliches Engagement, BBE*) as an association of actors from civil society, business and working life, from the state, politics, media and academia who have joined forces to promote civic engagement.

### 1.2.6. TRANSVERSAL CO-OPERATION

In view of the cultural policy autonomy of the Länder - and also of the municipalities - the scope and focus of cultural support can vary greatly from Land to Land and from municipality to municipality. Although there are numerous committees at the various levels of cultural policy, binding agreements in the form of committee resolutions or binding recommendations are extremely rare in the cultural sector. The exchange of experience - and to a certain extent voluntary self-coordination - is ensured at the level of the Länder by the *Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK)* and, under its umbrella, specifically by the *Conference of Ministers of Culture*.

A similar structure exists at the municipal level. Here, it is the umbrella organisations (*German Association of Cities, German Association of Towns and Municipalities, German Association of Counties*) that advise on special topics of supra-regional importance at state and federal level in their specialist departments and cultural committees and pass them on as recommendations to the local authorities.

Coordination between the Länder and their municipalities on cultural policy issues is handled differently. In addition to bilateral contacts between the respective Ministry of Culture and individual municipalities, discussions are sought between the municipal umbrella organisations and the Ministry on issues of nationwide significance. In some Länder (e.g. North Rhine-Westphalia), cultural secretariats have been set up by the municipalities to facilitate cooperation at supraregional level. In other Länder, this goal is pursued by means of regional cultural conferences.

The coordinated integration of cultural policy into other policy fields and overarching development planning is also pursued very differently at the various levels of cultural policy action. However, it can be observed that with the increasingly scarce funds at all levels resources, the willingness to coordinate goals and the use of resources is growing.

## 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 been handing over 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.

In institutionalising them, new models of sponsorship are favoured without the public sector withdrawing from the responsibility for guaranteeing and financing. A distinction must be made between two strategies:

- the partial detachment of cultural institutions from the obligations of budgetary and public service law and the administrative structures of municipalities and the state by choosing a different legal form such as a limited liability company or a foundation. However, the assumption that a change of legal form is also associated with a reduction in public funding must be contradicted by all experience; and
- the transfer of tasks (e.g. allocation of public funds, maintenance of facilities) to civil society institutions (usually foundations, associations). This strategy of working with intermediary organisations is mainly found at federal and state level.

Irrespective of these development trends, which certainly justify an upgrading of civil society actors or the third sector, it must be noted, however, that most municipal cultural institutions are still integrated into the structures and hierarchies of public administration.

The transfer of public tasks to private sponsors in the cultural sector began in Germany as early as the 19th century. Important nationally and internationally renowned cultural institutes such as the *Bach Archive* in Leipzig, the *Beethoven House* in Bonn, the *Archive of German Literature* in Marbach, the *Goethe Museum* in Frankfurt am Main, the *Weimar Classic Foundation* in Weimar, and the *National Museum for German Art and Culture* in Nuremberg are privately run but supported with public funds from all three levels of government. Many of these institutions are united in the Arbeitskreis selbständiger Kultur-Institute (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 (ln %) | Number (year)   | Trend last 5 years (ln %) | Number (year)  | Trend last 5 years (ln %) | Number (year)   | Trend last 5 years (ln %) |
| Cultural heritage | Cultural heritage sites (recognised) | About 1 million (2018)* | nda #                     | nda #   |                           | nda #          |                           | nda #           |                           |
| Museums           | Museum institutions                  | 6 834 (2019)**          | + 7.25%**                 | 3 483 (2019)**  | + 3.3%**                  | 3 094 (2019)** | + 12.6%**                 | 257 (2019)**    | + 1.6%**                  |
| Visual arts       | exhibition halls                     | 733 (2019)**            | +8.1%**                   | nda #   |                           | nda #          |                           | nda #           |                           |
|                   | art galleries                        | 340 (2022)***           | nda #                     | nda #   |                           | nda #          |                           | nda #           |                           |
| Archives          | Archive institutions                 | nda #                   |                           | Federal archives: 25 locations; Federal state archives: 58 locations (2016) ***** | nda #                     | nda #          |                           | nda #           |                           |

|                   |   |   |   |   |                        |       |  |       |  |
|-------------------|---|---|---|---|------------------------|-------|--|-------|--|
| Performing arts   | Theaters  |   |   | 141 with<br>807<br>locations<br>(2019)<br>***** | +0                     |       |  |       |  |
|                   | orchestras ##                                     | 121 (2020)<br>*****                                   | -2.5%   |   |                        |       |  |       |  |
| Libraries         | Libraries   | Public 6 728 /<br>Scientific 240<br>(2020) *****      | Public -8.1%;<br>Scientific<br>-4.5%*****           |   |                        |       |  |       |  |
| Audio-visual      | Cinemas   | 1 728 venues<br>/ 4 926<br>auditoriums<br>(2020)***** | Venues::<br>+4.9% /<br>Auditoriums::<br>+5.0% ***** | nda #   |                        | nda # |  | nda # |  |
| Interdisciplinary | Socio-cultural<br>centres /<br>cultural<br>houses | 728 (2019)<br>*****                                   | nda #   | nda #   |                        | nda # |  | nda # |  |
| Other             | Music schools                                     |   | 929 (2017)<br>*****                                 |   | 340<br>(2016)<br>***** |       |  |       |  |
|                   | Art Schools                                       | 400 (2021)<br>*****                                   | 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 of 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 cofinancing 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, where 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 increasing 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 *Basic Law* states: "The maintenance of relations with foreign states is a federal responsibility". According to this article, the federal authorities and parliament are responsible for foreign cultural policy.

Nevertheless, the structures of the Federal Foreign Cultural and Educational Policy (AKBP) 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 the implementation is then carried out by partner or intermediary organisations. The most important partners include the *Goethe Institute*, the *German Academic Exchange Service (DAAD)*, the *Institute for Foreign Cultural Relations (ifa)*, the *Alexander von Humboldt Foundation (AvH)*, the *German UNESCO Commission (DUK)*, the *Central Agency for Schools Abroad*, the *Pedagogical Exchange Service*, the *German Archaeological Institute*, the *Federal Institute for Vocational Education and Training* and the *House of World Cultures*. The cultural mediators and partner organisations design their programmes and projects largely on their own responsibility and thus enjoy a greater degree of independence and freedom than in state-organised models. On the ground, the German missions abroad provide coordinating support and thus strengthen the coherence of the various partners.

The following actors operate within the Federal Government: the *Federal Foreign Office* formulates and coordinates the political guidelines for setting priorities for foreign cultural policy. The *Federal Commissioner for Culture and the Media* is responsible for a number of important areas, such as for example, foreign broadcasting or the restitution of works of art ("looted art"). The Federal Ministry of Education and Research also operates in the AKBP. Other federal ministries, such as the *Federal Ministry for Economic Cooperation and Development*, the

Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, as well as the Federal Ministry for Economic Affairs and Energy, the Federal Ministry of Food and Agriculture, and the Federal Ministry of the Interior, for Construction and Home Affairs, are also active in foreign cultural policy, albeit to a much lesser extent than the Federal Foreign Office and the Commissioner for Culture and the Media.

Since 1969, there has been an intermittent committee or subcommittee on foreign cultural policy in the German Bundestag (Bundestag), currently (also in the current 20th legislative term) as a subcommittee of the "Foreign Affairs" committee. In the first half of the 1970s, there was also an Enquete Commission on Foreign Cultural Policy.

The Federal Foreign Office publishes an annual report on foreign cultural and educational policy. In the current, 24<sup>th</sup> Report of the Federal Government on AKBP, the following priorities were listed for 2020: Promoting Europe as a cultural project, intensifying communication work at home and abroad, especially in cooperation with Deutsche Welle, expanding the network of intermediary and partner organisations, and strengthening cultural cooperation with Africa. In 2020, the AKBP's expenditure amounted to 2.2 billion euros. 59.2 per cent of this was allocated to the Federal Foreign Office (For comparison, 2018: AKBP expenditure: 1.877 billion, of which 56.6 per cent

AA<https://www.auswaertiges-amt.de/blob/2232858/8976f6ea5c1c60e8ef6fcea19e0060a1/akbp-bericht2018-data.pdf>).

In its Coalition Agreement 2021, the Federal Government strengthened the importance and tasks of the ACP: "International cultural policy is the third pillar of our foreign policy, it connects societies, cultures and people, and is our offer for a community of values and responsibility in Europe and worldwide. We will further strengthen it, make it more flexible, coordinate it across departmental boundaries and coordinate it closely at the European level. We will adopt comprehensive sustainability, climate, diversity and digital strategies". (Coalition Agreement, p. 128) Other agreements for cultural relations and education policy set out in the Coalition Agreement include:

- Support for threatened scientists and artists and the establishment of a programme for journalists and defenders of freedom of expression.
- the strengthening of intermediary organisations
- enabling the establishment of joint cultural institutions between European partners in third countries
- supporting the development of a digital European cultural platform
- supporting the city of Chemnitz in its preparations for the Capital of Culture 2025
- Strengthening relations between the cities
- Support for cooperation between museums within the framework of the Museum Agency
- Reconciliation agreement with Namibia as a prelude to a joint process of coming to terms with the past
- Strengthening multilateral forums such as UNESCO, G7 and G20 + Expanding own measures such as KulturGutRetter against the backdrop of the climate crisis
- Further development of the network of schools abroad and the PASCH network
- Modernisation of strategic communication within the European network and in cooperation with Deutsche Welle Orientation towards new target groups and setting new regional priorities. (See *ibid.*, p. 128f.)

The corresponding agencies of the Länder cooperate closely with the Federal Government in the field of foreign cultural policy. Municipalities and civil society groups are also actively involved in the field of cultural work



abroad.

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

International cooperation in the cultural field has gained importance in recent years.

In February 2007, the *German Bundestag* adopted the *UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions* and, at the same time, the *UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage* (UNESCO Convention on the Protection of Cultural Property) (see also Chapter 4.2.2). In December 2012, the Federal Cabinet decided on Germany's accession to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.

Europe-wide cooperation in the field of culture has developed since 1992 on the basis of *Article°151°ECT of the Treaty* establishing the European Community, continued in *Article°128° of the Maastricht Treaties* and finally in *Article° 167° of the Lisbon Treaty*. Member States work together to adopt a common legal framework, such as *Directive 96/100/EC on the return of cultural objects unlawfully removed from the territory of a Member State* and through specific programmes such as Creative Europe ("Creative Europe", current funding period 2021- 2027). The "Creative Europe" programme is divided into the sub- programmes CULTURE and MEDIA, and there is also the overarching funding area CROSS SECTOR, which supports cooperation between the member states as well as with third countries.

"The primary objectives of Creative Europe are: To give projects a European added value in order to increase their international success, to promote the professionalisation of actors on international terrain and to develop new audiences." With a budget of €2.44 billion for the current period 2021-2027, the budget has been significantly increased by almost €1 billion (previous period 2014-2020: €1.46 billion). The Culture sub-programme will receive 804 million euros (33% of the total budget). The respective national contact points (Creative Europe Desks) provide information on EU funding. The CED CULTURE, based in Bonn, provides information on the CULTURE sub-programme. Four regional desks (Potsdam / Berlin, Düsseldorf, Hamburg and Munich) provide advice on MEDIA. The CULTURE programme comprises the main funding areas European Cooperation Projects, European Platforms, European Networks and Literary Translations. In addition, there are specific measures to reward and promote excellence and creativity, such as the "European Capitals of Culture" action and the European Heritage Label.

A review of the past funding period (2014-2020) is provided in the online brochure "[Creative Europe CULTURE. An evaluation of the EU cultural funding programme 2014-2020](https://kultur.creative-europe-desk.de/fileadmin/2_Publications/CED-Culture_Online-Broschuere_inkl_Bundeslandlisten.pdf)" ([https://kultur.creative-europe-desk.de/fileadmin/2\\_Publications/CED-Culture\\_Online-Broschuere\\_inkl\\_Bundeslandlisten.pdf](https://kultur.creative-europe-desk.de/fileadmin/2_Publications/CED-Culture_Online-Broschuere_inkl_Bundeslandlisten.pdf)).

According to this, 199 German organisations participated in 225 projects funded by the programme between 2014-2020. This means that the German cultural and creative sector benefited from a total of 32.3 million euros during the seven-year programme period.

In addition to "CREATIVE EUROPE", there are other EU programmes from which cultural operators can apply for funding. Information is available on the website [www.europa-foerdert-kultur.info](http://www.europa-foerdert-kultur.info). The 13 programmes include, for example, the programme "Citizens, Equality, Rights and Values", whose German contact point, based in Bonn, advises applicants on the programme of the same name. Likewise, the EU Framework Programme for Research and Innovation "Horizon" contains several areas in which culture is included as a European cross-

cutting theme.

The *Institute for Foreign Cultural Relations (ifa)* has set up its own research programme "Culture and Foreign Policy", in which experts conduct research on questions of foreign cultural and educational policy (ACP), especially in the thematic focus areas: Europe, controversial concepts of the ACP, civil society as a space for action, international cultural education and art and cultural exchange (see: [www.ifa.de/forschung/forschungsprogramm-kultur-und-aussenpolitik/](http://www.ifa.de/forschung/forschungsprogramm-kultur-und-aussenpolitik/)).<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 long-standing international town twinning arrangements, there are now bi- or multilateral partnerships of regional actors (e.g. municipal communities) with comparable territorial authorities of other states in many German states, primarily but not exclusively in Europe. This cross-border cultural exchange is particularly lively in the so-called "Euregios" (Germany is involved in 26 European regions),

e.g. EuRegio Saar-Lor-Lux-Rhine, Euregio Egrensis, Euroregion Erzgebirge e. V., Euroregion Elbe / Labe and the Euroregion Spree-Neiße-Bober.

Since the 1970s, many private actors, professional associations (e.g. theatres, museums or libraries) and informal networks have begun to develop their own international relations and exchange programmes. The *Federal Foreign Office* is not directly involved in funding such programmes, but allocates most of its funds to mediators of foreign cultural policy such as the *Goethe-Institut* and the *Institut für Auslandsbeziehungen*. The *Goethe-Institut* promotes knowledge of the German language abroad and fosters international cultural cooperation through, among other things, cultural events and festival contributions in the fields of film, dance, music, theatre, exhibitions, literature and translation. In addition, the *Federal Foreign Office* supports the *German Academic Exchange Service (DAAD)*, the funding organisation for the international exchange of students and academics, including its "Berlin Artists Programme", which awards scholarships to foreign artists from the fields of visual arts, literature, music and film for one-year stays in Berlin. In addition, the *Federal Foreign Office* supports larger cultural projects of considerable importance to foreign cultural policy and with an international impact. In addition to artistic quality, it attaches particular importance to regional priorities, sustainability and cooperation in partnership with institutions and personalities in the host country. Another important area of work is the support of cultural projects from developing countries and the participation of artists from these countries in cultural events in Germany. Of particular importance in this area is the work of the *House of World Cultures* in Berlin, which is also supported by funding from the *Federal Foreign Office* for jointly organised programmes that include concerts, readings, exhibitions and symposia.

## 2. Current cultural affairs

### 2.1. Key developments

After the Bundestag elections in autumn 2021, the new coalition agreement concluded between the Social Democratic Party of Germany, Bündnis90 / Die Grünen and the Free Democratic Party of Germany under the title "Mehr Fortschritt wagen. Alliance for Freedom, Justice and Sustainability", the following priorities for cultural policy were agreed upon:

"We want to make culture possible with everyone by ensuring its diversity and freedom, regardless of form of organisation or expression, from classical music to comics, from Low German to record shops. We are convinced that cultural and artistic impulses can promote the awakening of our society, they inspire and create spaces for public debate". (Koalitionsvertrag, S.121,

<https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-koav2021-data.pdf?download=1>)

- Anchoring culture as a state objective in the Basic Law
- Advocacy for accessibility, diversity, gender equality and sustainability
- Social situation of artists: Closing the GenderPayGap, equal + diverse juries + improving the social situation of freelance artists
- Promotion of culture: continuation of NEUSTART KULTUR funding, expansion of the Federal Cultural Foundation and the Federal Cultural Fund as drivers of innovation, strengthening of the structures of the independent scene
- Establishment of a "Green Culture" focal point for ecological transformation
- Creation of a competence centre for digital culture
- Establishment of a "Plenum for Culture" to improve cooperation between local authorities and with producers, associations and civil society.
- Development of strategies for rural areas
- Reaffirmation of the federal government's cultural commitment to the capital city
- De-bureaucratisation of the law on subsidies
- Strengthening cultural venues: libraries as third places, clubs and live music venues, galleries
- Evaluation of the Cultural Property Protection Act
- Strengthening the cultural industries: Establishing a contact person for cultural and creative industries at the federal government, strengthening the games location, examining the promotion of independent publishers, reorganising the federal government's film promotion.
- Commitment to a fair balance of interests in copyright
- Cultural heritage: safeguarding and making accessible the architectural cultural heritage, further development of the special programme for the protection of historical monuments, continuation of the reform process of the Prussian Cultural Heritage Foundation, further development of the Humboldt Forum.
- Media: debate on the value of free media for democracy, optimising coherence between European, federal and state law, combating hate speech and disinformation, expanding Deutsche Welle
- Culture of remembrance: protection of memorials and adequate funding of memorial work, promotion of research in memorials, advancement of history mediators of and in the immigration society, special responsibility towards our European neighbours.

- Nazi looted art: further repatriation of cultural objects seized as a result of Nazi persecution
- Strengthening the history of democracy in Germany, in particular promoting the sites of the Peaceful Revolution
- Colonial heritage: advancing the reappraisal of German colonial history, restitution of colonialy burdened collection items in dialogue with the societies of origin, development of a concept for a place of learning and remembrance of colonialism. (See *ibid.*, pp. 121-126).

One of the priorities for 2020 and 2021 was the creation of measures to support the cultural sector in the COVID-19 crisis.

In the past 20 years, discussions and actions (on the part of public and private actors) have focused on the following key issues (in chronological order):

## Support for cultural institutions in the capital Berlin:

In 2001, the federal government and Berlin concluded a Capital City Culture Agreement, which takes into account the increased commitment of the federal government to culture in Berlin. Among other things, the agreement stipulated that Berlin institutions would be taken over by the federal government and that an annual contribution to the Capital of Culture Fund would be made, which currently stands at 15 million euros.

## UNESCO Convention on Cultural Diversity

Germany ratified this UNESCO Convention on 12 March 2007. As early as 2004, the German Unesco Commission, in cooperation with civil society, had founded the Federal Coalition for Cultural Diversity, which accompanies the work on the Convention. In 2009, the German UNESCO Commission published the White Paper "Shaping Cultural Diversity", which contains recommendations for action from civil society and for the implementation of the Convention in and by Germany. In the meantime, Germany has submitted 3 state reports on implementation, the most recent in February 2021 for the reporting period 2016 to 2019.

