



Performing
Arts in Public
Spaces

Preface



Dear colleagues,

due to the pandemic and its aftermath, many of you will be performing in public space this year. For this reason, laPROF Hessen e.V. felt it was important to summarise basic, practical information on producing and performing in public spaces in this brochure. We conducted four events on this topic, the key information is summarised in this brochure. We use input from our speakers Rainer Bauer, Stefan Behr, Benny Coppik, Clair Howells, Sabine Kuhfuss, Sonja Laaser und Dr. Johanna Steindorf.

The events as well as this brochure are part of our programme “Wissensaustausch für die Zukunft” (“Exchange of Knowledge for the Future”). It was funded by the Fonds Darstellende Künste with funds from the German Commissioner for Culture and Media under the programme #TakeNote. In this respect, the publication of this brochure was possible thanks to Corona aid funds.

But the information summarised here should outlast the pandemic, as working in public spaces will certainly continue to play

a major role in the performing arts well into the future. With publications like these, laPROF Hessen e.V. wants to ensure that essential knowledge on different formats of the performing arts is widely distributed throughout our scene.

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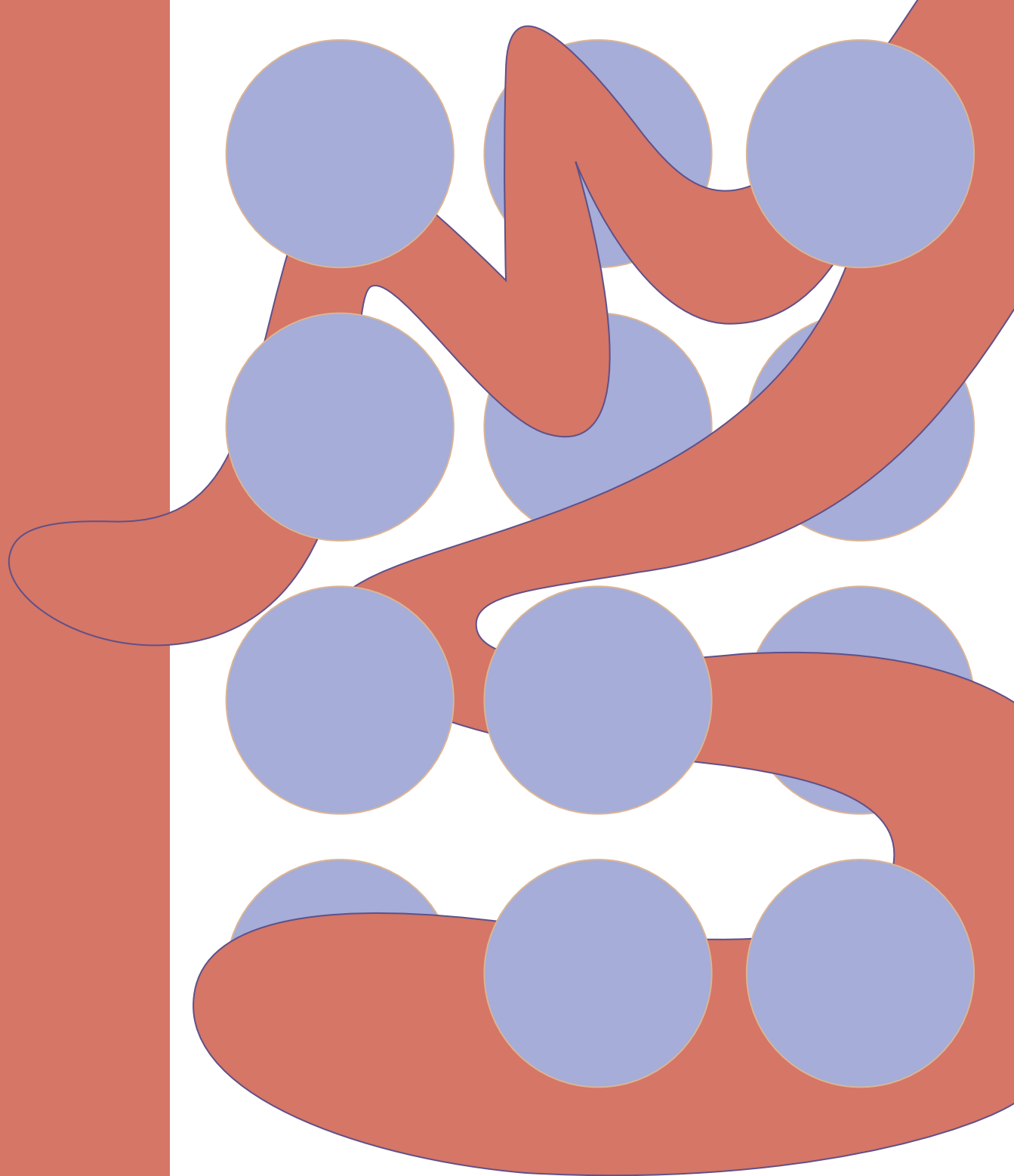
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Chapter 1

Public Spaces



Unlike a black box or a theatre, public spaces such as squares, streets and parks belong to everyone and are accessible to everyone. This may sound like a truism at first, but it is one of the main differences to classical theatre spaces and should be considered from the very start of conception. Squares, streets and parks targeted for performances are already habitually used and passed through by various groups, some even live there. Therefore, it is always a good idea to visit the venue at least once, preferably several times, to get an overview of its users, residents and atmosphere. These have an impact on the piece/work that is created on site and should therefore necessarily be considered.

