



Lecture 11

Kyriakos Kyriazopoulos,
Assistant Professor
School of Law,
Aristotle University Of Thessaloniki



Ευρωπαϊκή Ένωση
Ευρωπαϊκό Κοινωνικό Ταμείο

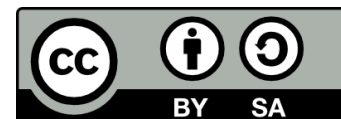


ΥΠΟΥΡΓΕΙΟ ΠΑΙΔΕΙΑΣ & ΘΡΗΣΚΕΥΜΑΤΩΝ, ΠΟΛΙΤΙΣΜΟΥ & ΑΘΛΗΤΙΣΜΟΥ
ΕΙΔΙΚΗ ΥΠΗΡΕΣΙΑ ΔΙΑΧΕΙΡΙΣΗΣ

Με τη συγχρηματοδότηση της Ελλάδας και της Ευρωπαϊκής Ένωσης



ΕΣΠΑ
2007-2013
πρόγραμμα για την ανάπτυξη
ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΩΝΙΚΟ ΤΑΜΕΙΟ



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Lecture contents

1. The Greek law concerning the legal form of religious communities



Lecture objectives

1. To examine and analyze the Greek law concerning the legal form of religious communities





**ΑΡΙΣΤΟΤΕΛΕΙΟ
ΠΑΝΕΠΙΣΤΗΜΙΟ
ΘΕΣΣΑΛΟΝΙΚΗΣ**

Law 4301/2014

**Organization of the Legal Form of Religious
Communities and their Organizations in
Greece**



Article 10 “Dissolution of a Religious Legal Person”

Article 10, § 1, Verse 2

- “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 in the following cases”.
- The religious legal person can be dissolved:
 1. If the administration requires it for any reason.
 2. if the surveillance authority of the prosecutor requires the dissolution only in the following specified cases:
 - i. If it has no religious minister for over six months.
 - ii. If it pursues a purpose different than what is defined by the law this reason is provided also for the common associations.
 - iii. If it operates illegally or it offends the public order or the public morals.



Article 10, § 1, Verse 2 (2)

- “If it operates illegally” is against constitutional and international law of religious manifestation and religious association, which impose on the state the obligation not to dissolve religious legal persons, without brave and concrete non general reasons.
- “If it offends public order or public morals” is valid also for the common associations.



Article 10, § 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”

Article 11

“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 11 (2)

- Article 11 concerns the suspension of operation of a religious legal person as a measure before proceeding to the dissolution of the same religious legal person.
- Reasons for imposing suspension:
 1. The cases for the resolution of the religious legal person
 2. A risk of public disturbance.



Article 11 (3)

Judgement in the case in which a request for suspension of an operation of a religious legal person is accepted by the court:

1. The religious legal person may stop operating,
 2. Its establishment may be sealed provisionally,
 3. Interim measures may be taken.
- The period of validity of the judgment is six months.



Article 11 (4)

- The reasons for the resolution of the religious legal person exist despite the fact that a suspension of operation of religious legal person has been stopped by a court judgment.
- The surveillance authority or the prosecutor have the obligation to submit without delay a request to the competent authority for the dissolution of that religious legal person.
 - The 3rd verse is problematic, because this application for dissolution of the religious legal person, submitted by the surveillance authority or the prosecutor has to be discussed in court, within the duration of suspension. Therefore, the religious legal person has not the necessary time to correct the dissolution, or make the reasons disappear, in the period of six months.
 - For that reason, there is an incompatibility of this disposition, since there is no respect to the principle of proportionality; the burden on the religious legal person is disproportional to the dissolution.





Article 12 “Ecclesiastical legal person”

Article 12, § 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 church. 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 church. The indication “Ecclesiastical Legal Person” shall be included in the name”.



Article 12, § 1 (2)

- Church is a union of at least 3 religious legal persons of the same religions, which have an episcopal or synodical structure, or any other central structure.
- It functions according to its statutes and it is managed by elected or appointed individual or collective organs.
- The founder members are not natural persons but only religious legal persons.
- All types of policy are accepted under this phrase: ““with episcopal or council structure or any other central structure””.
- All types of administration are accepted.



Article 12, § 1 (3)

- The founder members must submit a joint application to the first instant court of the seat of the church, in order to acquire a legal personality through its registration in the special register kept in the court.
- The documents accompanying the application for registration of the ecclesiastical legal person are:
 1. The instrument of incorporation as it happens with the religious legal person and the common associations .
 2. The confession of faith of the religious legal persons.



Article 12, § 1 (4)

3. The names of the members of the administration which necessary consist of religious ministers.
4. The list of the names of the members of the provisory administrative organ.
 - The provisions in force for the religious legal persons apply accordingly to the church.
 - It is also specified that the special ecclesiastical legal person shall be included in the name. For example Buddhist union of Greece, ecclesiastical legal person.



Βιβλιογραφία

1. [Law 4301/2014](#)





End of Lecture

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