



Lecture 10

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Ευρωπαϊκή Ένωση
Ευρωπαϊκό Κοινωνικό Ταμείο

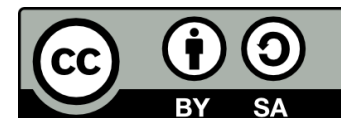


ΥΠΟΥΡΓΕΙΟ ΠΑΙΔΕΙΑΣ & ΘΡΗΣΚΕΥΜΑΤΩΝ, ΠΟΛΙΤΙΣΜΟΥ & ΑΘΛΗΤΙΣΜΟΥ
ΕΙΔΙΚΗ ΥΠΗΡΕΣΙΑ ΔΙΑΧΕΙΡΙΣΗΣ

Με τη συγχρηματοδότηση της Ελλάδας και της Ευρωπαϊκής Ένωσης



ΕΣΠΑ
2007-2013
πρόγραμμα για την ανάπτυξη
ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΩΝΙΚΟ ΤΑΜΕΙΟ



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Funding

- This educational material has been developed as part of the educational work of the academic teacher.
- The project "Open Academic Courses at Aristotle University of Thessaloniki" has only fund the reconfiguration and reshaping of the educational material.
- The project is implemented under the Operational Program "Education and Lifelong Learning" and is co-funded by the European Union (European Social Fund) and National resources.



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 5 “registration for acquiring a legal personality”

Article 5

“Provided that the legal conditions are met, the first instance court accepts the request and orders the following:

1. publish in the press the confession of faith and summary of the statute with its essential elements and
2. 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 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 5 (2)

- Article 5 states that when the court accepts the application for the acquisition of the legal personality by an applicant religious legal person it orders:
 1. The publishing in the press of the confession of faith and the summary of the statute with its essential elements.
 2. The religious legal person to be register in the register of religious legal persons.
- The data contained in the registration are the following:
 1. The name and the seat,
 2. The confession of faith,
 3. The date of the statutes,
 4. The names of the members of the administrations and of the religious minister,
 5. The conditions which limit those.



Article 5 (3)

- After the acceptance of the application , the statutes are ratified by the president of the court.
- In the sixth verse, the time in which the registration takes place is determined; immediately after the issuing of the judgment of the court.
- In the seventh verse there are some details concerning procedural time limits.





**ΑΡΙΣΤΟΤΕΛΕΙΟ
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Article 6 “Interventions and Judicial Remedies”

Article 6, § 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”.



Article 6, § 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”
- A third party natural or legal person or union of persons can proceed to an intervention in favor or against the applicant.
- Before the acquisition of legal personality is better to speak about a religious organization and not about a religious legal person.



Article 6, § 2 (2)

- If there is not an ecclesiastical person of the same religion, other religious legal persons of the same religion may intervene in favor of the applicant.
- The prosecutor of the first instance court ex officio upon request by the minister of education and religious affairs can intervene in the trial in favor or against the applicant of religious organization.





Article 8 “Management and General Assembly”

Article 8, § 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”.



Article 8, § 1 (2)

- Article 8 is problematic because it requires for a religious legal person to be administered either by its religious minister or by a multimember administrative board in which the religious minister's participation is obligatory. But there are religions which do not have religious ministers.
- There are also religions whose organizational administration does not provide them a religious minister. For these reasons, this disposition is against the constitutional and international religious human rights, especially the right to religious manifestation in conjunction with the rights of religious association.
- Additionally, it does not facilitate the acquisition of the legal personality by a religious organization through the form of a religious legal person; it makes more difficult this acquisition imposing administration of the religious legal person which is not provided eventually by the internal law of a religious community.



Article 8, § 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 8, § 2 (2)

- The disposition of the 1st verse, is not a problematic one because it speaks about the religions which have a democratic policy.
- It does not impose a democratic policy on all religions, despite their religious beliefs, according to which a religion can have a hierarchical policy (either monarchical or oligarchic).





Article 9 “Establishment of Worship Place and Monastic Institutions”

Article 9

“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 9 (2)

- Article 9 accords to the religious legal persons their religious rights, i.e. the right 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.
- The same religious legal persons can establish and operate camps and some social organizations as enumerated in the 2nd verse.
- Establishment and operation of this social organizations by the religious legal persons is done in conformity with the provisions in force valid for all.





Article 10 “Dissolution of a Religious Legal Person”

Article 10, § 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 public morals. The request is decided in accordance with non-contentious proceedings”.



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 10, § 1 (2)

- Article 10 states the following:
 1. The religious legal person is dissolved in the cases provided for in its statutes, and
 2. In case that its members are fewer than one hundred.
- This disposition is problematic. Fewer than one hundred members is a big number to permit the dissolution, when for the acquisition of the legal personality by a religious organization, according to international standards of religious human rights, usually a number of ten to fifteen members is sufficient. It is an excessive presupposition for dissolution for the religious legal person and for that reason is against the constitutional and international religious legal rights.



Article 10, § 1 (3)

In the 2nd verse of the paragraph 1 it is written that the religious legal person can be dissolved by the session of the first instance court.



Βιβλιογραφία

1. [Law 4301/2014](#)





End of Lecture

Edit: Γιώργος Μαριάς
Thessaloniki, October 2016



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