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COURTESY AND NON-OFFICIAL
TRANSLATION

Online Publication Number:

CIRCULAR

Maroussi, 31-08- 2021

Ref. Number: 105510/Θ1

CC: See relevant table

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SUBJECT: CIRCULAR ON ISLAMIC PLACES OF WORSHIP IN THRACE (MOSQUES-TEKKES-MASJIDS-CEMS/CEMEVIS)

I. SCOPE - NECESSITY OF ISSUING A CIRCULAR

The matters related to places of worship and religious ministers of all religious communities of all religions and denominations (except for the denominations of the Eastern Orthodox Church of Christ “klima”, to which special provisions apply, pursuant to Article 3 of the Constitution) are subject to the provisions of joint circular 105456/Θ1/31-8-2021 “Circular on Houses of Prayer/Temples and Places of Worship in general (Online Publication Number: Ψ56646ΜΤΛΗ-ΙΟ9), as amended or replaced every time.

The present joint circular, which is part of the above, replaces the joint circular 57071/Θ1/3-4-2017 “Authorization procedure for granting a building permit to Islamic places of prayer/worship in Thrace (mosques, tekkes-masjids-cems/cemevis) (Online Publication Number: 78ΘΓ4653ΠΣ-Z3X). Its issuance was deemed necessary as it updates the legislation and the administrative procedure applied by the Ministry of Education and Religious Affairs in the case of the implementation of construction works in Islamic places of worship in Thrace (mosques, tekkes-masjids-cems/cemevis). Moreover, it incorporates the existing legal requirements in force for issuing an authorization for the establishment and operation of places of worship in existing buildings as well as for issuing an authorization for the recognition of an existing pre-1955 place of worship. Accordingly, the Services and citizens can find in a single text all the relevant legislation, as well as instructions and clarifications for its application, with regard to the issuance of the prescribed decisions on Islamic places of worship in Thrace:

1. A certified act of the establishment and operation of a place of worship existing before 1955
2. An authorization to establish and operate
3. An authorization to construct a new place of worship
4. An authorization for a height variance of the prayer tower (minaret) in a place of worship under construction/existing place of worship
5. An authorization for an addition/extension to an existing place of worship
6. An authorization to approve small-scale works
7. Revocation of the authorizations to construct/establish and operate

Furthermore, it is clarified that the implementation of construction works in existing places of worship in Thrace is possible only after the relevant administrative act of the Ministry of Education and Religious Affairs, which certifies the legal operation of the places of worship.

II. EXISTING LEGAL FRAMEWORK

1. Constitution of Greece

In **Article 13 (1), (2) and (4) of the Constitution of Greece** it is stipulated, inter alia, the following:

“1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual’s religious beliefs. 2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practice of rites of worship is not allowed to offend public order or the principles of moral conduct. Proselytism is prohibited. 3. ... 4. No person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions.”

2. International context

Article 18 of the Universal Declaration of Human Rights (adopted by the United Nations General Assembly on December 10, 1948) states: *“Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”*

Furthermore, **Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms** (ECHR) ratified by Decree Law 53/1974 (GG, Vol. A', Iss. 256) stipulates the following: *“1. Everyone has the right to freedom of thought, conscience and religion; the right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest religion or belief, in worship, teaching, practice and observance. 2. Freedom to manifest one’s religion or beliefs shall not be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”*

In accordance with **Article 10 of the Charter of Fundamental Rights of the European Union** (2000/C 364/01) it is laid down that: *“1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief, and freedom, either alone or in community with others and in public or private, to manifest religion or belief, in worship, teaching, practice and observance.”*

Moreover, according to the provisions of **Article 18 of the International Covenant on Civil and Political Rights ratified by Law 2462/1997** (GG, Vol. A', Iss. 25): *“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.”*

3. The Treaty of Lausanne

Articles 37 to 45 (Section E “Protection of Minorities”) of the **Treaty of Lausanne** ratified by Decree Law “On ratification of the Lausanne Peace Treaty” (GG, Vol. A’, Iss. 238/1923) establish the legal framework for the protection of populations which were not included in the “Convention Concerning the Exchange of Greek and Turkish Populations” that is to say, the Greek Orthodox Christians in Istanbul and the Muslims in Thrace.

In particular, in **Article 2 of the Convention concerning the exchange of Greek and Turkish populations**, it is laid down that: *“The following persons shall not be included in the exchange provided for in Article 1: a) The Greek inhabitants of Constantinople, b) The Muslim inhabitants of Western Thrace. All Greeks who were already established before the 30th October, 1918, within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople. All Muslims established in the region to the east of the frontier line laid down in 1913 by the Treaty of Bucharest shall be considered as Muslim inhabitants of Western Thrace”.*

Therefore, according to the Treaty of Lausanne and the Convention concerning the exchange of Greek and Turkish populations, the minority in Thrace is exclusively a religious minority. It consists of Greek citizens of Muslim religion and it is governed by the Constitution and the laws of the Hellenic Republic and by a special national and international legislation which is determined by a long historical, political and geographical development in full respect of the specific religious and cultural characteristics of Muslim Greek citizens in Thrace who are protected by the Constitution and Greek legislation, as all Greek citizens, and are subject to the same legal obligations and requirements which apply to all citizens equal before the national law.

4. Electronic Register of Religious Ministers

In the domestic system of religious freedom and the exercise of the relevant individual rights, there is no public/administrative procedure for the granting or recognition of the status of religious minister of any religion or denomination in the context and to the extent that the state and its functions are concerned (apart from the special provisions applicable to the churches under the jurisdiction “*klima*” of the Orthodox Church in Greece, the Jewish Communities and the Muftiates of Thrace), but this status is assumed, -as far as public services and their implementation of powers are concerned-, only indirectly, and only from the authorization of a specific house of prayer/temple and in general a place of worship and the definition (independently from the religious community) of at least one natural person (or more) as its religious minister, which has as a result his/her automatic entry at the register of religious ministers, of the **Article 14 of Law 4301/2014 (GG, Vol. A’, Iss. 223)**.

This article provides that the Ministry of Education and Religious Affairs shall keep an electronic register of religious ministers who perform religious services with civil consequences, whether they belong to a religious community organized in any legal form or to a community without a legal personality.

The register of religious ministers constitutes an **official source of information** on the status of religious ministers for the local civil registries and for the acts entered in their civil registers, in order to enable the direct checking of the faculty of the religious minister(s) issuing the relevant act **pursuant to Article 1367 of the Civil Code**.

Following this, a natural person who is not registered in the electronic register of **Article 14 of Law 4301/2014** as a religious minister (of any authorized house/temple and in general place of worship, or according to any special provisions for specific religious communities), is “*unknown*” for the Ministry of Education and Religious Affairs and is not considered a “*religious minister*” by the Services of the Ministry of Education and Religious Affairs, with all that this implies for his/her actions and the exercise of his/her responsibilities.

It should be noted that religious ministers and their data are not deleted from the electronic register even if they lose their status (in which case they become inactive), but their data are retained for the sake of background information, as according to the provisions in force and specifically according to **Article 4 of Law 4144/2013 (GG, Vol. A', Iss. 88)** a marriage can be registered at the local Civil Registry where the event took place even after the expiry of the deadline of forty (40) days from the date of the event, with the imposition of the appropriate fine by decision of the Secretary General of the Decentralized Administration.

Also according to **Article 29 of Law 344/1976 (GG, Vol. A', Iss. 143)**, as amended by **para. 3 of Article 4 of Law 1250/1982 (GG, Vol. A', Iss. 46)**, the religious minister is obliged to send to the Registrar, within the same period, a copy of the act he has drawn up.

5. Obligation to protect the cultural heritage

In Article 24 para. 1 and 6 of the Constitution of Greece it is stipulated that: “*the protection of the natural and cultural environment is an obligation of the State. For its preservation, the State has the obligation to take special preventive and repressive measures...*” and “*monuments, traditional areas and traditional elements are protected by the State....*”.

In Law 3028/2002 (GG, Vol. A', Iss. 153, 28-06-2002) “*For the protection of Antiquities and Cultural Heritage in general*” all the relevant provisions for the protection of the cultural heritage of Greece are taken.

In addition, the protection and promotion of the cultural heritage is an obligation of the Greek State, as a consequence of the country's international obligations. According to the **1972 UNESCO Convention** for the Protection of the World Cultural and Natural Heritage, our country is obliged to protect, preserve and enhance the cultural heritage monuments located in its territory from the most ancient times until today.

In addition, **the Granada Convention of 1985**, which was ratified by **GG, Vol. A', Iss. 61/1992**, laid the foundations for trans-European cooperation and established a new policy of “*integrated protection*”.

The aim of this protection is to preserve historical memory for the benefit of present and future generations and to enhance the cultural environment, as the links between tangible and intangible cultural heritage and the social and economic development of societies and the everyday life of citizens make the role of cultural heritage dynamic.

In order for modern monuments to be included in a protected status, competent bodies carry out the designation process, which is the process by which the protected status is activated.

The competent bodies in Thrace, for the designation of buildings as monuments or listed buildings and settlements as historic sites or traditional sites, are the Ministry of Culture and Sports and the Ministry of Environment and Energy which has delegated the relevant competence to the Ministry of Interior (former Ministry of Macedonia-Thrace). The relevant competence of designation is exercised for the Ministry of Environment and Energy by the

Department of Traditional Settlements and Listed Buildings under the Directorate of Environment, Culture and Cultural Heritage and Sports according to **Article 52 para. 2(γ) of the Presidential Decree 141/17** (GG, Vol. A', Iss. 180) "*Statute of the Ministry of Interior*" and for the Ministry of Culture and Sports by the competent services according to **Article 6 of Law 3028/02**.

As in the region of Thrace, the majority of the houses of prayer/ worship places of Muslims are close to one hundred (100) years old, it is necessary to clarify, on a case by case basis, whether the house of prayer/worship place generally falls under the provisions of **Law 3028/2002**.

6. Authorization for an Islamic place of worship existing before 1955

All religious communities (except for those of Article 3 of the Constitution under the jurisdiction, "*klima*", of the Eastern Orthodox Church of Christ, for which there are special provisions), especially for houses of prayer/temples and places of worship in general that are completely lacking authorization to establish and operate, may apply for the issuance of a certifying act of legal operation and the inclusion of their religious ministers in the register kept by the Ministry of Education and Religious Affairs. For the procedure of recognition of an existing pre-1955 place of worship, the circular ref. number 105456/01/31-8-2021 "**On Houses of prayer/Temples and Places of Worship in general**" (Online publication number: Ψ56646ΜΤΛΗ-ΙΟ9) applies.

Thus, the long pending issue of the lack or destruction or loss of the authorizations for the establishment and operation of the existing pre-1955 Islamic places of worship in Thrace can be resolved through the procedures provided for in the above circular, according to which a certified act is issued for each place of worship, existing before 1955, under certain conditions. This certified act has the status of an authorization to establish and operate a place of worship and carries with it all the legal consequences. The prerequisite for the issuance of the certified act is that the place of worship must have been in use before 30-11-1955, the date of entry into force of the Royal Decree of 09-08-1955, and that it must have been in continuous operation up to the time of issuance of the act, in a building that was apparently constructed before that date, i.e. before the entry into force of the system for issuing building permits, in order to be considered legally existing under the provisions in force.

Therefore, the Management Committees of Muslim Property, the Waqf Committees of Muslim Property, and the Alevi Muslims of Thrace under whose supervision existing places of worship before 1955 are located, must apply, if their places of worship were in operation before 30-11-1955, continuously and uninterruptedly, in the specific building or part of it for a long period of time, up to the present day, to the Ministry of Education and Religious Affairs, so that before the issuance of any kind of building permit (addition/extension, approval of small-scale works, deviation in height, etc.) by the competent planning authority, the relevant administrative act of the Ministry of Education and Religious Affairs has been issued, which will establish their legal operation and the entry of the responsible religious ministers in the register under Article 14 of Law 4301/2014 (GG, Vol. A', Iss. 223) maintained by the General Secretariat for Religious Affairs. Expressly, in any case, a necessary condition for the issuance of the certified act is the commencement of the use of the place as a place of worship before

30-11-1955 (until today), in a building that was obviously constructed before that date in order to be considered legally existing.

7. Authorization to establish and operate existing Islamic places of worship

In national legislation for the authorization of houses of prayer/temples and places of worship in general, except for the Churches under the jurisdiction, “*klima*”, of the Eastern Orthodox Church of Christ as referred to in Article 3 of the Constitution (for which there are specific provisions), apply the general provisions of **Emergency Law 1363/1938** (GG, Vol. A’, Iss. 305), as amended by the provisions of **Emergency Law 1672/1939** (GG, Vol. A’, Iss. 123), its implementing **Royal Decree of 20-05/02-06-1939** (GG, Vol. A’, Iss. 220), and **Article 27 of Law 3467/2006** (GG, Vol. A’, Iss. 128) as well as the joint circular 105456/Θ1/31-8-2021 “**On Houses of prayer/Temples and Places of Worship in general**” (Online publication number: Ψ56646MTΛH-IO9).

According to the above-mentioned provisions, for the operation of houses of prayer/temples and places of worship in general, in addition to the application of the common urban planning regulations, a relevant authorization by the Minister of Education and Religious Affairs is required. This also applies to places of worship of the Muslim minority of Thrace with the exception of existing places of worship before 1955, which are included in the special procedure of issuing a certified act of legal operation in accordance with the present circular.

The relevant administrative authorization is granted (by binding authority, as has been ruled by case law) by decision of the Minister of Education and Religious Affairs, after verification that on the one hand the three conditions defined by Article 13 para. 2 of the Constitution are met (Council of State Plenary Session decision 4202/2012, Council of State Plenary Session decision 1444/1991, Council of State 5572/1996, Supreme Court 20/2001), that this concerns a known religion with no hidden beliefs, that no proselytism is practiced and the practice of public worship is in accordance with public order and the principles of moral conduct, and on the other hand, the other provisions set by the legislation in force apply (Emergency Law 1363/38, Emergency Law 1672/39, Royal Decree 20 May/2-6-39 and Law 3467/06). In fact, “*non-compliance with the negative condition laid down by Article 13 para. 2 of the Constitution on practicing religious worship, namely the condition of not offending public order or the principles of moral conduct through specific acts of worship, is normally established by state repressive action*” (Council of State Plenary Session decision 4202/2012 argument 8); however, the prior precautionary administrative investigation of the conformity of each case with formal and easily verifiable requirements and regulations, as those set in a general way by the grid of public order rules, may not be excluded or deemed incompatible with the Constitution.

Therefore, the individual right of freedom of religious worship, as guaranteed by the Constitution of Greece and by international legal texts (including the Treaty of Lausanne for the case of the Muslim minority in Thrace), is neither unlimited nor uncontrolled, but is subject to very specific (and strictly limited) conditions, among which is that of not offending public order, which is a legitimate restriction (since in the very constitutional provision of Article 13

(4) it is provided for that complying with the law is a direct restriction to this right). This restriction operates both in a consequential manner, in the sense that the exercise of religious worship is not above the law, and in a positive manner, in the sense that practicing believers are subject to the same legal obligations and requirements shared by all under the law.

As it is accepted by all legal theory and case law: *“Freedom of worship does not enshrine the absolute right for believers to worship God where they want and when they want, without complying with the law nor does it enshrine a particular right to practice rites of worship in a designated area. It merely guarantees the right for believers of all religions and denominations to worship God in their own way and with the means chosen by themselves and imposed by the rules of their religion without unjustified obstacles and arbitrary interference by the State”* (Opinion by Antonis Maniatis entitled *“Constitutional protection of cultural property and freedom of worship, in response of the use of the Rotonda”* Thessaloniki 05-03-1995). Therefore, under the above conditions, the administrative authorization of the place of worship constitutes *“a necessary measure in a democratic society pursuing a legitimate aim, namely the protection of public order, as the authorization is a measure proportionate to the legitimate aim pursued”* (Supreme Court 20/2001).

8. Authorization to construct/build an addition (height/extension) to a new Islamic place of worship

In national legislation for the authorization to construct houses of prayer/temples and places of worship in general, other than the churches under the jurisdiction, *“klima”*, of the Eastern Orthodox Church of Christ, **as referred to in Article 3 of the Constitution**, for which there are specific provisions, apply the general regulations of **Emergency Law 1363/1938 (GG, Vol. A', Iss. 305)**, as amended by the provisions of **Emergency Law 1672/1939 (GG, Vol. A', Iss. 123)**, its implementing **Royal Decree of 20-05/02-06-1939 (GG, Vol. A', Iss. 220)**, and **Article 27 of Law 3467/2006 (GG, Vol. A', Iss. 128)** as well as the joint circular 105456/01/31-8-2021 ***“On Houses of prayer/Temples and Places of Worship in general”*** (Online publication number: Ψ56646MTΛH-IO9).

