

Implementation Circular for Law 4957/2022 (reference no. 45293/01/29-04-2024)

New Horizons in Higher Education Institutions: Enhancing the quality, functionality and societal engagement of Higher Education Institutions, and other provisions.

With the enactment of Law 4957/2022 (A' 141) "New Horizons in Higher Education Institutions: Enhancing the quality, functionality, and societal engagement of Higher Education Institutions and other provisions", an end was put to the long-standing state of uncertainty regarding the religious ministers of the Church of Greece, the Church of Crete, and the Holy Metropolises of the Dodecanese.

Specifically:

- a. Paragraph 2 of article 347 of Law 4957/2022 (A' 141) solved the long-standing problem arising from the fact that 2.311 Parish priests of the Church of Greece were legally employed and paid despite the absence of corresponding permanent positions. Specifically, paragraph 2 states the following: "In the Holy Archdiocese of Athens and in the Holy Metropolises of the Church of Greece, two thousand three hundred and eleven (2.311) permanent positions of Parish priests shall be established, which shall be occupied by Parish priests who are already paid by the State and whose decision of appointment has been published in the official Government Gazette at the time of the entry into force of the present [...] The positions of the first subparagraph shall be added to the existing permanent positions of Parish priests of the first subparagraph of paragraph 1 of article 15 of the Emergency Law 536/1945 (A' 226). The expenditure shall be within the Medium-Term Framework of Financial Strategy".
- b. Paragraph 2 of article 348 of Law 4957/2022 (A' 141) solved the long-standing problem arising from the fact that all the Parish priests of the Church of Crete (955) were legally employed and paid despite the absence of corresponding permanent positions. In particular, paragraph 2 states the following: "In the Holy Archdiocese of Crete and in the Holy Metropolises of the Church of Crete, nine hundred and fifty-five (955) permanent positions of Parish priests shall be established, which shall be occupied by Parish priests who are already paid by the State and whose appointment decision has been published in the official Government Gazette at the time of the entry into force of the present [...] The expenses are within the Medium-Term Framework of Financial Strategy".
- c. Article 335 of Law 4957/2022 (A' 141) resolved the long-standing problem arising from the fact that all Parish priests (258), deacons (8) and preachers (5) of the Holy Metropolises of the Dodecanese were legally employed and remunerated while no corresponding permanent positions had been established.

By Law 4957/2022 (A' 141), without any additional cost to the State or the Church, the existing legislative framework for the payroll of a certain number of Deacons, Parish Priests and Preachers of the Orthodox Church was modernized, the discrepancy between the actual number of Deacons, Parish Priests and Preachers paid by the State and the number of permanent positions recognized by the State was resolved, the employment and pension rights of the Deacons, Parish Priests and Preachers paid by the State were guaranteed and an explicit provision was introduced that the Orthodox Church shall

exclusively bear the payroll cost of the Clerics hired beyond the permanent positions established by the State.

In addition, presidential decrees 14/2023 (A' 30) and 15/2023 (A' 30) were issued, allocating the total number of permanent positions for the Archbishop of Athens, the Archbishop of Crete, Assistant Bishops, Metropolitans, Parish Priests, Deacons, Preachers, and ecclesiastical employees in the Church of Greece and the Church of Crete, as provided for in Law 4957/2022 (A' 141).

It is recalled that the royal decrees provided for in paragraph 2 of article 15 of Emergency Law 536/1945 (A' 226), by which the 6,000 permanent positions for parish priest under that law were to be allocated, were never issued, resulting in obviously negative consequences for the State and, in particular, for the Church.

Furthermore, while paragraph 1 of article 15 of Emergency Law 536/1945 (A' 226) provided that "[...] parish priests serving in excess of this number (6.000) shall remain in service until their departure in any manner whatsoever," Law 4957/2022 (A' 141) established a number of permanent parish priest positions equal to the number of parish priests actually serving (permanent and temporary), who remain in the Holy Metropolises regardless of the departure of the parish priests (permanent or temporary) holding such positions.

Paragraph 2 of article 37 of Law 590/1977 (A' 146) ("Vacant permanent parish priest positions shall be filled permanently by married presbyters and temporarily by unmarried presbyters, as specifically determined by regulatory decisions of the Standing Holy Synod, approved by the Holy Synod of the Hierarchy and published in the Government Gazette") remains in force, and the relevant status (temporary/permanent) must be specified both in the appointment decision and its publication in the Government Gazette. The permanent positions of parish priests are permanent in nature, as they serve fixed and ongoing needs, regardless of whether the person appointed to a specific permanent position is married (permanent parish priest) or unmarried (temporary parish priest), as the choice of the person concerned is an internal matter (*interna corporis*) of the Church, although the status (temporary/permanent) must be specified in the Government Gazette publication of appointment.

Law 4957/2022 (A' 141) is the result of long, demanding but sincere consultations between the State and the Church, with full respect for the principle of the separation of roles and within the framework of mutual agreement; for this reason, the positive effects of its implementation should not be jeopardized during its application.