Not only is this situation relevant regarding issues of safety and order, but it has consequences on artistic concepts as well. In most cases, productions cannot simply be moved from theatre spaces to public spaces without modifications. It is important to question artistic concepts in terms of their suitability for public spaces and the conditions that go with them.

Public spaces naturally hold greater potential for unexpected situations and the overview is lost more quickly. Such possible disturbances are, for example, unasked filming by spectators or passers-by or continuous heckling and provocations. By getting to know the place beforehand, these can be estimated, but not necessarily prevented. To be prepared for this, it has proven useful to have additional supporters who are solely responsible for addressing the audience in case of disruptions. Supporters can have a de-escalating effect by addressing people directly and thus resolve most situations. For larger events, it has proven practical to equip team members with walkie-talkies (or similar devices) to enable faster communication among all participants.



Audience in Public Spaces

Whether freely accessible or in an enclosed area, art in public spaces has to deal with the fact that audiences are more mobile than in enclosed theatre spaces. Similar to those of street music, audiences of art in public spaces are used to being able to leave and come back any time. Whether one likes it or not, this fact must be dealt with pragmatically and it must be ensured that audience mobility interferes as little as possible with the enjoyment of other spectators and the performers' concentration. The high mobility of the audience can be addressed, for example, by choosing a venue with several access options. It all comes down to successful audience management, which needs to be adapted to the specific conditions of a location. Nevertheless, disruptions caused by audience mobility cannot be prevented entirely.

In public spaces, one is always in danger of being attacked or harassed during rehearsals or performances: Racist, sexist, homophobic or simply violent attacks are difficult to prevent. Depending on the situation, it is important to employ security staff as well. The artists' subjective feeling of safety should be the focus of attention and taken very seriously. However, it is important that security staff act in as de-escalating a manner as possible and call for police assistance in case of emergency.

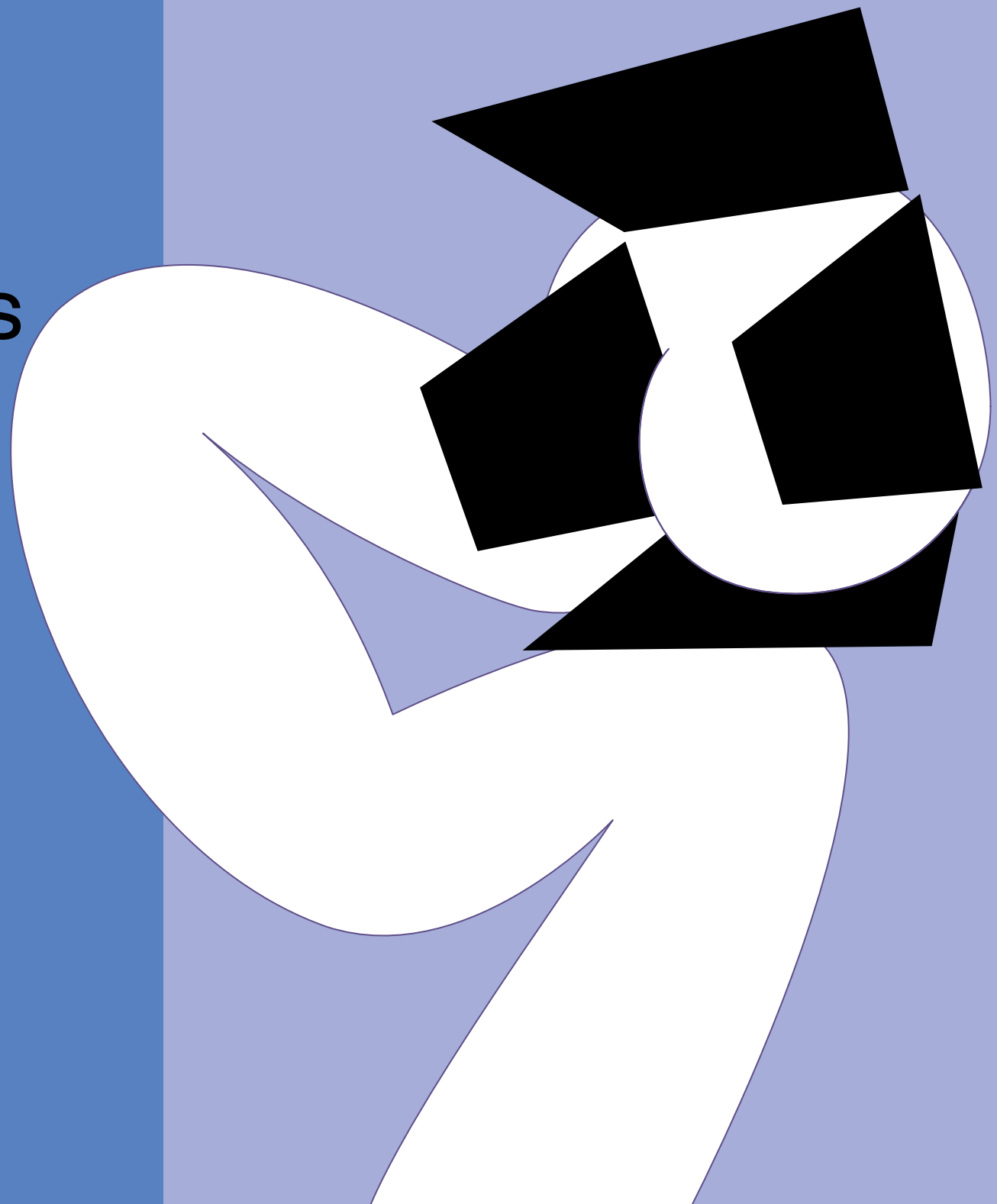
For events lasting several days, it makes sense to have night-time security to prevent theft and vandalism.

