

Law 4301/2014

“Organization of the Legal Form of Religious Communities and their organizations in Greece”

Article 1 Concept of Religious Community

A Religious Community is a sufficient number of individuals with a specific Confession of Faith in a “known religion”¹ who are permanent residents of a specified geographical region and whose aim is to carry out collectively the duties of worship and observance required by their religion.

Article 2 Religious Legal Person

A union of individuals of the same Religious Community whose aim is the systematic and organized practice of their religion as well as the collective expression of its members’ religious beliefs, acquires legal personality when it is registered in a special public register (of Religious Legal Persons) which is kept in the First Instance Court of its seat. In order for a Religious Legal Person to be established, a minimum of three hundred individuals are required, at least one of them being the religious minister of the religious community who is assigned to carry out the religious rites and who must be a Greek citizen or a citizen of a Member State of the European Union or a non-national legal resident of Greece.

Article 3 Process and formalities

- 1.** For the registration of a Religious Legal Person, its administrative board submits a request to the First Instance Court of its seat. The request is submitted in non-contentious proceedings and attached thereto are the instrument of incorporation, signed by all its founder members, indicating their identity and residence, the Confession of Faith, the names of the members of the administrative board including the name of the religious minister as well as his curriculum vitae comprising any religious studies, the process and date of his selection or appointment to that position, a list of places of worship and the statute signed by its members and dated. A member cannot participate in another religious legal entity of the same or of another religion. The Court orders a hearing for the case to be discussed. At least fifteen days before the hearing a copy of the request with the Act of the Court and all the requested documents are submitted by the applicants to the Minister of Education and Religious Affairs and to the Public Prosecutor of the First Instance Court.
- 2.** The identity of the founder members of the Religious Legal Persons, except for the names of the members of the board who sign the request, shall not be provided to any third party nor shall they be included in the register of Religious Legal Persons.
- 3.** The religious legal persons to be established attached spiritually and administratively to an “ecclesiastical” legal person shall submit a joint request with the latter.

¹ *It is considered “known”, the religion that has no hidden beliefs but clear dogmas and its worship is free and accessible to everyone. Article 13 of the Constitution of Greece: “1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual’s religious beliefs. 2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practice of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited”.*

Article 4 Statute

For the statute to be valid, it is not allowed to offend public order or the good usages² and it must set out a) the name, which shall include the basic Greek word identifying the religion or the transcription of the word in Greek letters and the indication "Religious Legal Person" b) the seat c) the internal organizational structure d) the governing bodies, the procedures for their appointment or selection and for their discharging e) the selection procedures for their religious ministers f) their representation in and out of court g) the procedures for their members' adherence, withdrawal or expulsion as well as their rights and duties h) the procedures under which their supreme body meets and decides i) the origin of their funding j) any relations of interdependence or spiritual and administrative bonds with a national "ecclesiastical" person or with foreign religious communities or organizations k) the procedures for amending the statute and l) the conditions for the dissolution of the legal entity. The statute includes the religion and confession of faith of the legal entity, the religious teaching and worship events as well as all the holy texts and rules which set up its religious and organizational framework.

Article 5 Registration for acquiring a legal personality

Provided that the legal conditions are met, the First Instance Court accepts the request and orders the following: a) publish in the press the confession of faith and summary of the statute with its essential elements and b) register the legal person in the Register of Religious Legal Persons. The registration is dated and includes the name and seat, the confession of faith, the date of the statute, the names of the members of the administration and the religious minister as well as the restrictive conditions. The statute is ratified by the President of the Court and is notified to the Public Prosecutor at the First Instance Court and deposited in the archives of the First Instance Court. The religious person acquires personality as soon as it is registered. The registration takes place immediately after the issuing of the decision. The procedural time limits start for the State as soon as the decision is notified to the Prosecutor and for the third parties the day following its publication in the press.

Article 6 Interventions and judicial remedies

1. A third party, natural or legal person, or a union of persons can proceed to an intervention during the examination of the request, whereas in all other cases the Civil Procedure Code is applied. The "ecclesiastical" person, as stated in article 12 of this Law, professing the same religion as the legal person to be established and to which the latter is attached administratively has the right to intervene as a third party in favor of the applicant. In case that there is no ecclesiastical person of the same religion, other religious legal persons of the same religion may intervene.

2. The Prosecutor at the First Instance Court has the aforementioned rights ex officio or upon request by the Minister of Education and Religious Affairs.

