

On matters regarding Muftiates

Explanatory Memorandum

In paragraph 1, the existing legislative gap on covering the operating expenditures of the Muftiates in Thrace is remedied, as well as the essential aim of transparency and support of the Muftiates in order to cater for the religious needs of the Muslim minority in the best possible way. Therefore, it is specified that the operating expenditures of the Muftiates are to be borne by the budget of the Ministry of Education, Research and Religious Affairs since the Muftiates are public services and, in particular, decentralized agencies of the Ministry reporting directly to the Minister.

In paragraphs 2 and 3 it is laid down that the Mufti or locum tenens Mufti who alongside with his religious duties is a public officer (at General Director level) and carries out judicial duties on certain cases of private law concerning members of the Muslim minority of his prefecture (provided that these members have been assigned to his jurisdiction) must compulsorily leave his post at the age of 67 in order for the State to program a smooth succession procedure. Active Muftis and locum tenentes Muftis over the age limit may continue to serve and perform their duties normally and fully for a period of two months following entry into force of this law in order to provide sufficient time for the selection of locum tenentes or new Muftis. This regulation is intended to fulfill the principle of continuity within the public service of the Muftiate.

In paragraph 4, legislative delegation is allocated to the Minister of Education, Research and Religious Affairs so that by his/her decision the five-year deadline as defined by article 36 (2) of Law 3536/2007 (A' 42) may be extended to a maximum of three years in total, in order to provide the necessary time for sufficient number of students to graduate from the Undergraduate Islamic Studies Program of the Faculty of Theology of the Aristotle University of Thessaloniki.

Law 4559

Article 48

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1. The following subparagraphs are inserted at the end of article 7 of the Legislative Act of December 24, 1990 "On Muslim Clerics" ratified by the Sole Article of Law 1920/1991 (A' 11): "All other operating expenditures shall be borne by the budget of the Ministry of Education, Research and Religious Affairs. Financial and managing control shall be carried out by the General Directorate of Financial Control of the Ministry of Finance as it is laid down by the provisions in force, following a Decision by the Minister of Education, Research and Religious Affairs and the Minister of Finance by which their inclusion in the agencies referred to in article 3 of Law 3492/2006 shall be adopted, as well as all other relevant matters which need particular handling".
2. The following new paragraph is inserted at the end of article 7 of the Legislative Act of December 24, 1990 "On Muslim Clerics" ratified by the Sole Article of Law 1920/1991 (A' 11):
"4. The Muftis or locum tenentes Muftis must compulsorily leave the service at the age of 67; in any case, the date for reaching this age limit shall be considered to be June 30th of the year of leaving. By Decision of the Minister of Education, Research and Religious Affairs which shall be published in the Official Gazette of the Hellenic Republic, automatic termination of the employment shall be established due to reaching the age limit".
3. By Decision of the Minister of Education, Research and Religious Affairs which shall be issued within a mandatory time limit of two months following entry into force of this law and shall be published in the Official Gazette of the Hellenic Republic, automatic dismissal shall be established for the Muftis and locum tenentes Muftis who have reached the age of 67. Until the adoption of the Ministerial Decision referred to in the first subparagraph, the Muftis and locum tenentes Muftis shall remain in office and continue to perform their duties.
4. The following subparagraph is inserted at the end of article 36 (2) of Law 3536/2007 (A' 42): "By Decision of the Minister of Education, Research and Religious Affairs, the time limit referred to in the previous subparagraph may be extended for a maximum of three times for one year at a time."