Spectators of events in public spaces should be informed about recordings and it must be possible for individual visitors not to be recorded.

Even though openness and mobility can lead to difficulties, they offer opportunities as well. In public spaces it is possible to reach people with art for whom theatre spaces represent barriers for cultural, economic, aesthetic or other reasons.

Chapter 2

Organising Performing Arts in Public Spaces



10—11

In many cases, artists who show their work in public spaces are simultaneously the organisers of the event in question and thus hold a multitude of additional responsibilities. The following section addresses these obligations and the necessary prior arrangements, permits and insurances.

For all the advice and experiences that follow in this chapter, it is important to remember that each municipality handles the approval process differently. Therefore, the most important advice is for organisers to contact the local cultural office or cultural bureau as early as possible in their planning process. They are familiar with the approval procedures of their municipality and know which further permits have to be obtained from which authorities. It is therefore advisable to enter communication with the respective cultural offices as early and openly as possible.

For a larger event in a public space, including a stage, stage structures and an audience area, the following permits will most likely have to be applied for from public institutions:

- the public order office (Ordnungsamt) for event permits
 - special permit for public areas/spaces
 - licence to serve drinks in accordance with the State Restaurant Act (Landesgaststättengesetz)
 - sound system permit (Beschallungserlaubnis) in accordance with the State Immission Control Act (Landesimmissionsschutzgesetz)
- the fire department concerning stage structures
- the local police who should be integrated into the planning process
- the public health department at district level (Gesundheitsamt auf Landkreisebene) (for more details, see page 30)

Use of Public Streets, Paths and Squares

Performing on public streets, paths, squares and public green spaces constitutes a special use and must therefore be approved via an application to the municipal public order office. The approval process described here refers to medium-sized events in public spaces; audio walks and smaller formats require less extensive approval processes.

In the application to the office of public order (Ordnungsamt), you specify the desired use, the area to be used and the period of use. Upon receipt of the permit, the respective requested use is allowed, it will, however, include additional requirements.

These requirements may concern the following matters: ↘

- waste removal and disposal
- distances to buildings, shop windows, monuments
- if necessary, the requirement to provide additional stewards
- loading and unloading only as locally regulated
- temporary structures, stages etc.

Buildings that are less than five metres high can be approved with a stability certificate (Stand-sicherheitsnachweis). This proof of stability is prepared by structural engineers and costs between €300 and €800. For buildings over five metres, building books (Baubücher) are required, those are also prepared by structural engineers and then approved based on the structural analysis. The responsible inspection authority for Hessen is located at the Gießen Regional Council and is called: Genehmigungsstelle Fliegende Bauten (Approval Authority for Temporary Structures).

- A fee exemption for non-profit organisations may be possible

● Liability for all damages caused by the event

Organisers can be held liable for property damage and personal injuries that occur during their event, consequently you should obtain a liability insurance policy for events (Veranstaltungshaftpflichtversicherung). The insurance policy can often be taken out at short notice and costs depend on the size, duration and type of event. It may also be worthwhile to take out additional equipment insurance (Technikversicherung). Due to the large number of insurance companies, a few examples should be mentioned here:

Erpam Eberhard
Raith+Partner in Munich
Thorsten Dechert in
Mühlheim am Main
Schwandt Versicherungs-
makler KG in Berlin
Fairsicherungsladen Hagen
GmbH, Christian Grüner

It is also possible to draw up a co-organiser agreement with the city or the municipality. This would specify which party assumes which obligations, for example, that the municipality's liability insurance is responsible in cases of liability. The damage claim would then be settled via the municipal damage compensation scheme.

If theatre companies act as organisers, their own professional liability insurance can be used.

● Hessian Guideline for Places of Assembly (Hessische Versammlungsstättenrichtlinie - H-VStättR)

The Hessian Guideline for Places of Assembly is a subsection of the Hessian Building Code and applies to outdoor events with 1000 visitors or more and events in rooms with 200 visitors or more, whereby fenced-in outdoor areas are also considered as "rooms". Events that do not fall under the Hessian Guideline for Places of Assembly may have a maximum of 199 spectators or visitors.

- Hygiene concept
(for more details, see page 30)

● Volume and immission control

Due to the residents' right to noise protection, sound immissions, i.e., the use of sound systems and amplifiers in public spaces, are subject to approval. The authorities have various legal bases for issuing sound system permits (Beschallungsgenehmigungen). The easiest way is often via the LAI's [Recreational Noise Guideline](#) (Freizeitlärm-Richtlinie).

According to this, sound reinforcement can be permitted in locations up to 18 times a year. Therefore, it is advisable to choose places that are used less frequently for largescale events and functions. In addition, according to this guideline, noise pollution should be kept as low as possible. This can be ensured, for example, by the positioning of the speakers or the low use of bass tones. Residents should be informed about the event and the sound system at least 14 days in advance.