Since the publication of Law 4957/2022 (A' 141) in the Government Gazette, the provisions of articles 335, 347, and 348 shall apply, pursuant to which "[...] the permanent positions of clergy and ecclesiastical employees shall be filled in accordance with the procedure and requirements provided for in the applicable provisions, and the persons appointed thereto shall be paid by the State. [...] The filling of permanent positions of Parish Priests, Deacons, Preachers, and ecclesiastical employees shall be subject to the procedure provided for by the provisions regarding the annual human resources planning of the public administration. In particular, Law 4765/2021 (A' 6) shall apply for appointments to the position of ecclesiastical employee".

According to established case law, clergy constitute a completely distinct category of public officials whose duties are primarily religious (Council of State 507/1983, 3074/1984, 4548/1995, 2995/2014, and 210/2020). In particular, according to paragraph 6 of Council of State decision 2995/2014 “Parish priests of the Holy Churches of the Church of Greece, who are not civil servants within the meaning of article 103, paragraph 4 of the Constitution and the Civil Service Code, but religious ministers (see Council of State 507/1983, 4045/1983, 4548/1995, 433/1999, and 3120/2002), do hold permanent positions in the Holy Churches, which are legal entities under public law, falling within the wider public sector, and are paid by the State with the application of salary regulations applicable, in principle, to civil servants [...]”.

Furthermore, according to paragraph 21 of Plenary Council of State decision 210/2020: “As regards the status of the ministers and employees of the Church, it has been accepted that the employment relationship of parish priests with the Church and other ecclesiastical legal entities under public law is governed by the laws of the Greek State (Council of State 2439/2001). Furthermore, due to the special constitutional and legislative status of the relationship between Church and State, the ministers of the prevailing religion in Greece, including parish priests, hold permanent public positions and are paid from the state budget, although they continue, indeed, to be regarded not as civil servants or employees of a legal entity under public law, but primarily as religious ministers, even when they assume administrative duties, as they do not fall, from this perspective, within the scope of articles 103 and 104 of the Constitution (Council of State 3074/1984; see also 4548/1995 and 507/1983”.

Consequently, the filling of the vacant permanent positions under Law 4957/2022 (A’ 141), presidential decree 14/2023, and presidential decree 15/2023 (concerning Parish Priests, Deacons, Preachers, and Assistant Bishops) is a complex and specific procedure comprising two distinct stages: the substantive and the administrative.

The first stage, the substantive, consists of all acts relating to the internal affairs (*interna corporis*) of the Church. Only upon completion of this first stage, and always provided that the Church so wishes, may the second stage, which is purely administrative, follow. This consists of the issuance of the relevant administrative acts that concern or give rise to rights such as payroll, insurance, and related matters directly linked to the State.

These administrative acts must be issued in accordance with the procedures described below and, then, must be published in the Government Gazette.

1. Appropriations for filling vacant permanent Positions under Presidential Decrees 14/2023 (A’ 30), 15/2023 (A’ 30), and article 335 of Law 4957/2022 (A’ 141)

The filling of vacant permanent positions under Presidential Decree 14/2023 (A’ 30), Presidential Decree 15/2023 (A’ 30), and article 335 of Law 4957/2022 (A’ 141) requires the existence of the corresponding appropriation in the budget of the Ministry of Education, Religious Affairs and Sports. Pursuant to the combined application of the provisions of article 13, paragraph 5a of Law 4111/2013 (A’ 18), Law 4270/2014 (A’ 143), as amended and in force, paragraph 3 of article 12 of presidential decree 80/2016 (A’ 145), and article 73 of Law 4649/2019 (A’ 201), the issuance of the following constitute prerequisites for appointment or transfer: a) a certificate by the Minister of National

Economy and Finance and the General Government Budget Directorate of the General Accounting Office of the State confirming the existence of the relevant appropriation (whether transfer of appropriations or sufficiency of appropriations in the state budget), and b) a certificate by the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports on the draft appointment act, confirming the existence of a vacant permanent position and the relevant appropriation, regardless of whether it incurs an expense or not.

Specifically, the following provisions apply:

1. Paragraph 5a of article 13 of Law 4111/2013 (A' 18) provides that:

“5.a. All forms of remuneration for the parish clergy and other staff of the Holy Metropolises, paid from the off-budget account titled ‘Fund for the Payment of salaries of the parish clergy’, shall be charged to the budget of the Ministry of Education and Religious Affairs, Culture and Sports, in which specific appropriations are entered for this purpose. ‘Remuneration of any kind’ shall mean the basic salary or daily wage and anything related thereto and paid through payroll.”

