

**LAW No. 3647/2008 «Administration and Management of the Waqfs of the Muslim Minority in Western Thrace and Their Property»**

**PART A GENERAL PROVISIONS**

**Article 1**

**Legislative Framework**

Matters relating to the administration and management of the Waqfs of the Muslim Minority of Western Thrace and their property shall be governed by:

- a. the Treaty of Lausanne, ratified by Article 1 of the Decree Law of 25 August 1923 and
- b. the present Law.

**Article 2**

**Waqf**

A Waqf is a dedication under the Islamic Holy Law, which includes immovable and/or movable property or revenue, for a pious, benevolent, charitable or public benefit purpose in general, or in favor of a charitable, religious or pious foundation, which either exists or is to be established for a non-profit purpose.

**Article 3**

**Waqf Property**

1. Waqf property consists of the Waqf itself, as well as any other movable or immovable asset dedicated to the operation of the Waqf, whether in terms of purpose or institution, as defined in the preceding Article.
2. The management of Waqf property shall be conducted in accordance with the provisions governing legacies and charitable institutions.
3. Members of the Committees managing Waqf property are obliged to respect Muslim principles and traditions in its management. Supervision in this respect is exercised by the Mufti.
4. Committee managing the revenues of Waqf property may allocate them for:
  - a. the repair of mosques, prayer houses and other sacred sites, boarding schools, bridges, springs, and the maintenance of cemeteries within the boundaries of the relevant Prefecture;
  - b. the provision of charitable assistance to persons in need;
  - c. legal support for claims, the adoption of interim measures, and court representation for the general protection of Waqf property;
  - d. the payment of debts and encumbrances of Waqf property.

- e. The management of Waqf revenues for any other purpose, including the disposal of immovable property, the establishment of mortgages, construction under land-for-flats arrangements, acquisition of real estate, and financial support to another Waqf, shall require the prior consent of the competent Mufti.

#### **Article 4**

##### **Waqfs with Immovable Property**

1. Existing Waqfs that include immovable property shall, from the entry into force of this Law, constitute separate legal entities under private law and shall be regarded as charitable institutions that operate for the purpose for which they were established.
2. Waqfs within the meaning of the preceding paragraph shall also include public Muslim cemeteries located in the Prefectures of Xanthi, Rodopi and Evros.
3. Waqfs intended for common use in accordance with Article 967 of the Civil Code shall not be considered legal entities under private law.

#### **Article 5**

##### **New Waqfs**

Waqfs established after the entry into force of this Law and comprising movable or immovable property shall be governed, as regards their establishment and administration, by the provisions of the Civil Code concerning Institutions, and, as regards their management, by the present Law.

### **PART B WAQF COMMITTEES**

#### **Article 6**

##### **Waqf Committee**

1. Waqf property corresponding to each mosque or group of mosques in settlements of Thrace outside the municipal boundaries of Komotini, Xanthi and Didymoteicho shall be managed by a Waqf Committee, exercising its powers in accordance with the practice established since the creation of the Waqf.
2. The Waqf Committee shall consist of three members: the President (Mutawalli), the Treasurer, and one member.

#### **Article 7**

##### **Election of the Waqf Committee**

1. The Muslim residents of the settlement to which the Waqf belongs shall elect the Waqf Committee, following consultation with the Imam of the mosque to which the Waqf belongs.

2. Immediately after its election, the Waqf Committee shall be constituted as a body through the election, by absolute majority, of the President (Mutawalli) and the Treasurer. The newly elected President shall notify the competent Mufti of the election results and the constitution of the Committee.
3. The competent Mufti shall ratify the election results by decision and shall inform the Secretary General of the Region.

#### **Article 8**

##### **Replacement of Waqf Committee Members**

In cases of refusal of appointment, death or serious illness, resignation or removal of a member, the Waqf Committee shall continue to operate provided that at least two members remain, occupying the positions of President (Mutawalli) and Treasurer. In case of disagreement, the Mufti shall resolve the dispute. If the Committee cannot function, the election procedure of Article 7 shall be repeated.

#### **Article 9**

##### **Accountability of the Waqf Committee**

The Waqf Committee, in addition to its management obligations provided in paragraph 2 of Article 3 of this law, is required to submit to the Mufti an accurate annual account of its financial management.