The information should also include the name and telephone number of a contact person in case of questions or complaints. In any case, it is advisable to involve the local cultural office, as the employees have an overview of the utilisation of the various spaces.

During the event, it may be useful for one of the event technicians to permanently compose the volume with a sound level meter. Alternatively, the sound equipment can be configured in such a way that a certain decibel level is never exceeded.



● Keep escape routes clear

Escape and rescue routes must be kept clear and be marked. The escape and rescue routes must also be signposted in the case of natural enclosures, such as in a square with buildings all around.

The width and number of escape routes is regulated by the Hessian Guideline for Places of Assembly (hessische Versammlungsstättenrichtlinie)

● Protection of the ground, pavement, lawn, etc.

● Severe weather conditions

Organisers are responsible for the safety of spectators as well as for the safety of staff. Staff health should not be put at risk, which is one of the reasons why events should be cancelled in case of severe weather and severe weather warnings. To avoid spectators travelling to the event, cancellations should be made quickly and distributed as widely as possible.

Using weatherproof event equipment is the most practical solution. If that is not possible, it helps to attach covers to the technical equipment. In addition, it should be considered to have quickly accessible possibilities for storage and shelter in case of unexpected downpours.

● Legal duty to maintain safety (Verkehrssicherungspflicht)

The duty to ensure safety arises from the fact that an event creates potential safety hazards. Since visitors have a right to physical safety, organisers are obliged to take appropriate measures. For example, cables must not become tripping hazards (avoidable through cable bridges and good bonding), electrical power sources must be secured, static proofs of stage constructions must exclude hazards etc.

● Request access permits

Don't Forget

- Organise electrical connection and water connection if necessary
- Organise cloakroom
- Emergency plans
- Alternative location or alternative date in case of rain
- Shelter from sun
- GEMA registration

Organisers are responsible for registering music subject to GEMA that is used in the context of their events and for paying the corresponding fees. The fee depends on the size and duration of the event. The expected amount of the GEMA contribution can be determined on the GEMA website.

- Inform local residents

This is an incomplete list of the infrastructure that can easily be forgotten when planning events in public spaces:

● Licence for the sale of beverages (Ausschankerlaubnis)

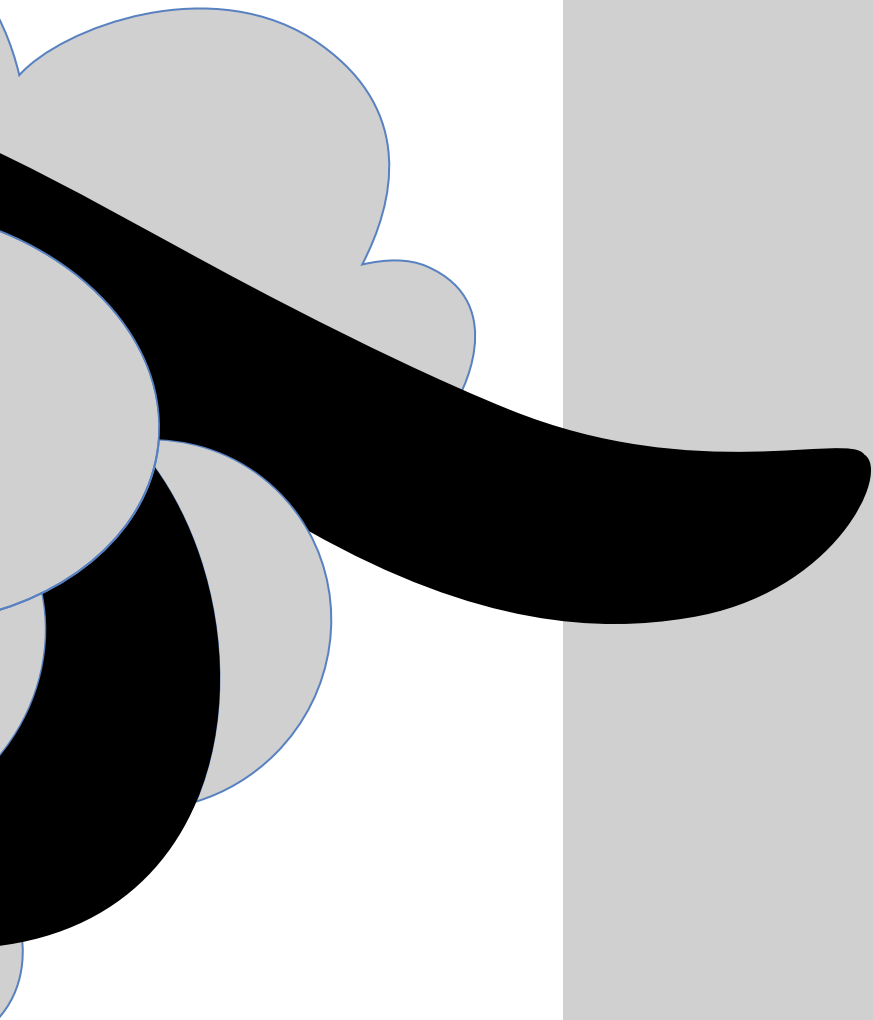
A licence is required for the sale of beverages, which follows the regulations of the Hessian State Restaurant Act (hessisches Landesgaststätten-gesetz). According to §6, the sale of beverages at an event constitutes the temporary operation of a restaurant for special reasons. The permit can be applied for at the municipal public order

office (kommunales Ordnungsamt), for which there are usually low administrative costs. In some municipalities, such as Frankfurt, for instance, it is possible to apply online.

