

STANDING UP FOR ARTS

AUFSTEHEN FÜR DIE KUNST

Submission of the Urgent Application against the Complete Closure of Concert and Opera Houses has been postponed due to the Current Infection Incidence and the Declaration of a Disaster Situation in Bavaria

After a thorough legal review of the 10th Bavarian Infection Protection Ordinance (*10. Bayerische Infektionsschutzmaßnahmenverordnung*) and following detailed legal advice from our lawyers of the RAUE law firm, the Applicants have decided to refrain from submitting the Urgent Application for the time being. However, they still intend to submit the Application as soon as the infection incidence situation in Bavaria - especially Munich - improves again and the illegal restrictions on artistic freedom are not lifted at the same time.

As a result of the new regulation, the legal framework has significantly changed. Bavaria has declared a disaster situation. Munich has exceeded the infection incidence value of 200 and a hard nationwide lockdown is already a prospect for the period after Christmas.

The Applicants argue as follows:

Through the publication of the Final Report on the Pilot Test of the Bavarian State Opera, we have only had access to a scientific analysis of the actual risk assessment in theaters since 03 December 2020. Before then, however, there was 0% evidence of known virus transmissions, but instead plenty of speculation about the possible dangers.

Our main concern is that artistic freedom, in accordance with its constitutional status, has to be taken into account and that it is similarly treated with other equally protected areas, especially religious services. Of course, the Artists support a hard lockdown for everyone. A hard lockdown only for the Arts, while church services, demonstrations, and even the retail trade can continue largely undisturbed, as was the case during the Lockdown "light" in November, we firmly reject.

We seek to ultimately have comprehensible criteria as to how to deal with culture in the various stages of lockdown and thus, at least, some degree of planning security for cultural institutions. We do not want to accept anymore that cultural institutions are always the first to be sent into hard lockdown and the last to be released from it, despite the scientifically-proven minimal risk of infection, especially in comparison with the other areas that are also fundamentally-protected by the Constitution.

We would like to point out that also under the new Bavarian Infection Protection Measures Ordinance (*Bayerische Infektionsschutzmaßnahmenverordnung*), both demonstrations and church services are generally permitted, even without a rigid maximum number of visitors. We regard this as an unjustifiable disadvantage for the area of cultural events that is protected on the same level.

In the course of the inadequate and, in our opinion, unbalanced measures since the beginning of November, the goal of reducing the number of infections with the Lockdown "light" has not been sufficiently achieved. What has been achieved, however, is further sustained and significant damage to the performing arts sector. The study of the pilot project has, in retrospect, made this very clear.

We expect and demand that the Federal Government of Germany and the Bavarian State Government immediately revoke the total ban on concerts, opera and theatre performances at the end of the disaster situation and a possible impending hard lockdown, comparable with that of March 2020, or after a corresponding decline in the infection incidence values.

Otherwise, with the now very large group of supporters, we will immediately submit the Urgent Application to the Bavarian Administrative Court.

The Initiators:

Wolfgang Ablinger-Sperrhacke

Hansjörg Albrecht

Kevin Connors

Christian Gerhaher

Further information:

Website: www.aufstehenfuerdiekunst.de

Twitter: [@kunstfreiheit](http://twitter.com/kunstfreiheit)

Facebook: www.facebook.com/aufstehenfuerdiekunst @aufstehenfuerdiekunst

TO THE TIME ITS ART | TO THE ART ITS FREEDOM

Quote from Ludwig Hevesi, inscription of the Vienna Secession (1897/98)

Press contact: Anja Rauschardt

KünstlerSekretariat am Gasteig - Montgelasstr. 2 – 81679 München - Germany

anja.rauschardt@ks-gasteig.de tel. +49 89 4448879-3 – mobile +49 160 4133786