### **PART C MANAGEMENT COMMITTEES**

#### **Article 10**

##### **Management Committee**

1. The administration and management of each of the legal entities referred to in Article 4 within the Municipalities of Xanthi, Komotini and Didymoteicho shall be exercised by one Management committee in each of the three cities. The Management committees shall consist of five (5) members. Their members shall be elected by secret ballot by Muslim men and women who are registered in the electoral rolls of the Municipalities where the Waqfs, subject to the respective Committee, are located.
2. By way of exception, the Secretary General of the Region may, by decision and depending on the purpose, designate that a group of Waqfs per municipality, located within the administrative boundaries of the Municipality of Xanthi or Komotini or Didymoteicho, shall be administered and managed by a special Management Committee, to which the provisions of Articles 10 of this Law shall apply accordingly. In doing so, the Secretary General of the Region shall take into account the intention of the dedicant with regard to the charitable or religious purpose of each Waqf.

**Article 11**  
**Election of the Management Committee**

The electoral system and the procedure for the conduct of elections for all Management Committees, the participation of voters therein, the supervision of elections, the proclamation of successful candidates and the review of elections shall be governed by the analogous application of Articles 32 to 74 of the Code of Municipalities and Communities, with the exception of paragraph 3 of Article 34 (Law 3463/2006). The necessary adaptations concerning the electoral procedure shall be determined by a joint decision of the Ministers of the Interior, Economy and Finance, Foreign Affairs and National Education and Religious Affairs.

**Article 12**  
**Constitution of the Management Committee**

1. The Management Committee, immediately after the proclamation of the successful candidates, shall be constituted as a body through the election, by absolute majority, of a President, Vice-President, Secretary and Treasurer. The Vice-President shall substitute the President in all his or her duties in the event of absence or impediment. The President and the members of the Management Committee may receive reasonable remuneration for their services, which shall be determined by decision of the Management Committee and shall be borne by the Waqf.
2. The newly elected President shall notify the Secretary General of the Region and the competent Mufti of the results of the election and of the constitution of the Management Committee as a body.

**Article 13**  
**Replacement of Members of the Management Committee**

Replacement of members of the Management Committee shall take place only in cases of refusal of appointment, death or serious illness, resignation or removal from office of a member. The member shall be replaced by the alternate member, according to the order of substitution. In the absence of another alternate member, the Secretary General of the Region, following an opinion of the competent Mufti, shall appoint, to the vacant position of the Management Committee, a Greek citizen of the Muslim faith who meets the formal eligibility requirements.

**Article 14**  
**Management of Property**

1. The Management Committee shall annually publish, in two daily or weekly newspapers of the local press, a statement of its revenues and expenditures and shall draw up a general balance sheet of the Waqf's property, which shall include the

statement of assets and liabilities, as well as all changes in the property during the financial year.

2. The Management Committee shall place and invest any surplus derived from annual income in an interest-bearing bank account.

## **PART D ELIGIBILITY REQUIREMENTS – REMOVAL FROM OFFICE –TERM OF OFFICE – REPRESENTATION**

### **Article 15**

#### **Eligibility Requirements**

1. Eligible for election as members of Management Committees or Waqf Committees shall be Greek citizens, men and women, of the Muslim faith, who have attained the age of twenty-one (21) years.
2. Ineligible for election shall be Muftis and their spouses, employees of the Mufti Offices and their spouses, Members of Parliament, Prefects and Deputy Prefects, Mayors and Community Presidents. Ineligible shall also be those who have been deprived of their political rights for any reason and those who have been irrevocably convicted of a felony, theft, fraud, embezzlement, extortion, forgery, breach of trust, bribery, coercion, breach of duty, offences against sexual freedom and economic exploitation of sexual life, defamatory slander and bankruptcy.
3. The same person may not participate in more than one Management Committee or Waqf Committee.
4. Spouses of members or blood relatives up to and including the third degree may not participate in the same Management Committee or Waqf Committee.

### **Article 16**

#### **Dismissal from Office**

1. Members of the Management Committees and Waqf Committees shall forfeit their capacity when they become ineligible for any of the reasons set out in the preceding Article. Prior to the issuance of the act of removal, the Secretary General of the Region of Eastern Macedonia and Thrace shall notify the person concerned of the grounds for removal. The person concerned may contest those grounds within twenty (20) days from the day following service of such notification. This time limit may be extended by up to ten (10) days, for serious cause, upon application by the person concerned. If the time limits lapse without action and the grounds for removal persist, the Secretary General of the Region shall issue the act of removal.
2. Members of the Management Committees and Waqf Committees shall also be removed from office for failure to comply with the provisions of the present Law and with ministerial decisions and other administrative acts issued in implementation thereof. Such non-compliance shall be established by a final and binding judicial decision upon a request by the Secretary General of the Region, which is adjudicated under the procedure of voluntary jurisdiction.