2. Article 73 of Law 4649/2019 (A' 201) provides that:

“To cover the payroll costs arising from the appointment of permanent employees and the hiring of public sector employees and legal entities under private law contracts of indefinite term, whose payroll is directly charged to the regular budget, appropriations shall be provided under special Analytical Expenditure Accounts of the budget of the Special Entity ‘General State Expenditures’ of the Ministry of Finance. Confirmation of the availability of appropriations in the regular budget shall be issued at the beginning of the fiscal year by the Minister of Finance, and the competent financial services shall confirm that the conditions for budgetary provision for the relevant acts are met. Upon completion of the aforementioned acts, the resulting expenditure, where necessary, shall be addressed through a reduction of the appropriations of the Analytical Expenditure Accounts referred to in the first subparagraph of this paragraph and a corresponding increase in the relevant payroll appropriations by decision of the Minister of Finance. Case (b) of paragraph 2 of article 12 of presidential decree 80/2016 (A' 145) shall not apply. Payroll expenses arising from the appointment of members of the Government, Deputy Ministers, General, Special and Service Secretaries of Ministries, as well as Coordinators of Decentralized Administrations, and from the filling of the statutory staff positions of their offices and of the Office of the Presidency of the Republic, shall be covered in accordance with the provisions of the preceding subparagraphs.”

Furthermore, the concept of appointment includes the administrative acts of recruitment, integration, transfers, and promotions to a higher clerical rank (see our document, ref. no. 228824/Θ1/29-12-2017 entitled “Procedure for the approval or adequacy of payroll appropriations for the appointment of clergy,” to the Holy Synod of the Church of Greece and the Holy Metropolises of the Church of Greece through the Holy Synod, the Holy Provincial Synod of the Church of Crete and the Holy Metropolises of the Church of Crete through the Holy Provincial Synod, and to the Holy Metropolises of the Church of the Dodecanese).

The following conclusions can be drawn from the above:

1. The issuance of a certificate by the Minister of National Economy and Finance and the General Government Budget Directorate of the General Accounting Office of the State confirming the existence of the relevant appropriation (whether concerning transfer of appropriations or sufficiency of appropriations in the state budget), and a certificate by the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports on the draft appointment act, confirming the existence of a vacant permanent position and the relevant appropriation, regardless of whether it incurs an expense or not, are established as a prerequisite for appointment or transfer (filling of vacant permanent positions under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141)).
2. The Head of the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports is, by law, the competent authority to certify the availability of appropriations for filling vacant permanent positions under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).
3. The publication of administrative acts concerning the filling, by any means, of vacant permanent positions of clergy (parish Priests, deacons, preachers, and assistant bishops) and ecclesiastical employees under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141) must mandatorily be accompanied by the certificate of available appropriations issued by the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports, which constitutes an essential formality of the act; otherwise, the aforementioned administrative acts shall be null and void.

II. Filling of vacant permanent positions under Presidential Decrees 14/2023 (A' 30) and 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141)

Specifically, the filling of vacant permanent positions under Law 4957/2022 (A' 141), presidential decree 14/2023, and presidential decree 15/2023 (concerning Parish Priests, Deacons, and Preachers), with regard to the second stage, the administrative, may be carried out in the following ways:

- A1. Appointment of Parish Priests, Deacons, and Preachers,
- A2. Reappointment of Parish Priests, Deacons, and Preachers [reinstatement of Parish Priests, Deacons, and Preachers who were dismissed due to retirement but did not retire due to a misinterpretation of the actual facts, or who were dismissed due to defrocking, but were granted a pardon by presidential decree pursuant to article 155 of Law 5383/1932 (A' 110)],
- B. Transfer and mutual transfer of Parish Priests and Deacons,
- C. Transfer (from Deacon to Parish Priest following ordination),
- D. Transfer of clergy to a position of Preacher and vice versa,
- E. Election of Assistant Bishops.

A. Appointment- reappointment of a deacon, parish priest, and preacher

A1. Prerequisite for the appointment of a deacon, parish priest, or preacher:

1. The existence of vacant permanent positions under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141), resulting from the departure, for any reason whatsoever, of a parish priest, deacon, or preacher.
2. A request by the Ministry of Education, Religious Affairs and Sports to the Ministry of the Interior for the inclusion of the vacant permanent positions created during the previous year in the annual recruitment plan, in order to ensure, where fiscal conditions permit, the ratio of one appointment to one departure (1:1).
3. An approving act of the Council of Ministers concerning recruitment planning, which accepts the request of the Ministry of Education, Religious Affairs and Sports, in whole or in part.
4. Issuance of a decision by the Minister of the Interior regarding the allocation of personnel to the Ministry of Education, Religious Affairs and Sports.
5. Issuance of a decision by the Minister of Education, Religious Affairs and Sports regarding the allocation of vacant permanent positions to be filled under Law 4957/2022 (A' 141), Presidential Decree 14/2023 (A' 30), and Presidential Decree 15/2023 (A' 30) to the Holy Metropolises.
6. Issuance of a certificate of available appropriations.

It is noted that the total number of vacant permanent positions to be filled under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141), as determined by the act of the Council of Ministers, is final and shall not be subject to any subsequent amendment.