According to these provisions, the religious community concerned must address the Ministry of Education and Religious Affairs, so that before the competent urban planning authority issues a building permit, the relevant administrative act of the Ministry of Education and Religious Affairs on the authorization of the construction has been issued, according to the present circular which specializes in matters concerning the Islamic places of worship in Thrace.

It is clarified that **the authorization to construct**, which is granted at the pre-construction stage, **does not in any case constitute authorization to establish and operate, let alone a building permit, nor does it substitute the administrative acts of the competent urban planning authorities (thus, in essence, it constitutes a pre-approval stage for the construction of a religious site)**. Therefore, it does not allow the operation of the house of prayer/temple and in general of the place of worship, but is limited only to the authorization by the Ministry of Education and Religious Affairs to construct a building, since this authorization, is granted by our Service always before construction and only after examination of the conditions set by the above-mentioned provisions as they apply, and provided that the

final building **will not have any substantial deviations** from what is depicted in the plans submitted to the relevant Building Service (“ΥΔΟΜ”) for the issuance of the building permit and in particular substantial deviation in the location, shape and surface area of the net floor of the place of worship and therefore in the expected population that the place can serve.

It is not a substitute for the (different from the construction authorization) establishment and operation authorization, which is granted in a second stage, on an existing building and is then related to its functional capacity to serve the purpose for which it was built.

The above also applies in the case of an addition in height and/or extension to a legally existing building with the use of a religious place on the basis of the relevant administrative act (certifying act or authorization for the establishment and operation of a house of prayer/temple or a place of worship in general) of the Ministry of Education and Religious Affairs. A prerequisite is that the extension must form a single and independent whole with the existing building, both in terms of function and ownership.

Thus, after the completion of the relevant building works (the control of which falls under the competence of the relevant Directorates of the Building Services), the interested parties should come again to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs to submit a file with the necessary documents, in order to obtain a **new authorization** for the operation of the place of worship.

9. Obligation to apply urban planning and town planning legislation

According to **Article 13 of the Constitution of Greece**, the individual right of freedom of religious worship, as guaranteed by the Constitution of Greece as well as by the international legal texts, is neither unlimited nor uncontrolled, but is subject to the conditions of the (substantive and formal) laws of general application, which pursue objectives of public interest in execution of other legally equivalent constitutional provisions (such as e.g. tax laws or laws on compulsory expropriation, requisition, urban planning, town planning and public health). Consequently, the adherent of a certain religion cannot, on the grounds of his religious beliefs, refuse to fulfil his obligations to the State or to comply with the laws of general application, especially those that do not concern matters relating to the exercise of the aforementioned rights (Council of State 2706/1977 Plenary), since religious people are subject to the legal obligations and requirements applicable to all members of a society based on law.

In particular, the construction and operation of a religious building, as a partial manifestation of the freedom of worship, presuppose the existence or legal construction of the appropriate place, in accordance with the urban planning and other provisions and are subject, inter alia, to the regulations and the restrictive terms of the relative urban planning and zoning legislation on land use and use of buildings and parts of these buildings, in view of the provisions set out in **para. 2 of Article 24 of the Constitution of Greece**, according to which provision *“the spatial restructuring of the Country, the configuration, development, urban planning and expansion of cities and residential areas in general is subject to the regulatory competence and control of the State, in order to serve the functionality and development of*

settlements and to ensure the best possible living conditions” (cf. Council of State 2308/2000) Consequently, the rational urban planning of any residential area is required in order to serve its functionality, i.e. its ability to function in order to achieve in its space the living of a group of people, its inhabitants, and, thereafter, the satisfaction of existing, foreseen and subsequently arising needs of all inhabitants or groups of them, that is of common needs.

Specifically with regard to the rules of urban planning and town planning legislation, the State Legal Council, in its Opinions 343/2002 and 121/2008, has held that: *“The concept of public order includes, inter alia, also the observance of the rules of the existing urban planning and town planning legislation in force in the area in which the temple or the house of prayer is to operate.”* In fact, the Greek Ombudsman has also taken a position on this issue in the past, expressing the view that the practice of prioritizing urban and building approvals does not constitute a restriction of religious freedom, provided, of course, that it is applied under conditions of good administration and is accompanied by a corresponding notice to the applicants under Article 4 (2) of the Law of Administrative Procedure (see Greek Ombudsman document Ref. number 18893.06.2.6./09-09-2008 and the Mediation Summary of September 2009).

It is noted that the main function of the site is worship, therefore, this must predominate and any ancillary uses must serve it. The layout of the building must not be such that the main use is negated by any excessive area of the secondary spaces, i.e. the area of the place of worship cannot be inferior to the other spaces of the property, so that the other spaces (ancillary) and any other uses dominate and the relevant provisions are abused, especially when another use of the property is in fact concealed. Such uses cannot be regarded as merely ancillary, secondary and directly linked to the main place of worship, since they entail and permit the additional use of the property for purposes other than worship. Such a use evades the constitutional protection afforded to the purpose of the law on the authorization of temples/houses of prayer and places of worship in general by the provisions of the other privileges enjoyed by such places, such as, for example, exemptions from fees and taxes.

Therefore, the layout of the building must show that the distinct surface of the main place of worship (i.e. serving the basic worship needs of the religious community) dominates and characterizes the use of the place under authorization and occupies an area (net floor area) of at least 2/3 of the total surface area of the space (property). Deviations from the above percentage are examined on a case-by-case basis, depending on the specific characteristics of the site, following a reasoned report by the civil engineer, and provided that the dominant worship character of the place is not negated.

10. Generally applicable rules

The generally applicable rules of public order (urban planning, town planning and public health), which aim to ensure the safe use of buildings and the protection of both their users and local residents, include in particular:

(A) The relevant rules on the categories and content of land use, namely the **Presidential Decree of 23-02-1987 “Categories and Content of Land Use” (GG, Vol. D’, Iss. 166/06-03-1987)** and the **Presidential Decree 59/2018 (GG, Vol. A’, Iss. 114/29-06-2018)**, by which the

land uses are defined in areas of application of the general urban development plans, depending on their general or specific urban functional dimension, in which particular case the legislator has explicitly provided for the category “*Religious Sites*” as a special category (Article 1 indent II No. 5), the use of which has been permitted in various areas of Urban Development Plan (e.g. purely residential under Article 2 indent 7 and under Article 2 indent 5 respectively, general residential under Article 3 indent 8 and Article 3 indent 5 respectively, urban center under Article 4 indent 12 and Article 3 indent 5 respectively, tourism-recreation according to Article 8 indent 10 and Article 5 indent 15 respectively, and in demarcated areas by an applicable administrative act within the boundaries of settlements with a population of less than 2.000 inhabitants in which urban planning and land use designation have not been completed in accordance with Article 16 indent 5. According to these provisions, a religious place (a house of prayer, a temple and in general a place of worship) may legally operate in an Urban Development Plan area where the relevant use is foreseen.

(B) The relevant rules on the elements to be taken into account and the method of determining the conditions of the settlements existing before 16-8-1923, which lack an approved urban plan, as well as determining the building conditions and restrictions of these plots of land, namely the **Presidential Decree 2.3./13-3-1981 (GG, Vol. D', Iss. 138)**, the **Presidential Decree of 24/31-5-1985 (GG, Vol. D', Iss. 270)** on the “*modification of the conditions and restrictions for building on land outside the urban development plans of cities and outside the boundaries of settlements legally existing before 1923*”. The **Presidential Decree 24.4/3-5-1985 (GG, Vol. D', Iss. 181)** on the “*method of defining the boundaries of settlements of up to 2,000 inhabitants in the country, their categories and the definition of their building conditions and restrictions*” as amended by the **Presidential Decree of 4/11/2011 (GG, Issue on Compulsory Expropriations and Town Planning Matters 289)** on the “*building conditions and restrictions within the boundaries of settlements with a population of up to 2,000 inhabitants*”. Also, the relevant provisions of **Article 1 para. 2, 3 and 5 indent (b) of Law 4067/2012 (GG, Vol. A', Iss. 79)**.

(C) The relevant ones on the categories and classification of buildings, depending on their use and the consequent specifications that they must comply with depending on the expected population to be served, according to **Articles 3 and 4 of the Building Code** (see **Articles 346-347 of the Codified Decree 14-07-1999, GG, Vol. D', Iss. 580**), according to which the category “*Public gathering*” includes buildings or parts thereof used for the gathering of at least fifty people for religious events and activities (i.e. including explicitly churches, pursuant to **Article 346 para. 1 indent (C)**). For religious premises, 0.65 square meters of floor area is required as a minimum area per person (Article 347(3) (bb)). For the calculation of the above surface area (net floor area), only the net floor areas of the main areas intended exclusively for the activity are counted, not including structural elements, whether load-bearing or not (walls, pillars, partitions, etc.), around the perimeter of the premises and within the premises, and not including ancillary spaces such as storage rooms, sanitary facilities, staircases, etc. (see: (a) Article 3.A.2 of the 3/2015 Decision (GG, Vol. B', Iss. 529/03-04-2015) as amended by Article 3.5 of the 24738Φ.701.2/2017 Decision (GG, Vol. B', Iss. 2089/19-06-2017) and (b) Article 3

and note of Table 3 of Article 5 para. 3 indent 12 of the 41/2018 Presidential Decree (GG, Vol. A', Iss. 80/07-05-2018)).

(D) The relevant rules on the use of buildings, according to **paragraph 3 of Article 5 of Law 4067/12** (GG, Vol. A', Iss. 79), as amended by **Article 101 of Law 4759/2020** (GG, Vol. A', Iss. 245), regarding the conditions of necessity of change of use in legally existing buildings and the relevant rules on the administrative acts required for its implementation, as defined in **Article 29 of Law 4495/2017** as in force and in particular: **(a)** for the requirement to issue a building permit under **indent (ε) para. 1.**, i.e. for a change of use, if there is a change to the worse, in the elements of the coverage diagram or in the design loads of the structural design or a change in the mechanical installations as regards their passages from other floors or common areas and **(b)** for the requirement to issue a permit for small-scale works in accordance with **Article 30 of Law 4495/2017** as in force and in particular of **indent (ιζ) of para. 2** of this article, i.e. for change of use works for which according to **Article 5 of Law 4067/2012**, as in force, the issuance of a building permit is not required, provided that the elements of the load-bearing structure of the building are not affected and the loads and the seismic importance category according to the Hellenic Antiseismic Regulation are not changed for the worse.

In cases where the building permit does not provide for the use of the building as a religious place and the conditions for the application of the above do not apply, it is sufficient to update the building permit file as to the use of the building as a religious place.

(E) The relevant rules on existing buildings, according to Article 23 of Law 4067/2012 (GG, Vol. A', Iss. 79), as amended by **Article 45 para. 6 of Law 4546/2018** (GG, Vol. A', Iss. 101), according to which *“legally existing” is considered the building or part of it “d. if it predates the Royal Decree of 9.8.1955 or was exempted by the provisions of Law 1337/1983 or was definitively excluded, in accordance with the provisions for the regulation, regularization or suspension of penalties for buildings without a building permit.* It is clarified that the effective date of the **09/08/1955 Royal Decree “On General Building Regulation” (GG, Vol. A', Iss. 266/30-9-1955)** is the 30-11-1955, as expressly stated in indent (a) of paragraph 2 of **Article 82 of Law 4495/17** (GG, Vol. A', Iss. 167) on the settlement of buildings *without a building permit*, according to which *“2. Excluded from the provisions of paragraph 1 are properties.... (A) existing before 30/11/55, date of entry into force of the 9.8.1955 Royal Decree”.*

(F) The relevant rules, according to **Article 27 para. 4 of Law 4067/12 (GG, Vol. A', Iss. 79)**, concerning the (3) three supporting documents which the interested parties are obliged to submit, in case of non-possession of the property title deed, to the competent Building Service (“ΥΔΟΜ”), for the construction or repair of a mosque in a Waqf property in Thrace.

(G) The relevant rules, according to **Article 6 para. 8 of Law 4067/12 (GG, Vol. A', Iss. 79)**, on referring to the competent Council of Architecture an application *“for demolition, repair or addition to a structure constructed before the year 1955 can be classified as a listed building, shall be referred to the competent Council of Architecture. This referral is also mandatory for structures built after the year 1955 and located in a (traditional) protected settlement, (traditional) protected part of a town, historical site, archaeological site and area of special natural beauty..... In any other case, with a reasoned report of the Council of*

Architecture, the matter is referred to the competent department of the Ministry of Environment, Energy and Climate Change, the General Secretariat of Macedonia-Thrace or the General Secretariat of the Aegean and Island Policy. In this case, the permit is granted when the Building Service is notified that the structure is not considered to be a listed building or if (12) months have elapsed since the relevant demolition file was forwarded to the competent department of the competent Ministry, without a decision being issued to classify the building as a listed building”.

(H) The relevant rules, according to **Article 6 para. 9 of Law 4067/12 (GG, Vol. A', Iss. 79)** on referring to the competent Council of Architecture of the requested demolition permits *“In particular, by decision of the competent Minister in each case and for the protection of architectural heritage, areas may be defined within or outside (traditional) protected settlements in which the requested demolition permits must be referred to the relevant Council of Architecture after the opinion of which they are sent to the department that has the competence of characterization and the procedure of the previous paragraph is followed”.*

(I) The relevant rules, according to **Article 6 of Law 4067/12 (GG, Vol. A', Iss. 79)** on the protection of the architectural and natural heritage.

(J) The relevant rules, according to **Article 27 para. 4 of Law 4067/12 (GG, Vol. A', Iss. 79)** as amended and in force by **Article 48 para. 5 of Law 4178/2013 (GG, Vol. A', Iss. 174)**, on the approval of a deviation in the height of mosques for the construction of individual elements (minarets), which is granted by decision of the Minister of Environment, Energy and Climate Change, following the opinion of the Central Council of Architecture and the approval of the Minister of Education and Religious Affairs.

(K) The relevant rules on administrative acts for the execution of construction works, namely **Articles 28 to 51 of Law 4495/17 (GG, Vol. A', Iss. 167)** as amended and in force by **Articles 34 and 45 of Law 4546/18 (GG, Vol. A', Iss. 101)**, **Article 13 of Law 4585/18 (GG, Vol. A', Iss. 216)**, **Article 65 of Law 4602/19 (GG, Vol. A', Iss. 45)** and **Article 227 of Law 4610/19 (GG, Vol. A', Iss. 70)**, **Article 12 of Law 4612/19 (GG, Vol. A', Iss. 77)**, **Article 19 of Law 4613/19 (GG, Vol. A', Iss. 78)** and **Article 58 of Law 4759/20 (GG, Vol. A', Iss. 245)**. Also, the Ministerial Decision **ΥΠΕΝ/ΔΑΟΚΑ/69701/4461/18 (GG, Vol. B', Iss. 4520/16-10-2018)** of the Minister of Environment and Energy as amended by the **ΥΠΕΝ/ΔΑΟΚΑ/43266/1174/20 (GG, Vol. B', Iss. 1843)** Decision of the Deputy Minister of Environment and Energy *“Works for which a Small Scale Building Works Approval (“ΕΕΔΜΚ”) is required and required documents for its issuance”.*

(L) The relevant rules on the procedures for the electronic submission, control and issuance of administrative acts under Article 29 of Law 4495/17 and on the definition of electronic services in accordance with the provisions of Article 33 of Law 4495/17, i.e. the **ΥΠΕΝ/ΥΠΡΓ/48123/6983/2018 (GG, Vol. B', Iss. 3136)** Ministerial Decision *“Procedures for the electronic submission, control and issuance of administrative acts under Article 29 of Law 4495/2017 and the definition of electronic services in accordance with the provisions of Article 33 of Law 4495/2017”*, as amended by the Decision of the Deputy Minister of Environment and Energy **ΥΠΕΝ/ΔΑΟΚΑ /47319/1946/2021 (GG, Vol. B', Iss. 2090)**.

(M) The relevant rules on the protection of Antiquities and Cultural Heritage in general of **Law 3028/2002 (GG, Vol. A', Iss. 153)**, in particular **Articles 6, 8, 16, 17, 40, 41, 43, 56, 57, Articles 10, 11, 12, 13, 14 as amended by Article 16 of Law 4164/13 (GG, Vol. A', Iss. 156) and Article 66 as amended by Article 10 of Law 3658/08 (GG, Vol. A', Iss. 70)**.

(N) The relevant rules on the certification of the main use space, namely **Article 107 of Law 4495/2017 (GG, Vol. A', Iss. 167)** as amended and in force by **Article 34 of Law 4546/18 (GG, Vol. A', Iss. 101)**.