Chapter 3: Contracts and Force Majeure

20—21





Those who work in public spaces are, at least statistically, more often affected by situations that are legally referred to as “force majeure”. The Federal Court of Justice has defined this as an “external event caused by elementary forces of nature or by the actions of third parties, which is unforeseeable according to human insight and experience, cannot be prevented or rendered harmless by economically acceptable means, even by the utmost care reasonably to be expected in the circumstances, and cannot be accepted by the operating company because of its frequency”. However, simple rain or wind is not enough for this to apply; it has to be the flood of the century or a severe storm for these events to be classified as “force majeure”. Such a definition is relevant for contracts, as they regulate risks and liability in these cases. In contracts, organisers often exclude responsibility for financial losses in the event of cancellations due to “force majeure”.

Last year, numerous performances could not take place due to the ongoing pandemic. These events were cancelled due to force majeure, thus many artists were not entitled to cancellation fees. In these cases, pro-rata payments of the agreed upon fee often depended on the organisers’ goodwill. In order to avoid this, it is possible to arrange the procedure and the amount of the cancellation fees in the event of a cancellation due to Covid-19 as part of the contract.

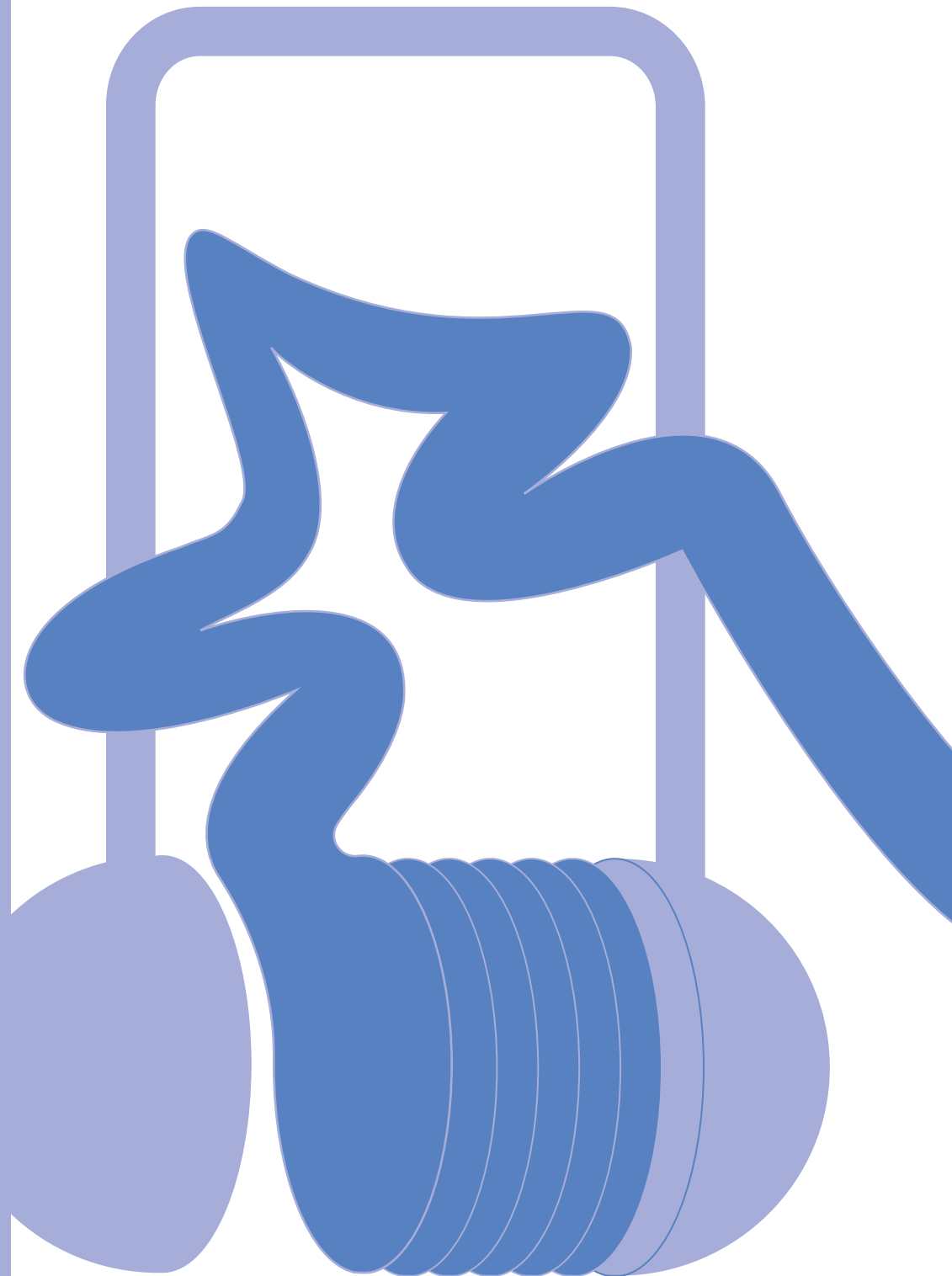
On the website of Berlin based lawyer Sonja Laaser you will find advice on how to proceed in the event of a cancellation due to Covid-19: ↘



Chapter 4: Performative Formats in Public Spaces: Example Audio Walk¹

¹The chapter on the audio walk as performative format is based on a lecture by Dr Johanna Steindorf held as part of the seminar series “Wissensaustausch für die Zukunft” (“Exchange of Knowledge for the Future”) on 24th May 2021.