Reallocation of appropriations for filling positions among Holy Metropolises of the same ecclesiastical jurisdiction shall be permitted and shall be carried out by amending item 5 of the prerequisites of the Ministerial Decision and requires: a) the existence of a vacant permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141) in the receiving Holy Metropolis, and b) a decision of the Standing Holy Synod for the Church of Greece, the Holy Provincial Synod for the Church of Crete, and the consent of the competent Metropolitans for the Holy Metropolises of the Dodecanese.

A2. Appointment Procedure

A prerequisite for appointment to a vacant permanent position of a deacon, parish priest, or preacher under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141) is the issuance of a certificate confirming the existence of the relevant appropriation, in accordance with the aforementioned provisions (paragraph 5a of article 13 of Law 4111/2013 (A' 18), Law 4270/2014 (A' 143), as amended and in force, paragraph 3 of article 12 of Presidential Decree 80/2016 (A' 145), and article 73 of Law 4649/2019 (A' 201), namely the issuance of a certificate by the Minister of National Economy and Finance confirming the existence of the relevant

appropriation in the state budget, as well as a certificate by the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports on the draft appointment act, confirming the existence of a vacant permanent position and the relevant appropriation, regardless of whether it incurs an expense or not. The issuance of the above administrative acts is a prerequisite for the publication of the appointment decision in the Government Gazette. Furthermore, pursuant to paragraph 4 of article 12 of Presidential Decree 80/2016 (A' 145), any appointment acts issued in violation of the above shall be null and void.

Therefore, in order to harmonize the appointment procedure for deacons, parish priests, or preachers filling vacant permanent positions under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141) in the Holy Metropolises in accordance with the aforementioned provisions, the following must be done:

1. Once the prescribed procedures for the ordination and appointment of deacons, parish priests and preachers (article 38, paragraph 2 of Law 590/1977, Law 4149/1961, and point 3B of paragraph 1 of article 6 of Law 4218/2013 for the Holy Metropolises of the Dodecanese), each Holy Metropolis shall draft the appointment decision for each deacon, parish priest (specifying whether temporary/permanent), or preacher filling a vacant permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).
2. The draft appointment decision, without date, reference number and the signature of the Metropolitan, is sent by email to the Directorate of Religious Administration/ Department A' Ecclesiastical Administration, specifically to dthrided@minedu.gov.gr
3. The Directorate of Religious Administration, in cooperation with the General Directorate of Budget and Public Expenditures of the Ministry of Education, Religious Affairs and Sports, which is responsible throughout the year for certifying that the conditions for a budget provision for the relevant appointment acts, shall take the necessary steps for the issuance of the certificate by the Minister of National Economy and Finance regarding the existence of appropriations in the regular budget.
4. The Directorate of Religious Administration/Department A' Ecclesiastical Administration informs the Holy Metropolis by email of the reference number of the confirmation of appropriations in the regular budget of the Minister of National Economy and Finance.
5. The Holy Metropolis shall include in the preamble of the draft appointment decision of the deacon, parish priest or preacher filling a vacant permanent decision under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141), the reference number of the certificate of the Minister of National Economy and Finance confirming the availability of the relevant appropriation in the regular budget.
6. The Holy Metropolis includes the date and reference number in the draft appointment decision and, then, the Metropolitan signs the draft.

7. The Holy Metropolis forwards, via a cover letter, the original draft appointment decision of the deacon, parish priest or preacher filling a vacant permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141) to the Directorate of Religious Administration/Department A', so that the General Directorate of Administrative services of the Ministry of Education, Religious Affairs and Sports may certify the appropriation (paragraph 5, Article 12, Presidential Decree 80/2016), following verification of the existence of a vacant permanent position for a deacon, parish priest, or preacher under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).
8. The Directorate of Religious Administration/Department A' Ecclesiastical Administration returns the original draft appointment decision to the Holy Metropolis once the General Directorate of Financial Services of the Ministry of Education has confirmed the availability of the relevant appropriation following verification of the existence of a vacant permanent position of a deacon, parish priest or preacher under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).
9. The Holy Metropolis sends the summary of the appointment decision for (indicating the status as temporary/permanent regarding the appointment of a parish priest or a deacon) to the Government Gazette for publication after issuing the required registration certificate in the Human Resources Registry of the Ministry of the Interior.
10. Transmission to Department A' for Ecclesiastical Administration of the Directorate of Religious Administration of the issue of the Government Gazette in which the appointment decision was published.

A3. Reappointment Procedure of a deacon, parish priest, preacher and ecclesiastical employee to a permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141)

For the reappointment of a deacon, parish priest, and preacher (reinstatement of a deacon, parish priest who was dismissed due to retirement and not due to a misinterpretation of the facts, or was dismissed due to defrocking but were granted a pardon by presidential decree pursuant to article 155 of Law 5383/1932 (A' 110)), the procedures described above, under points 1 through 10, shall apply.

B. Transfer and mutual transfer of a deacon or parish priest holding permanent positions under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141)

It is clarified that the provisions set out below shall apply to the transfer and mutual transfer of a deacon or parish priest between Holy Metropolises belonging either to the same or to a different ecclesiastical jurisdiction. The transfer of a parish priest or deacon between parishes within the same Holy Metropolis shall not fall under the procedure below.