(<https://www.unesco.de/sites/default/files/2021-03/3.%20StateReport%20%2820%29%20DEU.pdf>.)

## Enquiry Commission on Culture:

The final report of the Enquete Commission of the German Bundestag, published in 2007, which contained over 400 recommendations for the improvement and further development of cultural policy on more than 500 pages, is still considered a reference framework today.

(<https://dip21.bundestag.de/dip21/btd/16/070/1607000.pdf>)

## Shaping the cultural infrastructure

In March 2012, four renowned authors from cultural administration and cultural management - Armin Klein, Pius Knüsel, Stephan Opitz and Dieter Haselbach - published a book entitled "Kulturinfarkt. Too much of everything and the same everywhere". In it, they plead for a radical restructuring of cultural policy and propose halving the existing cultural infrastructure in order to redistribute the funds that become available. This publication has

attracted a great deal of public attention, triggered many - often very emotional - debates and initiated numerous events and further publications.

## Transatlantic Trade and Investment Partnership (TTIP)

After the establishment of a free trade agreement (Transatlantic Trade and Investment Partnership TTIP) between Europe and the USA was adopted in 2013, there were demands in the cultural sector in Germany for exceptions for the cultural and media sector. Central points of criticism from numerous actors from the cultural, nature conservation and environmental sectors were, among other things, the equal treatment of cultural goods with regular economic goods, which does not satisfy the dual character of the concept of culture, and above all the concern that cultural funding in Germany could be seen as a restriction on free trade. In July 2014, the European Citizens' Initiative "Stop TTIP" was formed, among 150 actors from 18 European countries. This citizens' initiative was rejected by the European Commission. The alliance appealed against it to the *European Court of Justice*. The alliance also launched a signature campaign in autumn 2014 and handed over more than 1 million signatures to the Commission President in December. In 2015, the Day of Cultural Diversity (21 May) became a day against TTIP, and on 10 October 2015, a large demonstration "Stop TTIP" took place in Berlin, attended by more than 250,000 people. In May 2017, the *European Court of Justice* ruled on the complaint of the European Citizens' Initiative and rejected it. The self-organised Citizens' Initiative, 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 reached a quorum in 23 member states.

## Concept-based cultural policy in the federal states

Numerous federal states have drawn attention to themselves in recent years with new cultural policy structures and programmes. In the meantime, there are concrete initiatives for a more concept-based and planned cultural policy in most of the 16 federal states. They use different instruments: e.g. cultural conventions (Saxony-Anhalt 2013), cultural policy strategies (Brandenburg 2012), cultural concepts (Thuringia 2012, Bavaria 2012, Saxony-Anhalt 2014), cultural development concept (Lower Saxony 2011), cultural dialogue (Baden-Württemberg 2020, Schleswig-Holstein 2022), master plan (Bremen 2006, Hesse 2022), cultural policy guidelines (Mecklenburg-Vorpommern 2020), framework concepts (Hamburg 2004). Federal Länder submit cultural reports, which are usually updated every several years.

## State culture laws

In North Rhine-Westphalia, a state culture law - i.e. a law that does not only deal with one sector but with the comprehensive cultural sector - came into force for the first time in December 2014. The discussion about this as well as other laws supporting culture also reached the parliaments in some other federal states (see also chapter 4.2.). This was preceded in previous years by specific laws on individual sectors (e.g. libraries and music schools) in individual Länder. In November 2021, the Landtag of North Rhine-Westphalia passed the new Cultural Code for NRW, which will come into force in January 2022 (see also Chapter 4.2). Other federal states are also considering drafting their own cultural laws.

# Humboldt Forum

In June 2013, the then Federal President Joachim Gauck laid the foundation stone for the reconstruction of the Berlin Palace, the former residence of the Prussian kings. After completion, collections of non-European cultures from Berlin museums (including the Ethnological Museum and the Museum of Asian Art) will be displayed there under the name "Humboldt Forum". The topping-out ceremony took place in June 2015. As early as 2002, an international commission of experts had presented a concept for the use of the City Palace and recommended the establishment of a Humboldt Forum - as a place for dialogue between world cultures in the centre of the capital - also in connection 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-staging, spatial separation from the European ethnological collections, and cost increases<sup>19</sup>. In December 2020, the museum was opened digitally (corona-related), and with the opening in July 2021, visitor operations also began.

## Provenance research / repatriation of unlawfully removed artworks + dealing with collection items from colonial contexts

Since the fall of the "Iron Curtain", international discussions on the return of cultural property unlawfully seized from its owners during the Second World War have led to concrete restitutions of art objects. Since 2003, the "Advisory Commission in connection with the restitution of Nazi-confiscated cultural property, especially from Jewish ownership" has been active, taking on the role of mediator in the event of problems in the course of restitution claims. Its members are academics and prominent personalities. In autumn 2006, a far-reaching debate began about the restitution of works of art, which arose when a famous painting by Ernst Ludwig Kirchner was returned by the government of Berlin to the heirs of the former owner. Subsequently, a number of similar cases became known. Museums intensified research into the provenance of their artworks and were supported by special funds. At the beginning of 2008, an office for provenance research was established at the federal level at the *Institute for Museum Research of the Prussian Cultural Heritage Foundation* to support museums in their research into art stolen under National Socialism. The announcement of the Schwabing Art Find in November 2013, which included more than 1,400 works, sparked the debate about restitution and the return of unlawfully acquired cultural property. At the beginning of 2015, the Provenance Research Unit was transferred to the newly created

[\*German Centre for the Loss of Cultural Property\*](#) based in Magdeburg. In 2015/2016, the first chairs for provenance research were also established at universities in Germany. A focus on the expansion of provenance research was set in the *BKM*; for example, a guide on dealing with collection items from colonial contexts was published in 2018. The 2018 report by Felwine Saar and Benedicte Savoy on the restitution of African cultural property, which was also published in German in 2019, also sparked a debate in Germany. The discussion about cultural objects from Africa in collections in Germany. In 2019, a Provenance Research Day was held in Germany for the first time. In January 2022, the Coordination Office for Provenance Research in North Rhine-Westphalia, based at the LVR-Landesmuseum in Bonn, began its work.

# Culture and Climate / Culture and Sustainability

For some years now, the topic of sustainability in culture has gained importance in cultural policy discourse. In this context, an ecological deficit of cultural policy is lamented, a new nature-based understanding of culture and sustainability as a guiding goal of cultural policy action are demanded. At the federal level, a Council for Sustainable Development and a Sustainability Culture Fund have been established. The Länder and municipalities are beginning to develop concepts, as are cultural institutions. The German Cultural Council 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 topic in various research projects. In 2020, an action network "Sustainability in Culture and Media" (<https://aktionsnetzwerk-nachhaltigkeit.de/>) was founded (see also 2.8).

## Capital of Culture 2025

One particular measure supported by the EU cultural funding programme is the initiative "European Capital of Culture". After Berlin (1988) and Weimar (1999), Essen was the third European Capital of Culture in Germany for the Ruhr region with RUHR.2010. According to a rotation decided in 2014, Germany will again host a European Capital of Culture in 2025 (alongside Slovenia). The German pre-selection will be made in a multi-stage process by the federal states, the Federal *Foreign Office* and the *Conference of Ministers of Culture*. On 12 December 2019, the shortlist consisting of five cities was announced with Magdeburg, Hanover, Nuremberg, Chemnitz and Hildesheim. The European expert jury decided at the end of 2020, and the Conference of Ministers of Culture confirmed the decision in January 2021: Chemnitz will be European Capital of Culture in 2025 under the motto "C the Unseen" (<https://chemnitz2025.de/>).

## Women in Culture and Media

For the past 10 years or so, the topic of "Women in Culture and the Media" has come into sharper focus, as evidenced by its thematisation in public hearings in the Cultural Committee of the German Bundestag as well as a series of enquiries. In 2016, a study commissioned by the Federal Commissioner for Culture and the Media and prepared by the German Cultural Council, "Women in Culture and the Media. An overview of current trends, developments and proposed solutions" (<https://www.kulturrat.de/wp-content/uploads/2016/12/Frauen-in-Kultur-und-Medien.pdf>). Based on the result of this study - the still prevailing imbalance - a project office "Women in Culture and Media" (<https://www.kulturrat.de/thema/frauen-in-kultur-medien/projektbuero/>), based at the German Cultural Council, was established in 2017. In addition to committee and network work, its fields of work include in particular a "mentoring programme" (<https://www.kulturrat.de/thema/frauen-in-kultur-medien/mentoring-programm/>). This is aimed at women who aspire to become leaders in the cultural and media sector. Since 2017, five mentoring rounds with 130 tandems have already been realised. A sixth round of calls is planned for spring 2022.

## COVID-19

As in all areas of society, Covid-19 has also had a huge impact on culture since March 2019. The closure of cultural institutions and cultural education facilities, the cancellation of cultural events and the non- realisation



of art and cultural projects pose enormous challenges for all cultural actors, threatening the existence of quite a few artists, cultural associations, cultural institutions and companies in the cultural and creative industries. Politicians and administrators at the federal level as well as in the individual federal states and also in some municipalities have a variety of support instruments have been developed, consisting of a set of direct financial benefits (grants, loans), indirect financial benefits (tax relief) or changes in access rights and grant regulations, as well as advisory services. There are general and culture-specific instruments. But civil society also supports cultural practitioners and cultural institutions with donations and through established funds. With "NEUSTART KULTUR", the Federal Government launched a comprehensive "rescue and future programme" for the cultural sector in summer 2020. It initially comprised 1 billion euros, which was increased to 2 billion euros in spring 2021. The funds were spent in different programme lines by the cultural associations. In addition, the federal government has provided a special fund for cultural events amounting to 2.5 billion euros. It consists of economic aid for (smaller) events that can only take place with a reduced audience and of cancellation insurance for larger events. (See also: <https://www.culturalpolicies.net/covid-19/country-reports/germany/>).

## 2.2. Cultural rights and ethics

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

Article 5 includes freedom of expression in speech, writing and image (para. 1), freedom of the press (para. 1), rejection of censorship (para. 1), and freedom of art, science, research and teaching (para. 3). The Basic Law's guarantee of artistic freedom (*Article 5, Paragraph 3*) not only establishes artistic autonomy and the right of cultural institutions and organisations to self-government, but also protects them from directives and regulations by the state. 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.

The Basic Law does not yet contain a state objective of culture, although in recent years there have been various initiatives and numerous debates by cultural, sports and legal politicians to include a new Article 20b "The state shall protect and promote culture", which, however, could not be implemented by autumn 2021. Nevertheless, the topic was part of numerous party programmes in the summer of 2021. The current coalition agreement "Mehr Fortschritt wagen"

(<https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-koav2021-data.pdf?download=1>) now states: "We want to anchor culture in its diversity as a state objective". (S. 121)

## 2.3. Role of artists and cultural professionals

### Economic and social situation of artists

As early as 1975, the federal government presented a report on the social situation of artists in Germany (based on the Authors' Report and the Artists' Inquiry). In response, the legislature affirmed that artists and publicists were in particular need of protection and passed the *Artists' Social Insurance Act*. Since 1981, this social insurance for artists has become a central instrument for supporting the social situation of artists and publicists by



creating access to statutory health, long-term care and pension insurance.

The *Künstlersozialkasse (KSK)* (<https://www.kuenstlersozialkasse.de/>) is responsible for the insurance assessment. Self-employed artists and publicists pay half of the insurance contributions. The other half of the contributions is paid by the "users" of the artistic performance in the form of the flat-rate artists' social security contribution on all royalty payments to a self-employed artists or publicists (30 per cent) and the federal government via a subsidy (20 per cent). The prerequisite for compulsory insurance is that an artistic or journalistic activity is carried out on a gainful basis and not only temporarily. In 2020, 192,500 artists and publicists were insured with the KSK. (See also 4.1.3)

The social situation of artists has been increasingly discussed in recent years. Various studies have been published, for example "Arbeitsmarkt Kultur. Zur wirtschaftlichen und sozialen Lage in den Kulturberufen" (Deutscher Kulturrat 2013 <https://www.kulturrat.de/wp-content/uploads/2016/04/studie-arbeitsmarkt-kultur-2013.pdf>), on the "Economic and Social Situation of Visual Artists" (BBK 2016) or "Frauen und Männer im Kulturmarkt - Bericht zur wirtschaftlichen und sozialen Lage" (Deutscher Kulturrat 2020 <https://www.kulturrat.de/wp-content/uploads/2020/10/Frauen-und-Maenner-im-Kulturmarkt.pdf>). The "Betroffenheit der Kultur- und Kreativwirtschaft von der Coronapandemie" (how the cultural and creative industries are affected by the corona pandemic) based on a scenario analysis were published in the report of the same name, published by the [Initiative Kultur- und Kreativwirtschaft der Bundesregierung](#) and the [Kompetenzzentrum Kultur- und Kreativwirtschaft des Bundes](#) in January 2022.

In 2013, the international movement "Art but fair" was launched with the aim of achieving 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, including through the publication of studies such as "Fair working conditions in the performing arts and music?" (2016: [https://artbutfair.org/wp-content/uploads/2016/05/p\\_study\\_hbs\\_319.pdf](https://artbutfair.org/wp-content/uploads/2016/05/p_study_hbs_319.pdf)) and the development and implementation of a certificate (seal of quality) for cultural institutions.

The improvement of the framework conditions for artists and cultural workers has also been discussed in parliament (e.g. expert discussion in the *culture committee of the German Bundestag* in 2017). The current coalition agreement also dedicates a separate section to the "social situation in art and culture". Specifically, it mentions as goals: Transparency about and closing of the gender pay gap, juries and committees with equal and diverse representation, reporting on the social situation, inclusion of minimum remuneration in the funding guidelines, better protection of hybrid stabilisation of the KSK and an increase in additional income limits from self-employed non-artistic work.

(<https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b>

[/2021-12-10-koav2021-data.pdf?download=1](#), S.121). The Conference of Ministers of Culture is also currently dealing intensively with the social situation of artists and is developing concrete measures to support them.<sup>5</sup>

## Freedom of art

Artistic freedom is enshrined as a fundamental right in Germany in Article 5(3) of the Basic Law. There it is one of the most strongly protected fundamental rights in the German catalogue of fundamental rights. The Federal Constitutional Court counts artistic freedom among the basic rights of communication and therefore considers

it essential to the basic democratic order.

In the last five years, there has been increased discussion in Germany about the freedom of art. The "freemuse reports" also list violations of artistic freedom in Germany. One specific occasion was the cancellation of the concert by the left-wing punk band "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 Heritage Site, should not become a venue for political agitation and aggression. The Bauhaus board feared in particular the demonstrations already announced by right-wing groups in front of the Bauhaus. Numerous actors from politics, cultural practice, the feuilleton and civil society took a stand against this decision, among them the former director of the Bauhaus, who interpreted the cancellation of the concert as a damage to democracy and cultural life in Germany. The band's concert was eventually realised at another venue in Dessau.

The discussion of artistic freedom was also prompted by demands from the *AfD* that no public funds be used for. The "neutrality requirement" has been the subject of numerous events and legal disputes. The issue of "neutrality" has been the subject of numerous events and legal disputes.

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

The topic of artistic freedom is at the centre of the Arts Rights Justice programme, which is based at the UNESCO Chair of Cultural Policy for the Arts in Development at the *University of Hildesheim*. From 2017 to 2019, the project investigated 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 groups.

But various actors from cultural policy and cultural practice also warn against restricting the freedom of art through "exaggerated political correctness". Discussions on the topic of "cancel culture" have increased in the last two years.

During the Corona crisis, the discussions about the restriction of fundamental freedoms as well as the direct and indirect attacks on artistic freedom and the search for cultural policy responses gained in importance.

## Support for 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 *International Society of Fine Arts*, for example, represents the interests of visual artists, among other things with the information portal touring-artists (<https://www.touring-artists.info/home/>), which contains a wealth of information for mobile visual and performing artists on the topics of visas, customs, taxes, social insurance, etc. and with numerous projects and events on mobility and international exchange.

## 2.4. Digital policy and developments

The topic of digitisation has only been recognised as an area of cultural policy work in recent years.

In 1997, the first Computer Games Museum (<https://www.computerspielemuseum.de/>) opened in Berlin as a

permanent exhibition on digital interactive entertainment culture. In 2011, the *Computerspielemuseum* in Berlin opened a new permanent exhibition.

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

In 2009, Gamescom ([www.gamescom.de/](http://www.gamescom.de/)), the world's largest trade fair for computer and video games, was also held in Cologne for the first time.

In November 2012, the first beta version of the *German Digital Library* was launched at the address <http://www.deutsche-digitale-bibliothek.de>. This portal creates the basis for networking all German cultural and scientific institutions and their digital offerings in the medium and long term and for integrating them into the European digital library Europeana. The first full version was released on 31 March 2014. The *DDB* contains digitised holdings and indexing information from cultural and scientific institutions such as libraries, archives, museums, heritage offices, media libraries as well as universities and other research institutions. It provides central access to digital images of books, documents and files, paintings, statues, installations, monuments, films and music. It currently contains 41 million objects.

After an Enquete Commission worked on the topic of "Internet and Digital Society" in the 17th legislative period (2009-2013), the German Bundestag decided in February 2014 to establish a Bundestag committee "Digital Agenda". Thus, for the first time, the German Bundestag has a permanent parliamentary body dedicated to current net policy issues. In August 2014, the Federal Government presented the "Digital Agenda" 2014 to 2017, the aim of which was to enable all citizens to participate in the opportunities of digitalisation and to set framework conditions for living, learning, working and doing business in the digital world. The "Digital Agenda" set the guidelines for the Federal Republic and bundles measures in seven central fields of action, including "V: Education, Science, Research, Culture and Media". In March 2015, Dieter Grony was appointed as "Commissioner for Creative and Digital Economy". In August 2018, a Federal Government Digital Council began its work in the Federal Chancellery.

In April 2019, the Federal Ministry of Education and Research presented a digital strategy and created new funding instruments for digital policy through the launch of major programmes - e.g. the "Digitalpakt Schule" (Digital Pact for Schools) for investment in digital education infrastructure with 5 billion euros and the "Nationales Forschungsinfrastrukturu" (National Research Infrastructure).

In addition to the federal government, the federal states also have their own digital strategies.

The German Cultural Council has worked hard to ensure that games are recognised as part of the cultural sector. In 2020, it published a handbook on games culture ( <https://www.kulturrat.de/wp-content/uploads/2020/12/HandbuchGameskultur.pdf>).