(O) The relevant rules on general conditions for the hygiene of the building and the protection of public health (e.g. water, sewerage, lighting, ventilation, etc.), such as: **a) Article 11 of Ministerial Decision 3046/304/30-1/3-2-1989 (GG, Vol. D', Iss.59) "Building Code"** on the obligation for all areas of principal use in buildings to have sufficient natural lighting and ventilation (direct or indirect), **b) Articles 25-27** on the requirements and specifications for water supply and sewage facilities and **c) the decision of the Minister of Social Services (GG, Vol. B', Iss. 1266/1974), ref. number C1/9900/27-11/03-12-1974**, in so far as it is in force, according to which the construction (and existence) of sanitary facilities is compulsory in all areas of public assembly or living areas (Article 1 indent 9), as well as the other provisions within the existing legislation on Public Health protection.

(P) The relevant rules concerning the inclusion in the respective fire safety regulation, as listed in Table 1 of Article 2 of the **Presidential Decree 41/2018 (GG, Vol. A', Iss. 80)** for a building with the use of "*Public Assembly*", for the observance of the necessary fire safety means and measures, depending on the date of construction of the building, i.e. the **Fire Fighting Regulation 3/2015 (GG, Vol. B', Iss.529/2015)** or the **Presidential Decree 71/1988 (GG, Vol. A', Iss. 32/17.02.1988) "Fire Protection Regulation for Buildings"**, or the **Presidential Decree 41/2018 (GG, Vol. A', Iss. 80) "Fire Protection Regulation for Buildings"**, as applicable. Compliance with the applicable fire safety legislation is evidenced by a certificate of (active) fire safety, issued by the competent Firefighting Authority in accordance with the applicable provisions and where it is required.

(Q) The relevant provisions on specifications and requirements for sound insulation and sound protection as listed in Article 12 of the **Building Code**, as well as the relevant provisions on public quiet times measures, i.e. **Police Regulation 3/1996 (GG, Vol. B', Iss. 15/1996)**; in accordance with its Article 2, the managers of public establishments and other enterprises as well as home owners "*are required to reduce to a minimum, by mechanical or other appropriate technical means (soundproofing, etc.), the noise caused*" by various installations and which disturbs the peace and quiet of the neighboring population.

According to **Article 1003 of the Civil Code**, "*The owner of real estate property has the obligation to tolerate the emission of smoke, soot, fumes, heat, noise, vibrations or other similar effects emanating from another property, provided that they do not significantly interfere with the use of the property or that they come from the use usual for properties in the area of the real estate from which the damage is caused*".

Additionally, the generally applicable rules of public order undoubtedly include the general fiscal provisions related to the imposition of taxes, penalties and specific obligations not only with regard to taxpayers (natural persons and legal entities, associations, society of right etc.) but also with regard to non-taxpayers, such as that of paragraph 3 of Article 11 of **Law**

4174/2013 *“Tax Procedures and other provisions”* (GG, Vol. A’, Iss. 170) as amended by article 355 of **Law 4512/2018** (GG, Vol. A’, Iss. 5) which states that: *“3. Article Tax Administration may, even without the submission of a registration statement, assign a VAT identification number to a tax-exempt person, provided that it has at its disposal, in the case of a legal person or legal entity, the name and registered office, i) in order to ascertain or collect claims against it, ii) in order to make refunds of amounts unduly paid to unestablished taxpayers under the management of the M.O.S.S. system, (iii) if this is required by other legal provisions. In particular, Tax Administration shall assign a VAT identification number to any natural or legal person or legal entity in order to carry out any financial transaction with the General Government entities and credit and payment institutions of the country. By decision of the Governor of the Independent Public Revenue Authority, other cases of assignment of a VAT identification number to tax-exempt persons, exceptions in cases of transactions with credit and payment institutions, as well as with General Government entities and any other necessary detail for the implementation of this article may be determined.”*

In this regard the **Council of State decision 582/2011** on mandatory issuing of VAT identification number, has held that, more particularly this obligation: *“ is not contrary to Article 13 of the Constitution and Article 9 of the ECHR, because it aims to serve a public purpose (the effective operation of the new computerized system and the ensuing tackling of tax fraud) and it introduces an obligation of a general and impersonal scope, not dependent on religious beliefs, which is not subject to any exception, especially since this obligation does not constitute an attempt to exercise state power in the personal beliefs of the citizens”* .

In any case:

a) this Circular, as well as the authorizations issued for the construction or establishment and operation or relocation of houses of prayer/temples and places of worship in general, in accordance with the procedure laid down herein, do not alter, affect or amend the legal relations, the specific provisions, the duties and responsibilities and the restrictions laid down by the Horizontal Ownership Constitution and the applicable Building Regulation in force of the specific building where the house of prayer/temple and the place of worship in general shall be housed, nor do they legitimize any use of the area other than the use provided for (ΜΠρΑΘ 1338/2019 Department of Leases). Timely examination of the conformity of the use to be authorized, in accordance with the rights and obligations and commitments for joint ownership and the correct interpretation and application of the Regulations and its prohibitions is solely the responsibility of the applicants,

b) the compilation and reference to the above provisions is in no way restrictive but merely indicative and assisting for the interested party, without its implying that at the time of an application or other action by the interested party aiming at the application of the provisions of the competence of the General Secretariat for Religious Affairs, the above provisions and any other provisions of public order in force which are related, directly or indirectly, to places of worship, their operation and in general the exercise of the specific individual right, are yet in force and in particular with the same content. Therefore, it is clarified that the service, in the exercise of its powers, will apply the provisions of mandatory law in force at the time.

c) the competent authorities for the compliance and implementation of this circular are fully harmonized with the principles of personal data protection, they comply with the rules, terms and conditions expressly set out in the provisions of Law 4624/2019 *“Personal Data Protection Authority, measures implementing Regulation (EU) 2016/679 of the European Parliament and*

of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and incorporation into national legislation of the Directive (EU 2016/680 of the European Parliament and of the Council of 27th April 2016 and other provisions” (GG, Vol. A’, Iss. 137/29-8-2019), especially due to the nature of the subject of this circular and the processing of the related submitted documents.

11. Content of the authorization - religious ministers of Islamic places of worship

The religious ministers of Islamic places of worship, except for the religious ministers of the Alevi Muslims of Thrace, are appointed by the competent Mufti appointed in accordance with the provisions of Article 3 of Law 1920/91 (GG, Vol. A’, Iss. 11) who, in accordance with the provisions of Article 5 of the same law, appoints, supervises and suspends Muslim religious ministers.

On the administrative authorization granted by the Ministry of Education and Religious Affairs for the Islamic places of worship, the following must be registered:

1. the **number of population** declared by the Management/Waqf Committees/the religious community of the Alevi Muslims of Thrace, as the maximum number of persons (believers or visitors) that may gather in the place of worship, depending on the net floor area of the place of worship, as detailed in para. II.6.B. of the present, so that the declared maximum number of guests cannot be greater than the ratio of the net floor area of the place of worship to the factor 0,65 (it is noted that the above surface area is smaller than the surface area indicated on the notarial acts of the building or part of it, e.g. Horizontal Ownership Constitution, the purchase and sale contract, which is the total (gross) surface area of the premises, including the remaining ancillary and other rooms as well as structural elements, walls etc., that are not included on the surface area of the place of worship), the **name of the religious minister/responsible** for the place of worship and his/her deputy(ies).
2. **the name of the place of worship, which** must, in particular, reflect the religious identity of the place and respect the principle of truthfulness, not contravene public order and the principles of moral conduct, not be misused and not infringe the rights of third parties, in particular of other religious communities. The name must be rendered in the Greek language with an accurate translation/rendition, with the possibility of it being transcribed in Latin characters as an adjunct so that the true and precise religious identity of the house of prayer/temple and, in general, the place of worship, can be derived clearly and without any possibility of confusion. Any incorrect or misleading rendering of the name in Greek will make it **unacceptable for reasons of confusion and violation** of the principle of truthfulness.
3. **The note that “The Management/Waqf Committees/the religious community of the Alevi Muslims, are obliged to notify without delay the changes of the data kept”,** so that the registers held at the Ministry of Education and Religious Affairs are immediately updated and that the valid and timely information of the Registry Offices of the country for the legal consequences of the ceremonies they perform is ensured.

In order to provide reliable information to the believers and other visitors interested in the place of worship but also in order to facilitate the supervisory task of the competent authorities, the **Management/Waqf Committees/the religious community of the Alevi Muslims of Thrace are obliged to post (a) prominently, close to the entrance door, a sign**

indicating the name of the religious community and the Online Publication Number on the Transparency Portal of the granted authorization to the place of worship; and (b) the authorization of operation in a prominent place within the place of worship.

The Management/Waqf Committee of Muslim Property as well as the religious community of the Alevi Muslims of Thrace, under whose supervision fall within the places of worship that have obtained an authorization, must immediately disclose the Tax Identification Number issued by the competent Directorate of Economic Affairs of the seat, to service the transactions of the specific religious community and the authorized place of worship, in compliance with the applicable tax provisions, by providing a copy of the certificate of the VAT Identification Number to the competent service of the Ministry of Education and Religious Affairs or by sending it by e-mail.

They are obliged to submit on their own responsibility and without delay, in particular on grounds of change of circumstances, or expiry of the certificates, all the necessary documents in order to verify compliance with the provisions in force and to keep up to date the authorization records. **In case of violation of their obligations to submit or complete the necessary documents (e.g. notification to the Service of their VAT number or valid fire safety certificate, etc.) or refusal to submit or complete the documents following a demand from the Service, the authorization may be revoked.**

The administrative authorizations issued are **communicated by the authorization authority to the following public services** of the seat of the place of worship, in order to inform them and to facilitate the exercise of their responsibilities:

1. to the competent Building Service of the Municipality concerned
2. to the competent Fire Service
3. to the competent Directorate for Health and Public Health
4. to the Headquarters of the Hellenic Police, in order to inform the competent Police Station
5. to the Ministry of Interior, Directorate of Civil and Municipal Status, in order to inform the competent Registry Office
6. to the Municipality concerned in order to inform the competent Revenue Department.

It should be noted that the Service may request any other necessary document to complete or clarify the submitted application.

III. THE CONNECTION AND CHARACTER OF THE WAQFS WITH THE ISLAMIC PLACES OF WORSHIP

According to **Article 2 of Law 3647/2008 (GG, Vol. A', Iss. 37)**, a Waqf is *"a dedication under the Islamic Holy Law, which includes real and/or movable property or an annuity for a pious, charitable, public benefit purpose in general or for a charitable, religious, benevolent institution, which either exists or is established for a non-profit purpose"*. According to **Article 4 of Law 3647/2008** *"the existing Waqfs that include immovable property are, from the entry*

into force of this Law, separate legal entities under private law and are considered as charitable institutions that operate for the purpose for which they were established”.

The worship of the Greek citizens who are members of the Muslim minority of Thrace is performed, as a religious act, in the mosques, tekkes, masjids and cems/cemevis which, according to the aforementioned, are, of course, waqf property, but are merely places of prayer/worship which do not themselves fall within the category of public benefit institutions under the provisions of **Article 95 para. 1 of Emergency Law 2039/1939**, since they do not have the same legal personality, nor even legal autonomy, but merely constitute the means for fulfilling some of the purposes of the “*institutions*” under Islamic law, which are the waqfs. That is to say, the waqfs (who own real property and only they) are the legal entities who are the holders of the rights in rem over the property in rem in question, and specifically over the places of worship.

Thus, while the public benefit is de jure the basic characteristic - both in accordance with their origins in Islamic law and, now, in the domestic legal order - of the waqfs (as legal entities under private law, that is to say, bodies), the places of worship which they may own and operate are characterized by their specific purpose, i.e. religious (since, of course, the waqfs may also have other purposes, e.g. charitable, educational, etc., each time possessing the appropriate real property for this purpose, e.g. an educational establishment or a library, an old people's home, etc.).

Therefore, the places of worship of the Muslim minority in Thrace (like all other religions) have a specific and determined religious purpose/character, and not a general public benefit, as their main purpose is the worship and performance of the religious duties of the believers. This pursuit is distinguished from the general character of public utility of the waqfs (LEPL) where public utility, which is a broader concept, is, according to the law, their direct purpose and mission.

Consequently, except for places whose land use has, until the adoption of the 57071/Θ1/3-4-2017 circular “*Authorization procedure for issuing a building permit to Islamic places of prayer/worship in Thrace (mosques, tekkes, masjids and cems/cemevis)*” (Online Publication Number: 78ΘΓ4653ΠΣ-Z3X), been classified with a “*public utility function*”, the land use of the places of worship of the Muslim minority of Thrace pertains to the religious places and follows the general building conditions of the region. It is stressed that it is perfectly possible for a place of worship of the minority to exist that is not real estate of a waqf, i.e. not consecrated property under Islamic law, but used at that time for the specific (religious) use, without this limiting the legal possibility of its owners to change its use in the future, in accordance with the existing provisions.

IV. REQUIRED DOCUMENTS WHERE APPLICABLE

In light of the above, the administrative act by the Ministry of Education and Religious Affairs for the certification or authorization of an existing Islamic place of worship is the
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prerequisite for the realization of any construction works in an existing Islamic place of worship in Thrace.

1. Supporting documents for the recognition of an Islamic place of worship existing before 1955

1.1. Management Committees of Muslim Property

For the Islamic places of worship in Thrace, which are managed by the Management Committees of Muslim Property, the application must be signed by the Mufti concerned, who is appointed in accordance with the provisions of Article 3 of Law 1920/91 (GG, Vol. A', Iss. 11) and the President and the members of the Management Committee.

The application shall specify the name of the place of worship, its seat, the religious minister in charge, the time of its establishment and opening (with best possible documentation of the evidence proving its age), the maximum number of guests and the surface area of the property. The application must also indicate the e-mail address of the Management Committee and the religious minister.

The application is accompanied by:

1. A copy of the applicants' identity card or passport.
2. A Curriculum vitae of the religious minister (reference to qualifications) and a copy of his Identity Card or Passport.
3. Property title deeds and the certificate of transfer registration from the local competent Land Registry or other documents proving the legal possession of the place (concession, lease, etc.). In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of lack of property title deeds, they shall be presented, in accordance with Article 27 para. 4 of Law 4067/12: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.
4. A relevant engineer's attestation according to Article 107 of Law 4495/17 (attached model form 1 in the Annex), indicating the exact location of the property, the time of its construction, the total surface area of the property (religious place), the surface area of the net floor area of the place of worship and the number of people that can be served (see II.6.B. and II.11.1. of the present) and certifying the legality of its construction and use as a religious place existing before 1955.

The attestation shall mention and attach:

- a) copies of any suitable technical data (aerial photographs, etc.) and/or documents (generally public, such as contracts, legacies, appropriate documents certifying a religious endowment,

its purpose and details (e.g. testament, gift inter vivos, concession), decisions on municipal fees, certificates of Local Government Organization (“OTA”), Property Tax (“ΦΑΠ”) and Single Property Tax on Real Estate (“ΕΝΦΙΑ”) statements, etc., but not excluding private documents, which are judged on a case-by-case basis, such as electricity bills, copies of cadastral sheets, etc.), to document the time of the construction and use of the property before 1955.

b) Floor plans and sectional views of the property, as well as photographs of the property (exterior and interior), with a clear reference to the surface area of the net floor of the place of worship.

c) A Certificate of (active) fire protection, which is issued by the competent Fire Authority, in accordance with No. **13/2013 Fire Decree** (GG, Vol. B’, Iss. 1586) and **3/2015 Fire Decree** (GG, Vol. B’, Iss. 529), as applicable.

5. Evidence of the time of use of the building as a place of worship before 30th-11-1955 until today (time of the religious use). The documentation is proved by the submission of any appropriate means and evidence (documents from public authorities, appropriate documents certifying a religious endowment, its purpose and details (e.g. testament, gift inter vivos, concession), marriage licenses, registers of ceremonies, etc.) from which it can be deduced that the place of worship had been operating in the building in question before 30th November 1955 and has kept operating continuously and uninterruptedly to the present day.

1.2. Waqf Committees of Muslim Property

For the Islamic places of worship in Thrace, which are managed by the Waqf Committees of Muslim Property, the application must be signed by the Mufti concerned, who is appointed in accordance with the provisions of Article 3 of Law 1920/91 (GG, Vol. A’, Iss. 11) and the President and the members of the Waqf Committee.

The application shall specify the name of the place of worship, its seat, the religious minister in charge, the time of its establishment and opening (with best possible documentation of the evidence proving its age), the maximum number of guests and the surface area of the property. The application must also indicate the e-mail address of the Waqf Committee and the religious minister.