B1. Prerequisites for transfer

1. The existence of a corresponding vacant permanent position for a deacon or parish priest under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and Article 335 of Law 4957/2022 (A' 141).
2. The deacon or parish priest must hold a permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).
3. Certification of the existence of a corresponding vacant permanent position for a deacon or parish priest under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141) in the receiving Holy Metropolis.

It is clarified that the transfer or mutual transfer shall be permitted exclusively to a corresponding position; namely, the deacon may be transferred only to a vacant permanent position of deacon, and a parish priest only to a vacant permanent position of parish priest. Transfer to a different permanent position shall not be permitted (e.g. transfer of a deacon to a parish priest position).

B2. Transfer Procedure

Before issuing:

a) The Letter of Release by the competent Metropolitan to the cleric so that he may be incorporated into the jurisdiction of the other Holy Metropolis, and b) the written consent of the Metropolitan of the receiving Holy Metropolis, the Department A' of Ecclesiastical Administration of the Directorate of Religious Administration must first issue a certificate to the competent Metropolitan confirming the existence of a vacant permanent position in the Holy Metropolis to which the cleric wishes to be transferred.

The relevant certificate shall be issued following a written request from the competent Metropolitan (namely, the Metropolitan who is to issue the Letter of Release), through the Standing Holy Synod, to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration.

The Metropolitan of the new jurisdiction (receiving Holy Metropolis) shall inform Department A' of Ecclesiastical Administration of the Directorate of Religious Administration of the date of completion of the transfer, as well as the Public Sector Human Resources Registry regarding this change.

For the transfers of clerics to another Holy Metropolis pursuant to subparagraphs 7(b) and 7(c) of article 37 of Law 590/1977 and subparagraphs 1(c) and 1(d) of article 10 of K 1/13, the relevant certificate shall be issued upon a written request from the President of the Standing Holy Synod or the Synodical Court for the Church of Greece, or from the competent Archbishop or the Ecclesiastical Court for the Church of Crete, respectively.

B3. Procedure for Mutual Transfer between Holy Metropolises

The Holy Metropolises shall notify Department A' of Ecclesiastical Administration of the Directorate of Religious Administration of the date of completion of the mutual transfer and shall notify the Public Sector Human Resources Registry of this change.

If a deacon or parish priest is transferred without the above procedures being followed, the transfer shall be null and void.

C. Transfer of a deacon to a parish priest position following ordination

The transfer of a deacon to a parish priest position concerns a deacon holding a permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141), and does not apply to unpaid deacons.

According to article 6 of Law 1398/1973, "On the establishment of permanent deacon positions within the Holy Archdiocese of Athens and the Holy Metropolises of the Church of Greece":

"Deacons appointed in accordance with the provisions of this law and having reached the age limit required for ordination to the priesthood may, upon ordination, occupy a parish priest position, subject to the provisions regarding the appointment of parish priests, while retaining the same salary grade and the salary they have already acquired, based on the time already served in that position, which shall be taken into account for their further salary progression as parish priests."

According to article 6 of Law 1399/1973, "On the establishment of permanent deacon positions within the Holy Archdiocese of Crete and the Holy Metropolises of Crete and the Dodecanese":

"Deacons appointed in accordance with the provisions of this law and having reached the age limit required for ordination to the priesthood may, upon ordination, occupy a parish priest position, subject to the provisions regarding the appointment of parish priests, while retaining the same salary grade and the salary they have already acquired, based on the time already served in that position, which shall be taken into account for their further salary progression as parish priests."

For the implementation of the above provisions regarding the second stage, namely the purely administrative, the following shall apply:

C1. Prerequisite for transfer

1. The existence of vacant permanent parish priest positions under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022.
2. The deacon must hold a permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022.
3. Certification of available appropriation.

C2. Transfer Procedure

A prerequisite for a deacon holding a permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022, following his ordination as a presbyter, to fill a vacant permanent parish priest position under Presidential

Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and Article 335 of Law 4957/2022 (A' 141), is the issuance of a certificate confirming available relevant appropriation, pursuant to paragraph 3 of article 12 of Presidential Decree 80/2016 (A' 145).

Pursuant to the foregoing, the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports shall issue the relevant certificate of budgetary availability, following verification of the existence of a vacant permanent parish priest position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141), so that the summary of the transfer decision may be published in the Government Gazette.

According to paragraph 4 of article 12 of Presidential Decree 80/2016, transfer acts issued in violation of the above shall be null and void.

Therefore, once the first stage ("substantive") is completed, the Holy Metropolis shall draft the decision to transfer the parish priest to a vacant permanent parish priest position (with reference to the status of temporary/permanent appointment) under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).