² "Good usages" are the accepted principles of morality, the prevailing perceptions of the average wise person about whether a behavior is responding or not to the requirements of social ethics.

Article 7 Property of the legal person

1. The property of the legal person derives from regular or exceptional voluntary contributions of its members, donations or successions, from aid granted by their domestic legal persons of their church or religion and from the revenues of this property. The religious legal person may receive loans from legally established national or foreign banking institutions and it may carry out fundraising, in accordance with the relevant provisions, for specific charitable purposes. It may not hold share capital in partnerships, but it may hold share in capital companies, listed or non-listed, set at a percentage not more than the large minority, without having the right to appoint or to control members of the management board.

2. The property of the religious legal person may not be distributed or transferred to its members for any reason. In case of dissolution, this property may be received by another religious legal person of the same confession of faith or by an established Church of the same religion or Confession, provided that this is expressly provided for in the statute. In the alternative, this becomes property of the State and it is made available for charitable purposes at the place of the seat under the provisions regarding national endowments.

Article 8 Management and General Assembly

1. The religious legal person is administered according to its statute by its religious minister or by an administrative board in which the religious minister's participation is obligatory. The Board shall not be convened and it shall not meet legally without the presence of the religious minister. In case of unavailability of the religious minister, the administrative board can be convened and it can meet legally for issues regarding the proper functioning of the legal person, until the replacement of the religious minister.

2. The statute of the religious legal person can lay down the general assembly of its members as the governing body to decide for any matter that is not within the competence of any other body. The assembly, if it is not determined otherwise by the statute, mainly elects the administrative board, approves the financial issues and decides for the dissolution of the legal person. The statute defines at least the conditions under which the assembly is convened, meets and decides and all other issues regarding to the above body, its competence and tasks.

Article 9 Establishment of worship places and monastic institutions

In line with the provisions in force, the religious legal persons are entitled to establish, organize and operate, statewide, on their behalf and as their branches houses of worship, monastic institutions and generally meetinghouses for religious purposes under their administrative and spiritual supervision. Additionally, in line with the provisions in force, they may establish and operate camps, private schools, educational institutions, radio stations, charitable trusts, non-governmental organizations and other non-profit legal persons governed by private law for promoting their mission.

Article 10 Dissolution of a religious legal person

1. The religious legal person is dissolved in the cases provided for in its statute and in case that its members are fewer than one hundred. The religious legal person can be dissolved by decision of the First Instance Court if its dissolution is requested by the administrative board for any reason and if it is requested by its surveillance authority or the prosecutor: a) if it has no religious minister for over six months b) if it pursues a purpose different than what is

defined by law and c) if it operates illegally or offends public order or the good usages. The request is decided in accordance with non-contentious proceedings.

2. The surveillance authority can carry out regular or exceptional controls to verify the lawful operation of the religious legal person exclusively to find out if the reasons for its dissolution exist.

Article 11 Suspension of operation of a religious legal person

In exceptional cases and only in cases where reasons apply for the dissolution of the religious legal person or a risk of public disturbance, at the request of the surveillance authority or the prosecutor of First Instance Court, the religious legal person may stop operating, its establishments may be sealed provisionally and interim measures may be taken by decision of the First Instance Court of its seat which has jurisdiction to give judgment pursuant to articles 682 (Civil Procedure Code). The validity of the judgment cannot exceed a period of six months whereas the provisions of article 693 (Civil Procedure Code) shall not apply. In case of existing reasons for the dissolution of the legal person, the surveillance authority or the prosecutor have to file without delay the relevant request for its dissolution which is determined and discussed within the duration of suspension.

Article 12 “Ecclesiastical” Legal Person

1. A “Church” (Ecclesia) is the association of at least three religious legal persons of the same religion with Episcopal or Council structure or any other central structure; it operates upon its statute and is administered by elected or appointed, individual or collective, bodies. To acquire a legal personality and to be registered in the special Register a joint request of the religious legal persons must be filed in the First Instance Court of the seat of the Ecclesia. The instrument of incorporation, its statute, the confession of faith of the three religious persons and the names of the members of the administrative board which necessarily consists of religious ministers of its members are attached in the request. The provisions in force for the religious legal persons apply accordingly to the Ecclesia. The indication “Ecclesiastical Legal Person” shall be included in the name.