The application is accompanied by:

1. A copy of the applicants' identity card or passport.
2. The decision of establishment or appointment of the Waqf Committee according to Articles 7, 12 and 24 of Law 3647/2008, (GG, Vol. A’, Iss. 37).
2. A Curriculum vitae of the religious minister (reference to qualifications) and a copy of his Identity Card or Passport.
4. Property title deeds and the certificate of transfer registration from the local competent Land Registry or other documents proving the legal possession of the place (concession, lease, etc.). In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of lack of property title deeds, they shall be presented, in accordance with Article 27 para. 4 of Law

4067/12: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.

5. A relevant engineer's attestation according to Article 107 of Law 4495/17 (attached model form 1 in the Annex), indicating the exact location of the property, the time of its construction, the total surface area of the property (religious place), the surface area of the net floor area of the place of worship and the number of people that can be served (see II.6.B. and II.11.1. of the present) and certifying the legality of its construction and use as a religious place existing before 1955.

The attestation shall mention and attach:

(a) copies of any suitable technical data (aerial photographs, etc.) and/or documents (generally public, such as contracts, legacies, appropriate documents certifying a religious endowment, its purpose and details (e.g. testament, gift inter vivos, concession), decisions on municipal fees, certificates of Local Government Organization (“OTA”), Property Tax (“ΦΑΠ”) and Single Property Tax on Real Estate (“ΕΝΦΙΑ”) statements, etc., but not excluding private documents, which are judged on a case-by-case basis, such as electricity bills, copies of cadastral sheets, etc.), to document the time of the construction and use of the property before 1955.

(b) Floor plans and sectional views of the property, as well as photographs of the property (exterior and interior), with a clear reference to the surface area of the net floor of the place of worship.

(c) A Certificate of (active) fire protection, which is issued by the competent Fire Authority, in accordance with No. **13/2013 Fire Decree** (GG, Vol. B', Iss. 1586) and **3/2015 Fire Decree** (GG, Vol. B', Iss. 529), as applicable.

6. Evidence of the time of use of the building as a place of worship before 30th-11-1955 until today (time of the religious use). The documentation is proved by the submission of any appropriate means and evidence (documents from public authorities, appropriate documents certifying a religious endowment, its purpose and details (e.g. testament, gift inter vivos, concession), marriage licenses, registers of ceremonies, etc.) from which it can be deduced that the place of worship had been operating in the building in question before 30th November 1955 and has kept operating continuously and uninterruptedly to the present day.

1.3. Religious Community of the Alevi Muslims of Thrace

For the places of worship of the religious community of the Alevi Muslims of Thrace the application must be signed by the religious minister and by at least (05) members of the Alevi religious community whose authentication of signature is certified.

The application shall specify the name of the place of worship, its seat, the religious minister in charge, the time of its establishment and opening (with best possible documentation of the

evidence proving its age), the maximum number of guests and the surface area of the property. The application must also indicate the e-mail address of the religious community of the Alevi Muslims of Thrace and the religious minister.

The application is accompanied by:

1. A copy of the applicants' identity card or passport.
2. A Curriculum vitae of the religious minister.
3. Property title deeds and the certificate of transfer registration from the local competent Land Registry or other documents proving the legal possession of the place (concession, lease, etc.). In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of lack of property title deeds, they shall be presented, in accordance with Article 27 para. 4 of Law 4067/12: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.
4. A relevant engineer's attestation according to Article 107 of Law 4495/17 (attached model form 1 in the Annex), indicating the exact location of the property, the time of its construction, the total surface area of the property (religious place), the surface area of the net floor area of the place of worship and the number of people that can be served (see II.6.B. and II.11.1. of the present) and certifying the legality of its construction and use as a religious place existing before 1955.

The attestation shall mention and attach:

(a) copies of any suitable technical data (aerial photographs, etc.) and/or documents (generally public, such as contracts, legacies, appropriate documents certifying a religious endowment, its purpose and details (e.g. testament, gift inter vivos, concession), decisions on municipal fees, certificates of Local Government Organization (“OTA”), Property Tax (“ΦΑΠ”) and Single Property Tax on Real Estate (“ΕΝΦΙΑ”) statements, etc., but not excluding private documents, which are judged on a case-by-case basis, such as electricity bills, copies of cadastral sheets, etc.), to document the time of the construction and use of the property before 1955.

(b) Floor plans and sectional views of the property, as well as photographs of the property (exterior and interior), with a clear reference to the surface area of the net floor of the place of worship.

(c) A Certificate of (active) fire protection, which is issued by the competent Fire Authority, in accordance with No. **13/2013 Fire Decree** (B’1586) and **3/2015 Fire Decree** (GG, Vol. B’, Iss. 529), as applicable.

5. Evidence of the time of use of the building as a place of worship before 30th-11-1955 until today (time of the religious use). The documentation is proved by the submission of any

appropriate means and evidence (documents from public authorities, appropriate documents certifying a religious endowment, its purpose and details (e.g. testament, gift inter vivos, concession), marriage licenses, registers of ceremonies, etc.) from which it can be deduced that the place of worship had been operating in the building in question before 30th November 1955 and has kept operating continuously and uninterruptedly to the present day.

It is understood that if the building is posterior to 1955, the Management and Waqf Committees concerned, as well as the religious community of the Alevi Muslims of Thrace, must follow the procedures set out in this circular for the issuance of an authorization to establish and operate a house of prayer/temple and a place of worship in general and submit a full set of the required documents in order for the authorization to be issued in accordance with the provisions in force.

2. Necessary documents for the authorization to establish and operate an Islamic place of worship

2.1 Management Committees of Muslim Property

For the Islamic places of worship in Thrace, which are managed by the Management Committees of Muslim Property, the application must be signed by the Mufti concerned, who is appointed in accordance with the provisions of Article 3 of Law 1920/91 (GG, Vol. A', Iss.11) and the President and the members of the Management Committee.

In any case, the application shall specify the exact address of the place of worship to be established and the maximum number of guests (believers and visitors) in order to comply with the relevant provisions on the minimum surface area of the declared area. The application must indicate the residence addresses of the applicant members. Also, the application must indicate the e-mail address of the Management Committee and the religious minister.

The application shall be accompanied by:

1. A copy of the Identity Card or a copy of the Passport of the applicants.
2. A Curriculum vitae of the religious minister and a copy of his Identity Card or Passport.
3. A Property title deed (and the certificate of transfer registration from the local Land Registry), in the name of the Management Committee, or any other document proving the legal concession of the place for this use. In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of a lease contract, it is required that the possibility of using the rented building for this purpose is indicated or otherwise a solemn declaration of the owner is presented accepting the use as a place of worship. In case of lack of property title deeds, they shall be presented, in accordance with Article 27 para. 4 of Law 4067/12: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant

is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.

4. An Attestation of the competent Building Service (“ΥΔΟΜ”) for the activities allowed taking place on the specific property for which the authorization to operate a house of prayer/temple is requested (attestation of land use).
5. An Attestation of the principal use of the place according to Article 107 of Law 4495/17 by a private civil engineer (attached model form 3 in the Annex), depending on the declared population (maximum number of guests each time) that the place of worship will serve, it will be certified explicitly, in detail and in accordance with the above, that the place (property) is legally existing - with regard to its construction and use - and therefore meets all the legal conditions for a place of principal use to function as a place of worship for the specified number of people, in accordance with the applicable Building Code, the fire protection regulations and the general and special Urban Planning provisions in force at the time. Also, the attestation shall state, as the minimum data required, the following: (a) all public documents concerning the legality of the place in terms of urban planning (as follows); (b) the level on which the place to be authorized is located; (c) an attestation of land use from the competent Building Service “ΥΔΟΜ”, (d) the total surface area as well as the net floor surface area of the place of worship, (e) the application of the provisions in force concerning adequate lighting and ventilation, sound insulation, water supply and sewage facilities, (f) the existence of sanitary facilities. The above attestation must be accompanied by a copy of the building permit and any amendments thereto as well as copies of floor plans – sectional views of the area where the place of worship is to operate, where all spaces will be marked, including those provided for by specific provisions of the applicable institutional framework (e.g. building standards, sanitary standards,) and photographs of the place, as these floor plans – sectional views accompany the building permit or the construction permit or a small-scale approval or a file update, or, where applicable (depending on whether it is subject to the corresponding law on exempting-legalizing-settling-regularizing) the copies of plans submitted to the competent authority or to the electronic data system of the Technical Chamber of Greece. In this case an attestation of procedure closure by the electronic data system of the Technical Chamber of Greece is required or attestation of repayment of 30% of the single special fine by the electronic system of the Technical Chamber of Greece, according to the provisions of the law to which they have been subjected. It is recalled that **paragraph 8 of Article 107 of Law 4495/2017** as in force, provides for the following: *“the attestation required certifying a place of principal use is issued by a private civil engineer. An attestation is required by the competent Building Service certifying that the new use is not prohibited by specific provisions in force applicable for the specific property or area of the property”*.
6. An Attestation issued by the competent Health Service certifying that the terms and conditions for general hygiene and environmental hygiene are met.

7. A Certificate for (active) fire protection, which is issued by the competent Fire Service, in accordance with the **Fire Protection Decree 13/2013** (GG, Vol. B', Iss. 1586), as in force.

2.2 Waqf committees of Muslim Property

For the Islamic places of worship in Thrace, which are managed by the Waqf Committees of Muslim Property, the application must be signed by the Mufti concerned, who is appointed in accordance with the provisions of Article 3 of Law 1920/91 (GG, Vol. A', Iss.11) and the President and the members of the Waqf Committee.

In any case, the application shall specify the exact address of the place of worship to be established and the maximum number of guests (believers and visitors) in order to comply with the relevant provisions on the minimum surface area of the declared area. The application must indicate the residence addresses of the applicant members. Also, the application must indicate the e-mail address of the Waqf Committee and the religious minister.

The application shall be accompanied by:

1. A copy of the Identity Card or a copy of the Passport of the members who sign the application.
2. A decision of validation of the Waqf Committee by the Mufti concerned.
3. A Curriculum vitae of the religious minister and a copy of his Identity Card or Passport.
4. A Property title deed (and the certificate of transfer registration from the local Land Registry), in the name of the religious minister or of one of the applicant members of the Waqf Committee, or any other document proving the legal concession of the place for this use. In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of a lease contract, it is required that the possibility of using the rented building for this purpose is indicated or otherwise a solemn declaration of the owner is presented accepting the use as a place of worship. In case of lack of property title deeds, they shall be presented, in accordance with Article 27 para. 4 of Law 4067/12: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.
5. An Attestation of the competent Building Service ("ΥΔΟΜ") for the activities allowed taking place on the specific property for which the authorization to operate a house of prayer/temple is requested (attestation of land use).
6. An Attestation of the principal use of the place according to Article 107 of Law 4495/17 by a private civil engineer (attached model form 3 in the Annex), depending

on the declared population (maximum number of guests each time) that the place of worship will serve, it will be certified explicitly, in detail and in accordance with the above, that the place (property) is legally existing - with regard to its construction and use - and therefore meets all the legal conditions for a place of principal use to function as a place of worship for the specified number of people, in accordance with the applicable Building Code, the fire protection regulations and the general and special Urban Planning provisions in force at the time. Also, the attestation shall state, as the minimum data required, the following: (a) all public documents concerning the legality of the place in terms of urban planning (as follows); (b) the level on which the place to be authorized is located; (c) an attestation of land use from the competent Building Service “ΥΔΟΜ”, d) the total surface area as well as the net floor surface area of the place of worship, (e) the application of the provisions in force concerning adequate lighting and ventilation, sound insulation, water supply and sewage facilities, (f) the existence of sanitary facilities. The above attestation must be accompanied by a copy of the building permit and any amendments thereto as well as copies of floor plans – sectional views of the area where the place of worship is to operate, where all spaces will be marked, including those provided for by specific provisions of the applicable institutional framework (e.g. building standards, sanitary standards,) and photographs of the place, as these floor plans – sectional views accompany the building permit or the construction permit or a small-scale approval or a file update, or, where applicable (depending on whether it is subject to the corresponding law on exempting-legalizing-settling-regularizing) the copies of plans submitted to the competent authority or to the electronic data system of the Technical Chamber of Greece. In this case an attestation of procedure closure by the electronic data system of the Technical Chamber of Greece is required or attestation of repayment of 30% of the single special fine by the electronic system of the Technical Chamber of Greece, according to the provisions of the law to which they have been subjected. It is recalled that **paragraph 8 of Article 107 of Law 4495/2017** as in force, provides for the following: *“the attestation required certifying a place of principal use is issued by a private civil engineer. An attestation is required by the competent Building Service certifying that the new use is not prohibited by specific provisions in force applicable for the specific property or area of the property”*.

7. An Attestation issued by the competent Health Service certifying that the terms and conditions for general hygiene and environmental hygiene are met.
8. A Certificate for (active) fire protection, which is issued by the competent Fire Service, in accordance with the **Fire Protection Decree 13/2013** (GG, Vol. B', Iss. 1586), as in force.

2.3 Religious Community of the Alevi Muslims of Thrace

For the places of worship of the religious community of the Alevi Muslims of Thrace the application must be signed by the religious minister and by at least (05) members of the Alevi religious community whose authentication of signature is certified.

In any case, the application shall specify the exact address of the place of worship to be established and the maximum number of guests (believers and visitors) in order to comply with the relevant provisions on the minimum surface area of the declared area. The application must indicate the residence addresses of the applicant members. Also, the application must indicate the e-mail address of the religious community of the Alevi Muslims of Thrace and the religious minister.

1. A copy of the Identity Card or a copy of the Passport of the applicants.
2. A Curriculum vitae of the religious minister and a copy of his Identity Card or Passport.
3. A Property title deed (and the certificate of transfer registration from the local Land Registry), in the name of the Alevi Muslims of Thrace, the religious minister or one of the applicant members of the religious community, or a lease contract (certified or declared at the competent tax authority, in accordance with the provisions in force) of the property where the worship place is going to be established, or any other document proving the legal concession of the place for this use. In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of a lease contract, it is required that the possibility of using the rented building for this purpose is indicated or otherwise a solemn declaration of the owner is presented accepting the use as a place of worship. In case of lack of property title deeds, they shall be presented, in accordance with Article 27 para. 4 of Law 4067/12: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.
4. An Attestation of the competent Building Service (“ΥΔΟΜ”) for the activities allowed taking place on the specific property for which the authorization to operate a house of prayer/temple is requested (attestation of land use).
5. An Attestation of the principal use of the place according to Article 107 of Law 4495/17 by a private civil engineer (attached model form 3 in the Annex), depending on the declared population (maximum number of guests each time) that the place of worship will serve, it will be certified explicitly, in detail and in accordance with the above, that the place (property) is legally existing - with regard to its construction and use - and therefore meets all the legal conditions for a place of principal use to function as a place of worship for the specified number of people, in accordance with the applicable Building Code, the fire protection regulations and the general and special Urban Planning provisions in force at the time. Also, the attestation shall state, as the minimum data required, the following: (a) all public documents concerning the legality of the place in terms of urban planning (as follows); (b) the level on which the place to be authorized is located; (c) an attestation of land use from the competent Building Service “ΥΔΟΜ”, d) the total surface area as well as the net floor surface area of the place of worship, (e) the application of the provisions in force concerning adequate lighting and ventilation, sound insulation, water supply and sewage

facilities, (f) the existence of sanitary facilities. The above attestation must be accompanied by a copy of the building permit and any amendments thereto as well as copies of floor plans – sectional views of the area where the place of worship is to operate, where all spaces will be marked, including those provided for by specific provisions of the applicable institutional framework (e.g. building standards, sanitary standards,) and photographs of the place, as these floor plans – sectional views accompany the building permit or the construction permit or a small-scale approval or a file update, or, where applicable (depending on whether it is subject to the corresponding law on exempting-legalizing-settling-regularizing) the copies of plans submitted to the competent authority or to the electronic data system of the Technical Chamber of Greece. In this case an attestation of procedure closure by the electronic data system of the Technical Chamber of Greece is required or attestation of repayment of 30% of the single special fine by the electronic system of the Technical Chamber of Greece, according to the provisions of the law to which they have been subjected. It is recalled that **paragraph 8 of Article 107 of Law 4495/2017** as in force, provides for the following: "the attestation required certifying a place of principal use is issued by a private civil engineer. An attestation is required by the competent Building Service certifying that the new use is not prohibited by specific provisions in force applicable for the specific property or area of the property".

6. An Attestation issued by the competent Health Service certifying that the terms and conditions for general hygiene and environmental hygiene are met.
7. A Certificate for (active) fire protection, which is issued by the competent Fire Service, in accordance with the **Fire Protection Decree 13/2013** (GG, Vol. B', Iss. 1586), as in force.