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What many audio walks have in common is that they are designed for a specific location and constitute a performance-based intervention. Participants are equipped with mobile devices and headphones. The narrative unfolds as the audience moves through public space, alone or together as a group. Meanwhile, the eyes replace the camera, and narrative and visual environment are perceived simultaneously. This format is also attractive because the participants follow a story that remains hidden to the outside world/passers-by.



Overlay, Participate or Reveal?



During the development of an audio walk, there are basic decisions that need to be made. Different goals or narrative strategies can be pursued.

On the one hand, there is the strategy of overlaying, in which the current environment is extended by fictional events. An example for this is Jeanette Cardiff's work entitled [Her Long Black Hair](#). Here, participants were given additional photos of stations on the audio walk, ↗ which reinforced the effect of overlaying fiction and reality.

Another strategy is revelation, where alternative perspectives of a place's history are revealed. This strategy is often used in documentary formats. The place becomes the setting of past events. The walk [Echoing Yafa](#) by Mirjam Schickler uses this strategy and allows interview partners to appear as contemporary witnesses.

A third possible goal is audience participation; this can be achieved, for example, through simultaneous acoustic movement assignments as in [Remote X](#) by Rimini Protokoll. It is only through the audience's participation that the performance and the experience emerge, and the chosen location becomes a stage.



Linear or Modular?

The next big decision in developing an audio walk is whether to design it linear, i.e., with a set route, or modular, i.e., with different stops in no fixed order.

A linear audio walk only requires an MP3 file or playlist with multiple files on a player or online. This creates more of an immersive or cinematic experience.

For the implementation of modular audio walks, there are various geolocated apps such as Echoes, Miniatures for Mobiles or Guidemate, which determine the individual location via GPS and display it on a map. With the help of these apps, the participants move independently to the stations marked on the map and play the fragments. The participants contribute to the design of the audio walk by deciding when they go where.

Radio, Phone or Player?

The choice of playback device or playback mode is based on the needs of the production.

Via radio frequencies or internet radio, all participants can simultaneously listen to the same thing. This enables synchronous actions of one or more groups. LIGNA uses this type of playback for its [Radioballet](#) with many participants. The audio walk is available to everyone in the audience at a certain point in time.



Another option is the phone call. This means a real-time exchange in dialogue with one or more participants. In this case, narrative and experience are created through direct interaction. The number of audience members is limited and the time when the performance takes place is fixed. An example of an audio walk with phone calls is [A machine to see](#) with by Blast Theory.

The most common method of playback is with the help of a player. Here, pre-produced audio tracks are played via a player. These audio tracks can be accessed digitally with the participants' private devices as well as with rented devices such as MP3 players. This way, the audio walk can be started individually and can be experienced independently by individual participants. The work [Beyond Vision](#) by Ilona Marty is a good example of this.