In 2019, a pilot phase for federal computer games funding was implemented. The funding programme has since been made permanent. Since 2019, around 340 projects have been funded under the federal government's games funding programme. The federal budget provides up to 50 million euros annually for this purpose. In June 2021, the Federal Ministry of Transport and Digital Infrastructure created its own games department. This is intended to strengthen Germany as a games location and make it more visible internationally. In the new

legislative period, responsibility for games funding was transferred to the Federal Ministry of Economics and Climate Protection. The corona pandemic has once again highlighted the urgency of the digital transformation in the education and culture sector and emphasised that digitisation and digital policy are key tasks for the future. In August 2021, the Federal Government Commissioner published a Perspective Paper "[Cultures in Digital Transformation](#)", which shows both the current status and the need for future action. This also implements a coalition agreement of the 19th legislative period, which provided for "a strategy backed by substantial and financial resources for the future of cultural institutions and their digital transformation" (see *ibid.* p. 10). During the pandemic, the then Federal Ministry for Economic Affairs and Energy provided targeted support for companies, including those from the cultural and creative industries, in their digital restructuring. Incentives for digital transformation were also created within the "NEUSTART KULTUR" rescue and future package of the *Federal Commissioner for Culture and the Media*, for example with the programme line "dive in - Programme for Digital Interactions" (via the *Federal Cultural Foundation*). Numerous other funding actors have launched further specific programmes, e.g. "Fonds Digital" of the *Federal Cultural Foundation*, and cultural institutions, especially during the pandemic period, have developed new digital formats and the project has created a range of mediation services.

## 2.5. Cultural and social 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

In the global context, the most important actors and programmes in Germany are those of foreign cultural policy (see 1.4.). Particularly noteworthy here are the *Goethe-Institut*, the *Institute for Cultural Exchange (ifa)*, the *House of World Cultures*, the *Federal Foreign Office* 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 DUK's activities, involving a broad alliance of political and social actors (see Chapter 1.4.2).

Many cultural institutions of various forms in cities and municipalities have committed themselves to transcultural dialogue and have developed numerous programmes and activities. In recent years, the government, especially the *Federal Foreign Office*, has supported the establishment of several programmes to promote cross-border intercultural dialogue. Worth mentioning is the "kulturweit" programme, a project of the *German UNESCO Commission* in cooperation with the *Federal Foreign Office*. Since 2009, this international cultural voluntary service has offered young adults the opportunity to engage in cultural relations and education policy for six or twelve months. The volunteer posts are located in developing countries in Africa, Asia and Latin America as well as in Central, South- Eastern and Eastern Europe. The aims of the programme are

on the one hand, to strengthen the intercultural competence of young adults and, on the other hand, to increase the visibility of German cultural relations and education policy institutions.

"kulturweit" is organised by the *German Commission for UNESCO* and is implemented through its partner organisations in cultural relations and education policy based in Germany.

In addition, institutions mentioned in Chapter 1.4 are also active in this field. Another important actor is the Federal Cultural Foundation (<https://www.kulturstiftung-des-bundes.de/en>) with many programmes and projects on cross-border intercultural dialogue, such as the "International Museum Fellowship Initiative" and the programme established in 2012.

"TURN - Fund for German-African Cooperation". Some private foundations are also active in this field, such as the *Mercator Foundation* with its "Competence Centre for International Understanding" and the current thematic cluster on integration, or the *Bosch Foundation* with its projects on international understanding. Twelve German foundations, including for example, in addition to the latter, the *Allianz Cultural Foundation*, the *Bertelsmann*

*Foundation* and the *Volkswagen Foundation* have formed a group of the "Engaged Europeans" have been formed, who are committed to deepening European integration with a variety of projects. Increasingly, however, regional actors are also complementing this picture.

In 1994, the *Intercultural Council* was founded, in which people of different origins and nationalities as well as from various social groups such as trade unions, employers' associations, religious communities, migrant and human rights organisations, municipalities and state agencies, media, science and sport worked together. The Council, which was committed to peaceful coexistence in a multicultural society at federal, state and municipal level, initiated round tables and discussion forums and developed and tested model projects. It dissolved in July 2017.

In 2003, the second Federal Congress on Cultural Policy of the *Kulturpolitische Gesellschaft* took place on the topic of "inter.kultur.politik" took place in Berlin. In 2005, an intercultural network called "Ratschlag Interkultur"

was founded, in which both institutions and individuals participate. It is coordinated by the *Kulturpolitische Gesellschaft e.V.* and works together with the *German UNESCO Commission*. The most important projects of the initiative are the federal conferences held every two years since 2006 and the expert conferences in which theoretical and practical issues are discussed. In addition, it initiates "think tanks".

In 2009, a round table on intercultural education was launched by the *Federal Cultural Foundation* and seven migration associations. It aimed to develop recommendations for intercultural education in primary, secondary and tertiary education institutions as well as in cultural associations. Round tables for integration" were also founded in numerous municipalities.

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 coexistence and social cohesion. In its first phase from 2006 to 2009, it mainly negotiated fundamental questions and worked out legal framework conditions. In its second phase from 2010 to 2013, the focus was on their implementation and the anchoring of the German Islam Conference in society. The focus of the third phase (2014 to 2017) was on strengthening Islamic welfare and social participation as well as on religious practice and participation in religious law. In its fourth phase, the Islam Conference has repositioned itself: it no longer meets in fixed forums and formats, but initiates topic- and occasion-related events and cooperations. In 2011, the *Academy of the Arts of the World* ([www.adkdw.org/de/about#adkdw](http://www.adkdw.org/de/about#adkdw)) was founded in Cologne to promote intercultural dialogue within the arts. It brings together renowned artists, musicians, dancers, theorists, authors, curators and other cultural actors from all over the world and from all disciplines who, as a society of artists, determine and shape the Academy's programme.

## 2.5.2. DIVERSITY EDUCATION

Intercultural education is not an official part of general school education. At least it plays a role in teaching practice as a cross-disciplinary principle. There is also a growing sensitivity to this issue in schools. In addition to some provisions for bilingual education, there are also many projects that use the arts as a medium to address intercultural issues that arise in schools.

Intercultural education is primarily carried out by educational institutions (kindergartens, schools, further education institutions). However, the topic is also gaining importance for cultural policy. In fact, it is the cultural

institutions that take the initiative on this topic and seek cooperation with schools.

The normative framework is set by the human rights articles in the Basic Law (Constitution). The focus is on the recognition of difference, the 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 educational institutions, mastery of the German language as a "lingua franca" is crucial in this regard.

Art and music schools are now also conceptually addressing transcultural aspects in their work and are increasingly integrating instruments from other cultures into their teaching offer

Many intercultural programmes and activities aim to awaken an understanding of other cultural traditions and ways of life, to increase knowledge of 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 intensified political efforts towards practical measures for cultural integration, special attention is 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. The *German Cultural Council* has also prepared a cultural policy paper called "Intercultural Education - an Opportunity for our Society".

### 2.5.3. MEDIA PLURALISM AND CONTENT DIVERSITY

The media have only become a focus of public cultural policy in the narrower sense in recent years. Previously, only film promotion was considered an object of this policy area. It is carried out by the Federal Government and the Länder in order to promote film as a cultural asset and to support the national cultural industry. Article 5 of the Basic Law of the Federal Republic of Germany states that everyone has the right "freely to express and disseminate his or her opinion in speech, writing and pictures and to inform himself or herself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by radio and film are guaranteed. Censorship does not take place".

## The dual broadcasting system

Television and radio programmes in Germany are produced and broadcast by public broadcasters and private companies. This "dual broadcasting system" was emphasised by the Federal Constitutional Court in its 4th broadcasting judgement of November 1986. Public service broadcasting is of particular importance in this context, as its obligation to provide education means that it must guarantee the independent basic provision of information, education, advice and entertainment; in particular, it must offer contributions 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 the basic service.

## The Interstate Broadcasting Treaty / Interstate Media

# Treaty

The aim of the Interstate Broadcasting Treaty between all 16 federal states (1.RStV 1987, 22nd Interstate Broadcasting Treaty Amendment 2019) is to create uniform federal regulations for public and private broadcasting.

Of particular importance was the 12th Amendment to the Interstate Broadcasting Treaty (2009) with new regulations for the permissibility of the broadcasters' offerings on the internet. According to this treaty, the public broadcasters may no longer make their programme and accompanying information available for retrieval after seven days after broadcasting. Offerings that go beyond this are permissible for longer if they are included in the broadcaster's telemedia concept and have passed the so-called three-step test. This includes, for example, documentaries and information programmes (duration: 12 months), cultural programmes (up to 5 years) and programmes with contemporary or cultural-historical 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 household levy was introduced, according to which broadcasting fees were no longer charged per device but per household. 33 In the 19th Amendment to the Interstate Broadcasting Treaty, which came into force in 2016, an online-based youth service was mandated by ARD and ZDF.

On 1 May 2019, the 22nd Amendment to the Interstate Broadcasting Treaty came into force, which reorganises the telemedia mandate of the public broadcasters: the online offerings are to focus on moving images and sound in order to distinguish themselves from the offerings of the press publishers; at the same time, they are to be given more leeway in the length of time they are made available.

In November 2020, the Interstate Broadcasting Treaty was replaced by the Interstate Media Treaty. This treaty regulates the rights and obligations of broadcasters and now also of telemedia providers in Germany.

## Diversity in broadcasting

*Section 11 of the Interstate Broadcasting Treaty of 31 August 1991, as amended by the Twenty-Second Amendment to the Interstate Broadcasting Treaty (May 2019), stipulates that the programme content of public service broadcasters "shall provide a comprehensive overview of the international, European, national and regional events in all essential areas of life" in order to "promote international understanding, European integration and social cohesion in the Federation and the Länder". In order to present the diversity in the German-speaking and European area, the television broadcasters should, according to § 6 of the Interstate Broadcasting Treaty from 31 August 1991, as amended by the Eighteenth Amendment to the Interstate Broadcasting Treaty, "reserve the major part of their total broadcasting time for feature films, television plays, series, documentaries and comparable productions for European works in accordance with European law".*

Nevertheless, there are no official quotas to which programme providers must adhere. In cultural and media policy in the Federal Republic, quota regulations - also with regard to certain population groups - as an instrument for promoting European film and television production have so far not been considered suitable for solving problems.



# Cultural channels

The German television landscape includes various stations that broadcast predominantly cultural content. In the early days, especially the third channels showed characteristics of cultural programmes. The development of separate cultural channels began from the mid-1980s, such as the emergence of *3sat* (1984), *ARTE* (1992) or *ZDFkultur* (2011), which emerged from the *ZDFtheaterkanal*. *ZDFkultur* existed until 2016; in February 2019, *ZDFkultur* was revived as a digital offering in the ZDF-Mediathek. The cultural content of the channels ZDF, 3sat and arte is bundled under the brand. German radio also has channels specialising in cultural content, such as *hr2 Kultur* (1950), *WDR 3* (1964), *Deutschlandradio Kultur* (1994), *SR 2 KulturRadio* (1995), *SWR2* (1998), *rbb's kulturradio* (2003, previously *RADIOkultur* since 1997), *ARTE radio* (2002) or *NDRkultur* (2003).

*COSMO* (until the end of 2016 *Funkhaus Europa*), one of the international radio programmes for Germany, now broadcasts Refugee Radio at certain times, a separate format in English and Arabic that offers news on the current situation in Germany and the political discussion.

## 2.5.4. LANGUAGE

The language in schools, media and other forms of communication as well as the official language in the Federal Republic of Germany is German. Maintaining the German language is the task of all social groups. Learning the German language is also an important prerequisite for integration. Improving the language skills of immigrants is therefore a focal point of integration efforts. In addition to the Länder and municipalities, the Federal Government itself promotes language acquisition with a variety of measures. In addition, there is a wide range of private providers.

Dialects are cultivated and also promoted on a regional and communal basis. The "European Charter for Regional or Minority Languages" came into force for Germany on 1 January 1999. According to this charter, Low German is protected as a regional language and promoted in the federal states concerned. The minority languages protected and promoted by the Federal Government and the Länder concerned are the languages of the minorities traditionally resident (i.e. autochthonous) in Germany and protected under the *Council of Europe Framework Convention for the Protection of National Minorities*. These are the languages Danish, North Frisian, Sater Frisian, Upper and Lower Sorbian and the Romany of the German Sinti and Roma.

## 2.5.5. GENDER

In recent years, the issue of gender equity has received greater attention.

In June 2016, the study "Women in Culture and Media" of the *German Cultural Council* was published, which contains data on the proportion of women in the individual branches of culture, in broadcasting, in education, in leadership positions, as well as the presentation of the legal instruments of gender equality policy in Germany and recommendations for action.

The *BKM* has made gender equality in the arts, culture and media a key concern of its policy. In the 2017 coalition agreement, the governing parties committed themselves to this,

"To further expand equality and gender justice in the arts, culture and media. This applies to leadership

positions, appointments to juries and committees as well as decisions on grants and funding. Concrete measures include the "Round Table Women in Culture in Media" launched by the *BKM* in 2016, the establishment of a project office "Women in Culture and Media" at the *German Cultural Council* since 2017, the establishment of a "1:1 Mentoring Programme for Women" (since 2018), the publication of data reports (e.g. "How female 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. at Villa Massimo) and in 2018 the establishment of an independent trust office against sexual abuse and violence. The topic is also mentioned in the Coalition Agreement 2021 - in the form of advocacy for gender equality and closing the GenderPayGap and juries with equal and diverse representation. (see also 2.1)

Women artists have founded their own networks and associations to represent their interests and exchange ideas. One of the cross-disciplinary associations is *GEDOK* (<https://gedok.de/>), which was founded as early as 1926 as the *Gemeinschaft Deutscher und Österreichischer Künstlerinnenvereine* aller Kunstgenattung. The aim of *GEDOK* today is to present the work and achievements of women artists through exhibitions, events, etc. and to improve the special living and working situation of women artists. *GEDOK* is committed to the gender-equitable shaping of all areas of cultural life. Its instruments include the awarding of prizes and the organisation of competitions. In addition, there are sector-specific networks such as the "BücherFrauen" (since 1990), the archive "Frau und Musik" (since 1979), "Pro Quote Direction" and "Pro Quote Media" (since 2012).

The Gabriele Münter Prize, established in 1994, stands out in the prize landscape at the federal level. It was offered by the *Federal Ministry for Family Affairs, Senior Citizens, Women and Youth* in cooperation with the *BBK*, the *GEDOK* and the *Frauenmuseum Bonn* and is an art prize endowed with 20,000 euros for the life's work of professional women artists aged 40 and over. It was awarded for the last time in 2017.

Institutions for the promotion of equality have also been established at the state and municipal level, such as the *Frauen-Kulturbüro NRW* (Women's Cultural Office NRW), founded in 1991, whose aim is to make women more visible, realised, among other things, through the awarding of the NRW Women Artists' Prize, the awarding of scholarships, the holding of further training courses and the publication of studies (e.g. on the participation of women in NRW: "Frauen in Kunst und Kultur - Zwischen neuem Selbstbewusstsein und Quotenförderung" (Women in Art and Culture - Between New Self-Confidence and the Promotion of Quotas). The world's first women's museum was also founded in Bonn in 1981, where more than 700 exhibitions have been held since its inception. Over 3 000 works by women artists were shown. 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" (<https://frauenfilmfest.com/>), which emerged from the film festivals "femme fatale" in Dortmund and the "Feminale" in Cologne founded in the 1980s and which, in addition to the annual international competition, is dedicated to networking women from various trades in the film industry.

## 2.5.6. DISABILITY

In recent years, the topic of inclusion has gained importance in the cultural sector.

In 2009, the UN Convention on the Rights of Persons with Disabilities was ratified by the Federal Government. It is the first text of a legal nature that grants people with disabilities not only creative potential, but also the right

to develop it.

At federal level, in 1981, the International Year of Disabled *Persons*, the office of the *Federal Government Commissioner for Matters relating to Persons with Disabilities* was established as a central point of contact with the Federal Government on all matters affecting persons with disabilities and is attached to the *Federal Ministry of Labour and Social Affairs*.

*EUCREA Verband Kunst und Behinderung e.V.* (<https://www.eucrea.de>), the umbrella organisation representing the interests of artists with disabilities in German-speaking countries (Germany, Austria and Switzerland), was founded in 1989. It is committed to more diversity in the field of art and culture, develops model projects to make visible how inclusion can take place in the art and culture sector, sensitises artists, cultural institutions, politics and administration to the potential of artists with disabilities, encourages cooperation and works on the further development of training opportunities and fields of employment.

Since 2015, the *BKM* has supported the Network Culture and Inclusion at the *Remscheid Academy* as a dialogue and expert forum. It facilitates the exchange of experiences and approaches from theory and practice, science and research, the association landscape and politics. In 2018, the funding principles for the "Mediation and Integration" programme were amended, which means that new strategic and methodological approaches in the field of inclusion as well as the transfer of successful projects to other institutions and sectors are also supported. In institutions permanently funded by the *BKM*, grants are linked to the condition that the participation of people with impairments is also strengthened. The *BKM* also funded the model project "Art and Inclusion" of the *EUCREA Verband Kunst und Behinderung e.V.*. The aim was to improve the work and training situation of artists with disabilities and their integration into the cultural sector. The project "CONNECT - Art in Process", funded by the *Federal Cultural Foundation*, builds on the "ARTplus" programme and is intended to transfer the model developed there to other cultural institutions. In the film sector, funding from the *BKM* is tied to the production of an accessible version. The *German Federal Film Board (FFA)* has also set up a "Round Table" in which representatives of associations of people with disabilities work with cinema operators, distributors and technical companies to define new standards for accessible cinemas.

"Too often, however, artists and cultural audiences with disabilities are still left out. Some progress has been made in recent years, e.g. with regard to accessibility in large museums and inclusive art education but not enough. There is not only a lack of accessible cultural venues, but also of inclusive cultural and media offerings, e.g. literature in simple or easy language. As actors, people with disabilities are still strongly underrepresented in the cultural sector. When it comes to training and employment, it is often the disability that is seen first, not the potential of the applicant."<sup>14</sup> - this is the view of *Aktion Mensch*, as published in the dossier "Inclusion in Culture and Media".

In the Coalition Agreement 2021, advocacy for accessibility is highlighted as a goal in the cultural sector.

## 2.6. Culture and social inclusion

### National minorities

The Federal Republic of Germany has ratified the *Council of Europe Framework Convention for the Protection of*

National Minorities. It entered into force for Germany on 1 February 1998. The autochthonous minorities and ethnic groups of German nationality, i.e. those traditionally resident in Germany, are protected by this Convention. Four recognised national minorities live in Germany: the Danish minority, the Frisian ethnic group (North Frisians, Sater Frisians), Sorbs and the German Sinti and Roma.

The protection and promotion of national minorities also includes the minority languages Danish, North and Sater Frisian, Upper and Lower Sorbian as well as the Romany of the German Sinti and Roma. The regional language Low German (Plattdeutsch) is also protected in Germany. The basis for this is the European Charter for Regional or Minority Languages of the Council of Europe of 5 November 1992, which came into force in Germany on 1 January 1999. The Federal Government, the Länder and numerous local authorities support the members of the national minorities and the speakers of Low German in preserving their cultural identity through many measures.