1. The original draft of the transfer decision, bearing the date, reference number, and the signature of the Metropolitan, shall be sent to the Directorate of Religious Administration/Department A' of Ecclesiastical Administration, so that the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports may certify the availability of the relevant appropriation on the draft decision (paragraph 5, article 12, Presidential Decree 80/2016), following verification of the existence of a vacant permanent parish priest position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).
2. The Directorate of Religious Administration/Department A' of Ecclesiastical Administration shall return the original draft decision to the Holy Metropolis after the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports confirms the availability of the relevant appropriation on the draft, following verification of the existence of a vacant permanent deacon or parish priest position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).
3. The Holy Metropolis shall send a summary of the decision to the Government Gazette for publication, after completing the initial registration certificate in the Human Resources Registry of the Ministry of the Interior.
4. The issue of the Government Gazette in which the transfer decision has been published shall be sent to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration.

It is clarified that the deacon's salary shall continue to be paid regularly until the publication in the Government Gazette of the transfer decision and the commencement of his salary as a parish priest.

D. Transfer of clergy to a Preacher Position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141), and vice versa

D1. Church of Greece

Pursuant to paragraph 5 of article 25, "Positions of Preachers," of Law 817/1978:

"5. The positions of the preachers referred to in the preceding paragraphs of this article shall be filled by unmarried clerics holding a degree from an Orthodox Theological School, appointed by act of the competent Archbishop."

Furthermore, pursuant to paragraph 3 of article 21 of 305/2018 concerning parish priests and deacons of the Church of Greece:

"3. Parish priests possessing the required legal qualifications may be transferred to vacant permanent positions of Preachers of the Holy Metropolises of the Church of Greece, and vice versa, by decision of the Standing Holy Synod, published in the Government Gazette, upon request of the interested party and with the consent of the competent Metropolitan."

D2. Church of Crete

Pursuant to the provisions of article 52 of Law 4149/1961:

1. Two positions of Preachers are established within the Holy Metropolis of Crete, as well as within each of the Holy Bishoprics.
2. A Preacher, unmarried and a graduate of the Theological School of Chalki or of the Theological School of the University of Athens or Thessaloniki or another equivalent Orthodox Theological School, shall be appointed, without a competitive examination. The appointment shall be effected by act of the Metropolitan of Crete following a decision of the Service Council pursuant to the provisions of this article.
3. The provisions in force at any given time concerning the Preachers of the Orthodox Church of Greece shall likewise apply to the Preachers of the Orthodox Church of Crete."

Furthermore, pursuant to article 16 of K. 1/13 concerning Parish Priests and Deacons of the Church of Crete:

"2. Unmarried clerics shall be appointed to these positions by decision of the competent Archbishop. With regard to their salaries, insurance, and pension rights, the provisions in force at any given time shall apply.

3. Monks possessing the legal qualifications, who are registered in the monastic registers of the Holy Monasteries of the competent Holy Metropolis and are appointed as temporary Parish Priest–Preachers, regardless of the number of families in a parish, shall, where the spiritual needs of the parish require the appointment of a cleric suitable for preaching, confession, catechetical ministry, and similar duties, remain and serve as temporary Parish Priest–Preachers, being restricted exclusively to the aforementioned spiritual duties, without any interference in the duties and rights of the permanent Parish Priests."

D3. Holy Metropolises of the Dodecanese

Pursuant to article 345 of Law 4957/2022:

“For any matters not regulated herein, the provisions of Law 4149/1961 (A’ 41) shall apply, and insofar as they are not regulated therein, the provisions of Law 590/1977 (A’ 146) shall apply mutatis mutandis.”

Based on the combination of the above provisions, the Service considers that the filling of a vacant permanent position of Preacher under Presidential Decree 14/2023 (A’ 30), Presidential Decree 15/2023 (A’ 30), and article 335 of Law 4957/2022 (A’ 141) through the transfer procedure is permitted.

It is clarified that the following provisions shall apply to the transfer of a preacher between Holy Metropolises belonging either to the same or different ecclesiastical jurisdiction.

D4. Prerequisites

1. The existence of a vacant permanent Preacher position under Presidential Decree 14/2023 (A’ 30), Presidential Decree 15/2023 (A’ 30), and article 335 of Law 4957/2022 (A’ 141).
2. The cleric must hold a permanent position under Presidential Decree 14/2023 (A’ 30), Presidential Decree 15/2023 (A’ 30), and Article 335 of Law 4957/2022.
3. Certification of available appropriation.

D5. Procedure

A prerequisite for the transfer of a cleric to fill a vacant permanent preacher position under Presidential Decree 14/2023 (A’ 30), Presidential Decree 15/2023 (A’ 30), and article 335 of Law 4957/2022 (A’ 141), is the issuance of a certificate confirming the availability of the relevant appropriation pursuant to paragraph 3 of article 12 of Presidential Decree 80/2016 (A’ 145).

Pursuant to the foregoing, the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports shall issue the relevant certificate of available appropriation, following verification of the existence of a vacant permanent preacher position under Presidential Decree 14/2023 (A’ 30), Presidential Decree 15/2023 (A’ 30), and article 335 of Law 4957/2022 (A’ 141), so that the summary of the transfer decision may be published in the Government Gazette.