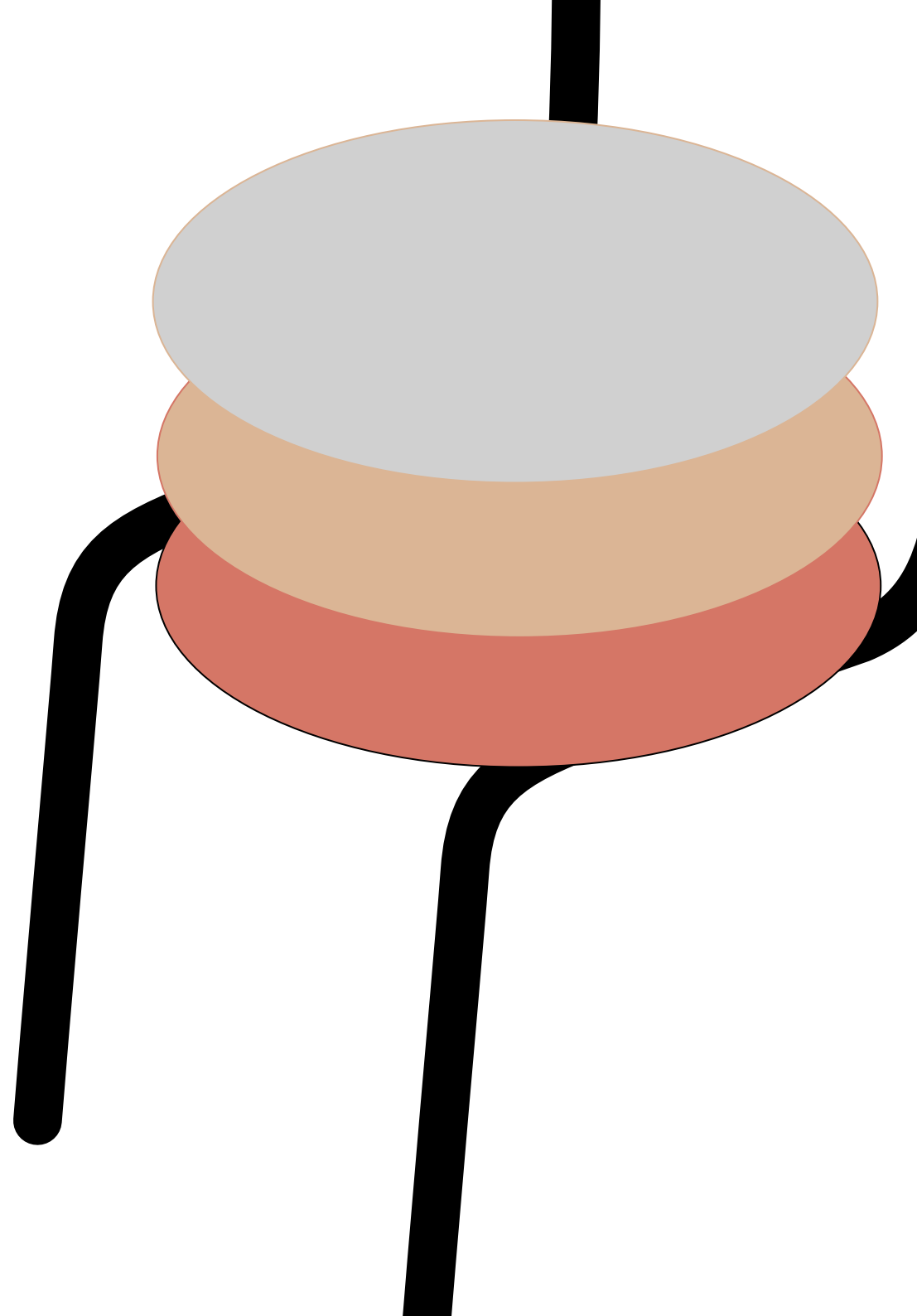


Permits for audio walks are only required if objects are placed in public spaces and obstruct traffic. If participants walk through the city using mobile devices only, this does not require a permit.

Chapter 5:

²This chapter on hygiene concepts for theatre in public space is based on the lecture of the same name given by Stefan Behr as part of “Wissensaustausch für die Zukunft” (“Exchange of Knowledge for the Future”).

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The hygiene concept for an event is to be drawn up by the organisers, has to be developed for visitors, artists and staff and communicated to them in good time. The primary goal is to reduce infection risks for all participants. The hygiene concept is drawn up based on the regulations of the federal states and the federal government and, if necessary, adapted in the event of changes in the Covid-19 situation. The hygiene concept for an event is coordinated with the municipal public order office (Ordnungsamt) and, if necessary, the public health department (Gesundheitsamt). It is important to ensure that the concept can be implemented and enforced on site.

Audience Size

The number of audience members depends largely on the size of the venue, as it is necessary that all visitors can maintain sufficient distance. Arranging the event in form of a parcours (Parcouring) or “station-theatre” (Stationentheater), i.e., there are several stations spread over the location site where parts of the performance/event take place. This allows for a larger number of guests in the same space. A classical stage set-up with a frontally positioned audience requires a large uniform area. Station-theatre in locations with various nooks and little corners allows performances to be staged for several small groups at the same time. In addition, station-theatre facilitates the implementation of a one-way system with separate entrances and exits, which can also be made visible using floor markings.

Social Distancing

When planning paths and distances, waiting and testing areas need to be considered, such as the entrance area and sanitary facilities. Markings on the ground can indicate the distance that must be kept.

In addition, the event area must be recognisable and completely demarcated from the rest of the public space; this can be done with construction fences (with visual protection) or barrier tape. The respective regulatory authorities decide which form of demarcation is necessary as a minimum. One-way routes and separate entrances and exits can be used to reliably guide visitors.

Traceability

In the event of an infection, the public health department (Gesundheitsamt) needs to trace the chain of infection. Hence, the following data must be collected from all visitors at the latest when they first enter the event site:

- name
- address
- phonenumber
- duration of stay
- seatnumber (for specific traceability)

The visitors' details can be recorded via an app (e.g., luca), analogue on site or when tickets are purchased (e.g., with eventbrite). In any case, there has to be the possibility for the audience to register in written form on site. When registering via an app, it may be worth asking the local public health department (örtliches Gesundheitsamt) which app is most compatible with their local system.

Hygiene Measures

Disinfectant dispensers with drip trays should be provided for visitors at entrances, exits and sanitary facilities. The collection trays prevent the product from being released into the environment. Several helpers are needed to disinfect surfaces and seats. Additional toilet facilities can also help to reduce queuing. There are certain cleaning intervals for sanitary facilities that need to be implemented. A small number of masks can be kept on hand for both staff and spectators, so that spontaneous visitors and passers-by, for example, can be let onto the site directly and without complications, after registration of course.

Requirement to Provide Information

The organisers are responsible for informing visitors of the relevant rules of the event. This can be done through advance information on the website and during ticket sales. Since all visitors pass through the entrance, it is particularly useful to inform the audience about the applicable rules at this point. Information for artists and staff should also be considered.

(Illuminated) posters and floor markings distributed on the site repeatedly inform the audience of the applicable rules, and by having a large number of helpers, organisers can ensure that the measures are adhered to, as staff can point them out.