The Sorbs invoke legal foundations of direct German law for their promotion. Their cultural and ethnic preservation is guaranteed by the State Treaty of the Länder Brandenburg and Saxony of 28.8.1998 ([Staatsvertrag\\_mit\\_Protokollnotiz.pdf \(sorben.com\)](#)).

In 2002, the previous office of the Federal Government Commissioner for Aussiedler Affairs was supplemented by the Commissioner for National Minorities. The current incumbent has been Bernd Fabritius since 2018.

In Germany live about 50 000 Danes, about 60 000 Sorbs and about 70 000 Sinit and Roma.

## People with a migration background

In 2020, according to the microcensus, 21.9 million people lived in Germany who themselves or at least one of whose parents did not have German citizenship at birth. This corresponded to a population share of people with a [migration background of 26.7 percent](#). While "Germans with a migration background" have the same political rights as all other Germans, they still often suffer discrimination in everyday life, at school, when looking for accommodation and at work. Foreigners living in Germany are subject to a multitude of regulations. After the reform of the "Aliens Act" (1990) and the "Citizenship Act" (2000), the "Immigration Act" of 2005 was a third important political instrument on the way to recognising the Federal Republic as a country of immigration, leading to an improvement in the situation for people from other cultures and countries living here. Binding rules for immigration and integration were established for the first time in Germany and were officially approved.

For some years now, the integration of people of different ethnic origins, religious orientations and cultural traditions has been considered a central task of society and also in the cultural sector. Cultural policy. Especially in recent years, the topic of diversity in its many aspects (ethnic origin, religion, gender, sexual orientation, physical and mental abilities, age) has become more prominent and has gained a lot of importance - in discourses, cultural policy and cultural practice.

In a growing number of cities (e.g. Stuttgart, Nuremberg, Dortmund, Essen, Osnabrück) and Länder (for example North Rhine-Westphalia), there are interdepartmental integration concepts in which culture plays a not insignificant role and which are appropriately funded. In recent years, there has been a discussion about the necessity of a cultural policy that focuses more on the cultural interests and rights for the participation and self-

organisation of ethnic minorities. Since 2006, the Federal Chancellor has organised integration summits in Berlin every one to two years (thirteen so far), at which, among other things, cultural and cultural policy issues were addressed. The result of the first integration summit was agreement on the creation of a national integration plan, which was then presented for the first time in 2007.

In addition to the integration summits, a number of nationwide conferences on intercultural or diversity were held, including by the *Federal Council for Cultural Diversity*. Another actor is the *Expert Council of German Foundations for Integration and Migration*, which was founded by eight foundations as the as an independent, scientific body that adopts positions on integration and migration policy issues. Its current members are seven foundations: *Stiftung Mercator*, *Volkswagen Foundation*, *Bertelsmann Foundation*, *Freudenberg Foundation*, *Bosch Foundation*, *Stifterverband für die Deutsche Wissenschaft* and *Vodafone Foundation Germany. for Integration and Migration*, which was founded by eight foundations as the

In recent years, many documents have been published on the topics of integration and "cultural diversity" or diversity, including, for example, "Cultural Diversity in the Urban Community" (*German Association of Towns and Municipalities* 2004); "Stuttgart Impulses on Cultural Diversity" (2006); the "National Integration Plan" of the Federal Government (2007), the "Cologne Appeal" (*German Association of Towns and Municipalities North Rhine-Westphalia* 2008), "Intercultural Integration Report. Munich lives diversity" (City of Munich 2010),

"Intercultural Cultural Work" (*Kultusministerkonferenz* 2011) and the "National Action Plan Integration" (2012). In May 2012, a study was published presenting the "State of Municipal Integration Policy in Germany".

Special attention is currently being paid to the importance of schools and early childhood education in teaching transcultural competence and acceptance of cultural diversity. Concrete stipulations have been proposed in several educational plans for kindergartens and primary schools in the individual federal states. At all levels of cultural policy responsibility, there are special institutions, concepts and funding for the art and culture of national and ethnic minorities and for transcultural exchange. transcultural programmes are offered or promoted, among others, by the federally funded *House of World Cultures*, by the federally funded *Fund for Socioculture*, and by projects of individual Länder and numerous municipalities.

In 2005, the *Federal Government Commissioner for Migration, Refugees and Integration* was located in the Chancellery and upgraded to Minister of State for Integration. The current holder of the office since December 2021 is Reem Alabali-Radovan (SPD) The tasks include, among other things, submitting a "Report on the Situation of Foreigners in Germany" (the so-called Integration Report) at least every two years.

In May 2015, the 10th report on the situation was published, focusing on education - from early childhood education to university studies - as well as the training and labour market. In it, it is noted quite self-critically: "The data situation makes it clear that we ... are too hesitant to take the step towards an immigration society" and "that our education system does not always succeed in enabling people to achieve educational success that matches their potential, regardless of their social background". In December 2019, the 12th report entitled "Germany can integrate. Promoting potential, demanding integration, strengthening cohesion" ([12-integrationsbericht-data.pdf \(integrationsbeauftragte.de\)](#)).

In addition, the Federal Office for Migration and Refugees has produced the Federal Government's Migration Report once a year since 2005. So far, 17 migration reports have been published, most recently in December

2020 for the reporting year 2019

([migrationreport-2020.pdf;jsessionid=33C3FFE47A7FCDF5794FC74917CFE396.intranet252 \(bamf.de\)](#)). There are also integration commissioners in the federal states and in some municipalities.

## 2.7. Societal impact of arts

The goals of the New Cultural Policy in Germany largely reflect the requirements and objectives of the *Council of Europe's* definition of "social cohesion". In addition, they are of growing importance in relation to equality of cultural opportunities, cultural diversity and intercultural dialogue.

In this context, the 1999 integrated federal and state action programme entitled "Socially Integrative City" is also of interest. The aim of the programme is to improve living and housing conditions in neighbourhoods - in urban and socially vulnerable areas. The programme has been continued since 2020 under the title "Social Cohesion".

The positive impact that culture and the arts have on the process of cultural integration and social cohesion is increasingly recognised. However, few local or state authorities implement concrete programmes and projects. Some Länder, however, such as North Rhine-Westphalia, have specific support programmes.

Local authorities and public and private cultural institutions (such as cultural centres) remain the most important actors in this field. In addition, foundations are also becoming increasingly active: the *Federal Cultural Foundation* and the *Cultural Foundation of the Länder* both cooperate with civil society institutions and can be highlighted in this context. The cultural activities of the churches are also gaining in importance in this context.

Addressing audiences who feel particularly alienated from the arts is at the heart of projects that address the problem of social cohesion. Programmes such as the use of artists in public schools (e.g. with the project "Cultural Agents for Creative Schools" - see 5.1) or projects by theatres or orchestras working in social contexts such as neighbourhoods, homes for the elderly, hospitals, etc. are examples that can be seen as both innovative and effective. There has been a certain revival of the social and cultural ideas of the seventies and eighties, when cultural policy had its focus on the social impact of culture and art, as expressed in the term "socioculture".

In addition, there are a number of programmes whose aim is to support disadvantaged children and young people in accessing cultural and educational opportunities, for example with the programme "Kultur macht stark" (Culture makes you strong), which was launched in 2013 (see 5.1)

In June 2020, the German Foundation for Engagement and Volunteering was established (<https://www.deutsche-stiftung-engagement-und-ehrenamt.de>). It began its work in July 2020 with headquarters in Neustrelitz. The aim of the foundation is to sustainably strengthen voluntary work, especially in regions with weak economic growth and in rural areas. This also goes hand in hand with the decision to locate the foundation in a structurally weak region in eastern Germany. The foundation serves primarily as a service centre.

## 2.8. Cultural sustainability

Since the turn of the millennium, the discussion about a sustainable and environmentally friendly cultural policy

has become more intense in Germany. In the process, the ecological deficit of cultural policy is bemoaned and a new nature-based understanding of culture is demanded. Sustainability, conservation of resources and slowing down are demanded as guiding goals of cultural policy action. Exemplary for this is the project of the *Institute for Cultural Policy of the Kulturpolitische Gesellschaft* on the topic of "The significance of culture for the guiding principle of sustainable development" (2001/2002), in the context of which the "Tutzing Manifesto for strengthening the culturally aesthetic dimension of sustainability"<sup>15</sup> was created in 2002.<sup>[1]</sup> The conference was supported by renowned actors from the fields of culture, the environment and science and received a great deal of public attention. Based on the recognised deficit that culture has not played a role in international concepts and declarations on sustainable development to date, and referring to the "World Summit on Sustainable Development" in Johannesburg in 2002, it called for Agenda 21 processes to be structurally opened up to the topic of culture and aesthetics.

The [German Council for Sustainable Development](#) was founded in 2001. It advises the Federal Government on sustainability policy. Its members are 15 people from civil society, business, science and politics who are appointed by the Federal Government every 3 years. It also carries out its own projects and provides impetus for social dialogue.

However, the early opinion-forming processes - mainly initiated by civil society actors - have been followed by little concrete cultural policy action. Only since climate change with its catastrophic consequences has dominated the media headlines has it become increasingly clear that the old question of the limits to growth and the resulting constraints and necessary decisions are increasingly challenging all policy areas, including cultural policy. Increasingly, we are hearing calls for federal, state and local cultural policy to be oriented towards the criteria of a sustainable and climate-friendly cultural policy. There are calls for cultural and environmental policy to be more closely interlinked and for the sustainability debate to be expanded to include the cultural issue. Specifically, programmes are called for that allow cultural institutions to adapt to the climatic conditions to be expected in the coming decades and to provide incentives that encourage institutions to generate ideas for a change of course and to communicate them proactively.

A further task is seen in the sustainable equipment and management of the cultural infrastructure.

In 2016, the draft of a [German sustainability strategy](#) was published, and in January 2017 the strategy was adopted by the Federal Government. It also refers to the special role of art and culture. In March 2021, the Federal Cabinet decided on its further development.

For about 5 years now, there has also been a more intensive preoccupation with the topic of sustainability in cultural policy. In 2017, the Council for Sustainability launched the "Sustainability Fund", a programme to promote transformative projects on sustainability culture. The Federal Chancellery provided funding of 7.5 million euros for the fund for 4 years. The fund ended in December 2021, during which time several idea competitions were launched on various projects in everyday culture (e.g. food, mobility, building). A total of [89 projects](#) were supported with the money from this fund. The *German Cultural Council*, the umbrella organisation of German cultural associations, has also put the topic high on its agenda. Supported by the German Council for Sustainable Development and in cooperation with *the Bund für Umwelt und Naturschutz Deutschland*, it launched a campaign in September 2018 to build a bridge between the sustainability discourse of the natural and environmental sector and cultural policy debates. In 2020, the "Action Network Sustainability in Culture and Media" (<https://aktionsnetzwerk-nachhaltigkeit.de>) was launched as part of the Summer Academy of the



Kulturpolitische Gesellschaft (Society for Cultural Policy). It is the central cross-sectoral contact point for the topic of "operational ecology" in culture and media. The Action Network currently consists of about 30 partners, including municipalities, cultural institutions, cultural associations, research institutions, energy agencies, etc. The Action Network organises climate protection organisations. The action network organises climate workshops, offers further education programmes such as "transformation manager for sustainable culture" and carries out pilot projects. In the spring of 2021, for example, a pilot project entitled "CO2 calculator for Culture" and a few months later "Climate balance for Culture in NRW", in which 16 cultural institutions in North Rhine-Westphalia are accompanied in the use of the CO2 calculator and in the preparation of climate balances.

The *Kulturstiftung des Bundes (KSB)* is one of the other actors promoting sustainability in the cultural sector. The KSB itself already participated in the EMAS certification for ecological management in 2012, which obliges institutions to undergo regular environmental audits and to improve their environmental behaviour. In autumn 2020, KSB initiated a pilot project "Climate Balances", which supported 19 cultural institutions nationwide to draw up a model climate balance of their institutions and to determine their carbon footprint. The KSB has also submitted an open application for a "Zero Fund" with which it wants to support cultural institutions in testing climate-neutral forms of production.

In 2020, the Federal Government Commissioner for Culture and the Media presented a sustainability report for the first time.

For about two years now, there has also been an intensified discussion about the extent to which the topic of "sustainability" becomes part of the guidelines for funding cultural actors. Numerous research projects on the topic of "culture and sustainability" have also been launched. In addition, several guidelines for cultural events, institutions and organisations have been published in the last two years.

The Coalition Agreement 2021 also provides for the establishment of a "Green Culture" focal point for ecological transformation.

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<sup>[1]</sup> *Tutzingen 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.

## 2.9. Other main cultural policy issues

*No information available.*



## 3. Cultural and creative sectors

### 3.1. Heritage

The preservation of cultural heritage is a central task of cultural policy at all levels. Especially within the framework of monument preservation and in museums, the tangible evidence of cultural traditions is promoted and illustrated.

## Cultural infrastructure: monuments, museums, world heritage list

According to the report on building culture, monument protection and monument preservation (2017), there are approximately 1 million individual buildings gardens, land, movable monuments and monument areas in Germany, 63 per cent of which are architectural monuments another 37 per cent are ground monuments. The proportion of listed buildings in the building stock is 2.9 per cent.

According to the most recent survey by the *Institute of Museum Studies of 2021* <https://journals.ub.uni-heidelberg.de/index.php/ifmzm/issue/view/5496/1014>), 66 834 museums existed in 2019 under various forms of sponsorship: 51 per cent of museums are publicly sponsored (3.438 museums: state sponsors: 443; local authorities: 2 606; other forms of public law: 444), 45.3 per cent in private sponsorship (associations 2 043; companies / cooperatives: 327; foundations under private law: 251; private individuals: 473) and 3.8 per cent in mixed forms private and public (258).

Subdivided according to collection areas, the local and regional history museums, folklore and local history museums form the largest of the nine groups with 43.5 percent. The second largest group, with 15.1 percent, were the special cultural history museums. 12.6 percent of the museums had a natural science and technology focus, and the share of art museums was 10.7 percent. Of these 6,834 museums, 4,543 museums reported their visitor numbers, which amounted to 111.6 million visits (2018: 6,771 museums, reporting 4,831 museums with 114.1 million visits). In terms of collecting areas, it was the historical and archaeological museums (19.5 %), the art museums (17.9 %) and the natural science / technical museums (14.5 %), which had the highest number of visits.

Germany currently has 51 World Heritage Sites (48 cultural and three natural) on the UNESCO World Heritage List (<https://www.unesco.de/kultur-und-natur/welterbe/welterbe-deutschland/welterbestaetten-deutschland>), which includes more than 1,500 World Heritage Sites worldwide. Since 2015, twelve more cultural and natural sites from Germany have been inscribed on the UNESCO World Heritage List, including, among others: Hamburg's Speicherstadt and Kontorhausviertel with Chilehaus (2015), the architectural work of Le Corbusier (2016), caves and Ice Age art of the Swabian Alb (2017), Augsburg's water management system (2019) and Matildenhöhe Darmstadt (2021).

In 2013, Germany joined the *UNESCO Convention* for the Safeguarding of the Intangible Cultural Heritage. The three UNESCO Intangible Cultural Heritage Lists comprise a total of 584 entries from 131 countries, including five from Germany: Bauhüttenwesen, Blaudruck, Genossenschaftsidee and -practice, falconry as well as organ

building and organ music.

## Cultural policy: promotion and discussions

Remembrance culture plays an important role in cultural policy. The current coalition agreement (2021) also contains a commitment to the culture of remembrance and understands it as a "commitment to democracy and a path to a common future" (*Federal Government Commissioner for Culture and the Media*

<https://www.bundesregierung.de/breg-de/bundesregierung/bundeskanzleramt/staatsministerin-fuer-kultur-und-medien/kultur-im-koalitionsvertrag-1989728>) The restitution of Nazi looted art is to exclude the possibility of claims becoming time-barred. The restitution of objects from colonial contexts will also be supported, and a concept for a place of learning and remembrance of colonialism will be developed. The communication of history of and in the immigration society will be advanced.

Monument protection and preservation are primarily the responsibility of the Länder and municipalities, but the preservation of important national cultural monuments is also a focus of the Federal Government's cultural policy. The Federal Government funds numerous nationally significant cultural institutions, partly on its own and partly together with the Länder. These include the Prussian Cultural Heritage Foundation, the German Literature Archive in Marbach and the German Cinematheque in Berlin. Museums dedicated to the history of the Germans and memorial sites are also among them. An important pillar of the federal government's monument conservation is the "Nationally Valuable Cultural Monuments" programme, which promotes the preservation of , archaeological monuments and historical parks and gardens. From 1950 to 2020, over 700 cultural monuments were preserved and restored with around 387 million euros from this programme. Since 2007, the *BKM* has launched nine special heritage conservation programmes with a total of around 330 million euros until 2021, in addition to the other heritage conservation programmes.

The importance of monument preservation lies in the preservation of the architectural heritage, but also in its economic dimension for the building industry, especially for specialised small and medium-sized enterprises. It enjoys great cultural-political esteem, which is supported by public campaigns. These include, for example, the "Open Monument Day", which has been coordinated nationwide by the German Foundation for Monument Protection since 1993, and which is held annually in September under a specific motto (e.g. 2019: Modern Upheavals in Art and Architecture; in 2020: Opportunity Monument: Remember. Preserve. Rethinking and 2021: Being and Appearance - in History, Architecture and Monument Preservation).

For some years now, there has been a public debate on the protection and status of intangible and tangible cultural heritage in cultural policy. It is repeatedly ignited by striking examples and major cultural projects in the federal capital, such as the reconstruction of the *City Palace* or the restoration of the *Museum Island* in Berlin, which are of particular political and cultural-historical significance.

In view of dwindling financial resources and the difficulty of finding an appropriate and economically viable use for restored buildings, the protection of historical monuments and the funding policy for the restoration and maintenance of built testimonies to the cultural heritage are coming under increasing pressure. The reason for this is not only the scarcity of public funds, but also the thematic expansion of the concept of monument protection through the broadened cultural concept of the 1970s and 1980s to include evidence of everyday and industrial culture, which is viewed more critically today. As a result of this and the reunification of the two German states, the number of objects worthy of preservation and in need of restoration has grown so much

that new criteria for selection are needed.

With regard to the built testimonies of industrial culture, there are more frequent debates about whether it makes sense and is affordable to put them to cultural use, because the public sector seems to be less and less able to pay the follow-up costs. In addition, there are more fundamental cultural policy considerations, because in relation to the financial expenditures for the cultural and artistic works and testimonies of the past, the promotion of contemporary and living art and culture is becoming significantly more marginalised.

