

**Subject: Regarding communication of the Ministry of Education, Research and Religious Affairs and the Church of Greece, the Church of Crete, the Holy Metropolises of the Dodecanese, the Jewish Communities and the Muftiates of Thrace**

On the occasion of the Ministry of Education, Research and Religious Affairs' direct correspondence to the Holy Metropolises of the Church of Greece via email, without prior notification and coordination with the General Secretariat for Religious Affairs, you are hereby informed of the following:

1. The Church of Greece, the Church of Crete, the Holy Metropolises of the country and their parishes do indeed constitute legal entities under public law, pursuant to the provisions of the Statutory Charter of the Church of Greece (Law 590/1977), the Statutory Charter of the Church of Crete (Law 4149/1961), and article 22 of Law 4301/2014; however, the de jure attribution of this specific legal status does not in no way render them state legal entities (they constitute non-governmental organizations and "entities distinct from the State from which they are entirely independent", according to the explicit wording of Judgment No. 492/1994 of the European Court of Human Rights, Holy Monasteries v. Greece) since this legal personality, in terms of their external legal relations, primarily aims to ensure enhanced legal protection against third parties, as provided for by the relevant provisions of public law. Furthermore, pursuant to article 68 of Law 4235/2014, ecclesiastical legal entities are subject to the provisions concerning General Government and the Public Sector, only insofar as these provisions expressly so provide (while maintaining in force solely those general and special provisions which explicitly establish state supervision over them, their administration and management, their financial and administrative control, as well as the hiring procedure and employment status of all types of their personnel, namely provisions aimed at safeguarding the public interest).

Finally, according to the established case law of the administrative courts, and in particular, the Council of State, Ecclesiastical Legal Entities do not fall within the sphere of public administration, do not exercise state authority, nor are their governing bodies subject to state supervision, given their religious nature (religious ministers do not, under any circumstances, acquire the status of civil servants but the spiritual/religious nature of their duties prevails, see also Council of State decisions 507/1983 and 4045/1983).

2. Consequently, the Ministry of Education, Research and Religious Affairs does not have the authority to exercise administrative supervision over these legal entities concerning their internal operation, as this would violate the principle of religious freedom, except in those specific cases expressly provided for by law (compulsory Law 2200/1940 "On Churches and Parish Priests", Law 590/1977 "On the Charter of the Church of Greece", Law 4149/1961 "On the Statutory Act of the Orthodox Church of Crete", Law 4301/2014). This supervision is exercised by the General Secretariat for Religious Affairs (Directorate for Religious Administration), pursuant to articles 41 and 42, paragraphs 1 and 2, cases b, c, d, and paragraph 4 of presidential decree 114/2014.
3. It must therefore be made clear to all departments of the Ministry that the legal status of the Church of Greece, the Church of Crete and the Holy Metropolises of the Dodecanese must not lead to erroneous conclusions regarding the relationship of these legal entities with the State,

the obligations these ecclesiastical legal entities may have toward the State, and, moreover, it must not lead to their being equated with other supervised legal entities.

4. It should be noted that a similar regime also applies to the Jewish Communities of Greece, which also enjoy the protection afforded by the recognition of their legal personality under public law, without, of course, becoming public services or being subject to the provisions governing the public sector.

In view of the above, the Heads of the General Directorates, Independent Directorates and Departments of the Ministry of Education, Research and Religious Affairs are hereby requested, henceforth, to send to the Directorate for Religious Administration, at the email address [dthrided@minedu.gov.gr](mailto:dthrided@minedu.gov.gr), all documents of current administrative nature or documents requesting various statistical or other data, circulars, ministerial decisions, which may concern the Church of Greece, the Church of Crete, the Holy Metropolises of the Dodecanese, other Ecclesiastical Legal Entities, the Jewish Communities of Greece, and the Muftiates of Thrace. The General Secretariat for Religious Affairs, through the Directorate for Religious Administration, is responsible to examine the content of such documents and verify whether they indeed concern the aforementioned legal entities, so that they may be sent to them in the appropriate manner and with due respect, in order to avoid future unnecessary friction and misunderstandings between the State and the ecclesiastical/religious authorities.