3. Supporting documents for the revocation of the authorization to establish and operate a place of worship

The authorization to establish and operate the place of worship shall be revoked as follows:

(A) For the places of worship of Muslims in Thrace which are managed by the Management Committees of Muslim Property, the following are submitted to the Department for Islamic Matters of the Ministry of Education and Religious Affairs:

- 1) an application for the revocation of the authorization of establishment and operation, setting out in full the reasons for the requested revocation (the validity of which may be verified by the service by any appropriate means). The application shall be signed by the Mufti concerned who has been appointed in accordance with the provisions of Article 3 of Law 1920/91 (GG, Vol. A', Iss. 11) and by the President and the Members of the Management Committee and 2) an original or exact copy of the Book of the celebration of sacraments during the entire period of operation of the place of worship, so that they are kept in the General State Archives, as provided for in Law 4610/2019 (GG, Vol. A', Iss. 70) and in particular Article 164 (for the revocation of the authorization of establishment and operation).

For the places of worship of Muslims in Thrace which are managed by the Waqf Committees of Muslim Property, the following are submitted to the Department for Islamic Matters of the Ministry of Education and Religious Affairs:

1) an application for the revocation of the authorization of establishment and operation, setting out in full the reasons for the requested revocation (the validity of which may be verified by the service by any appropriate means). The application shall be signed by the Mufti concerned who has been appointed in accordance with the provisions of Article 3 of Law 1920/91 (11) and by the President and the Members of the Waqf Committee and 2) an original or exact copy of the Book of the celebration of sacraments during the entire period of operation of the place of worship, so that they are kept in the General State Archives, as provided for in Law 4610/2019 (GG, Vol. A', Iss. 70) and in particular Article 164 (for the revocation of the authorization of establishment and operation).

For the places of worship of the religious community of the Alevi Muslims of Thrace, the following are submitted to the Department for Islamic Matters of the Ministry of Education and Religious Affairs:

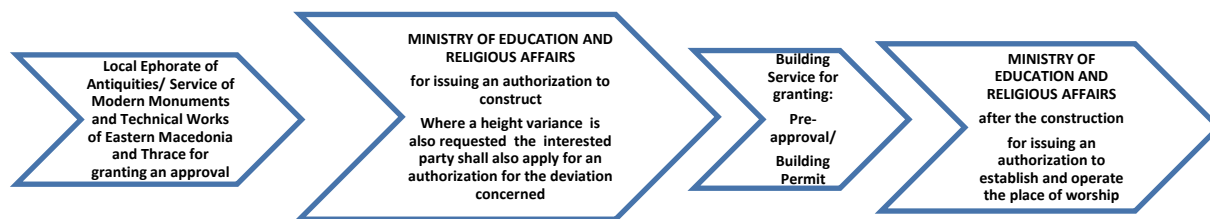
1) an application for the revocation of the authorization of establishment and operation, setting out in full the reasons for the requested revocation (the validity of which may be verified by the service by any appropriate means). The application shall be signed by the religious minister and by at least (05) members of the Alevi religious community whose authentication of signature is certified, 2) a copy of the Extract of the Minutes of the General Assembly of the members or a decision by the official central governing body of the religious community requesting the revocation of the authorization, setting out in full the reasons for the revocation and 3) an original or exact copy of the Book of the celebration of sacraments during the entire period of operation of the place of worship, so that they are kept in the General State Archives, as provided for in Law 4610/2019 (GG, Vol. A', Iss. 70) and in particular Article 164 (for the revocation of the authorization of establishment and operation).

(B) By the Ministry of Education and Religious Affairs if it is established that the minimum legal requirements for granting the administrative authorization are either not met or violated, such as, indicatively and not restrictively:

1. Violation of constitutional provisions and public order rules.
2. Violation of the terms and conditions provided for in this circular for issuing an authorization for the establishment and operation of a place of worship.

4. Construction of a new Islamic place of worship (mosques, tekkes, masjids, cems/cemevis) in Thrace

For the construction of an Islamic place of worship, the following procedure shall be followed:



STAGE 1): GRANTING APPROVAL BY THE MINISTRY OF CULTURE AND SPORTS

The interested party or the authorized engineer shall examine:

1. If the property (land or building) is a designated monument or is ipso jure protected by the provisions of Law 3028/2002, either within an archaeological or historical site, or near an ancient or newer monument, or it is a construction older than 100 years, because then it falls under the provisions of Law 3028/2002 (GG, Vol. A', Iss. 153) and the responsibilities of the Ministry of Culture and Sports. For the information of the interested parties, it is possible to access primarily the National Archive of Monuments kept in the Ministry of Culture and Sports on the website: listedmonuments.culture.gr, but it is absolutely imperative to submit a relevant application to the competent Service of the Ministry of Culture and Sports.
2. If the land or the existing building is included in the database containing all the designated as listed buildings and traditional settlements in Macedonia and Thrace, under the responsibility of the Ministry of Interior (former Ministry of Macedonia and Thrace) or if it is adjacent to a listed building. For this purpose, they can refer to the website: <http://www.mathra.gr> held by the Ministry of Interior (former Ministry of Macedonia and Thrace) and
3. If the land or the existing building is included in the database containing all the designated as listed buildings and traditional settlements kept by the Ministry of Environment and Energy (for this purpose, you can access the website: estia.minenv.gr).

In any case, the interested party, or the authorized engineer, in order to ensure a written consent that the property (land or building) does not fall under the provisions of Law 3028/2002 (GG, Vol. A', Iss. 153) "On the protection of Antiquities and Cultural Heritage in general", shall submit to the locally competent Ephorate of Antiquities/ Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace an application accompanied by the decision of establishment or appointment of the Waqf or Management Committee according to Articles 7, 12 and 24 of Law 3647/2008, (GG, Vol. A', Iss. 37) and a topographic diagram in duplicate to locate the position of the property.

It is noted that if the property is adjacent to a listed common building under the responsibility of the Ministry of Interior (former Ministry of Macedonia and Thrace) para. 5(a) and 5(b) of

Article 6 of Law 4067/12 “*New Building Regulation*” shall apply, which may set special conditions and restrictions on building or use in derogation of any general or special provision on the property for the protection of the listed building. In order to define the above special conditions, a decision of the Ministry of Interior (former Ministry of Macedonia and Thrace) shall be issued, in accordance with the provisions of para. 3a of Article 6 of Law 4067/12.

According to the circular 4939/21-6-2005 of the Ministry of Macedonia - Thrace regarding the procedure for the control of studies in traditional settlements, under the responsibility of the Ministry of Interior (former Ministry of Macedonia and Thrace), in special cases the competent planning authority may submit the file to the Ministry of Interior for approval, after the opinion of the competent Council of Architecture.

Provided there is no impediment from an archaeological point of view, the competent Ephorate of Antiquities/ Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace shall issue a **consent which it shall notify**, together with the application of the interested parties, **to the Department for Islamic Matters of the General Secretariat of Religious Affairs of the Ministry of Education and Religious Affairs.**

STAGE 2): ISSUING AN AUTHORIZATION TO CONSTRUCT BY THE MINISTRY OF EDUCATION AND RELIGIOUS AFFAIRS

After the decision has been taken by the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace and before the issuance of a building permit for the construction of a place of worship, the relevant authorization of the Minister of Education and Religious Affairs is required.

Therefore, the necessary documents to be submitted by the interested party to the Department for Islamic Matters are the following:

- An application signed by the competent Mufti appointed in accordance with the provisions of Article 3 of Law 1920/1991 (GG, Vol. A', Iss. 11) and by the President and the Members of the Management/Waqf Committee with the decision of their establishment or appointment in accordance with Articles 7, 12 and 24 of Law 3647/2008 (GG, Vol. A', Iss. 37), if it is for the construction of a mosque, tekke, masjid.

If it is for the construction of a cem/cemevi, an application signed by the religious minister of the religious community of the Alevi Muslims of Thrace and at least (5) members of their religious community whose signatures shall be authenticated.

In any case, the application must indicate the exact address of the plot /land where the place of worship is to be built and the maximum number of guests (believers or visitors) in order to comply with the relevant provisions on the minimum surface area of the declared area. The application must also state the e-mail address of the Management/Waqf Committee, of the Alevi Muslims of Thrace.

- A copy of the applicants' identity card or passport.

- Property title deeds and the certificate of transfer registration from the local competent Land Registry or other documents proving the legal possession of the place (concession, lease, etc.). In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of lack of property title deeds, they shall be presented, in accordance with **Article 27 para. 4 of Law 4067/12**: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.
- An Attestation of the competent Building Service (“ΥΔΟΜ”) regarding the permitted activities in the specific area for which the authorization to construct the place of worship is requested (attestation of land use).
- A private civil engineer’s Attestation-Technical report regarding the capacity of the place of worship under construction, in accordance with the provisions and conditions of para. II. 8 of the present in which copies of plans (floor plans, sections) shall be mentioned/attached, which shall be submitted to the competent Building Service (“ΥΔΟΜ”) for the approval of the building permit.

It is noted that the authorization granted is valid for a period of nine (9) months from the date of its posting on Diavgeia (<https://diavgeia.gov.gr/>).

After receiving the authorization of the Minister of Education and Religious Affairs, which is communicated by the Department for Islamic Matters to the competent Building Service (“ΥΔΟΜ”) and the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace, the interested party shall address the local Building Services for the granting of a) the pre-approval of the building permit, which is optional except in cases where the issuance of a building permit by other services than the Building Service (“ΥΔΟΜ”) is provided for, and for b) the granting of the building permit.

STAGE 4 (A): GRANTING OF THE PRE-APPROVAL OF THE BUILDING PERMIT BY THE LOCAL BUILDING SERVICE

The pre-approval procedure for the issuance of a building permit is mandatory for categories one (1) and two (2) of Article 36 of Law 4495/17 as amended and in force and optional for category three (3) of the same article.

The review permit pre-approval process is mandatory if it involves a change in urban coverage, building and volume sizes. Exceptionally, the pre-approval of a building permit is mandatory in the following cases:

(a) in newly constructed buildings with a surface area counted in the construction of more than three thousand (3,000) square meters and additions to existing buildings with a total resulting surface area counted in the construction of more than three thousand (3,000) square

meters, **(b)** where a building permit is to be issued by other authorities than the Building Service (“ΥΔΟΜ”), the pre-approval of the building is mandatory and is granted by the local Building Service (“ΥΔΟΜ”) and **(c)** for the construction of permanent buildings, projects of particular environmental and residential importance or projects subject to special control as regards building conditions, as well as in the case of buildings with a surface area of more than three thousand (3,000) square meters.

During the electronic process of issuing a pre-approval of a building permit, the application Administrator shall enter into the system:

1. an application for the issuance of a building permit pre-approval,
2. a solemn declaration by the owner of the project or the person legally entitled to delegate the management of the application to the application Administrator,
3. the property details and geospatial data to locate the property,
4. the details of the owner of the project or the person legally entitled,
5. the supporting documents of Article 35 of Law 4495/17, as amended and in force, which are the following:
 - i. an application by the owner of the project or the person having the legal right, with the statements of assignments - undertaking and supervision of studies
 - ii. a topographic diagram which must always include: 1. A dependence of the property's vertices from the current state triangulation network, 2. A contour of the existing buildings unequivocally defined with rectangular coordinates in the state coordinate system, 3. A complete photographic survey, 4. An elevation survey, 5. A certificate of the competent technical service of the Local Authorities of first and second level (“O.T.A.”) for the final level of the ground level (elevation certificate), where required. By a topographic diagram it is understood the topographic diagram of Article 83 para. 4 of Law 4495/17
 - iii. the coverage diagram shall be submitted at a scale of 1:100 or 1:200 or 1:500 and it shall include:
 1. The plot or land with its dimensions and surface area, the outline of the building to be built, geometrically defined, unequivocally defined with rectangular coordinates in the state coordinate system.
 2. The calculations of the permitted and realizable coverage and construction, the maximum permitted height, the realizable volume of the building, the volume factor, the side and rear setbacks and the calculation of parking space requirements.
 3. The contours of the levels of the building, both underground and above ground, their dimensions, their position in relation to the building lines and the lateral boundaries of the plot and any other

basic information necessary for the calculation of the coverage, the building's construction and the height of the building. In the case of additions, the old buildings with the above data, their permit numbers or title numbers or decisions of exemption or suspension of demolition, if they have been subject to regularization or legalization, shall also be included.

4. The surface contours and the surface area calculation for special use areas of the building that require primary use certificates.
5. The schematic section indicating the maximum height of the building, the ideal solid and the landscaping of the surrounding area, in relation to the finally formed ground, which contains the realizable height of the building and the maximum permissible height.
6. Indicative views.
7. The landscaping of the surrounding area with the necessary indications for the calculation of the planting and the ground level at each level to be landscaped.
8. An indicative three-dimensional illustration of the construction, with line or freehand design, or photographs in existing buildings.

If the opinion or approval of other institutions or bodies is required, the coverage diagram must also comply with the specifications set by them.

- iii. Property title deeds and a recent certificate of ownership or a cadastral sheet or an extract from a cadastral map for each property,
- iv. evidence of the legality of the existing buildings,

6. a technical report accurately describing the project, sizes and uses.

The application Administrator then shall select:

(aa) the competent Service for issuing the permit, (bb) the category of the building permit and (cc) the period of validity of the building permit to be issued.

It should be noted that at the pre-approval stage no approval of any entity, service or collective body is required, due to the location of the project, its nature, its use or any special characteristics.

After entering all the necessary data and accepting the right to use, statistically process and communicate the content of the supporting documents and data submitted - without prejudice to the protection of personal data, intellectual property and commercially sensitive information -, the application is submitted electronically to the competent service and is given

a reference number and after all the stages of verification by the competent officials have been completed, and after the correctness of the category and time of validity of the building permit to be issued has been confirmed, the pre-approval of the building permit shall be issued by the authorized engineer of the competent service, after having received a single number (“Α/Α ΠΡΑΞΗΣ”) by the information system, and it shall be posted on Diavgeia Program (<https://diavgeia.gov.gr/>).

The pre-approval of a building permit is valid for one (1) year for buildings with a total surface area of up to five thousand (5,000) square meters and for two (2) years for buildings with a total surface area of more than five thousand (5,000) square meters.

STAGE 4 (B): GRANTING OF THE BUILDING PERMIT BY THE LOCAL BUILDING SERVICE - EXECUTION OF THE WORKS

A. During the electronic procedure for issuing a building permit, if the application is for a building permit of category 1 or 2, the application Administrator, which is one of the engineers of the project or a technical company, to whom the owner of the project entrusts the submission of the required documents and data for the issuance of the administrative act, shall enter the following into the system:

- a. an application for a building permit,
- b. a solemn declaration by the owner of the project or the person legally entitled to delegate the management of the application to the application Administrator and the competent engineers for the preparation of the required studies and supervision,
- c. the property details and geospatial data to locate the property,
- d. the details of the owner of the project or the person legally entitled and
- e. the supporting documents of Article 40 of Law 4495/17, as amended and in force, other than those submitted for the granting of the pre-approval, and in particular:
 1. an application by the owner of the project or the person having the legal right, with the statements of assignments - undertaking,
 2. approvals of other services and administrative bodies, where required,
 3. property title deeds, a recent certificate of ownership or cadastral sheet and an extract from the cadastral map for each property,
 4. evidence of the legality of any existing buildings,
 5. an architectural study, including a passive fire protection study and an accessibility study for people with disabilities, where required,
 6. a static study,
 7. studies of electromechanical installations,

8. an energy efficiency study of the building,
9. a study of the time schedule for the execution of the project,
10. a study of the plumbing and drainage systems,
11. an active fire protection study, in accordance with the applicable provisions on fire protection, which is prepared on the basis of the passive fire protection study, where required,
12. a gas fuel study approved by the competent gas supply company,
13. a project safety and health plan and file, where required in accordance with the provisions of Presidential Decree 305/1996 (GG, Vol. A', Iss. 212),
14. data on waste management ("ΣΔΑ") providing at least the information of paragraph 2 of Article 7 of Joint Ministerial Decision 36259/1757/E103/2010 (B' 1312), accompanied by a copy of the signed contract of the operator of Waste Excavation, Construction and Demolition ("AEKK") with an approved alternative management system ("ΣΕΔ AEKK") or a decision of approval for an Individual alternative management system ("ΑΣΕΔ") by the Board of the Hellenic Recycling Agency ("E.O.A.N"). For the Regional Units where there is no approved alternative management system ("ΣΕΔ AEKK"), instead of the copy of the signed contract, a solemn declaration of the Waste Excavation, Construction and Demolition ("AEKK") operator is required to ensure the management of the generated Waste Excavation, Construction and Demolition ("AEKK") and to cooperate with the alternative management system ("ΣΕΔ AEKK") at any phase of the execution of the construction works approved for operation in the respective Regional Unit is required,
15. a notarial declaration of the parking spaces provided, in accordance with Article 1 of Law 1221/1981 (GG, Vol. A', Iss. 292), and a certificate of its transfer registration at the Land Registry or its cadastral registry entry at the Cadastre office. In the case of acquisition, instead of the notarial declaration a proof of payment of the required contribution shall be submitted,
16. an explanatory memorandum of para. 1 of Article 3 of Law 1577/1985 (GG, Vol. A', Iss. 210),
17. deposit receipts of the required contributions of the owner of the project to the State, the National Social Security Fund ("ΕΦΚΑ") and the local municipality,
18. a copy of a receipt or invoice for the payment of the agreed fee of the engineering consultants, as well as its corresponding trade tax for engineers "ΦΕΜ",
19. a topographic diagram dependent on the state coordinate system, in accordance with the applicable specifications,

20. a coverage diagram, in accordance with the applicable specifications,
21. in the case of acquisition, the submission of the relevant contribution form is required.