## Special concepts and events

In July 2007, the *Federal Government Commissioner for Culture and the Media* presented a memorial concept entitled "Taking Responsibility, Strengthening Reappraisal, Deepening Remembrance". In June 2008, after a broad public debate, the Federal Cabinet decided to update the memorial concept of 1999. In the future, on the one hand, memorials of national importance that commemorate the National Socialist reign of terror and its victims, and on the other hand, the reappraisal of the dictatorship in the Soviet occupation zone and in the former GDR and the commemoration of their victims are to be promoted more strongly. In 2015, a symposium was held to critically assess the work done at the memorial sites to date. Also in 2015, the Expert Commission, which advises the Federal Government on the allocation of project funds in the memorial sector, expressly spoke out in favour of the approach of a stronger educational orientation of the Federal German memorial work and funding.

In May 2008, the Memorial to Homosexuals Persecuted under National Socialism, which is located near the Memorial to the Murdered Jews of Europe, was handed over to the public in Berlin. With this memorial, the Federal Republic of Germany wants to commemorate the persecuted and murdered homosexual victims and the injustice done to them, and is also intended to be a permanent symbol against intolerance, hostility and discrimination against homosexuals.

In 2010, after 20 years of planning and construction, the Topography of Terror Documentation Centre (<https://www.topographie.de/topographie-des-terrors/>) was opened on the site of a former central institution of Nazi persecution. With over 1 million visitors a year, it is one of the most visited places of remembrance in Berlin. The first memorial in Germany for deserters was opened in Cologne (September 2009) and the Memoriam Nuremberg Trials (<https://museen.nuernberg.de/memorium-nuernberger-prozesse>) opened a Exhibition with comprehensive information on Courtroom 600 at the venue of the Nuremberg Palace of Justice in November 2010. In October 2012, the central memorial for the Sinti and Roma murdered under the National Socialists, designed by Dani Karavan, was inaugurated in the presence of the Federal President and the Federal Chancellor. In April 2015, on the 70th anniversary of Munich's liberation, the NS Documentation Centre Munich - Place of Learning and Remembrance on the History of National Socialism (<https://www.ns-dokuzentrum-muenchen.de/home/>) was opened. In addition, in 2016 the BKM announced a research programme to address the Nazi past of the Minister and central German authorities. Funding of 4 million euros was made available for the period from 2017 to 2020.

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

In 2018, the Minister of State for Culture opened the European Heritage Year in Germany. In Germany, more

than 400 projects with 1,500 events and more than 100,000 visitors took part. In 2018, the *BKM's* budget supported 38 projects and initiatives across Germany related to the European Heritage Year with a total of 7.2 million euros. Germany was one of the initiators of the European Heritage Year. The programme for the theme year was coordinated by the *German National Committee for Monument Protection* and accompanied by further activities of the federal states, municipalities and other actors.

In 2019, Germany celebrated numerous anniversaries, such as 100 years of the Bauhaus, 100 years of women's suffrage, 50 years of the moon landing, 30 years of the Peaceful Revolution and the fall of the Berlin Wall, and 250 years of Humboldt. Due to these anniversaries and other historical dates, such as the 70th anniversary of the Second World War, activities and programmes in particular were influenced by the theme of heritage and remembrance.

## 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>

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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 6 779 public libraries in 2021 (compared to 7 240 public libraries in 2018). Of the 6 779 public libraries, 28.5 per cent are under full-time management and 71.5 per cent are under part-time or voluntary management (compared to 2018: 27.0 per cent under full-time management and 73.0 per cent under voluntary management). In terms of sponsorship, 49.6 per cent are sponsored by the public sector (all local authorities) (compared to 2018: 48.1 %), 41.7 per cent by the Catholic Church (2018: 40.9 %), 8.2 per cent by the Protestant Church (2018: 8.9 %) and 0.9 per cent in other sponsorship (2018: 0.7 %). Public libraries had a media stock of 107 million in 2021 (2018: 113 million), of which 85 million were in public libraries with full-time management (2018: 89 million) and 24 million in voluntary management (2018: 24 million). 80 million items were held by publicly owned libraries (2018: 94 million). Public libraries recorded a total of 57.4 million visits in 2018 (2021: 120 million visits) and 249 million borrowings (2018: 340). It should be noted that in 2021 the libraries were temporarily closed for corona reasons.

In 2021, there were 241 academic libraries (2018: 238), including six national or central libraries. Specialist libraries (2018: 5), 24 regional libraries (2018: 25), 80 university libraries (2018: 79) and

131 university and university of applied sciences libraries (2018: 129). There were 47 million physical borrowings (2018: 74 million). The temporary closure of these libraries due to corona should also be taken into account in these figures.

For the library laws see chapter 4.2.5, for the Federal Archives and Stasi Archives Act see chapter 4.2.2.

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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 - in all three sectors. It includes state and municipal theatres, commercially run musical and entertainment theatres as well as a high density of independent theatres, dance companies and performance groups. There are also historical reasons for the high density of theatre in Germany: before the founding of the nation state in 1871, there existed a multitude of city states, small states and principalities whose residential towns each maintained their own court and state theatres. In the 19th century, theatre also became the central form of self-expression for the emancipating middle classes, and numerous municipal theatres were established as a result. As early as the 1920s, new, open forms of theatre emerged (certainly in a departure from bourgeois theatre aesthetics), and in the 1960s, these developments were taken up in the western federal states and numerous independent theatres were established.

Central actors at the association level are the [German Stage Association](#) (*Deutscher Bühnenverein*), the [Federal Association of the Performing Arts](#) (*Bundesverband Freie Darstellende Künste*) and the [Federation of German Amateur Theatres](#). 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 association of interests and employers of (publicly funded) theatres and orchestras. The [Federal Association of the Performing Arts](#) is the umbrella

organisation of the 16 state associations and three associated associations and represents the interests of its more than 2 300 members at the federal level. Whether theatre and dance houses, collectives or individual actors: In total, the *BFDK* represents around 25 000 theatre and dance professionals in Germany. Founded in 1892, the *Bund Deutscher Amateurtheater* represents German amateur theatre. It is an umbrella organisation with 18 member associations and around 2 500 affiliated theatres.

The *German Stage Association* regularly publishes theatre statistics and work statistics. The theatre statistics provide an overview of the most important data of the publicly funded and private theatres, orchestras and festival companies in Germany. Each individual company is presented with information on events and visitors, staff, income and expenditure as well as prices. The work 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* published in 2022 contain the data for the 2019/2020 season, taking into account that the theatres and orchestras were massively affected by the COVID 19 pandemic in this season: by the closure of theatres in the 1st lockdown from March. "The publication of the 2019/2020 theatre statistics is done in the knowledge that the figures are first and foremost a contemporary historical document, but they are not comparable with past or future seasons. They have no significance as far as the development of the theatres and orchestras is concerned," says the Executive Director of the *German Stage Association* Claudia Schmitz. A total of 141 state theatres, municipal theatres and state theatres as well as 121 orchestras (including theatre orchestras), 195 private theatres and 73 festivals shared their income and expenditure, staff details, attendance figures and events in 2019/2020. There were a total of 46 629 performances. Including the publicly funded theatres, the festivals, the listed private theatres, the independent symphony orchestras and the radio orchestras, around 13.8 million visitors were recorded in 2019/2020.

Due to the special Corona situation, the figures from the previous statistics are also still shown here, which depict the 2018/2019 season and which are also shown in the current statistics: A total of 142 state theatres, municipal theatres and state theatres as well as 128 orchestras (including theatre orchestras), 199 private theatres and 84 festivals shared their income and expenditure, staff details, attendance figures and events in 2018/2019. In total, there were 65,995 performances. Including the publicly funded theatres, the festivals, the listed private theatres, the independent symphony orchestras and the radio orchestras, around 20.3 million 20.3 million attendances were recorded in 2018/2019.

The *Bundesverband Freier Darstellender Künste* (*Federal Association of the Liberal Performing Arts*) also regularly publishes the results of its member survey or "[Statistical Status Determination of the Liberal Performing Arts](#)". The most recent statistical assessment was published in February 2022. It presents the data from the 2019/2020 survey, this includes data from 14 of the 16 state associations. It also includes a comparison of the situation of the liberal performing arts before the COVID-19 pandemic began and the situation since. The predominant forms of work are groups (43%) and individuals (41%), the predominant legal form is (solo) self-employed (45%). If the actors of the independent performing arts had employees, 59 per cent were employed on a fee basis in 2020, 11 per cent had a fixed-term permanent position and 19 per cent had a permanent position. 37 per cent of the actors had their own rehearsal rooms. In terms of genres, drama dominates with 31 per cent of productions, followed by puppet, figure and project theatre with 16 per cent and children's and youth theatre with 13 per cent. 63 per cent of the productions are new productions.

While the current statistics focused on percentages, the publication of the [last member survey](#), which was



published in 2016, offers a lot more information: According to this, the independent performing arts create an average of 3.7 new productions per year and perform them a total of 54.7 times over the course of 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 on offer for this target group is provided by the independent performing arts (for comparison: 13 760 by the public theatres).

The funding structures and also the employment structures for the theatres differ very clearly in relation to the sectors: While the publicly funded state and municipal theatres generally receive institutional funding from the respective states or municipalities, the funding of the independent performing arts is predominantly project funding '(for more see: [https://darstellende-kuenste.de/images/downloads/bfdk/freieDK\\_dokumente\\_NR1-foerderstruktur\\_201610.pdf](https://darstellende-kuenste.de/images/downloads/bfdk/freieDK_dokumente_NR1-foerderstruktur_201610.pdf)).

In 2020, 30 200 people were insured in the performing arts sector of the [Künstlersozialkasse](#).

## 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 2020, 65 800 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 *Federal Ministry for Economic Affairs and Energy (since 2009)* publishes the status and perspectives of the cultural and creative industries in Germany in the monitoring report "Cultural and Creative Industries".

According to the current monitoring report "[Cultural and Creative Industries 2020](#)", approx. 259 600 companies were active in 2019 (compared to 2018: + approx. 3 000). These companies generated a turnover of 174.1 billion euros compared to 2018: +3.0 billion). The submarkets, design, software/games and architecture had the highest number of companies (23%, 16% and 15%), while the submarkets with the highest turnover were software/games, press and advertising (29%, 17% and 17%). Gross value added in the culture and creative industries was EUR 106.4 billion in 2019. It thus contributes 3.1 percent to the total economic output.

In Germany, 1.84 million people were employed in the culture and creative industries (comparison 2018: 1.7 million). They are made up of core employees, whose share is 67 percent, and marginally employed persons, whose share is 33 percent. Both groups are subdivided into the employed and the self-employed. The 1.24 million core employees are made up of 0.98 million employees subject to social insurance contributions and 0.256 million self-employed and freelancers with an annual turnover of more than 17 500 euros. The marginally employed consist of 0.3 million mini-self-employed (under 17 500 euros annual turnover) and marginally employed. In 2019, the culture and creative industries contributed 106.4 billion euros (2018: 100.5 billion euros) and thus 3.1 per cent to the total gross value added.

According to the latest monitoring report, the total turnover of the culture and creative industries has increased by around 40 billion euros over the last ten years, from 134.3 billion euros (2009) to a total of 174.1 billion euros (2019). This corresponds to an average annual growth rate of 2.6 percent. This positive trend will not continue due to Corona; for 2020, significant sales losses of between 13 and 24 percent are expected, depending on the scenario. The individual submarkets are affected to varying degrees.



On 20.1.2022, a so-called "[Betroffenheitspapier](#)": "[Betroffenheit der Kultur- und Kreativwirtschaft von der Corona-Pandemie. Economic impacts 2020, 2021 & 2022 based on a scenario analysis](#)" was presented. According to this, the turnover losses for the cultural and creative industries for 2020 were -15.3 billion euros. The submarkets particularly affected include the performing arts market (-81 %), the music industry (-44 %), the film industry (-41 %) and the art market (-39 %): In the meantime, reports on cultural industries are available in all federal states and are updated at different intervals. The most recent versions are listed here:

- Baden-Württemberg 2021 ([6th Report of the State Government on the Cultural and Creative Industries](#))
- Bavaria 2020 ([Second Bavarian Culture and Creative Industries Report](#))
- Berlin/Brandenburg 2015 ([2. Kultur -und Kreativwirtschaftsindex](#))
- Bremen 2010
- Hamburg 2019 ([Data report on the culture and creative industries in the Hamburg metropolitan region](#))
- Hessen 2021 ([6th Culture and Creative Industries Report](#))
- Mecklenburg-Vorpommern 2016 ([Kultur- und Kreativwirtschaft Mecklenburg-Vorpommern](#))
- Lower Saxony 2019 ([Monitoring Cultural and Creative Industries in Lower Saxony 2014-2018](#))
- North Rhine-Westphalia 2019 ([Creativ. Report](#))
- Rhineland-Palatinate 2021 ([Rhineland-Palatinate location study](#))
- Saarland 2011 ([Creative Industries Report Saarland](#))
- Saxony 2019 ([2nd Culture and Creative Industries Report: for Saxony](#))
- Saxony-Anhalt 2020 ([Market Report: Cultural and Creative Industries in Saxony-Anhalt](#))
- Schleswig-Holstein 2017 ([Daten zur Kultur- und Kreativwirtschaft Schleswig-Holstein](#)) and
- Thüringen 2011 ([Kreativwirtschaft in Thüringen](#)).

Numerous municipalities have also published cultural industry reports - e.g. Dortmund, Düsseldorf, Aachen, Dresden, Cologne and Karlsruhe.

Increasingly, strategic partnerships between the public and private sectors are also being formed in the Federal Republic of Germany for cultural projects and institutions (public-private partnerships). For the future, it is to be expected that these strategic partnerships will expand even further. Overall, the cultural industries have been a growth factor in recent years. Due to the Corona crisis, this trend will not continue. In addition, for about 20 years there have been increasing efforts on the part of cultural policy to promote the private cultural industry not only through tax breaks and comparable benefits, but also directly, for example by supporting a music export office (since 2003).

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

The report of the *Enquete Commission of the German Bundestag 2007* also devoted a separate chapter to the cultural and creative industries. The "*Jahrbuch für Kulturpolitik 2008*" of the *Institute for Cultural Policy of the Kulturpolitische Gesellschaft* was also dedicated to this topic.

Training and further education programmes for the cultural industries are offered both at universities and colleges, where a number of degree programmes in the field of cultural management have been created in recent years. In the federal states, there are various programmes for counselling and further education for start-ups, some of which also focus on the arts and cultural sector. One of the pioneers was the programme "Creae.NRW", which was launched by the NRW Ministry of Economic Affairs in 2007.

In 2010, the "Cultural and Creative Industries Initiative" took another important step by establishing a *competence centre for cultural and creative industries* in Eschborn with eight regional offices. After the completion of the first project period 2010-2015, the competence centre was restructured for the second project period 2016 to 2019 (a central office + a new sponsor: the u-institut) and the task portfolio was modified (incl. strengthening the visibility of the cultural and creative industries). In the third project period since 2020, the sponsorship is in the hands of the u-institute and Prognos.

The task of the Competence Centre is to contribute to anchoring the importance of the cultural and creative industries as an independent sector and information engine more visibly in the economy, society and culture "56. The implementation takes place through "intra- and intersectoral networking, cross- border cooperation and extraordinary event formats. It is a nationwide contact point for the cultural and creative industries, a think tank and network actor" (<https://www.kultur-kreativ-wirtschaft.de/KUK/Navigation/DE/Kompetenzzentrum/kompetenzzentrum.html>) .

In summer 2021, the Coalition Culture and Creative Industries Germany (k3d) was founded (<https://k3-d.org/>) as an open alliance of leading private-sector interest groups. It unites representatives of the audiovisual, book, design, gallery, press, fashion, music and cultural event industries and sees itself as a mouthpiece for social and economic change and develops statements and demands on cultural, media and socio-political issues. Its central demands include the creation of an exposed responsibility for the cultural and creative industries at the federal level and ensuring coordination at the Länder and EU levels.

### 3.5.2. BOOKS AND PRESS

According to the current monitoring report "*Kultur- und Kreativwirtschaft 2020*", there were 17 450 companies in the book market sector in 2019 (for comparison, 2009: 16 232, 2018: 17 411). Turnover in 2019 amounted to 14.3 billion euros (2009: 14.8 billion euros, 2018: 13.5 billion euros). This means that the book market accounted for 7.2% of the turnover in the culture and creative industries. In 2019, 113500 people were employed in the book market, including 69 000 core employees (2009: 79 000, 2018: 69 000), 51 000 of whom were subject to social security contributions (2009: 63 000, 2018: 52 000). The gross value added of the book market amounted to 5.55 billion euros in 2019 (2009: Eur 4.7 billion, 2018: 5.3 billion). Within the book market, the largest turnover was generated by publishers with 8.6 billion euros (2018: 8.3 billion euros). The report already includes a forecast for the development of the book market in 2020. According to a medium scenario a decline of -19 per cent is predicted.

According to the latest monitoring report "*Kultur- und Kreativwirtschaft 2020*" there were 31 082 companies in

the press market sector in 2019 (for comparison 2009: 34 317, 2018: 31 197). The turnover amounted to 30.0 billion euros in 2019 (2009: 31.4 billion euros, 2018: 29 billion euros), which is equivalent to slightly 15.3 percent of the total cultural and creative industries. The press market had a total of 245 000 employees in 2019, including 143 000 core employees (2009: 168 312, 2018: 143 000), of which 110 000 were employees subject to social security contributions (2009: 134,000, 2018: 112,000). The gross value added of the press market in 2019 amounted to 12.8 billion euros (2009: 10.4 billion euros, 2018: 12.5 billion euros). The retail trade with magazines and newspapers accounted for the highest share of companies with 8 000 companies (2009: 9 500). Within the press market, the largest turnover was generated by newspaper publishers with 10.5 billion euros and 8.6 billion euros by magazines. A loss in turnover of between 9 and 14 per cent is expected for 2020.

### 3.5.3. AUDIOVISUAL AND INTERACTIVE MEDIA

The Film Promotion Act created a legal basis for federal film promotion for the first time in 1967. This law, which came into force in 1968, already contained essential elements of the law in force today, for example the establishment of the Film Promotion Agency, reference film promotion, short film promotion, support for film theatre operators and the levying of a film tax. The producers of funded films were obliged to transfer the television exploitation rights to the Filmförderungsanstalt. The latest amendment was passed in May 2021 and came into force on 1 January 2022. This amendment is intended to make the Film Promotion Act more adaptable - also against the background of the Corona pandemic. In addition, the amendment included obligations on climate protection and gender equality. In future, for example, a CO2 balance sheet must be drawn up for film productions. Gender equality is to be taken more into account when appointing members to the boards of the Federal Film Board. Likewise, the interests of people with disabilities should be strengthened with regard to appropriate and fair working conditions. Due to the pandemic, the new version will only be valid for 2 years (instead of the usual 5 years).