2. Religious communities which do not meet the characteristics of paragraph 1, whether or not they have a legal personality, may use the word “Church” (Ecclesia) in their name provided that this does not impinge on the name of “ecclesiastical” legal persons.

Article 13 Recognition of legal personality of the Catholic Church in Greece, of other existing churches and their legal entities

1. The “**Catholic Church in Greece**” seated in Athens whose superior authority is the “Catholic Bishops’ Conference of the Catholic Hierarchy in Greece” is recognized as “ecclesiastical” legal person of private law and the following religious communities (Dioceses, Parishes, Monasteries) which are intrinsically linked to the Catholic Church and their internal organization and functioning is governed by the Canon Law of the Catholic Church are recognized as religious legal persons of private law. The abovementioned entities are recognized as own legal entities of private law, with no further formalities and with no need to follow the procedures as imposed by articles 3 and 12, even if the minimum number of members or religious legal persons imposed by previous articles does not exist. *[A detail list of the recognized religious legal persons of the Catholic Church follows]*

2. Within a twelve month exclusive term from the publication of this Law in the Official Gazette of the Hellenic Republic, the aforementioned legal persons must submit -through the Catholic Bishops’ Conference of the Catholic Hierarchy in Greece- a request supported with the documents provided for in articles 3 and 12 as well as a description of the territorial

area of each legal person. The request shall be submitted to the First Instance Court of their seat in order to get automatically registered in the Register of religious legal entities. An instrument of incorporation and a statute signed by all the members of the legal persons are submitted if available. The registration shall be effectuated by an Act of the President of the Court. After the twelve month term no public service shall transact with the legal entities if they are not registered in the relevant Register.

3. The existing churches, houses of worship, monasteries, chapels and generally places of worship of the Catholic Church which are not included in this article, as well as places of worship that will be established by the Catholic Church in the future, may be considered branches of the respective religious or “ecclesiastical” legal entities, may be administered and represented by them while their internal organization and functioning is governed by the Canon Law of the Catholic Church. Within a two year term, the establishment and operating authorizations of the worship places are reissued under the name of the religious or “ecclesiastical” legal entity of the Catholic Church, upon application which is also countersigned by the religious minister leading the worship place. This new authorization shall be issued without any additional formalities or submission of additional documents.

4. Religious communities operating the existing churches, houses of worship, monasteries and generally places of worship of the Catholic Church which are not included in this article as well as religious communities which will establish in the future churches, houses of prayer, convents and generally places of worship governed by the Canon Law of the Catholic Church may acquire the status of a religious legal person according to the provisions of the article 3 of this law provided that they will submit the documents mentioned in paragraph 1b. Their internal organization and functioning shall be governed by the Canon Law of the Catholic Church.

5. The following religious communities are recognized as own religious or “ecclesiastical” legal persons of private law without following the procedures provided for in articles 3 and 12, even if there is not a minimum number of believers or religious legal persons as provided for in the aforementioned articles:

a) The **Anglican Church** is recognized as religious legal person under the name: “The Anglican Church in Greece Religious Legal Person” seated in Athens.

b) The **Ethiopian Orthodox Church** is recognized as religious legal person under the name: “The Ethiopian Orthodox Church in Athens Religious Legal Person” seated in Athens.

c) The **Coptic Orthodox Church** is recognized as “ecclesiastical” legal person under the name: “The Coptic Orthodox Church of Egypt in Greece Ecclesiastical Legal Person” seated in Aharnai, Attica and its two parishes (...) are recognized as religious legal persons.

d) The **Church of Orthodox Armenians** is recognized as an “ecclesiastical” legal person under the name: “Bishopric of Orthodox Armenians in Greece Ecclesiastical Legal Person” seated in Athens and its nine parishes (...) are recognized as religious legal persons.

e) The **German speaking Evangelical Church** is recognized as a religious legal person under the name: “German speaking Evangelical Church in Greece Religious Legal Person” seated in Athens.

f) The **Greek Evangelical Church** is recognized as an “ecclesiastical” legal person under the name: “Evangelical Church in Greece Ecclesiastical Legal Person” seated in Athens and its four parishes (...) are recognized as religious legal persons.

g) The **Assyrian Orthodox Church** is recognized as a religious legal person under the name “Christian Assyrian Church in Greece Religious Legal Person” seated in Aigaleo, Attika.