The application Administrator shall submit to the information system, under his/her responsibility, the supporting documents required in each case and there shall be selected: (aa) The competent Service responsible for issuing the permit. (bb) The pre-approval that has been issued. (cc) The category and period of validity of the building permit. If the validity of the pre-approval has expired, the application for the issuance of the building permit is rejected and placed on file. The procedure of para. **(A)** shall also be followed for category 3 building permits for which a pre-approval has been issued.

B. In the case of an application for a category 3 building permit without pre-approval, the procedure is as follows:

(a) An application to grant a permit is made by the Administrator, in order to define the necessary approvals and the applicable building conditions for the property's area.
(b) The application is assigned a reference number and charged electronically by the superior to a competent official, who shall confirm the possibility of issuing a category 3 building permit and issue the attestation, electronically, within ten days, while defining the mandatory fields of approvals of the system that must be completed in order to issue the permit, in accordance with the applicable building conditions for the property's area.

(c) After the issuance of the attestation, the application Administrator may submit a request for the issuance of the specific building permit, by entering into the system the data referred to in para. 1A of this Article, and in any case the supporting documents and data of the mandatory fields defined on the basis of the attestation.

After entering all the necessary data and accepting the right to use, statistically process and communicate the content of the supporting documents and data submitted, subject to the protection of personal data, intellectual property and commercially sensitive information, the request shall be submitted electronically to the competent department and shall be assigned registration number.

Once a registration number has been received, the Application Administrator shall no longer have the right to process the data of the application. The system shall automatically issue the building permit by obtaining a single number from the information system and it shall be posted on Diavgeia Program (<https://diavgeia.gov.gr/>). After the reception of a permit number and the post on Diavgeia Program, the head of the department shall assign a competent official to check the permit's contributions and retentions (tax). If errors are detected, the application administrator and the owner are informed via the information system, in order to make the necessary corrections/additions. After two months that no action has been taken, the permit shall be revoked. At the stage of checking the contributions and retentions of the permit, an authorized official shall also check the payment of any contributions that may arise, such as from the acquisition of parking spaces or cash contributions, the conversion of land levy into cash.

The building permit is valid for four (4) years from the date of issue. Exceptionally, permits for the construction of a building or buildings with a total surface area of more than five thousand (5,000) square meters shall be valid for six (6) years. Upon issuance of the building permit or small-scale work permit by the computer system and receipt of a permit number, it shall be updated electronically:

1. the competent Labour Inspectorate for the project's safety and health plan and file, where required, 2. the competent Police Department and 3. the Environmental Directorate of the competent local authority ("OTA").

After the completion of the construction works, the interested party shall submit the necessary documents to the Department for Islamic Matters **to obtain the authorization for the establishment and operation of the place of worship.** (see II.7 and IV.2).

5. Supporting documents for the revocation of the authorization to construct a place of worship

The authorization to construct a place of worship is revoked as follows:

(A) For the places of worship of Muslims in Thrace which are managed by the Management Committees of Muslim Property, an application for the revocation of the authorization to construct is submitted to the Department for Islamic Matters of the Ministry of Education and Religious Affairs, in which the reasons for the requested revocation shall be set out in full (the validity of which the Service may verify by any appropriate means). The application shall be signed by the competent Mufti appointed in accordance with the provisions of Article 3 of Law 1920/91 (GG, Vol. A', Iss. 11) and by the President and the Members of the Management Committee.

For the places of worship of Muslims in Thrace which are managed by the Waqf Committees of Muslim Property, an application for the revocation of the authorization to construct is submitted to the Department for Islamic Matters of the Ministry of Education and Religious Affairs, in which the reasons for the requested revocation shall be set out in full (the validity of which the Service may verify by any appropriate means). The application shall be signed by the competent Mufti appointed in accordance with the provisions of Article 3 of Law 1920/91 (GG, Vol. A', Iss. 11) and by the President and the Members of the Waqf Committee.

For the places of worship of the religious community of the Alevi Muslims of Thrace, the following are submitted to the Department for Islamic Matters of the Ministry of Education and Religious Affairs:

- 1) an application for the revocation of the authorization to construct, in which the reasons for the requested revocation shall be set out in full (the validity of which the Service may verify by any appropriate means). The application shall be signed by the religious minister and at least five (05) members of the Alevi religious community whose authenticity of signature is certified; and 2) a copy of an Extract of the Minutes of the General Assembly of the members or a resolution of the official central governing body of the religious community requesting the revocation of the authorization, setting out in full the reasons for revocation.

(B) By the Ministry of Education and Religious Affairs if it is established that the minimum legal requirements for granting an administrative authorization are not met or violated, such as, but not limited to:

1. Violation of constitutional provisions and public order rules.
2. Violation of the terms and conditions provided by this circular for the issuance of an authorization to construct a place of worship.

6. Construction of a new place of worship with a height variance of the prayer tower (minaret)

If the height of the prayer tower (minaret) in a newly constructed building exceeds nine (9) meters, a height variance is in question and the interested party shall apply to the Ministry of Education and Religious Affairs, having the authorization to construct for the new place of worship and the approval for the height variance (para. 1.1.4 and 1.2.4).

The application for the requested deviation shall be accompanied by the following supporting documents:

- An application signed by the competent Mufti appointed in accordance with the provisions of Article 3 of Law 1920/1991 (GG, Vol. A', Iss. 11) and by the President and the Members of the Management/Waqf Committee with the decision of their constitution or appointment according to Articles 7, 12 and 24 of Law 3647/2008 (GG, Vol. A', Iss. 37).
- Copies of their identity cards or passports.
- Property title deeds and the certificate of transfer registration from the local competent Land Registry or other documents proving the legal possession of the place (concession, lease, etc.). In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of lack of property title deeds, they shall be presented, in accordance with **Article 27 para. 4 of Law 4067/12**: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.
- A copy of the technical - explanatory report of an engineer in which copies of plans (floor plans - sections) shall be mentioned/attached, which shall be submitted to the competent Building Service ("YΔOM") for the approval of the building permit.
- An Attestation from the Mufti stating the reasons for the requested deviation.

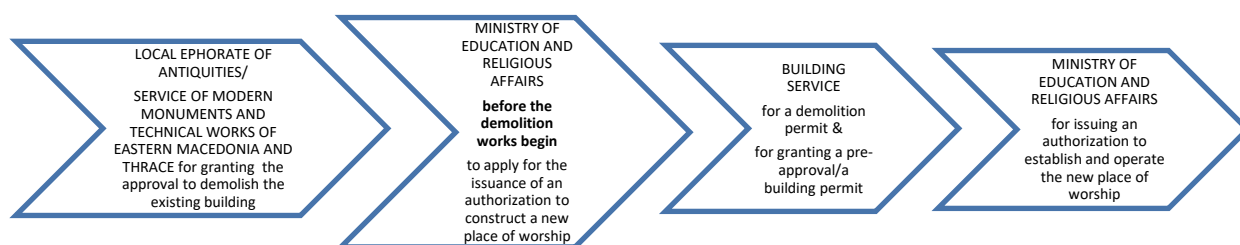
Following the granting of both approvals by the Ministry of Education and Religious Affairs as well as all necessary approvals of other bodies if required, the interested party shall be

addressed to the Ministry of Education and Religious Affairs in order to submit the required supporting documents for the height variance.

The decision of the Minister of Education and Religious Affairs shall then be issued, **which shall be communicated to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs** and the interested party shall be addressed to the competent Building Service (“ΥΔΟΜ”) for the granting of the building permit (Chapter IV.4, Stage 3).

7. Demolition of the old Islamic place of worship (mosques, tekkes, masjids, cems/cemevis) with the prospect of constructing a new one (in the place of the old one, in another property, in another location within the property)

In summary, the following procedure is followed:



The interested party shall be addressed to the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace to determine whether the existing building is protected by the provisions of Law 3028/2002 (if it is a monument or is located within an archaeological site or historical site or near a modern monument) in order to proceed with the demolition of the building.

In particular, in the case of demolition of a property older than 100 years, the approval of the competent Ephorate of Antiquities and the Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace is required, in accordance with Article 6, para. 10 of Law 3028/2002.

If the mosque falls into one of the categories of Article 6 para. 1(b) and (c) of Law 3028/2002 or has been constructed before 1955 or if according to the Building Service, the Ministry of the Environment, Energy and Climate Change or the Secretary General of the competent Decentralized Administration or other competent service it can be classified as a listed building, it is referred to the competent Council of Architecture or through the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace, according to the provisions of Law 3028/2002, it is referred to the competent council of the Ministry of Culture and Sports for its designation as a monument. This referral is also mandatory for constructions later than 1955 located in a (traditional) protected settlement, (traditional) protected part of a town, historical site, archaeological site and area of special natural beauty. In this case, the permit is granted when the Building Service

is notified that the structure is not considered to be a listed building or if twelve (12) months have elapsed since the relevant demolition file was forwarded to the competent service of the competent Ministry, without a decision being issued to classify the building as a listed building or monument.

The interested party must, after receiving **the consent of the Local Ephorate of Antiquities/ Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace for the demolition of the existing building, which shall be notified by the competent Service of the Ministry of Culture and Sports, to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs and before the demolition works begin**, to apply to the Ministry of Education and Religious Affairs for the required authorization for the construction of the new place of worship, following the procedure provided for in Chapter IV. 4 of this circular (para. 1.1.3, 1.2.3, 1.3.3).

Then, during the online procedure, the interested party shall be addressed to the Building Service (“ΥΔΟΜ”) for the granting of (a) the demolition permit and (b) the building permit.

The demolition permit procedure falls under category 1 of building permits and the documents of paragraph 2 of Article 40 of Law 4495/2017 are submitted, with the exception of those submitted for the issuance of the pre-approval. In particular, the following shall be submitted:

1. a topographic diagram indicating the location of the building or structure to be demolished and photographs of all views of the building to be demolished,
2. a surface contour at a scale of at least 1:100 of the building to be demolished and the surrounding buildings,
3. schematic sections of the building,
4. a coverage diagram, only if the buildings on the plot or land are not completely demolished,
5. a technical report referred to in para. 6 of Article 11 of the 31245/22.5.1993 Decision of the Minister of the Environment, Urban Planning and Public Works (GG, Vol. B', Iss. 451) with the accompanying studies,
6. an authorization issued by the Police Authority if the demolition is carried out with explosives,
7. a project safety and health plan and file, where required, in accordance with the provisions of presidential decree 305/1996,
8. receipts of deposit of the project's contributions owed to the State and the National Social Security Fund for the issuance of the permit,
9. data on waste management (“ΣΔΑ”) providing at least the information of paragraph 2 of Article 7 of Joint Ministerial Decision 36259/1757/E103/2010 (GG, Vol. B', Iss. 1312), accompanied by a copy of the signed contract of the operator of Waste

Excavation, Construction and Demolition (“AEKK”) with an approved alternative management system (“ΣΕΔ AEKK”) or a decision of approval for an Individual alternative management system (“ΑΣΕΔ”) by the Board of the Hellenic Recycling Agency (“Ε.Ο.Α.Ν”). For the Regional Units where there is no approved alternative management system (“ΣΕΔ AEKK”), instead of the copy of the signed contract, a solemn declaration of the Waste Excavation, Construction and Demolition (“AEKK”) operator is required to ensure the management of the generated Waste Excavation, Construction and Demolition (“AEKK”) and to cooperate with the alternative management system (“ΣΕΔ AEKK”) at any phase of the execution of the construction works approved for operation in the respective Regional Unit is required,

10. approvals of other services and administrative bodies, where required. In addition, an opinion of the Council of Architecture (“Σ.Α.”) or a decision of the Regional Council of Architecture (“ΠΕ.Σ.Α.”) shall be submitted, where required,
11. property title deeds, a recent certificate of ownership or a cadastral sheet and an extract from the cadastral map for each property.

Where the approval of the Architectural Council is required, an attestation of no objection shall be submitted.

For the issue of the building permit, the procedure set out in Section IV. 4 of this circular shall be followed and the **building permit for the construction of the new place of worship after demolition will follow the applicable building conditions and restrictions and not the building conditions of the old place of worship.**

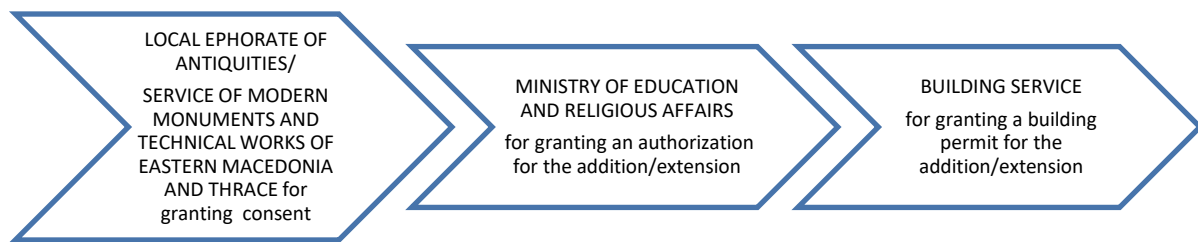
The building permit is notified by the **Ministry of Interior to the Department for Islamic Matters.**

Demolition, excavation, fill, configuration and tree cutting permits shall be valid for one (1) year from the date of issuance.

After the completion of the construction of the new place of worship, the interested party shall submit the necessary documents to the Department for Islamic Matters to obtain an authorization for the establishment and operation of the place of worship in accordance with paragraph II.7 of this Circular.

8. Addition/extension of a building to an existing Islamic place of worship

In summary, the interested party follows the following procedure:



The interested party or the authorized engineer, in order to ensure a written consent that the property (land or building) does not fall under the provisions of Law 3028/2002 (GG, Vol. A', Iss. 153) *"On the protection of Antiquities and Cultural Heritage in general"*, shall submit to the locally competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace an application accompanied by the decision to establish or appoint the Waqf or Management Committee according to Articles 7, 12 and 24 of Law 3647/2008, (GG, Vol. A', Iss. 37) and a topographic diagram in duplicate to locate the position of the property.

The relevant opinion issued by the above mentioned Service is **communicated to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs.**

Subsequently, the interested party shall submit an application to the Department for Islamic Matters as **an authorization from the Minister of Education and Religious Affairs** is required, which is valid for **nine (9) months from the date of its posting on Diavgeia.**

The documents to be submitted by the interested party to the Department for Islamic Matters are the following:

- An application signed by the competent Mufti appointed in accordance with the provisions of Article 3 of Law 1920/1991 (GG, Vol. A', Iss. 11) and by the President and the Members of the Management/Waqf Committee with the decision of the Committee's establishment or the appointment of its members in accordance with Articles 7, 12 and 24 of Law 3647/2008 (GG, Vol. A', Iss. 37), if the addition/extension concerns a mosque, tekke, masjid.

If the addition/extension is implemented in a cem/cemevi, an application signed by the religious minister of the religious community of the Alevi Muslims of Thrace and at least (5) members of their religious community whose authenticity of signature will be certified.

In any case, the application shall indicate the exact address of the plot/land where the addition/extension of the place of worship is to be implemented and in any case the maximum number of guests (worshippers or visitors), in order to apply the relevant provisions on the minimum surface area of the declared space. The

application must also include the e-mail address of the Management/Waqf/Alevi Muslims of Thrace Committee (Para 1.1.5, 1.2.5, 1.3.4).

- A certified deed of operation if the place of worship exists before 30-11-1955, date of validity of the Royal Decree 09-08-1955 or an authorization for the establishment and operation if the existing place of worship is later (II 6 and 7).
- A legal property title deed of the property **on which the addition/extension of the building is to be built** (including the certificate of transfer registration from the locally competent Land Registry or other documents regarding the legal possession (concession etc.). In case of a Cadastre, a relevant extract from the cadastral registry entry. In case of lack of property title deeds, they shall be presented, in accordance with **Article 27 para. 4 of Law 4067/12**: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.
- An Attestation from the competent Building Service (“ΥΔΟΜ”) regarding the permitted activities on the specific property for which the authorization to build an addition/extension of the place of worship is requested (attestation of land use).
- A private civil engineer’s attestation/technical report regarding the capacity of the requested addition/extension as well as the capacity of the total space (existing + addition) (para. 2.4), in accordance with the provisions and conditions of para. II.8 of the present, in which copies of plans (floor plans, sections) shall be mentioned/attached, and shall be submitted to the competent Building Service (“ΥΔΟΜ”) for the approval of the building permit.