The *German Federal Film Board (FFA)* is a federal agency under public law. It is Germany's national film funding body and supports all aspects of German film. In addition to its role as a funding body, the organisation is a central service provider for the German film industry. It promotes cinema films in all phases of their creation and exploitation: from script development and production to distribution, sales and video. Further funds are used for the promotion of cinemas, the preservation of cinematic heritage, for the perception and dissemination of German film abroad and for the mediation of film education. In addition, the *FFA* is mandated to support cooperation between the film industry and television broadcasters in order to strengthen German cinema. Furthermore, the *FFA* regularly records, analyses and publishes the most important market data of the film, cinema and video industry in Germany. According to the *FFA annual report*, the *FFA*'s budget in 2020 was 109.9 million euros (compared to 83.9 million euros in 2019 and 74.2 million euros in 2018). The largest share of this is the film levy, which amounted to 55.5 million in 2020 (compared to 57.6 million in 2019). Those liable to pay the levy are exploiters of cinematographic works, 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 promotion of film projects funded by the *Federal Government Commissioner for Culture and the Media (BKM)*. This includes the "German Film Promotion Fund" (DFFF), the "German Motion Picture Fund" (GMPF) as well as the processing of project funding for feature-length and short films as well as the film and cinema-specific programmes within the framework of "NEUSTART KULTUR".

The funding instruments also include, for example, numerous prizes (e.g. German Film Prize, German Screenplay Prize, German Short Film Prize). 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. *Stiftung Deutsche Kinemathek* in Berlin and the *Deutsches Filminstitut* in Frankfurt am Main) are also supported by the *BKM*.

The aim of cinema funding by the *FFA* is to strengthen and maintain the nationwide and diverse cinema structure and its quality both in cities and in 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 education support.

In 2020, film funding (excluding Corona funding) totalled 460.6 million euros (see publication: *Das Kinojahr 2020*, published in February 2021). These funds are made up of 72.36 million euros from the *FFA*, 221.27 million euros from the Federal Government Commissioner for Culture and the Media and additional funding from the federal states. According to the report, 38.1 million cinema tickets were sold in 2020 - down 67.9 per cent from 118.6 million tickets sold the previous year.

In 2019, the *BKM* has launched an emergency aid programme of 5 million euros for the promotion of cinemas in rural areas, with which cinemas in towns with up to 25,000 inhabitants will be supported in their investments. In 2020 and 2021, a series of programmes were launched to support cinemas during the Corona pandemic - in particular *Zukunftsprogramm Kino I* and *Zukunftsprogramm Kino II*.

*Deutsche Welle* is the foreign broadcasting service of the Federal Republic of Germany and a member of the *ARD*. It broadcasts in 32 languages. Today, *Deutsche Welle* works trimedially: television (DW-TV), radio and internet. According to § 4 of the *Deutsche Welle Act*, *DW's* task 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 sponsors of the foreign cultural policy of the Federal Republic of Germany. *DW's* funding is largely financed with tax money from the federal budget. *Deutsche Welle* receives its subsidy via the *Federal Government Commissioner for Culture and the Media* 2020: 417.1 million euros for comparison in 2019: 365 million euros). Around 3,000 employees from 60 nations work at the headquarters in Bonn and the Berlin site. The multimedia content in 32 languages will reach more than 289 million people worldwide every week in 2021. *DW's* online offerings account for 122 million and overtake TV formats for the first time. The latter are at 117 million, radio usage remains stable at 50 million contacts per week. (<https://www.dw.com/de/profil/s-30626>) The *Deutsche Welle Academy* is *Deutsche Welle's* centre for international media development, journalistic training and knowledge transfer. In 2018, *Deutsche Welle* celebrated its 65th anniversary. This year, *DW* also published a sustainability report for the first time. In September 2021, a climate protection strategy was published for the first time. Since 2015, *DW* has presented the annual Freedom of Speech Award, which recognises individuals or initiatives that have made a special contribution to promoting freedom.

According to the latest monitoring report "Cultural and Creative Industries 2020", there were 17 091 companies in the broadcasting sector in 2019 (for comparison, 2009: 17,853, 2018: 17 808). The Turnover amounted to 10.9 billion euros in 2019 (2009: 7.4 billion, 2018: 10.4 billion). In the area of Broadcasting industry workers totalled

66 000 in 2019, including 23 000 Core workforce employed (2009: 39 000, 2018: 43 000), of which 25 000 are subject to social security contributions. employees (2009: 21 000, 2018: 25000). The gross value added in the broadcasting industry in 2019 amounted to 8.1 billion euros (2009: 6.3 billion euros, 2018: 7.7 billion euros). Within the broadcasting industry, the largest turnover (79 per cent) was achieved by private TV broadcasters.

#### 3.5.4. MUSIC

According to the latest monitoring report "[Kultur- und Kreativwirtschaft 2020](#)", there were 14 670 companies in the music industry sector in 2019 (for comparison, 2009: 13 862, 2018: 14 382). Turnover amounted to 9.0 billion euros in 2019 (2009: 6.3 billion, 2018: 8.7 billion), representing a 4.6 per cent share of the total culture and creative industries.

The music industry had 90 879 total employees in 2019, including 55 000 core employees (2009: 47 000, 2018: 53 000), of which 40 000 were employees subject to social security contributions (2009: 33 000, 2018: 39 000). Gross value added in the music industry amounted to 6.2 billion euros in 2018 (2009: 4.5 billion euros, 2018: 5.8 billion euros). Within the music industry, the largest turnover was generated with 2.3 billion euros was achieved by theatre and concert organisers. Due to the extensive ban on large events, the music industry is expected to lose up to 59 percent of its turnover, especially in 2020.

320 music publishers have joined forces in the [German Music Publishers Association](#). The [German Orchestra Association](#) is the association representing the interests of professional musicians. It is committed to the further development of professional orchestras, choirs, theatres and independent ensembles and, as a trade union, advocates for better working conditions for musicians.

#### 3.5.5. DESIGN AND CREATIVE SERVICES

The software/games industry is the largest sub-market of the German culture and creative industries. According to the latest monitoring report "[Kultur- und Kreativwirtschaft 2020](#)", there were 41 963 companies in the software and games industry in 2019 (for comparison: 2009: 27 018, 2018: 40 363). Turnover amounted to €50.1 billion in 2019 (2009: €24.3 billion, 2018: €45.0 billion), which corresponded to 25.5% of the total turnover of the culture and creative industries in Germany. In the software and games industry, 546 000 people were employed in 2019, including 472 000 core employees (2009: 244000, 2018: 244 000), of which 430 000 employees subject to social security (2009: 217000, 2018: 399 000). The Gross value added in the software and games industry amounted to €36.7 billion in 2019 (2009: €15.2 billion, 2018: €32.7 billion). Within the software and games industry, the largest turnover was generated with 9.4 billion euros by Other Software Development. A turnover loss of 6 to 10 per cent is expected for 2020.

The federal government also promotes game development. In 2019, the pilot phase for federal computer game funding was implemented for smaller projects (up to 200 000 euros). In August 2020, the funding guideline for production funding with larger funding amounts was published. According to European Union specifications, a computer game must pass a cultural test regarding game content and cultural background as a funding requirement. Since 2019, 340 projects have been funded. The funding programme has been consolidated with the so-called large-volume computer games funding and an underlying EU notification. The federal budget provides up to 50 million euros annually for the measure. The "[Strategy for Germany as a Games Location](#)" published at the end of June 2021 sets out the goals and guidelines of a holistic games policy. Funding is

provided by the Federal Ministry of Digital Affairs and Transport.

(<https://www.bmvi.de/DE/Themen/Digitales/Computerspielefoerderung/computerspielefoerderung.html> )

According to the current monitoring report "[Kultur- und Kreativwirtschaft 2020](#)", there were 60 481 companies in the Design sector in 2019 (for comparison, 2009: 48 332, 2018: 60 822). Turnover amounted 20.9 billion euros in 2019 and 20.5 billion in 2018 (2009: 17.6 billion euros). In 2019, 275 000 people were employed in the design industry, including 154 000 core employees (2009: 125 000, 2018: 153 000), of which 93 000 were employees subject to social security contributions (2009: 77 000, 2018: 92 000). Gross value added in the design economy amounted to 102.9 billion euros in 2019 (2009: 9.0 billion euros, 2018: 10.5 billion euros). Within the design economy, the largest turnover of 12.9 billion euros was generated by advertising design. Sales losses of between 22 and 38 per cent are expected for the design sector. According to the latest monitoring report "[Kultur- und Kreativwirtschaft 2020](#)", there were 39 395 companies in the architectural market sector in 2019 (for comparison, 2009: 39 956, 2018: 39 285). Turnover amounted to €12.4 billion in 2019 (2009: €8.0 billion, 2018: €11.9 billion), representing 6.3 per cent of the total culture and creative industries. In 2019, 176,000 people were employed in the architecture market, including 137 000 core employees (2009: 100 000, 2018: 133 000), 99 000 of whom were subject to social security contributions (2009: 77 000, 2018: 93 000). Gross value added in the architecture market amounted to 7.9 billion euros in 2019 (2009: 4.7 billion euros, 2018: 7.4 billion euros). Within the design economy, the largest turnover of 8.3 billion euros was generated by architectural firms for building construction. A loss in turnover of 8 to 14 per cent is expected for 2020.

### 3.5.6. CULTURAL AND CREATIVE TOURISM

Although the term "cultural tourism" was first used in the 1980s - also as a result of *European Union* funding programmes - there is no generally valid definition, and in the course of the last few years it has been extended to include everyday objects and behaviour. "In general, the term "cultural tourism" can be differentiated between supply-oriented (the core of the definitions is the offer of attractions), demand- oriented (the starting point is the behaviour of tourists) and 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 to cultural institutions, the attendance of cultural events and the sound 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 town centres), cultural events and cultural events (festivals, folk festivals, carnival customs) and cultural landscape attractions (wine landscapes) to typical regional gastronomic offerings (food, wine)".

Cultural tourism in Germany consisted mainly of city tourism. In order to promote cultural tourism in rural areas, the *Federal Ministry for Economic Affairs 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 offerings. Five model regions were selected for the implementation of the project. 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 at 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.

In November 2019, the report of the working group of experts from the EU Member States of the Open Method of Coordination for Sustainable Cultural Tourism was published. During the WG's deliberations, the term "sustainable cultural tourism" was defined for the first time: "Sustainable cultural tourism is the integrated management of cultural heritage and tourism activities in cooperation with the communities concerned so that, in the interest of the preservation of tangible and intangible cultural heritage and the sustainable development of tourism, all stakeholders derive social, environmental and economic benefits." One component of the report are 55 recommendations.



## 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. Currently this levy reached 4.2 %. In 2020, around 192 500 people are 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.

During the Corona crisis, both the regulations for artists and publicists (payment facilitation or deferral of payment as well as the suspension of the minimum income for the maintenance of insurance coverage and the increase of the additional earnings limit) and for the companies liable to pay were adjusted (e.g. payment facilitation).

In addition, in January 2020, the conditions for access to unemployment benefits were further eased for those working in the arts and culture (among other things, by extending the framework period, raising the upper earnings limit).

#### 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 Non-Profit and Donations Act of July 2007 eases the taxation of civic engagement. Among other things, donations remain exempt from income tax up to an upper limit of 20 per cent and the tax-free amount for the establishment of foundations was raised from EUR 300,000 to EUR 1 million. Within the framework of the 2020 Annual Tax Act various changes to the law on non-profit organisations have been introduced. These include the increase of the transition allowance (from 2 400 to 3 000 euros), the increase of the honorary flat rate (from 720 to 840 euros) and further regulations to simplify and reduce bureaucracy.

In July 2014, the *German Bundestag* decided to tax audio books at a reduced VAT rate of 7 (instead of the previous 19 %) from January 2015, just like printed books. In July 2019, the German government passed the draft Annual Tax Act that e-books would also only be taxed at the reduced rate of 7 per cent (instead of 19 % as before). The implementation into national law took place in 2020.

It is planned to also realise a reduction of the VAT rate in the art trade.

#### 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 I for predominantly short-term fixed-term employees were extended until 2021. In 2020, the conditions for access to unemployment benefit for arts and culture workers were further facilitated (among other things, by extending the framework period, raising the upper earnings limit).

#### 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 "Copyright in the Digital Single Market" (DSM Directive) was adopted. It was one of the most important reforms in copyright law at European level in the past 20 years. With the Directive, copyright regulations have been adapted for the digital market. Particularly discussed were the ancillary copyright for press publishers and the copyright responsibility of platforms. In addition, it contains numerous new regulations on publisher participation, on the copyright contract law, for digital uses in education and on the availability of out-of-print works.

The DSM Directive has now been transposed into national law in Germany. On 7 June 2021, the "[Act for the Adaptation of Copyright Law to the Requirements of the Digital Single Market](#)" entered into force. Since 1 August 2021, the regulations on the copyright responsibility of upload platforms, which are contained in the Copyright Service Providers Act, also apply.

#### 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. In 1978, a [Federal Commissioner for Data Protection and Freedom of Information](#) was also established for the first time. This is an independent supreme federal authority based in Bonn.

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.

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.

2018, a new version of the Federal Data Protection Act came into force - in response to the goal of fully harmonising data protection law within the European Union. The data protection laws of all federal states were also adapted in 2018.

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 stipulations on language shares in the media. In areas with ethnic minorities, e.g. in Saxony, Brandenburg and Schleswig-Holstein, their languages are taken into account in the media. In larger cities, especially in Berlin, in addition to completely foreign-language FM stations, there are also programmes for ethnic minorities which are organised by public broadcasters and broadcast in changing foreign languages. There are also private broadcasters who feed foreign language programmes into the cable network.

Deutsche Welle (DW) is the foreign broadcasting service of the Federal Republic of Germany, financed by federal tax money. It offers programmes in 32 languages. DW operates on a trisectoral basis: TV, radio and internet. The multimedia offerings in 32 languages reached over 289 million people worldwide each week in 2021. The online offerings accounted for 122 million, overtaking TV formats for the first time, which stood at 117 million; radio usage is about 50 million per week.

#### 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.

Specific cultural promotion laws have been passed in individual federal states in recent years: In December 2014, North Rhine-Westphalia passed the Cultural Promotion Act - Act for the Promotion and Development of Culture, the Arts and Cultural Education in North Rhine-Westphalia. This was a law that did not deal with one sector but with the promotion of the entire state cultural sector. This makes NRW the first federal state to adopt a legal regulation for cultural promotion. The Cultural Promotion Act concretised the state's constitutional mandate and fleshed it out, it set out principles of state cultural promotion and regulated fields of action and procedures. The Act introduced two new instruments: the Cultural Promotion Plan, which defined goals and priorities at the beginning of the legislative period, and the State Cultural Report, which gave its opinion at the end of the legislative period. Together with the annual cultural funding report, the new funding guidelines, the evaluations of the funding measures and the associated impact dialogues, the law also aimed at more transparency and new governance structures.

In May 2021, the state cabinet of North Rhine-Westphalia has now approved a government draft of a "Kulturgesetzbuch" NRW was adopted. With this, the legal regulations concerning culture are bundled in a separate cultural code. The State Parliament of NRW passed a new [Cultural Code](#) in November 2021, which came into force on 1 January 2022: "The Cultural Code is an organic further development of the Cultural Promotion Act, but differs from it in key aspects." Its focal points include: Binding social conditions for artists, legal anchoring of music schools and libraries, cultural memory and safeguarding of cultural heritage, anchoring of third places, anchoring of sustainability. The [aim of the law](#) is to "strengthen the cultural landscape of North Rhine-Westphalia by establishing a binding framework and at the same time to emphasise the importance of culture as a central field of political action"<sup>44</sup>.

Specific cultural laws exist at Land level in the fields of archives, monument preservation and adult education. Some Länder also have a *Music School Act* (e.g. Brandenburg and Saxony-Anhalt since 2006 (see 4.2.3) and a *Library Act* (see 4.2.5 e.g.).

Thuringia since 2008, Saxony-Anhalt since 2010, Hesse since 2010, Rhineland-Palatinate since 2014 and Schleswig-Holstein since 2016). However, for most of the cultural sector, such as theatres, museums, orchestras, etc., there are no specific legal provisions. Media law is divided between the Federation and the Länder.

#### 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.

All federal states have their own [laws on the protection of monuments](#).

The [Law on the Preservation and Use of Federal Archival Material](#) (*Gesetz über die Sicherung und Nutzung von Archivgut des Bundes*) defines how the archival material of the Federation is to be permanently preserved, made usable and scientifically utilised by the Federal Archives. It came into force in January 1988, the latest revision is dated March 2017 (See also 3.2).

The [Stasi Records Act](#) (StUG) (<https://www.stasi-unterlagen-archiv.de/informationen-zur-stasi/publikationen/publikation/stasi-unterlagen-gesetz/>) regulates the collection, indexing, administration and use of the records of the State Security Service of the former GDR. It was passed by the German Bundestag in November 2021.

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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, amendment 2016) and in Saxony-Anhalt (since 2006). In Thuringia, a "Law on the Recognition and Promotion of Music and Youth Art Schools in the Free State of Thuringia" has been under parliamentary discussion since autumn 2021, as it is in the federal state of Hessen. 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 NRW, they are integrated into the Cultural Code.

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 came into force on January 1st 2022. 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 75 million EUR (2021) and is used, to support productions, scripts, the rental and distribution of films, cinemas and video stores.

On 1 January 2007, a new support scheme called "Promotion and Consolidation of Film Production in Germany" came into force, offering film producers a reimbursement of 15 to 20 per cent of the production costs spent in Germany on the production of a feature film. 60 million EUR p.a. have been made available. The intention is to

increase Germany's attractiveness as a production location for large-scale international productions.

In addition to funding measures to improve artistic quality, the federal government's film policy also includes regulatory initiatives regarding the legal framework of the film industry, such as in copyright or tax law. In November 2005, for example, tax concessions for film funds were abolished.

In October 2012, the Federal Cabinet decided on a compulsory registration for German cinema films. A corresponding regulation was inserted into the Federal Archives Act.

In January 2014, the *Federal Constitutional Court* confirmed the legality of the *Film Subsidies Act* and dismissed a constitutional complaint filed by four internationally represented cinema chains. This constitutional complaint was directed in particular against the so-called film levy, according to which the operators of cinemas have to pay between 1.8 and 3 % of their net income (if more than 75,000 euros net turnover is achieved) to the *Film Promotion Agency*. The *Federal Constitutional Court* has thus confirmed the funding and levy system that has existed in this way since 1968.

At the Länder level, there are also film promotion programmes to a very different extent, which are awarded by different sponsors and bodies. In order to coordinate film policy among the Länder and with the federal government, the *Film Committee of the Länder* was established in 1994 at the *KMK* with the participation of the state chancelleries and the economic departments.

The legal basis for the fee-financed public broadcasters and the commercial broadcasters financed by advertising revenues is laid down in the Interstate Broadcasting Treaty of the Länder. On this basis, the individual Länder have made detailed regulations in their Land broadcasting laws in their jurisdiction for the provision of broadcasting.

The legal framework for the new information and communication technologies is defined by the *Telecommunications Act*, which entered into force on 1 August 1996, and the *Federal Information and Communication Services Act*, which entered into force on 1 August 1997, and the Media State Treaty of the Länder, which is essentially identical in wording.

