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PRESS RELEASE

Cinemas, theatres and entertainment venues: the urgent applications judge does not suspend their closure to the public because of a worsening health emergency

In response to a request from leading figures in the cultural sphere for the reopening of cinemas, theatres and entertainment venues, the Conseil d'Etat's urgent applications judge considers that, due to the high level of contamination and the increasing prevalence of COVID-19 variants, their closure is not manifestly illegal.

Francis and René Lalanne, Jean-Luc Moreau, Jean-Marie Bigard, Manu and Gérard Lanvin have asked the Conseil d'Etat's urgent applications judge to urgently suspend the closure of cinemas, theatres and entertainment venues imposed under the state of health emergency so that these places can once again be open to the public.

The closure of cultural venues, which is a serious infringement of fundamental freedoms, can only be justified in a particularly deteriorated health situation¹

The urgent applications judge first of all pointed out that the closure of these venues to the public is a serious infringement of fundamental freedoms, in particular the freedom of artistic creation, the freedom of access to cultural works and the freedom of enterprise. Only the health situation marked by a particularly severe level of spread of the virus, which is likely to compromise the short-term care, particularly hospital care, of infected persons and other patients, can legally justify such a ban.

The impact of measures to combat the epidemic with regard to mental health needs to be taken into account

The applicants pointed to the effects of these measures on the psychological state of the population. The urgent applications judge found that the health crisis was indeed coupled with a significant increase in anxiety and depressive states. The most significant increases were observed among students, unemployed people, people reporting living in overcrowded housing and those reporting a very difficult financial situation.

As the purpose of the measures taken by the authorities is to preserve public health, the urgent applications judge deemed, as the applicants maintain, that their impact on the mental health and well-being of the population must also be taken into account.

The variants of the virus are more contagious and increasingly prevalent in France

However, the urgent applications judge also noted that at the date of the hearing held, the epidemic indicators remained at a very high level, with, in particular, the occupancy rate of intensive care beds increasing steadily since December to reach 67.1% at national level. The strain on the healthcare

¹The Conseil d'Etat's urgent applications judge reiterated the reasoning used when it was seized with the issue of the closure of cultural venues on 23 December 2020 ([French Ordinance No. 447698 et seq.](#)).

system, which is particularly high in certain regions, has led the authorities to take more restrictive measures at local level.

The urgent applications judge also noted, particularly in the light of an INSERM study dated 14 February 2021, that the spread of variants of the virus, which is much more contagious, is increasing rapidly, particularly the British variant, which is expected to be the main strain present in France within the next few weeks.

Thus, even though the closure of cultural venues is likely to have a negative effect on the mental health of the population, the urgent applications judge ruled that, in view of the still deteriorating health situation, the serious infringement of fundamental freedoms by this measure is not manifestly illegal.

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