After receiving the authorization of the Minister of Education and Religious Affairs, which is communicated by the Department for Islamic Matters to the competent Building Service (“ΥΔΟΜ”) and to the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace, the interested party shall address the local Building Services for the issuance of the building permit, in which the same documents are submitted as for the granting of a building permit in the case of the construction of a place of worship (see chapter IV.4).

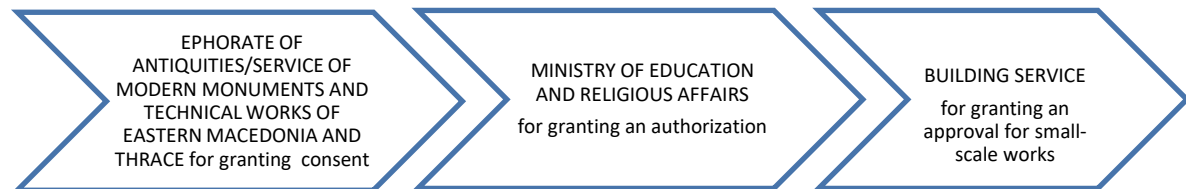
It should be noted that the coverage diagram which is to be submitted, among other things, *in the case of an addition*, shall contain the old buildings with the required data, their permit numbers or title numbers or decisions of exemption or suspension of demolition if they have been subject to regularization or legalization.

The Building Service (“ΥΔΟΜ”) shall notify the Department for Islamic Matters of the granting of the building permit.

After the completion of the addition/extension works, the interested party shall submit the necessary documents to the **Department for Islamic Matters to obtain the authorization to establish and operate for the new place of worship** (see chapter II.7).

9. Small-scale works approval

For small-scale works on existing buildings, in summary, the following procedure is followed:



The interested party shall follow the procedure described in case IV. 4. Stage 1 of this circular and shall address the **Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace, whose services shall notify the relevant decision to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs.**

Then, in order to obtain the relevant permit, the interested party shall submit the following to the Department for Islamic Matters:

- An application signed by the Mufti concerned, appointed in accordance with the provisions of Article 3 of Law 1920/1991 (GG, Vol. A', Iss. 11) and by the President and the Members of the Management/Waqf Committee with the decision of the Committee's establishment or the appointment of its members in accordance with Articles 7, 12 and 24 of Law 3647/2008 (GG, Vol. A', Iss. 37), if the small-scale works take place in a mosque, tekke, masjid (Annex 1.1.5 and 1.2.5)

For the implementation of the works in a cem/cemevi, the religious community of the Alevi Muslims of Thrace shall submit an application signed by the religious minister and by at least five (05) members of the Alevi religious community, whose authenticity of signature will be certified. (Annex 1.3.4)

- A certified deed of operation if the place of worship exists before 30-11-1955, date of validity of the Royal Decree 09-08-1955 or an authorization for the establishment and operation if the existing place of worship is later (II. 6 and 7).
- A copy of a private civil engineer's technical report which shall be submitted to the competent Building Service ("ΥΔΟΜ") for the small-scale works required, in which copies of plans (floor plans, sections) shall be mentioned/attached which shall be submitted to the competent Building Service ("ΥΔΟΜ") for the approval of the building permit.

9.1 Documents to be submitted to the building services (“ΥΔΟΜ”) for the approval of small-scale construction works

During the electronic procedure for the issuance of small-scale building works approval by the Building Service (“ΥΔΟΜ”), the Application Administrator shall enter into the system (a) an application for the issuance of a small-scale construction works approval, (b) a solemn declaration by the project owner or the person having the legal right to delegate the management of the application to the Application Administrator and the competent engineers for the preparation of the required studies and supervision, (c) the property data and the geospatial data for the identification of the property, (d) the details of the project owner or the person having the legal right, the general and specific supporting documents referred to below; (e) an affidavit by the engineer that all the specific regulations have been taken into account and that the conditions set out in para. 2 of Article 41 of Law 4495/17 are met, as in force :

9.1.1 General supporting documents

(a). An application by the owner or the person having the legal right, stating his/her full details and the details of the property.

(b). Approvals of the competent services and collective bodies (such as the Ministry of Culture and Sports, the Council of Architecture, etc.) where these are required by the applicable provisions, with their accompanying data.

(c). An Attestation-Technical Report of the Engineer and Project Budget in cases where: (aa) The attestation-technical report shall state that the building, land, plot or divided property is located in an area outside or within a planned area or in a settlement, that it does not fall within the prohibitive cases of Article 1 of the present, subject to an exception to this from other provisions, that the works to be carried out comply with the applicable urban planning provisions and regulations and that the building falls within the cases of Article 2 of the present with specific reference to the legal evidence where applicable. In particular, the number of the building permit or other authorization, and/or the electronic number of the final declaration of inclusion of a building without a building permit or the declaration of exemption from demolition or data of definitive exemption from demolition under another law, the plot or land, the building and the detailed description of the works to be carried out on it shall be indicated. The Technical Report shall be accompanied by drawings, if required, to adequately document and (bb) A Budget of works only for cases where a check is required to verify whether or not the specified amount of twenty-five thousand euros (25,000) is exceeded, in accordance with para. 2 of Article 29 of Law 4495/2017, calculated in accordance with Annex B of Law 4495/2017.

(d). An extract of a cadastral map or a certificate of cadastral property or a certificate for the submission of a declaration to the Cadastre.

(e). Photographs of the property and its surroundings.

(f). A declaration of consent of the co-owners of the property, if the works are carried out in common areas, such as uncovered areas of a plot or land or common parts of the building,

such as facades, a load-bearing structure, an attic apartment and a roof. Consent shall be evidenced by any legal means (such as solemn declarations with certified signatures, minutes of a general meeting of co-owners, etc.).

(g). A submission of the Project Safety and Health Plan and File, with the appointment of the responsible coordinator in accordance with the provisions of the Presidential Decree 305/1996 (GG, Vol. A', Iss. 212), where required.

(h). Data on waste management ("ΣΔΑ") providing at least the information of paragraph 2 of Article 7 of Joint Ministerial Decision 36259/1757/E103/2010 (B' 1312), accompanied by a copy of the signed contract of the operator of Waste Excavation, Construction and Demolition ("AEKK") with an approved alternative management system ("ΣΕΔ AEKK") or a decision of approval for an Individual alternative management system ("ΑΣΕΔ") by the Board of the Hellenic Recycling Agency ("E.O.A.N"). For the Regional Units where there is no approved alternative management system ("ΣΕΔ AEKK"), instead of the copy of the signed contract, a solemn declaration of the Waste Excavation, Construction and Demolition ("AEKK") operator is required to ensure the management of the generated Waste Excavation, Construction and Demolition ("AEKK") and to cooperate with the alternative management system ("ΣΕΔ AEKK") at any phase of the execution of the construction works approved for operation in the respective Regional Unit is required,

9.1.2 Specific supporting documents

The specific supporting documents specified in the relevant Ministerial Decision for each work. In particular, the additional supporting documents required in each case, as referred to in Article 3 of the Ministerial Decision ΥΠΕΝ/ΔΑΟΚΑ/43266/1174/20 (GG, Vol. B', Iss. 1843) are as follows:

(a) For test ground sections and excavation or for works required for geotechnical investigations in accordance with the Greek Code for Seismic Resistant Structures ("EAK") 2003, the following shall be submitted:

1. The document of the competent archaeological service of the Ministry of Culture and Sports which defines the relevant obligation in the case of test sections, or an engineer's attestation that no shoring is required in the case of works for geotechnical investigations and
2. A copy of a topographic diagram.

(b) For the placement of prefabricated houses, where special programs provide for the coverage of housing needs of disadvantaged and special population groups or the self-housing of returnees, the following are submitted:

1. A topographic diagram, floor plans, sectional and elevation plans and
2. Supporting documents provided for the special housing or self-housing program by special provisions and regulatory acts.

(c) For pumping stations and buildings with the absolutely necessary dimensions for their housing according to Article 3 of the Presidential Decree 24/1985 (GG, Vol. D', Iss. 270), except in the case where the construction of columns is required, they are submitted:

1. Approval of the competent Rural Development and Food Service and 2. A copy of a topographic diagram showing the location of the facility.

(d) For the construction of underground cemetery facilities, such as a digester, submerged buckets and water tank, with a maximum area of twenty-five (25.00) square meters and a depth of up to four (4.00) meters, served by exterior compact type engine room systems, if required, and provided that the height of the structures at no point shall exceed one (1.00) meter from the final ground level, they are submitted:

1. A declaration by a competent engineer who assumes responsibility for the structural and electromechanical safety of the structure and installations;
2. A copy of a topographic diagram or an extract from a town plan or other diagram showing the locations of the facilities; and 3. Floor plans and section drawings.

(e) For the cases of indent (e) of para. 2 of Article 29 of Law 4495 and until the ministerial decision provided for by Article 21 of Law 4067/2012 is issued, they are submitted:

1. A certificate of structural adequacy or structural study,
2. A lease agreement for the concession of the public or common land,
3. Concession approvals from the competent body (Municipality, Region, Land Service, etc.).
4. An approval of the installation by the competent body approving the operation.
5. A copy of a topographic diagram or an extract of a town plan or other diagram, with a scaled, schematic representation of the facilities (location, dimensions, distances, etc.)
6. Plan, section and elevations at an appropriate scale.

(f) For the construction of a lift and the necessary interventions - works for its completion and operation, in accordance with paragraph 2 of Article 27 of Law 4067/2012 (GG, Vol. A', Iss. 79) in legally existing buildings that do not have a lift and at the time of their construction it was not mandatory by the then applicable provisions, or that have a lift with internal chamber dimensions outside the specifications of the Safety rules for the construction of lifts EN 81-70 ("EAOT - EN 81-70"), or in buildings where the lift stops must be extended in order to serve people with disabilities or handicapped persons, if the above conditions apply and in off-plan areas, they are submitted:

1. An engineer's affidavit, stating that the studies for the addition of the lift and the access area to it were prepared in accordance with the general and special urban planning provisions and regulations, they are complete and their elements and

dimensions comply with the specifications and regulations in force. It is also stated that the existing building, at the time of its construction, it was not required to have a lift by the provisions in force at the time, or that it was required to have a lift but that the relevant change during the construction was subject to the provisions on the settlement or regulation of unauthorized buildings, or that the building has a lift with internal chamber dimensions outside the specifications of the Safety rules for the construction of lifts EN 81-70 (“EAOT - EN 81-70”), or that the building must have an extension of the lift stops in order to allow access.

2. A copy of a topographic diagram, showing the scaled surveying of the lift and its required access area.
3. A floor plan and a sectional drawing at a scale of 1:100, and elevation in case the lift is placed outside the contour of the existing building.
4. A structural study by a competent engineer when adding a new construction/installation of a lift to an existing building, or a certificate of structural adequacy in case of intervention in an existing shell in accordance with the applicable Greek or European specifications and regulations.
5. An electromechanical study or technical report of a competent Engineer for the safety of the installation in case of intervention in an existing shell in accordance with the applicable Greek or European specifications.
6. Instead of the submission of the Declaration of Consent, the minutes of the General Assembly of the building with a majority of 51% of the total votes according to Article 11 of Law 3209/2003 for the construction of a lift in derogation of the New Building Regulations Law (“NOK”) in cases where the building has been subject to the provisions of Law 3741/1929 “On ownership of floors”.

(g) For the felling of trees within approved urban plans or in off-plan zones (“Z.O.E.”) as well as in settlements existing before the Law Decree of 17.7.1923 (GG, Vol. A’, Iss. 223) and in settlements delimited by the 24.5.1985 Presidential Decree:

1. For the felling of trees in a public area of a town or settlement:
 1. An application from the competent authority.
 2. A reasoned Technical Report of the competent agronomist, forester or competent geotechnical scientist describing the reasons for felling trees and that they are not protected by the provisions for the protection of forests and woodland in general or by provisions of archaeological legislation or legislation on protected areas or other relevant legislation.
 3. A copy of a topographic diagram or an extract from an urban plan or other diagram, indicating the location of the trees to be felled and any future tree planting locations.
 4. A decision of the competent body of the municipality concerned.

2. For the felling of tree/s on plots of land, the following are submitted:

1. A technical report by the engineer or agronomist describing the reason for the felling and certifying that the trees are not protected by the provisions for the protection of forests and woodland in general or by provisions of archaeological legislation or legislation on protected areas or other relevant legislation. In particular, for cases that fall within an approved urban plan, it is stated that the minimum mandatory number of trees as defined in the provisions of the Building Regulation (Ministerial Decision 3046/304/1989 (GG, Vol. D', Iss. 59)), as in force, is ensured for permits issued after its entry into force.
2. A copy of the topographic diagram, indicating the location of the trees to be felled and any future tree planting locations.

(h) For the construction of underground gas distribution or metering and regulation stations, the following shall be submitted:

A copy of a topographic diagram showing the scale of the installations (location, dimensions, distances, etc.).

(i) For the installation of scaffolding, the following shall be submitted:

1. A statement of assignment and assumption of responsibility by an engineer for the supervision of the project.
2. A copy of a topographic diagram.

(j) For the placement of construction site housing units, the following shall be submitted:

1. A copy of a topographic diagram, showing the location of the facilities (location, dimensions, distances, etc.). In particular in the case of public or municipal works, a road sketch with the locations of the construction site housing units marked may be submitted instead of the topographic diagram.
2. An engineer's technical report describing the necessity, size and location of the construction site housing units and stating that the above accommodation must be removed before the final electrification of the property or the provisional acceptance of the project respectively. In addition, if the installation of more than one housing unit is deemed necessary, the necessity of the installation shall be documented.
3. If the site where the housing units are to be placed is private, the private lease or concession agreement for this site must be submitted.

(j.a) For the excavation of cable ducts within the land or plots of land of petrol stations for the installation of inlet/outlet systems, the following shall be submitted:

1. A copy of the topographic diagram, showing the location of the installations (location, dimensions, distances, etc.).

2. A license for the establishment or operation of the petrol station for liquid and gaseous fuels from the competent authority.

(j.b) For exterior painting work or replacement of railings or repair of coatings or repair of facades using scaffolding, there shall be submitted:

1. A declaration of assignment and assumption of responsibility by an engineer for the supervision of the project.
2. A copy of a topographic diagram.

In areas classified as traditional settlements, traditional parts of cities, areas of natural beauty, archaeological sites, historical sites, for exterior painting or replacement of railings or repair of coatings or repair of facades with a different material and regardless of the use of scaffolding, a mandatory approval of small-scale building works shall be issued and additional facades of the building shall be submitted. Where the engineer's technical report shows that the works will be carried out with the exact same material according to the typology of the existing structure, an approval for small-scale building works is required only if scaffolding is used and no building elevations are required.

In buildings classified as monuments and listed buildings for the works of this case, additional views of the building shall be submitted.

(j.c) For the cladding of facades and replacement of glazing using scaffolding, there shall be submitted:

1. An attestation by the engineer that the structural elements of the building's facade are not affected.
2. A copy of a topographic diagram.

In areas classified as traditional settlements, traditional parts of cities, areas of natural beauty, archaeological sites, historical sites and/or in buildings classified as monuments, listed buildings and in their protection zones, for the cladding of facades and replacement of glazing, there shall be submitted additionally facades of the building as well.

(j.d) For the construction of pergolas of an area of more than fifty (50) square meters in open spaces, porches, ground floor verandas, as well as pergolas of any surface area in attics, out-of-doors spaces and open balconies there shall be submitted:

1. A copy of a topographic diagram, showing the scale of the installations (location, dimensions, distances, etc.).
2. Floor plans and facades at a scale of 1:100 or 1:50.
3. An engineer's affidavit that the ideal solid of the building is not violated.

(j.e) For the installation of an uncovered water tank or swimming pool, with a maximum surface area of fifty (50) square meters, served by external compact type engine room systems, the following shall be submitted:

1. A copy of a topographic diagram, showing the scale of the installations (location, dimensions, distances, etc.) and the ground configuration.
2. An affidavit by the engineer that no reinforced concrete wall is required for its installation and that the height of all structures at any point does not exceed one meter (1.00 m) from the final ground level and that no excavation or filling of the natural ground greater than 1.50 m is required for its installation and that the required planting of the mandatory open space area is observed.
3. A declaration by the competent engineer responsible for the structural and electromechanical safety of the construction and installations.
4. A structural study or a certificate of structural adequacy of the construction.
5. An electromechanical study.