In December 2019, the Minister Presidents of the Länder adopted a draft for a new State Treaty on the Media. In view of the convergence of the media and an even more diversified media world due to digitalisation, the media law regulations will be adapted to current requirements. In November 2020, the Interstate Treaty on the Media came into force, replacing the Interstate Treaty on Broadcasting, which had been in force since 1991.

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

In the early years of the Federal Republic of Germany, the federal law "Art in Buildings" was passed (January 1950) in order to promote visual artists and to bring art into public space.

This stipulated that 1%, later 2%, of the construction sum of public buildings should be spent on works by visual artists on and under construction. (In 1934, there was a decree of the same name for the Reich, the Länder and the cities). This regulation has been revised several times and is now part of the "Guidelines for the Execution of Federal Building Tasks" (RBBau K7). At the beginning of the 1990s, the 2-percent stipulation was abolished. In 2012, the "Leitfaden Kunst am Bau" was last updated.

The RBBau K7 only applies to federal buildings. The federal states have issued their own guidelines for state buildings based on this, some of them also with the designation "K7", others with the title "Art in Public Space". Some municipalities also have corresponding guidelines. Nevertheless, there are differences in financing, organisation, application, acquisition and the selection of artists between the federal government, the federal states and the municipalities, but also between the individual local authorities.

Further general stipulations on architecture and townscape are laid down in the *Building Code* and the building regulations at federal and, above all, state level.

Environmental protection and landscape conservation in general do not belong to the area of cultural and art policy in Germany, but are the responsibility of separate ministries at federal and state level and have their own legal basis. The protection and care of natural heritage and archaeological monuments in the narrower sense belong in part to the area of monument preservation and are laid down in the monument protection laws of the 16 federal states.

## 5. Arts and cultural education

### 5.1. Policy and institutional overview

The topic of "cultural education" has received growing attention in Germany in recent years.

At the federal level, the main governmental responsibility for arts and cultural education lies within three federal agencies: the *Federal Ministry for Family Affairs, Senior Citizens, Women and Youth*, the *Federal Government Commissioner for Culture and the Media* and the *Federal Ministry of Education and Research*.

The *Federal Ministry for Family Affairs, Senior Citizens, Women and Youth* began implementing its "Autonomous Youth Policy" in 2011. In particular, the field of cultural education can move into the area of inclusion of non-formal education and cooperation with formal education. In addition to an Innovation Fund for Cultural Education within the "Autonomous Youth Policy", the Ministry contributed approximately EUR 8.5 million in 2012 for the improvement of federal infrastructure and school 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 cross-departmental youth policy needs for action and 161 new or further developed measures to address them. With this interministerially agreed agenda, the Federal Government intends to gear its actions more strongly to the views and needs of young people in the future.

In 2013, the *Federal Ministry of Education and Research* launched the largest federal funding programme for cultural education to date. The aim of the programme "Kultur macht stark" is to promote extracurricular educational opportunities for disadvantaged children and young people from three to 18 years of age. In order to provide them with good educational opportunities and social participation, the *Federal Ministry of Education and Research (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 runs until 2022. The *BMBF* provides funding of up to 430 million euros until the end of the programme. The programme is implemented by 29 nationwide organisations with expertise in cultural education and child and youth work. The programme is based on a broad understanding of culture, including media education, everyday culture and culture of movement. More than [14 000 alliances for education have been active](#) to date and have provided more than 35000 implemented projects. In 2020, an interim evaluation report was presented. In April 2021, it is announced that "Kultur macht stark" will be continued in a third phase from 2023 to 2027. 250 million euros are promised for the 5 years.

In the current cultural policy discussion, 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 had also put this topic at the top of its agenda.

Initiatives that should be mentioned are:

#### A) PROGRAMMES

- In spring 2007, a programme entitled "An Instrument for Every Child" was initiated in the Ruhr region by

the *Federal Cultural Foundation*, the State of North Rhine-Westphalia and the *Future Foundation for Education* with the participation of the municipalities of the Ruhr region, private sponsors and the participating families as a cooperation project of the RUHR.2010 Capital of Culture. Every primary school child in the Ruhr region is to have the opportunity to learn a musical instrument of their own choice. The focus is on children making music together - from the first to the fourth grade. The costs of around 35 million euros 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 *Future Foundation for Education* in GLS Treuhand e.V. withdrew from funding the programme as planned. The state of North Rhine-Westphalia took over sole funding from the 2011/12 school year with around 8.7 million euros 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 enable all municipalities in NRW to participate in the programme, it was launched in NRW with a new concept from the 2015/16 school year under the name "[JeKits - Jedem Kind Instrumente, Tanzen, Singen](#)". The programme is funded by the NRW state government with 15.8 million euros annually. 1001 schools in 186 municipalities are involved in the programme, and more than 90 000 children have participated so far.

- some federal states also have specific programmes such as "Culture and School" (Kultur und Schule). The state programme, which was launched in 2006, aims to strengthen artistic-cultural education in schools through additional projects
- The programme "[Cultural Agents for Creative Schools](#)" took place in five federal states (North Rhine-Westphalia, Berlin, Hamburg, Baden-Württemberg, Thuringia) from 2011 to 2019 with the aim of sustainably inspiring children and young people for art and culture and thereby promoting their personal development. It was a model programme of the non-profit Forum K&B GmbH, initiated and funded by the Federal Cultural Foundation and the Mercator Foundation in cooperation with the responsible state ministries and other partners. In the years from 2011- 2019, the programme took place at a total of 250 schools. More than 50 cultural agents developed model programmes for over 100 000 pupils In four of the federal states (North Rhine-Westphalia, Berlin, Hamburg and Thuringia), they are being continued as state programmes under different sponsorships (e.g. in North Rhine-Westphalia by the Ministry for Schools and Education and the Ministry for Culture and Science).
- In the state of NRW, the "[Kulturrucksack](#)" programme was launched in 2012. The aim is to help children and young people aged between 10 to 14 years of age free of charge or at a significantly reduced rate. The NRW Ministry of Culture provides 3 million euros annually for this purpose. At the beginning of the year, 245 municipalities were involved in the state programme.

## B) COMPETITIONS AND PRIZES

- Since 2009, the *Federal Government Commissioner for Culture and the Media* has awarded an annual prize for cultural education worth 60 000 euros. It was divided among 3 projects that have already been realised and that convey art and culture to target groups in an innovative and sustainable way. In 2020, the prize was conceptually redesigned. The Federal Government Commissioner for Culture and the Media and the Cultural Foundation of the Federal States have established the German Prize for Cultural Education.
- "[KULTURLICHTER](#)" was launched. The award is aimed at cultural institutions and actors who wish to implement an innovative educational project. There are 3 awards: the Federal Prize, endowed with 20,000 euros, the Prize of the Länder, also endowed with 20 000 euros, and the Audience Prize, which is not endowed.

- In order to provide examples of good practice and cooperation between institutions of cultural education 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!" (<https://www.bkj.de/ganztagbildung/mixed-up-wettbewerb/>). Prizes have been awarded annually since 2005. The competition honours projects and regular cultural education programmes for children and young people that are implemented by a cooperation team.

## C) EVENTS

The youth culture and youth education initiative entitled "Children to Olympus" of the Kulturstiftung der Länder in cooperation with private sponsors in the form of a biennial congress as a discourse and exchange platform (2004-2022). The Cultural Foundation of the Federal States, the Federal Agency for Civic Education and the Federal Cultural Foundation continue their joint initiative on cultural education. The 10th congress is planned for the summer of 2022, which will then be continued under the title "YUNIK".

In 2012, the 4th Education Report was presented, this time with the focus on "Cultural Education" or "Arts Education". "Cultural / artistic-aesthetic education in the life course". This focus has brought the topic of "cultural education" into sharper focus than before. However, it is also pointed out that there is an unsatisfactory

data situation for "cultural education" - not only because of the large number of actors with different surveys and survey methods.

*The Council for Cultural Education* (<https://www.rat-kulturelle-bildung.de/>) 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 cultural education: Dance and Theatre Education, Music and Literature Education, Educational Research, Educational Sciences, 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 memoranda and studies, such as "Youth/YouTube/Cultural Education. Horizon 2019" - a study of 12 to 19-year-olds on the use of cultural education offerings at digital cultural sites,

"Libraries / Digitisation / Cultural Education. Horizon 2018" on the impact of digitisation in libraries, on cultural education in all-day schools (2017).

The *Council for Socioculture and Cultural Education* brings together key actors: 22 associations and institutions in the field 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 Sociocultural Centres*, the *Socioculture Fund*, the *Federal Academy for Cultural Education Wolfenbüttel* and the *Academy of Cultural Education Remscheid*.

## 5.2. Arts in schools

Art, music, literature and music education are components of school education and fall under the responsibility of the Länder, which organise them differently in terms of scope and quality.

In the school year 2020/2021, 555 000 enrollments were made nationwide (for comparison, school year



2017/2018: 595 000 enrollments) in artistic subjects such as music, art, literature or similar in the qualification phases I and II of the gymnasiale Oberstufen at general education schools. 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. The values varied greatly between the federal states: from 0.6 to 1.6, which can also be explained by the different school regulations and laws in the individual states (See: Statistical Offices of the Federation and the Länder (2022): [Kulturindikatoren kompakt](#), Wiesbaden).

Figures on the type and scope of artistic subjects in primary and secondary schools are published in the Education Report 2012 with the focus on "Cultural Education". According to this report, the number of hours for compulsory artistic subjects in the Länder ranges between 12 and 24 hours per week, for lower secondary schools between 11 and 26 hours per week, at Realschulen between 13 and 22 hours per week and at Gymnasiums between 6 and 20 hours per week.

## 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 "Art and Art Studies". In 2020, a total of 98 800 students (compared to 94 300 students in 2017) were studying in this subject group. In 2020, 9800 graduates completed their studies in this subject group.

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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 450 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) represents 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

Statistical data are available for the music schools and the adult education centres: In 2019, 1.5 million pupils were taught at 929 public music schools in Germany. At 83%, the majority of them were under 19 years of age at that time. In relation to the population of the same age, the proportion of learners aged 19 and under at public music schools nationwide was 8.7%. The *Federal Association of Independent Music Schools* currently estimates that there are approximately 200 000 students in 450 member music schools (for comparison, 2016: 158,000 music students in 349 member music schools).<sup>55</sup> At 852 of 870 Adult Education Centres in Germany, a total of 478 000 course enrollments in the programme area "Culture and Design" were counted for the year 2020 (for comparison, in 2017: at 883 of 895 Adult Education Centres, a total of 830 000 course enrollments). This corresponds to a share of 13.0 percent of all course enrollments.

## 5.5. Vocational and professional training

In 2020, 8 400 people started their training in a cultural occupation. Due to Corona, the number of new apprenticeships decreased from 10 800 in 2019 to 8 400 in 2020, a decrease of 22.2 per cent. The five most common culture-related occupational groups were: technical media design (2020: approx. 2 100 new

trainees), event, camera and sound technology (2020: 1 500 new trainees), event service and management (2020: 1 100 new trainees), interior design, visual marketing and interior design (2020: 1000 new trainees) and publishing and media management (2020: 650 new trainees). (See [https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bildung-Forschung-Culture/Culture/Publications/Downloads-Culture/Culture-Indicators-Compact-2022.pdf? blob=publicationFile](https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bildung-Forschung-Culture/Culture/Publications/Downloads-Culture/Culture-Indicators-Compact-2022.pdf?blob=publicationFile), p. 37).

## 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. Appropriate cultural support measures – in the fields of museum, theatre and arts education – are therefore being undertaken at all policy levels.

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 transcultural, inclusive and dialogue-oriented initiatives.

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 2012 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; in the meantime, there is a *Bundesverband Kulturloge e.V.* (<http://www.kulturloge.de/>), in which about 50 Kulturlogen from 10 German states have joined together.

### 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 3: Cultural consumption and participation in Germany*

| Activities heavily subsidised by the state   | Year 1  | Year 2   | Year 3                                     |
|--|---|--|--|
| Opera performances *   | 2019/2020:<br>2.42 Mio. visits  | 2018/2019:<br>3.84 Mio. visits   | 2017/2018:<br>3,76 Mio. visits             |
| Dance *  | 2019/2020:<br>1.053 Mio. visits                                       | 2018/2019:<br>1.676 Mio. visits  | 2017/2018: 1.608 Mio. visits               |
| Operetta *   | 2019/2020:<br>0.313 Mio. visits                                       | 2018/2019:<br>0.487 Mio. visits  | 2017/2018: 0.433 Mio. visits               |
| Drama*   | 2019/2020:<br>3.724 Mio. visits                                       | 2018/2019:<br>5.081 Mio. visits  | 2017/2018: 5.431 Mio. visits               |
| Orchestras *   | 2019/2020:<br>3.885 Mio. visits                                       | 2018/2019:<br>5.579 Mio. visits  | 2017/2018: 5.093 Mio. visits               |
| Libraries (only public ones) **  | 2021: 57.4 Mio. visits / 249 Mio. Loans                               | 2020: 71.9 Mio. visits / 261.8 Loans                                   | 2019: 125.5 Mio. visits / 339.1 Mio. Loans |
| Museums ***  | 2019:<br>111633603 visits   | 2018: 111662229 visits   | 2017: 114375732 visits                     |
| Socio-cultural centres ****  | 2017: 12.566 Mio. visits  | 2015: 10.890 Mio. visits   | 2013: 10.475 Mio. visits                   |
| <b>More data</b>   |   |  |  |
| Cinemas *****  | 2020: 38 Mio. visits  | 2019: 119 Mio. visits  | 2017: 122 Mio. visits                      |
| First edition books *****  | 2020: 69200   | 2019: 70000  | 2017: 72499                                |
| Daily newspapers sold *****  | 2020: per publication day 12.5 million copies of 320 daily newspapers | 2017: per publication day: 14.7 million copies of 327 daily newspapers | NA   |
| Access to the Internet *****   | 2021: 95 %  | 2017: 91 %   | 2003: 43 %                                 |
| Internet activities for cultural purposes of Internet users ***** -<br>Reading news, newspapers, magazines<br>-Listen to music via Internet radio or online streaming services<br>-Watch videos from commercial online providers | 2020: 77% 2020: 59%<br>2020: 44%                                      | 2019: 77% 2019: 53%<br>2019: 44%                                       | 2017: 71% 2017: 48%<br>2017: 30%           |

Sources:

\* German Stage Association: Theatre statistics 2019/ 2020 and German Stage Association: Theatre statistics 2017/2018

\*\* [German library statistics](#): 2021. 2020, 2019. It should be noted that due to the COVID 19 pandemic, libraries were closed for two periods during the Lockdowns, both in 2020 and 2021.

\*\*\* [Institute of Museum Research: Statistical Survey of Museums in the Federal Republic of Germany](#): Issue 75 (2019), Issue 73 (2018), Issue 72 (2017)

\*\*\*\* Statistical Offices of the Federation and the Länder (2020): [Spartenbericht Soziokultur und Kulturelle Bildung](#).

\*\*\*\*\* Statistical Offices of the Federation and the Länder (2022): [Kulturindikatoren kompakt](#) and Statistical Offices of the Federation and the Länder (2019): [Kulturindikatoren kompakt](#)

## 6.3. Trends and figures in household expenditure

*Table 4: Household cultural expenditure by expenditure purpose, in euros 2015, 2016 and 2017*

| Year  | 2017  | 2016  | 2015  |
|---|-------|-------|-------|
| I. Books and press  | 357   | 366   | 359   |
| Books   | 110   | 116   | 116   |
| Press   | 247   | 250   | 243   |
| II. recreational and cultural services                    | 769   | 744   | 737   |
| Visit cinema, theatre, music, circus. events              | 138   | 128   | 129   |
| Visit museums, zoological and botanical gardens           | 41    | 37    | 38    |
| Other   | 590   | 579   | 570   |
| III. audiovisual Equipment and data carriers              | 299   | 300   | 297   |
| Sound and image reception,-recording and playback devices | 69    | 64    | 64    |
| Photo, film and optical equipment                         | 28    | 31    | 27    |
| Data processing, equipment and software                   | 140   | 138   | 134   |
| Sound, image and other Data carrier                       | 62    | 67    | 72    |
| Total   | 3.105 | 3.092 | 3.026 |

*Table 5: Household cultural expenditure by expenditure purpose, in % for 2015, 2016 and 2017*

| Year  | 2017  | 2016  | 2015  |
|---|-------|-------|-------|
| I. Books and press  | 11,6  | 11,8  | 11,6  |
| Books   | 3,6   | 3,7   | 3,8   |
| Press   | 8,0   | 8,1   | 8,0   |
| II. recreational and cultural services                    | 24,8  | 24,1  | 24,4  |
| Visit cinema, theatre, music, circus. events              | 4,4   | 4,1   | 4,2   |
| Visit museums, zoological and botanical gardens           | 1,3   | 1,2   | 1,3   |
| Other   | 19,1  | 18,8  | 18,9  |
| III. audiovisual Equipment and data carriers              | 9,6   | 9,7   | 9,8   |
| Sound and image reception,-recording and playback devices | 2,2   | 2,1   | 2,1   |
| Photo, film and optical equipment                         | 0,9   | 1,0   | 0,9   |
| Data processing, equipment and software                   | 4,5   | 4,4   | 4,4   |
| Sound, image and other Data carrier                       | 2,0   | 2,2   | 2,4   |
| Total   | 100,0 | 100,0 | 100,0 |

Sources: Statistical Offices of the Federation and the Länder (2020): Culture Finance Report 2020 and own calculations

## 6.4. Culture and civil society

Cultural life in Germany is characterised by the activities of a large number of associations and other groups based on voluntary commitment. They range from small local or district-based cultural organisations to

museum associations that run their own facilities. Especially in smaller communities, many cultural institutions are often organised in the form of associations and are based on the voluntary commitment of their members. This applies to the activities of libraries, the preservation of historical monuments, local history and culture, the sponsorship of local history rooms, history museums, cultural centres and art galleries.

For all their diversity, what they have in common is that they are a place for the development of civic engagement, with the larger ones in particular being exemplary in their intermeshing of voluntary and professional work. The cultural associations thus form an indispensable supporting structure for cultural activities in the Federal Republic of Germany.

According to the 2019 "[Freiwilligensurvey](#)" (a survey conducted every five years), 39.7 per cent of the resident population in Germany aged 14 and over are involved in voluntary work (compared to 43.6 per cent in 2014), 8.6 per cent in the field of culture and music (compared to 9.0 per cent in 2014 and 5.2 per cent in 2009).

Volunteer Day is celebrated annually on 15 December.