Furthermore, pursuant to paragraph 4 of article 12 of Presidential Decree 80/2016, transfer acts issued in violation of the above shall be null and void.

Therefore, once the first stage (“substantive”) is completed:

1. The Department A’ of Ecclesiastical Administration of the Directorate of Religious Administration shall receive the extract of the act of the Standing Holy Synod by which the transfer of a cleric to a vacant permanent preacher position under Presidential Decree 14/2023 (A’ 30) within a Holy Metropolis of the Church of Greece was approved, the extract of the act of the Holy Provincial Synod of Crete by which the transfer of a cleric to a vacant preacher permanent position under Presidential Decree 15/2023 (A’ 30) within a Holy Metropolis of the Church of Crete was approved, the extract of the act of the Metropolitan Council by which the transfer of a cleric to a vacant preacher permanent position under article 335 of Law 4957/2022 (A’ 141) within the competent Holy Metropolis of the Dodecanese was approved, so that the General Directorate of Financial Services of the Ministry of Education,

Religious Affairs and Sports may certify the availability of the relevant appropriation on the draft act (paragraph 5, article 12, Presidential Decree 80/2016), following verification of the existence of a vacant preacher permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).

2. The Directorate of Religious Administration/Department A' of Ecclesiastical Administration shall return the extract once the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports has confirmed the availability of the relevant appropriation on the draft act, following a verification to confirm the existence of a vacant preacher permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141).
3. The competent Holy Synod or Holy Metropolis shall send a summary of the decision to the Government Gazette for publication, after completing the initial registration certificate in the Public Sector Human Resources Registry.
4. The issue of the Government Gazette in which the transfer decision was published shall be sent to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration.

The above provisions shall apply mutatis mutandis to the filling of vacant preacher permanent positions under Presidential Decree 14/2023 (A' 30) of the Church of Greece (Holy Synod of the Church of Greece).

Finally, the following are noted:

The publication of administrative acts concerning the transfer of a cleric to a Preacher position, and vice versa, must be obligatorily accompanied by a certificate of budgetary availability of the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports, which constitutes an essential formality of the act, and its absence constitutes grounds for annulment.

The transfer of a Preacher to a clerical position shall follow a procedure analogous to the above.

It should be noted that the procedure concerns the transfer of a cleric holding a permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and Article 335 of Law 4957/2022 (A' 141) to a vacant preacher permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141), and vice versa.

E. Election of Assistant Bishops to vacant permanent positions under Presidential Decree 14/2023 (A' 30)

E1. Prerequisites

1. The existence of a vacant permanent position of Assistant Bishop under Presidential Decree 14/2023 (A' 30).
2. The candidate to be elected must hold a permanent position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and Article 335 of Law 4957/2022.

3. Certification of available appropriation.

E2. Procedure

A prerequisite for the filling of a vacant permanent position of Assistant Bishop under Presidential Decree 14/2023 (A' 30) is the issuance of a certificate by the General Government Budget Directorate of the General Accounting Office of the State, confirming the availability of the relevant appropriation pursuant to paragraph 3 of article 12 of Presidential Decree 80/2016 (A' 145).

Pursuant to the above, the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports shall provide the relevant certificate of budgetary availability, following verification of the existence of a vacant permanent position of Assistant Bishop under Presidential Decree 14/2023 (A' 30), so that the summary of the election decision may be published in the Government Gazette.

Furthermore, pursuant to paragraph 4 of article 12 of Presidential Decree 80/2016, administrative acts issued in violation of the above shall be null and void.

Therefore, once the first stage ("substantive") is completed:

1. The extract of the act of the Holy Synod by which the Assistant Bishop was elected shall be sent to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration, so that the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports may certify the availability of the relevant appropriation on the extract (paragraph 5, article 12, Presidential Decree 80/2016), following verification of the existence of a vacant permanent position of Assistant Bishop under Presidential Decree 14/2023 (A' 30).
2. The Directorate of Religious Administration/Department A' of Ecclesiastical Administration shall return the extract after the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports certifies the availability of the relevant appropriation on the draft, following verification of the existence of a vacant permanent position of Assistant Bishop under Presidential Decree 14/2023 (A' 30).
3. The Holy Synod shall send a summary of the decision to the Government Gazette for publication, after completing the initial registration confirmation in the Human Resources Registry of the Ministry of the Interior.
4. The issue of the Government Gazette in which the extract of the election act was published shall be sent to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration.

The publication of administrative acts concerning the election of Assistant Bishops must obligatorily be accompanied by the certification of budgetary availability issued by the General Directorate of Financial Services of the Ministry of Education, Religious Affairs and Sports, which constitutes an essential formality of the act, and its absence constitutes grounds for annulment.

The above shall apply *mutatis mutandis* to the filling of a vacant permanent position of Assistant Bishop under Presidential Decree 15/2023 (A' 30) for the Church of Crete.