**Article 17**  
**Term of Office of Committees**

The term of office of the members of the Management Committees and Waqf Committees shall be three (3) years. Any person who has been elected and has served as a member of a Management Committee for two consecutive terms may not be re-elected for the immediately following term.

**Article 18**  
**Representation of Waqfs**

The President of the Management Committee and of the Waqf Committee shall represent the Waqf and its property before the Courts, the Administration and third parties. The President and the members of the Management Committee and the Waqf Committee shall, in accordance with the applicable legislation, have the rights and obligations of the President and members of the board of directors of charitable institutions governed by private law.

**PART E SCHOOL WAQFS AND WAQFS IN UNINHABITED AREAS**

**Article 19**  
**School Waqfs**

1. In case a Waqf consists of a school, including any movable or immovable property with which it may have been endowed in the past in accordance with Islamic Holy Law, its supervision and management shall be exercised by the competent elected School Committee.
2. The School Committee shall render an annual account before the assembly of parents and guardians. In all other respects, Ministerial Decision No. 6209/2002, entitled "Duties and powers of the School Committee in minority schools of Thrace" (Government Gazette 776/B/2002), as in force from time to time, shall apply.

**Article 20**  
**Waqfs in Uninhabited Areas**

If a Waqf exists in an uninhabited area or in a place not inhabited by Muslims within the Prefectures of Xanthi, Rodopi and Evros, the nearest Management Committee or Waqf Committee shall, following the consent of the Mufti, appoint a Mutawalli for the management of such Waqf and any property thereof. The appointment shall be notified to the Secretary General of the Region. The appointee is required to meet the formal eligibility requirements.

**PART F TRANSITIONAL AND FINAL PROVISIONS**

**Article 21**  
**Ownership Status**

1. For the settlement of any pending issues relating to the ownership status of Waqfs holding immovable property, the Secretary General of the Region shall establish a committee composed of one representative of the Ministry of Economy and Finance, one law graduate designated by the Ministry of Foreign Affairs, one representative of the Region of Eastern Macedonia and Thrace, and two representatives of the relevant Management Committee or Waqf Committee, in order to propose ways of addressing such pending issues.
2. The details for the implementation of this Article shall be determined by a joint decision of the Ministers of the Interior, Economy and Finance, Foreign Affairs, and National Education and Religious Affairs.

#### **Article 22**

1. Law No. 1091/1980 is hereby repealed.
2. Any general or special provision contrary to the provisions of the present Law is hereby repealed.
3. Existing Management Committees established pursuant to Law No. 1091/1980 shall continue to operate until the election of new Management Committees under the present Law, in accordance also with the provisions of Article 24.

#### **Article 23**

At the end of Article 14 of Law No. 2190/1994 (Government Gazette 28/A), as in force, paragraph 7 is added as follows:

“7. A percentage of five per mille (5‰) of the positions of permanent staff and staff employed under private-law contracts of indefinite duration, by category of University Education (PE), Technological Education (TE), Secondary Education (DE) and Compulsory Education (YE), which are filled through nationwide competitions conducted by ASEP, shall be reserved for Greek nationals originating from the Muslim Minority of Thrace, who are themselves registered in the municipal rolls of a municipality in Thrace or of another municipality of the country to which they have been transferred from a municipality of Thrace. ASEP shall, by its call for applications, allocate the positions corresponding to the above percentage by prefecture, authority and category.”

#### **Article 24**

1. The present Law shall enter into force upon the expiry of the term of office of the Management Committees, as provided for in Presidential Decree No. 2/2007 (Government Gazette 2/A/2.1.2007), unless otherwise specified in individual provisions thereof.
2. In the event of objective impossibility of implementing the provisions of the present Law, the term of office of the existing Management Committees shall be extended, with analogous application of Article 90 of the Code of Municipalities and Communities.

3. In case elections cannot be conducted or in case other circumstances render the constitution or operation of the Management Committees impossible, the Secretary General of the Region shall appoint, following an opinion of the competent Mufti, a temporary Management Committee composed of Greek citizens of the Muslim faith who meet the formal eligibility requirements. Once the appropriate conditions for the conduct of elections are restored, the Secretary General of the Region shall call elections in accordance with the applicable legislation. The elected Management Committees shall replace the temporary ones upon completion of the statutory electoral procedure. In any event, the term of office of the temporary Management Committees may not exceed three (3) years.

This Law shall be published in the Government Gazette and shall be executed as a Law of the State.