The socio-cultural centres play a very important role, in particular they enable a low-threshold access to culture. There are more than 700 socio-cultural centres in Germany. The majority of sociocultural centres are members of the *Federal Association of Socioculture (Bundesverband Soziokultur, BuSZ)* through their regional associations. This publishes the results of its member survey every two years. According to the [last survey of the Federal Association](#), which collected data for the business year 2017, published in 2019 and the sector [report Socioculture and Cultural Education](#), more than 80 000 individual events, 227000 continuous offers (courses) and 33 000 open offers were offered by the 566 sociocultural centres organised in the Federal Association. The range of services offered includes interdisciplinary event work as well as educational and political work, district work, children's and youth work, intercultural work, work with senior citizens and other special target groups. In addition to their 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* resulted in around 12.6 million visits in 2017. The activities of the centres reach people of all age groups: about one fifth each is under 20 years old and over 60 years old, 14 percent of the users are migrants. Civic engagement is also very strong around the socio-cultural centres: of the approximately 27,500 people who work in socio-cultural institutions, about 16,200 are volunteers, which corresponds to 59 percent of all actors. The total income of the centres was 230 million euros. In 2017, slightly more than half of the income (58%) came from various funding sources (27% from the municipalities, 18% from the Länder, 5% from federal funds as well as other funds from the EU, foundations and other sponsors), while 42% were own funds.

Against the backdrop of the Corona pandemic, the Federal Association of Socioculture has conducted a special survey, covering the period from April 2020 to April 2021, entitled "[3, 2, 1... up! Situation of socio-cultural centres and initiatives, literary and cultural centres and cultural initiatives 2021](#)" has been published. It gives an insight into the personnel and financial situation of the scene under pandemic conditions.

## 7. Financing and support

### 7.1. Public funding

#### 7.1.1. INDICATORS

##### Short overview

Cultural funding in the Federal Republic of Germany is based on several pillars. In accordance with the principle of subsidiarity, culture - and thus also its public funding - is first and foremost a matter for the local communities. Only when a cultural policy task exceeds the municipal power in scope or matter does the state become active as a sponsor or promoter. Therefore, the municipalities bear the largest share of public cultural funding, followed by the Länder. The federal government has to bear only a smaller share due to its limited cultural policy competences (see chapter 4.1.2).

Until the turn of the millennium, different regional authorities worked with different definitions of the concept of culture (e.g. for scientific museums and libraries) and with different calculation methods (net or gross expenditure principle), which led to very different data on public cultural expenditure. A standardisation of cultural statistics was partially achieved in the preparation of the second culture financial report, the "Culture Finance Report 2003" ([http://www.miz.org/downloads/dokumente/240/Kulturfinanzbericht\\_2003.pdf](http://www.miz.org/downloads/dokumente/240/Kulturfinanzbericht_2003.pdf)). For the first time, the Federal Government, the Länder and the municipalities agreed on a common concept of culture. In doing so, they orientated themselves on the definitions of *EUROSTAT* and *UNESCO*, in order to also internationally be able to guarantee comparability. According to this, the following fields are now counted among the culturally relevant areas of responsibility: Theatre and music preservation, scientific and other museums; scientific and other libraries/ archives; monument protection and preservation; other cultural preservation; cultural administration; art colleges as well as foreign cultural policy. Culture-related areas include radio and television broadcasting; adult education centres and other continuing education as well as church affairs. In addition, the basic funds concept was selected for the expenditure concept. The subsequent cultural finance reports - published every two years from 2006 onwards - have retained the concept of culture, the basic funds concept and the central questions.

The discussions about harmonising cultural statistics were also taken up by the Enquete Commission of the *German Bundestag*. In its final report, "Culture in Germany", it submitted a proposal for the harmonisation of cultural statistics. In 2008, this proposal was discussed and at least partially introduced. Following the recommendation of the Enquete Commission, the Federal Government and the Länder commissioned the *Federal Statistical Office* in 2012 to develop uniform nationwide cultural statistics, the concept for which was drawn up between 2014 and 2016. The project was extended from 2017 to 2022 under the title "Nationwide Cultural Statistics". The goals of the first project phase were: to research, examine and evaluate existing official data for their usability for cultural statistical questions, to develop a set of instruments for sector-specific reporting and to develop indicators. The focus of the second project phase was on the creation of further sectoral reports and the provision of further indicators. The already published products of the two projects include:

- Culture financial reports (2014, 2016, 2018, 2020)



- Cultural Indicator Reports (2018, 2019, 2020)
- Divisional reports
  - Music 2016
  - Museums, Libraries and Archives 2017
  - Building Culture, Monument Protection and Conservation 2018
  - Film, Television and Radio 2019
  - Socioculture and Arts Education 2020
  - Visual Arts 2021
  - Performing Arts 2021
- Special surveys (music festivals 2017). The following publications are planned for 2022: the Cultural Finance Report 2022, Cultural Indicators at a Glance, as well as the sector reports Literature and Press and Building Culture and Monument Preservation,

Nevertheless, there is no legal basis for cultural statistics in Germany - unlike in the education sector, for example, which has statistics ordered by federal and state law. Against the background of the approaching end of the above-mentioned projects on cultural statistics in Germany, their structural continuation and financing in Germany is currently being discussed.

With the aim of providing greater transparency about their cultural funding, some federal states, such as North Rhine-Westphalia and Schleswig-Holstein, and also numerous municipalities, such as Stuttgart, Wuppertal, Neuss and Ulm, are now publishing cultural reports.

## Indicators

The source of the data presented here are the "Culture Finance Reports". Since 2000, they have been published by the statistical offices of the Federation and the Länder, 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*, the *German Federal Statistical Office* and the *German Federal Statistical Office*.

*Conference of Ministers of Education and Cultural Affairs*, the *Federal Government Commissioner for Culture and the Media*, two state ministries of culture and other experts. The most recent version of the Culture Finance Report - the "Culture Finance Report 2020" (<https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bildung-Forschung-Kultur/Kultur/Publikationen/Downloads-Kultur/kulturfinanzbericht-1023002209004.pdf?blob=publicationFile>) was published in December 2020. It contains the provisional ACTUAL data for all 3 local authorities from 2017; for the federal government and the Länder, the provisional actual is still available for 2018 and 2019 and the target for 2020.

According to the "Culture Finance Report 2020", the public sector (Federal Government, Länder and municipalities) spent a total of 11.4 billion euros on culture (theatre and music, libraries, museums, collections and exhibitions, monument protection and preservation, cultural affairs abroad, public art colleges, other cultural care and administration for cultural affairs) in 2017 (according to financial statistics in delimitation according to the basic funds concept). The municipalities provided a budget of 5.1 billion euros (44.4% of total public cultural expenditure), while the Länder provided 4.4 billion euros (38.7%). The federal government contributed a further 1.9 billion euros (17.0%) to public cultural funding.

In relation to Germany's economic power, public spending on culture reached a share of 0.35% of the gross domestic product in 2017. Overall, public budgets allocated 1.77% of their total budget to culture. Public cultural expenditure per inhabitant was 138.21 euros in 2015.

According to the "Culture Finance Reports", total public spending on culture has increased since 2005 as follows: EUR 7.98 billion (2005), EUR 9.36 billion (2010), EUR 9.39 billion (2011), EUR 9.44 billion (2012), EUR 9.84 billion (2013), 10.24 billion (2014), 10.41 billion (2015), 10.76 billion (2016) and 11.44 billion EUR (2017). Thus, public spending on culture in 2017 was EUR 3.44 billion more than in 2005, an increase of 43.1%.

Per capita expenditure also increased from EUR 98.20 (2005), EUR 116.65 on (2010) to EUR 116.84 (2011), EUR 117.23 (2012), EUR 121.80 (2013), EUR 126.12 (2014) 126.77 euros (2015), 130.42 (2016) and 138.21 euros (2017). This means that per capita public expenditure in 2017 was 40.01 euros more than in 2005, which corresponds to an increase of 40.7 per cent. In contrast, there was no continuous increase in the share of cultural expenditure in gross domestic product, which changed from 0.35 (2005), to 0.36 (2010), 0.35 (2011), 0.34 (2012), 0.35 (2013 and 2014), 0.34 (2015), 0.34 (2016) and 0.35% (2017).

A similar development can be seen in the share of public cultural expenditure in the total budget. This changed from 1.60 (2015), to 1.68 (2010 and 2011), 1.66 (2012), 1.67 (2013), 1.72 (2014), 1.73 (2015), 1.72 (2016) and 1.77 (2017). In addition to public cultural expenditure, the public sector funded the cultural-related sector (i.e. adult education centres, other continuing education, church affairs as well as radio and television) with 2.2 2.0 billion euros in 2017. The Länder contributed 1.2 billion euros (54.4%), the federal government 0.65 billion euros (29.6%) and the municipalities 0.35 billion euros (15.9%).

In addition, the provisional actual figures for 2018 and 2019 and the target figures for 2020 are available for the federal and state levels. Federal cultural expenditure was €2.015 billion in 2018 and €2.123 billion in 2019 (provisional actual) and €2.432 billion in 2020 (target), while that of the Länder was €4.635 billion in 2018, €44.905 billion in 2019 (provisional actual) and €5.392 billion in 2020 (target).

## 7.1.2. EXPENDITURE ON GOVERNMENT LEVEL

*Table 6. Public cultural expenditure by level of government, 2017*

| Level of government                 | Total expenditure in billion EUR* | % share of total |
|-------------------------------------|-----------------------------------|------------------|
| State (central, federal)            | 1.940                             | 16,96 %          |
| Regional (provincial, Länder, etc.) | 4.426                             | 38,68 %          |
| Local (municipal, incl. counties)   | 5.076                             | 44,36 %          |
| TOTAL                               | 11.442                            | 100%             |

Sources: Statistical Offices of the Federation and the Länder (2020): [Kulturfinanzbericht 2020](#), Wiesbaden.

In 2017, the municipalities accounted for the largest share of public cultural expenditure with 44.36 per cent, followed by the Länder with 38.68 per cent, and the federal government's share was 16.98 per cent. An examination of the development of the respective shares shows that the share of the municipalities has remained almost constant since 2001 and ranged between 43.6 per cent (2003) and

45.5 per cent (2005). With one exception (2003), the share of the municipalities was always higher than that of

the Länder. Since 2007 (43.0%), the share of the Länder has been falling steadily to 38.7% in 2017. The increasing role of the federal government in financing the cultural sector is also reflected in the development of the respective shares of the territorial authorities. While the federal government's share was 12.4 per cent in 2001, it rose continuously and reached 17.0 per cent in 2017.

### 7.1.3. EXPENDITURE PER SECTOR

*Table 7: cultural expenditure and cultural related expenditures 2017 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 %  |
| Theatre and music                                | 3942.8         | 34.5  | 68.2           | 3.5   | 1727.5              | 39.0  | 2147.1         | 42.3  |
| Libraries  | 1611.8         | 14.1  | 332.2          | 17.1  | 441.4               | 10.0  | 838.2          | 16.5  |
| Museums, collections, exhibitions                | 2182.7         | 19.1  | 462.9          | 23.9  | 608.3               | 13.7  | 1111.6         | 21.9  |
| Conservation and preservation of hist. monuments | 574.6          | 5.0   | 135.9          | 7.0   | 236.3               | 5.3   | 202.4          | 4.0   |
| Cultural foreign affairs                         | 686.0          | 6.0   | 684.9          | 35.3  | 1.1                 | 0.0   | 0.0            | 0.0   |
| Administration for cultural affairs              | 280.7          | 2.5   | 0.0            | 0.0   | 209.5               | 4.7   | 71.2           | 1.4   |
| Public universities for arts and music           | 584.8          | 5.1   | 0.0            | 0.0   | 584.8               | 13.2  | 0.0            | 0.0   |
| Other cultural activities                        | 1579.4         | 13.8  | 256.3          | 13.2  | 617.3               | 13.9  | 705.7          | 13.9  |
| Total cultural expenditure                       | 11442.8        | 100.0 | 1940.4         | 100.0 | 4426.3              | 100.0 | 5076.1         | 100.0 |
|  |                |       |                |       |                     |       |                |       |
| Adult education centers                          | 1164.0         | 52.76 | 302.3          | 46.2  | 549.4               | 45.7  | 312.3          | 88.0  |
| Church affairs                                   | 705.0          | 32.0  | 17.3           | 2.6   | 648.6               | 54.0  | 39.1           | 11.1  |
| Radio and television                             | 337.3          | 15.3  | 334.4          | 51.1  | 2.8                 | 0.2   | 0.0            | 0.0   |
| Total culture related activities expenditure     | 2206.3         | 100.0 | 654.1          | 100.0 | 1200.8              | 100.0 | 351.4          | 100.0 |

Sources: Culture Finance Report 2020 + own calculations

The distribution of public cultural expenditure among the eight cultural sectors in 2017 shows that, at 34.5 per cent, more than a third went to theatre and music. Another 19.1 per cent went to funding museums, collections and exhibitions and 14.1 per cent to libraries. These three areas also accounted for the highest shares in previous years.

If one compares the expenditure structure of the groups of bodies, different focal points become apparent corresponding to the different distribution of tasks: The municipalities were most involved in financing theatre and music with 42.3 per cent. The second largest share was spent on museums, collections and exhibitions with 21.9 per cent, and libraries were in third place with 16.5 per cent. For the Länder, too, the funds for theatre and music, with 39.0 per cent of Länder expenditure, were clearly above the expenditure for other cultural maintenance with 13.9 per cent and those for museums with 13.7 per cent and those as well as for libraries with 10.0 per cent. (Compared to 2015, other cultural cultivation and museums have swapped places 2 and 3). The structure of cultural expenditure also varied between the countries. For example, the share of funding for theatre and music in the Länder ranged from 18.1 per cent (Brandenburg) to 43.6 per cent (Thuringia) and the

share of funding for libraries in the Länder ranged from 7.9 per cent (Thuringia) to 19.2 per cent (Rhineland-Palatinate). The Federal Government allocates the largest share of its culture-related expenditure to cultural affairs abroad, at 35.3 per cent. Expenditure on museums, collections and exhibitions came second with 23.9 per cent and expenditure on libraries at 17.1 per cent, is in third place within federal cultural expenditure.

In 2017, public budgets provided a total of 3.9 billion euros for the theatre and music sector. Compared to the previous year, public expenditure on this area increased by 1.7 percent and by 20.3 percent compared to 2010. The federal, state and local governments provided a total of 2.2 billion euros for museums, collections and exhibitions in 2017. Compared to the previous year, public expenditure for this area of responsibility increased by 10.3 percent. Compared to 2010, expenditure increased 23.6%. For libraries, public budget expenditure amounted to 11.6 billion euros in 2017. Compared to the previous year, there was an increase in public expenditure of 3.8 per cent, and compared to 2010, an increase of 17.0 per cent.

Further information on the individual sectors can be found in the sector reports compiled in the project "Nationwide Cultural Statistics" (see chapter 3.).

## 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).

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:

Examples of programmes at the federal level are:

- Nationally valuable cultural monuments (since 1950, by 2020 over cultural monuments could be preserved and restored with a total volume of approx. 387 million euros),
- Investments for national cultural institutions in Germany (since 2004, until 2019 focus on Eastern Germany, from 2004 to 2019: approx. 87 million euros, since 2020 the programme has been extended to the whole of Germany),
- Initiative Musik (since 2007),
- National Prevention Programme against Islamist Extremism (since 2017 - 400m euros until 2020),
- Excellent Orchestra Landscape Germany (since 2017, continued 2021 to 2024),
- Preservation of the written cultural heritage (since 2017),

- Youth Remembers (since 2019, 2 funding lines: targeted examination of the Nazi era + sustainable reappraisal of the SED dictatorship).

At the federal level, support for artists is primarily provided through the cultural funds - the *Art Fund*, the *German Literature Fund*, the *Socioculture Fund* and the *Performing Arts Fund* as well as support projects of the *German Music Council*. This support includes, for example, nationally significant exhibitions of contemporary art, competitions, scholarships, prizes and other appropriate forms.

A central actor in the promotion of culture by the federal government is the *Federal Cultural Foundation*. Its task is to promote programmes and projects in an international context. In addition to general project funding, which is not restricted to specific genres or themes, it develops its own programmes, current e.g. "ZERO - Climate Neutral Art and Culture Projects", "TURN 2 - Artistic Cooperation between Germany and African Countries", "JUPITER - Performing Arts for Young Audiences" and "Culture digital".

Another funding programme is "Art in Buildings". This is understood to mean an obligation on the part of the state in particular, as a building owner, to use a certain proportion - usually around 1 per cent - of the construction costs of public buildings for works of art out of its claim to building culture. This obligation is laid down in corresponding regulations at the federal and state levels. Some cities have taken on this obligation at the municipal level.

Particularly important, however, is the individual arts / artists' funding for the various sectors. Special support for companies, start-ups, self-employed and freelancers in the cultural and creative industries is offered by the Federal Government through the *Competence Centre for Cultural and Creative Industries*; with eight regional offices they offer individual services and advice.

During COVID-19, numerous programmes were launched to support the arts and culture sector. Of particular importance here is the "NEUSTART KULTUR" programme, which the federal government launched in summer 2020. It initially comprised 1 billion euros, which was increased to 2 billion in spring 2021. Together with the cultural associations and funds, the federal government developed 74 different programme lines within "NEUSTART KULTUR", the funds were allocated by the cultural associations and funds. In doing so, the programme targeted three areas in particular: a) maintaining production - especially through project funding and scholarships, b) promoting investments that became necessary due to pandemic-related hygiene requirements and c) investing in digital infrastructure. The programme will continue in 2022.

In addition, the federal government has provided a special fund for cultural events amounting to 2.5 billion euros. It consists of economic aid for (smaller) events that can only take place with a reduced audience and of cancellation insurance for larger events. (see also <https://www.culturalpolicies.net/covid-19/country-reports/germany/>)

### 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 *Kulturfinanzbericht 2020* the Federal Statistical Office provides an estimate for a small section of private cultural financing, namely private expenditure on publicly subsidised cultural institutions in 2017, which amounted to 1.2 billion EUR, or 15.05 EUR per capita. In 2016, the private sector contributed to a similar extent to the financing of public cultural institutions. At that time, direct revenues amounted to 1.3 euros and 15.15 euros per inhabitant. 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. It supported approx. 2 370 projects with a total sum of around 106 million euros (<https://ostdeutsche-sparkassenstiftung.de/profil/>) from 1996 to December 2021.

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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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Ulrike Blumenreich is a research assistant at the Institute for Cultural Policy within the Association of Cultural Policy in Bonn. She works as a project manager for different research projects (topics e.g. "Financing of Culture", "Cultural Development Planning", "Socio Culture"), as lector at universities (e.g. Academy for Music and Theatre in Hamburg, Vilnius University), as co-editor (e.g. "Yearbook of Cultural Policy", "Journal on Cultural Policy") and consultant (e.g. Review on Studying Arts and Culture in Portugal). She graduated in Applied Cultural Sciences at the Universities of Lüneburg (Germany) and Växjö (Sweden).

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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.