Landesverband Professionelle Freie Darstellende Künste Hessen e.V.



laPROF Hessen e.V. is the cultural-political representation of professional independent theatre makers in Hessen. Currently, more than 120 soloists, groups, collectives, venues, production managers and “neighbouring” associations are organised in laPROF Hessen e.V. laPROF Hessen e.V. represents both newcomers and well-established artists, rural and urban areas, and practitioners from all genres. The association is represented by an honorary board elected at the general meeting for a period of two years. laPROF Hessen e.V. advises cultural professionals, provides them with current information and offers events and publications for further education and exchange. In addition, the association sees itself as representing the interests of the scene vis-à-vis politics, administration and the general public. In addition, laPROF Hessen e.V. regularly runs two projects of its own, the MADE.Festival and KALEIDOSKOP - Kinder + Jugendtheater in der hessischen Region, which increase the visibility of the independent performing arts in Hessen.

Board laPROF Hessen e.V.: Karin Bienek (Frankfurt), Regina Busch (Frankfurt), Detlef Heinichen (Steinau), Katja Hergenbahn (Frankfurt), Susanne Müller (Wiesbaden), Hartmut Nawin-Borgwald (Offenbach)

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Collaboration on the project “Wissensaustausch für die Zukunft” (“Exchange of Knowledge for the Future“): Svenja Polonji

This brochure is also based on the following seminars, which took place as part of the “Wissensaustausch für die Zukunft” (“Exchange of Knowledge for the Future”) program.

● 16.2.2021 **Contract Law in Times of Corona** Online seminar with lawyer Sonja Laaser

● 23.3. 2021 **Out into the open? – Organisational and Legal Challenges of Theatre in Public Space** Online seminar with Rainer Bauer and Stefan Behr

● 29.4.2021 **Out into the Open 2 – How to Bring Performing Arts into Public Spaces** Online seminar with Clair Howells, Sabine Kuhfuss and Benny Coppik

● 24.5.2021 **Out into the open 3 – Performative Formats in Public Spaces** Online seminar with Nana Melling / Anne Mahlow, Johanna Steindorf and Anne Benner / Zoe Ainos In cooperation with the festival Nocturnal Unrest

Experts

Rainer Bauer is an actor and cultural manager from Darmstadt. Tours throughout Germany as professional bureaucrat Herbert Faulhaber. Initiator and artistic director of the Just for Fun Street Theatre Festival Darmstadt and of further festivals and projects. Chairman of Freie Szene Darmstadt e.V.

Stefan Behr founded Theater Anu in 1998 and is still active there today as author and part of the artistic direction. Since 1993 he designs and curates the international street theatre festival “Gassensensationen” in Heppenheim.

Clair Howells is an actress and co-director of Theatre Titanick. Born in Melbourne, the artist has lived in Europe for more than 30 years. She received her acting training at the Scuola Internazionale di Teatro (Rome) and with Philippe Gaulier (Paris). Since 1990, she tours worldwide with the productions of Theater Titanick. Clair Howells conducts workshops for amateurs as part of Titanick productions. She is curator of FLURSTÜCKE, a theatre

festival in Münster. She is one of the co-founders of The German Association for Theatre in Public Spaces (Bundesverband Theater im Öffentlichen Raum) and has been on the board since 2012.

Benny Coppik is the managing director of AES Konzept GmbH in Frankfurt. As Lighting Operations Manager and Event Safety Specialist he creates and is responsible for numerous safety and hygiene concepts for large-scale events in public spaces. He also supports event organisers in communicating with authorities and obtaining permits. His field of activity in public spaces ranges from major sporting events, Hessentag, concerts, street festivals, Christopher Street Day to theatre festivals. In close cooperation with Protagon last summer, it was possible to realise the Sommerwerft theatre festival under pandemic conditions with 800 guests by special application, at a time when in Hessen only 250 guests were allowed as a maximum. The realisation of smaller events for theatre- and subculture are close to his heart as well.

Sabine Kuhfuss: After being Assistant to the Team Management of the Cultural Team of the City of Detmold and Co-Director of the Bildstörung festival, she is now the professional-artistic Director of KulturTeam and Artistic Director of the Bildstörung festival (since 2019). Her interest is in the effects and perspectives of performing arts as well as in interdisciplinary formats in public space, especially their relevance for municipal culture. Associate member of the European network In Situ and board member of The German Association for Theatre in Public Spaces (Bundesverband Theater im öffentlichen Raum).

Sonja Laaser studied law at HU Berlin and dramaturgy at the Ernst Busch Academy of Dramatic Arts. Until 2011, she was managing director of Ballhaus Ost and founded the art magazine “ArtiBerlin”. While studying law, she completed her legal traineeship at the Berlin Senate Department for Culture and Europe. These diverse stations help her to comprehensively understand and advise her clients: Her law firm, founded in 2015, focuses on advising culture professionals in the areas

of copyright, public procurement, grants, tax and corporate law and artists’ social insurance. Together with Julia Wissert, she initiated and developed the anti-racism clause. She is a specialised lawyer for copyright and media law and was appointed to the advisory board of the Künstlersozialkasse in December 2020.

Johanna Steindorf is a media artist who studied in Rio de Janeiro and Cologne and wrote her doctoral thesis on the audio walk as an artistic practice and method at the Bauhaus University in Weimar. In addition to her artistic work, she also teaches as a lecturer at the University of Cologne, among other places. Born in Ecuador, she grew up in various countries and has lived in Germany since 2006. Her own experiences flow into her work, which deals with gender, migration and public space, but above all with wandering around in it, also touching on the themes of night and darkness.

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