III. Maintenance of the necessary records to ensure the permanent positions under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and Article 335 of Law 4957/2022 (A' 141)

Notification to the competent Service regarding the maintenance of the necessary records to ensure the permanent positions shall be made through the Holy Synod of the Church of Greece, the Holy Provincial Synod of the Church of Crete, and the Holy Metropolises of the Dodecanese, as follows:

With regard to staff departures:

A) Death of a cleric

The competent Metropolitan shall notify Department A' of Ecclesiastical Administration of the Directorate of Religious Administration of the certificate of removal from Greek Public Sector Human Resources Registry of the deceased cleric.

B) Dismissal of a cleric

The competent Metropolitan shall notify Department A' of Ecclesiastical Administration of the Directorate of Religious Administration of the Government Gazette issue containing the dismissal act. This applies to cases of dismissal of a cleric due to retirement age, inability to perform duties due to mental or physical illness, reinstatement to the laity or monastic order, as well as the dismissal/revocation of the appointment of an unmarried (temporary) parish priest or deacon.

C) Transfer of a parish priest or deacon from one Holy Metropolis to another (paragraph 7 of article 37 of Law 590/1977 (A' 146))

The Metropolitan of the new jurisdiction (receiving Holy Metropolis) shall notify Department A' of Ecclesiastical Administration of the Directorate of Religious Administration and the Greek Public Sector Human Resources Registry.

D) Transfer of a cleric to a preacher position and vice versa

The competent Metropolitan shall notify Department A' of Ecclesiastical Administration of the Directorate of Religious Administration of the Government Gazette publication of the transfer decision.

With regard to staff additions:

A. Appointment of a parish priest or deacon or preacher

The issue of the Government Gazette in which the appointment decision was published shall be sent to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration.

B. Transfers and mutual transfers

The Metropolitan of the new jurisdiction (receiving Holy Metropolis) shall notify Department A' of Ecclesiastical Administration of the Directorate of Religious Administration and the Greek Public Sector Human Resources Registry.

C. Transfer from deacon to parish priest due to ordination

The issue of the Government Gazette in which the transfer decision to a vacant parish priest position was published shall be sent to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration.

D. Transfer of a cleric to a preacher position and vice versa

The competent Metropolitan shall notify Department A' of Ecclesiastical Administration of the Directorate of Religious Administration of the Government Gazette publication of the transfer decision.

E. Reappointment of a cleric

The issue of the Government Gazette in which the reappointment decision was published shall be sent to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration.

F. Election of Assistant Bishop

The issue of the Government Gazette in which the election decision was published shall be sent to Department A' of Ecclesiastical Administration of the Directorate of Religious Administration.

It should be noted that in the following cases:

- A. Transfer of a deacon to a parish priest, one deacon position is vacated and one parish priest position is filled within the same Holy Metropolis.
- B. Transfer of a parish priest or deacon between Holy Metropolises of the same or different ecclesiastical jurisdiction, one parish priest or deacon position is vacated in the Holy Metropolis of origin and a corresponding vacant permanent position is filled in the receiving Holy Metropolis.
- C. Transfer of a cleric holding a permanent parish priest position under Presidential Decree 14/2023 (A' 30), Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141) to a preacher position, one clerical position is vacated and one preacher position is filled, and vice versa.
- D. Transfer of a Preacher between Holy Metropolises of the same or different ecclesiastical jurisdiction, one Preacher position is vacated in the Holy Metropolis of origin and one vacant Preacher position is filled in the receiving Holy Metropolis.
- E. Election of an Assistant Bishop, one parish priest position is vacated and one position of Assistant Bishop is filled.

It is essential that the Holy Metropolises follow the procedure of notifying the Service of changes in the permanent positions under Presidential Decree 14/2023 (A' 30),

Presidential Decree 15/2023 (A' 30), and article 335 of Law 4957/2022 (A' 141), otherwise the Service will henceforth not be in a position to certify the number of vacant permanent positions and, consequently, it will not be possible to prepare a relevant request of the Ministry of Education, Religious Affairs and Sports to the Ministry of the Interior for the application of the 1:1 ratio when planning the following year's appointments for the Holy Metropolises that fail to notify such changes.

IV. Table of acts to be published in the Government Gazette

Act

1. Dismissal of (temporary/permanent) parish priest, deacon, or preacher
2. Transfer of (temporary/permanent) parish priest to a preacher position and vice versa
3. Appointment of a deacon, (temporary/permanent) parish priest, or preacher
4. Reappointment of a deacon, (temporary/permanent) parish priest, or preacher
5. Transfer from deacon to (temporary/permanent) parish priest due to ordination
6. Election of an Assistant Bishop

It should be noted that the above acts shall be published in the Government Gazette only if the draft bears the act number of the General Director of Financial Services of the Ministry of Education, Religious Affairs and Sports certifying the existence of appropriation (regardless of whether it incurs an expense).

From the date of issuance of this document, the Service's circulars with reference numbers 87203/01/2-8-2023, 136811/01/29-11-2023, 87638/2-8-2023, and 87219/2-8-2023 shall cease to be in force.