6. Within a twelve month exclusive term from the publication of this Law in the Official Gazette of the Hellenic Republic, the aforementioned legal persons must submit a request supported with the documents provided for in articles 3 and 12. The request shall be submitted to the First Instance Court of their seat in order to get automatically registered in the relevant Register of religious legal entities. An instrument of incorporation and a statute

signed by all the members of the legal persons are submitted if available. The religious legal persons attached spiritually and administratively to an "ecclesiastical" legal person submit a joint request with the latter. The registration shall be effectuated by an Act of the President of the Court. After the twelve month term no public service shall transact with the legal entities if they are not registered in the relevant book.

7. The existing churches, houses of worship, monasteries and generally places of worship of the religious communities mentioned in paragraph 5 which are not included in this article, as well as places of worship which will be established by these religious communities in the future may be considered branches of the relevant religious or ecclesiastical legal persons and may be administered and represented by them according to their statute. Within a two year term the establishment and operating authorizations of the worship places which operate legally shall be reissued in the name of the religious or ecclesiastical legal person of the religion following a request countersigned by the religious minister leading the worship place. This new authorization shall be issued without any additional formalities or submission of additional documents.

Article 14 Register of Legal Persons and Religious Ministers

1. An electronic register of religious and ecclesiastical legal persons shall be kept by the Ministry of Education and Religious Affairs. The register shall include all the legal persons under this law, the judicial decision by which the application has been accepted, the instrument of incorporation, the Confession of faith and their statute. Additionally, an electronic register of religious ministers who perform religious ceremonies with civil law effects shall be kept whether the religious ministers belong to a religious community organized in any legal form or to a community without legal personality. The registration of the religious ministers' identity is effectuated following an application by the religious community in which he belongs. The religious ministers' curricula vitae and their qualifications shall be attached to the application. The religious communities (with or without legal personality) and the religious ministers are required to notify any changes to be inserted in the retained records, particularly if a name needs to be deleted in case of loss of status.

2. The register of religious ministers constitutes an official source of information on religious ministers for the local civil registries and for the acts entered in their civil registers. The register shall be freely accessible via the website of the Ministry of Education and Religious Affairs, in order to make possible the direct checking of the faculty of the religious minister(s) issuing the relevant act according to the article 1367 of the Civil Code³.

3. The Ministry of Education and Religious Affairs may post on the internet a publicly accessible electronic application through which the registration of a person in the register of religious ministers may be confirmed.

Article 15 Capacity to be a party to legal proceedings

Religious communities which have not acquired the status of legal personality may be parties in cases before the civil or administrative courts.

³ According to the Greek Civil Code the religious marriage is recognized by the State and it has the same consequences with the civil marriage providing that the religious minister is religious minister of a "known religion".

Article 16 Maintaining of specific legal systems

The provisions of this law shall not apply: a) to the religious ministers and the organization of the religious communities under the jurisdiction of the Orthodox Church of Greece, as stated in article 3 of the Constitution, or the other Churches, Patriarchates, Bishopsrics or Monasteries of the same religious denomination, within or outside Greece, which are united in doctrine with the Eastern Orthodox Church of Christ of Constantinople and constantly observe the holy apostolic and synodic canons and sacred traditions, b) to the religious ministers and the organization of the religious communities who believe in Judaism, to which the provisions on Israeli communities apply, c) to the religious ministers and the organization of the Muslim religious communities in the territorial areas of the Muftiates.

Article 17 Presumption of known religion

Every religion and doctrine for the exercise of public worship of which an authorization to establish and operate a church or worship place is into force, is presumed to be a known religion.

Article 18 Transfer of property of existing legal persons

1. Associations, foundations or partnerships of a non-profit nature established by religious communities, operating when this law is published, may transfer their property to the religious legal persons by way of donation without the burden of taxation or any other, even if specified otherwise by their statute, provided that there is a unanimous decision of all the members in an assembly held for this matter. If the transaction, because of a donation, of the previous section occurs within an exclusive term of one year since the acquisition of the legal personality of the religious legal person and, in any case, not later than the exclusive term of three years since the entry into force of the present law, it is not subjected to taxation.

2. Churches recognized by virtue of Article 13 may transfer their assets to other religious legal persons to whom they are attached spiritually and administratively. The transfer is carried out in accordance with the specific provisions of their statute and without the burden of taxation or any other. If the transaction of the previous section occurs within an exclusive term of one year since the acquisition of the legal personality of the religious legal person and, in any case, not later than the exclusive term of three years since the entry into force of the present law, it is not subjected to taxation.