(j.f) For the ventilation ducts and other installations and structures referred to in paragraphs 2(β), 2(δ), 2(σ) and 3 of Article 19 of Law 4067/2012, the following shall be submitted:

1. A copy of a topographic diagram, as defined in indent (ε) of the paragraph 3 of Article 1.
2. A floor plan of the attic showing the installations (location, dimensions, distances, etc.) and an elevation plan if required.
3. An affidavit by the engineer, stating that he/she assumes responsibility for the safety of the construction or installation, that the structural adequacy of the building is not affected, that the general and special planning provisions and regulations are met and that the ideal solid of the building is not violated.

(j.g) For internal arrangements, the following shall be submitted:

1. A copy of a topographical map.
2. An affidavit by the engineer that the load-bearing elements of the building are not affected.
3. A floor plan drawing at a scale of 1:100 or 1:50.
4. A notarial declaration of Law 1221/1981 and its transcription, to ensure the mandatory parking spaces, if required. In case the internal arrangements or the change of use modify the building's studies (e.g. passive/active fire protection, electromechanical installations, etc.), the modified studies shall be submitted as well.

(j.h) For the construction of planted attics and planted surfaces until the publication of the Ministerial Decision of para. 3 of Article 18 of Law 4067/2012 (GG, Vol. A', Iss. 79), there shall be submitted in addition to the general supporting documents, the supporting documents defined in the Ministerial Decision 911/9-1-2012 "*Terms, conditions and procedure for the construction of planted surfaces on attics, roofs and open-air spaces of buildings*" (GG, Vol. B', Iss. 14/2012), and after the publication of the Ministerial Decision, the supporting documents as defined in it shall be submitted.

In particular, for the construction of planted attics and planted surfaces in Public Buildings, which have been included in any funding program, the following shall be submitted in addition:

1. A copy of a topographic diagram.
2. A copy of the decision to include the project in the funding program or a copy of the positive evaluation and qualification decision for funding the project.
3. A declaration of structural adequacy by a competent engineer.
4. A copy of the technical report for the Construction of Planted Surface, as submitted to the competent body for inclusion in the funding program. In case the technical report has not been submitted for funding, then the technical report provided for in the provisions of the Ministerial Decision 911/9-1-2012 (GG, Vol. B', Iss. 14/2012) shall be submitted.

(j.i) For the installation of external thermal insulation or passive solar systems on the external facades, the following shall be submitted:

An attestation by the engineer that the facades are not altered, that the load-bearing elements of the facades and the building are not damaged and that the urban planning provisions are complied with. In areas classified as traditional settlements, traditional parts of towns, areas of natural beauty, archaeological sites, historical sites, for the above works, building elevations shall be additionally submitted.

(k) For the maintenance, repair of roofs using scaffolding, the following shall be submitted:

1. A declaration of assignment and assumption of responsibility by the engineer for the supervision of the project.
2. A copy of a topographic diagram.
3. An attestation by the engineer that the load-bearing elements of the building are not affected.

(k.a) For simple masonry walling up to a height of one meter (1.00 m) or fencing of lightweight material, of land in off-planned areas and in settlements lacking a town plan, there shall be submitted:

A topographic diagram showing the fencing or the position of the posts and its dimensions. If the property is located in a coastal area, an affidavit from the engineer stating that the land is more than 500 meters from the sea.

(k.b) For the fencing with a temporary construction, such as barbed wire, on plots of land not zoned in urban areas, the following shall be submitted:

A topographic diagram, on which the fencing and its dimensions shall be marked.

In areas classified as traditional settlements, traditional parts of towns, areas of natural beauty, archaeological sites, historical sites, for the above works, building elevations shall be additionally submitted.

(k.c) For the construction of a single stone-built warehouse per cultivated farm, in accordance with Article 6 para. 4 of Presidential Decree 24/1985 (GG, Vol. D', Iss. 270), with a surface area of up to fifteen (15) square meters and a total height with the roof of up to three meters (3.00 m) if no reinforced concrete is used in the roof and it is constructed independently of any existing main building, there shall be submitted:

1. An approval of the competent Directorate of Rural Development and Food that the warehouse is considered necessary for the storage of agricultural products and supplies in general.
2. A topographic diagram showing the warehouse (location, dimensions, distances, etc.).
3. Floor plans and sectional drawings at a scale of 1:100 or 1:50.

Where the construction of a roof is mandatory by special provisions of the region, a roof must be constructed, while respectively where the construction of an attic is mandatory, the height of 3.00 m is calculated including the roof parapet.

(k.d) For the construction of hearths and ovens with their chimneys, the following shall be submitted:

1. An engineer's affidavit that the installation will serve a professional use and that the chimney meets the provisions of the "*Building Regulation*", Ministerial Decision 3046/304/1989 (GG, Vol. D', Iss. 59), as in force.
2. A technical report from a competent engineer that the structural adequacy of the building's load-bearing structure is not affected.
3. A copy of the topographic diagram, showing the location, dimensions, distances, etc. of the hearths and ovens.

In areas classified as traditional settlements, traditional parts of towns, areas of natural beauty, archaeological sites, historical sites and/or in buildings classified as monuments, listed buildings and in their protection zones for the construction of hearths, ovens and fireplaces, elevation views shall be additionally submitted.

(k.e) For the construction of fireplaces with their chimneys in horizontal properties with residential use, the following shall be submitted:

1. A copy of the topographic diagram.
2. A technical report of a competent engineer that the structural adequacy of the load-bearing structure of the building is not affected and that the chimney meets the provisions of the “*Building Regulation*”, Ministerial Decision 3046/304/1989 (GG, Vol. D’ , Iss. 59), as in force.
3. A floor plan drawing at a scale of 1:100 or 1:50 showing the location of the fireplace and chimney.

In areas classified as traditional settlements, traditional parts of towns, areas of natural beauty, archaeological sites, historical sites and/or in buildings classified as monuments, listed buildings and in their protection zones, for the construction of fireplaces with their chimneys, elevation views shall be additionally submitted.

(k.f) For the reconstruction of the roof, the following shall be submitted:

1. A copy of the topographic diagram.
2. A technical report from a competent engineer stating that it has the same dimensions, that its volume is not altered, that the final height of the building and the roof is not increased and that the load-bearing elements of the building are not affected.
3. Floor plans, elevation and sectional views at a scale of 1:100 or 1:50.
4. A structural study.

(k.g) For the functional merger of premises according to para. 5 of Article 23 of Law 4067/2012, as in force in conjunction with the 13448/16-3-2012 and 13451/163-2012 Ministerial Decisions (GG, Issue on Compulsory Expropriations and Town Planning Matters 116/9.10.2012), there shall be submitted:

1. A copy of the topographic diagram.
2. An application by each of the owners of the premises to be merged or their duly authorized representative.
3. A private contract of the owners, in the case of a functional merger of buildings of adjacent plots, indicating the period of functional integration of the buildings or premises.
4. A technical report by an engineer stating the works to be carried out for the unified operation of the space (including any internal arrangements) and stating that the urban planning and building regulations are not violated, that no unauthorized change of use is created and that the structural adequacy of the

buildings to which the premises to be functionally combined belong is not affected.

5. Consent by an increased majority of 67% of the co-owners of the adjacent plots or adjacent detached properties of the same building.
6. Copies of the building permits of the adjacent buildings or of one building if it is a merger of properties within the same building.
7. Architectural design drawings (floor plan, section) accompanied by the modified fire protection study of the single space.
8. A notarial declaration of Law 1221/1981 and its transcription, for the provision of mandatory parking spaces, where required.

The above shall also apply to the separation of the premises after the functional merger.

(k.h) For the installation of antennas, except for antennas for reception of radio and television signals as well as radio and mobile telephony antennas, the following shall be submitted:

1. A copy of the topographical plan, with a scaled, schematic representation of the facilities (location, dimensions, distances, etc.).
2. A declaration of structural adequacy by a competent engineer.
3. An approval of installation by the competent body.

(l) For the installation of an autonomous heating system, other than those mentioned in indent (η) of Article 30 of Law 4495/2017, the following shall be submitted:

1. A statement of assignment and assumption of responsibility by an engineer for the supervision of the project.
2. A copy of a topographic diagram.
3. A technical report of an engineer describing the works to be done and the chosen heating system.
4. A complete study of the installation of an autonomous heating system.
5. A cost allocation study for the whole building, if the existing study is modified.

In the case where Article 127 of Law 4495/2017 is applied, instead of the documentary evidence of the co-owners' consent, the provisions on consents in the said article apply and an Energy Performance Certificate of the building or building unit ("ΠΕΑ") is additionally submitted, while the above Technical Engineering Report must additionally justify the improvement of the energy efficiency of the property in relation to the existing heating system and the

satisfaction of the minimum requirements of the Regulation of the Energy Performance of Buildings (“KENAK”) with regard to the proposed heating system.

(I.a) For the construction of canopies and roof extensions of paragraphs 72 and 79 of Article 2 of Law 4067/2012, the following shall be submitted:

1. A copy of the topographic diagram.
2. A coverage diagram showing the structures with their dimensions.
3. An engineer's technical report describing the proposed structures and stating that the conditions set out in paragraph 6(ιστ) of Article 11, as well as paragraphs 7(ι) and 7(ια) of Article 17 of Law 4067/2012 are met.
4. Floor plans and sectional drawings at a scale of 1:100 or 1:50.

(I.b) For interventions on the facades of buildings for the modification or opening of new openings, the following shall be submitted:

1. A copy of the topographic diagram.
2. A technical report of an engineer stating that the load-bearing structure is not affected and the interventions do not contradict more specific provisions.
3. Elevation view drawings at a scale of 1:100 or 1:50.

(I.c) For temporary wooden structures of auxiliary use up to 8 square meters and a maximum height of 2.50 meters placed in the uncovered area, there shall be submitted:

1. A copy of the topographic diagram.
2. A technical report of an engineer describing in detail the proposed construction, certifying its structural adequacy and an affidavit stating that all general and special provisions are met.
3. A floor plan and sectional drawing at a scale of 1:100 or 1:50.
4. A copy of a coverage diagram showing the structures with their dimensions.

In areas classified as traditional settlements, traditional parts of towns, areas of natural beauty, archaeological sites, historical sites and/or in buildings classified as monuments, listed buildings and in their protection zones, for the installation of temporary structures of auxiliary use, elevation views shall be additionally submitted.

(I.d) For works on the installation of PV systems, which require the issuance of a small-scale construction works approval, the following shall be submitted:

1. In cases where the PVs are installed on land and buildings off-plan, the documents specified in the Ministerial Decision 40158/2010 (GG, Vol. B', Iss. 1556), as in force.

In cases where the PVs are installed in buildings within a plan, the provisions of the above case

2. and everything else provided for in the specific provisions of the 36720/2010 Ministerial Decision (GG, Issue on Compulsory Expropriations and Town Planning Matters 376), as in force.

(l.e) For wind turbine installation works, the following shall be submitted:

1. A copy of the topographic diagram.
2. The elements provided each time by the specific provisions and regulatory acts.

(l.f) For the separation of horizontal properties, the following shall be submitted:

1. A copy of the topographic diagram.
2. A technical report of an engineer, indicating the works to be carried out for the separation of the horizontal property and an affidavit by the engineer that the elements of the load-bearing structure of the building are not affected.
3. A floor plan drawing at a scale of 1:100 or 1:50.
4. A notarial declaration of Law 1221/1981 and its transcription, for the provision of mandatory parking spaces, if required.

In case the separation of the property modifies the building studies (e.g. passive/active fire protection, electromechanical installations, etc.), the modified studies shall be submitted at the same time.

(l.g) For the installation of anti-noise protection structures (soundproofing) on attics or uncovered areas of existing special buildings, in order to damp sounds from air conditioning machines, there shall be submitted in addition to the general supporting documents:

1. Measurements by certified laboratories of the noise generated in the building due to the existing air conditioning machines in the attic.
2. A drawing of the attic showing the proposed structures.
3. A technical study, which shall include an Acoustic Study to improve the noise conditions in order to meet the acoustic comfort parameters as well as a Technical Report on structural adequacy, signed by a competent engineer.
4. A copy of the topographic diagram.

(l.h) For the placement of prefabricated kindergarten classrooms for the implementation of the two-year compulsory pre-school education of para. 12 of Article 220 of Law 4610/2019, outside traditional settlements there shall be submitted:

1. An application of the competent person.

2. A topographic and coverage diagram or a copy thereof from a building permit or a construction authorization or some other administrative act, indicating the location where the prefabricated classroom will be placed. In the absence of these, the location shall be marked on a sketch of the existing situation.
3. An engineer's affidavit that the prefabricated classrooms are of an approved type, meet the required structural and electromechanical safety specifications, meet the applicable building construction requirements (fire protection, accessibility, etc.) for the use in question, that their location on the plot/land does not compromise the operation and safety of existing buildings, that the plot/land is not located within a traditional settlement, and that the requirements of paragraphs 1 and 2 of Article 220 of Law 4610/2019 are met.
4. A document of the Minister of Education, Research and Religious Affairs to the authority for public building infrastructures "KTIRIAKES YPODOMES S.A", in which the exact school and spatial construction needs for classrooms will be indicated.
5. A consent of para. 7 of Article 220 of Law 4610/2019 for compliance with the suitability criteria of para. 6 of the same law for the cases of placement of prefabricated classrooms within undeveloped land owned by the State, the Local Authorities ("O.T.A.") or the company "KTIRIAKES YPODOMES S.A" ("KT.YΠ. A.E."), which are located within or off the plan or settlements, with the exception of areas subject to urban development, common areas, areas designated for a specific use, forests, streams and archaeological sites.
6. Photos of the property.

(l.i) For constructions within a plot/land for the creation of entrance areas to plots and land, which do not fall under indent (ιη) of paragraph 1 of Article 30 of Law 4495/17:

1. A copy of a topographic diagram, showing the construction at a scale (location, dimensions, etc.).
2. A technical report of an engineer describing the proposed construction and an affidavit stating that the conditions set out in para. 9(γ) of Article 17 of Law 4067/2012 are met.
3. Floor plans and elevation views, at a scale of 1:50.

(m) For the installation of Small and Large Green Points of Article 44 (A) of Law 4042/2012 (GG, Vol. A', Iss. 24), including the construction of their supporting buildings, as well as any other required works, there shall be submitted in addition to the general supporting documents:

1. A copy of a topographic diagram with a scaled view of the installations.
2. A technical report of an engineer, indicating the works to be carried out and compliance with the relevant specifications.

3. Floor plans and sectional drawings at a scale of 1:100 or 1:50.

Where a “*topographic diagram*” is referred to, it means a topographic diagram dependent on the applicable State triangulation network (“ΕΓΣΑ”), prepared in accordance with the applicable specifications. Where reference is made to a “*copy of a topographic diagram*”, this means the topographic diagram of the building permit or the authorization to construct if one exists or the declaration of inclusion in any law on unauthorized buildings or the topographic diagram attached to a legal act. In any case, the submission of a “*topographic diagram*” covers any requirement for the submission of a “*copy of a topographic diagram*”.

In the case of plots of land that may be zoned, when works are requested on the non-zoned part of the land, they are allowed if the part that may be zoned is assigned to common use. The deed of assignment shall be presented in addition to the above supporting documents as a special document.

The application shall be submitted electronically to the competent service and there shall be selected :

1. the competent Service for issuing the Approval of Small-Scale Building Works (“ΕΕΔΜΚ”)
2. the building permit for the building, which indicates the building works, if any.

Once all the necessary data have been entered and the right to use, to statistically process and communicate the content of the supporting documents and data submitted has been accepted - without prejudice to the protection of personal data, intellectual property and commercially sensitive information - the application is submitted electronically to the competent department and is given a reference number.

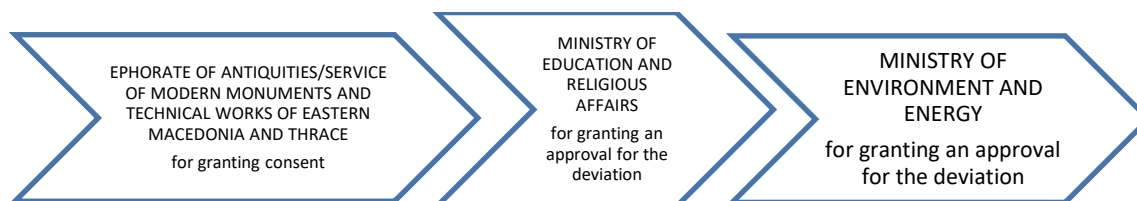
Once a reference number is received, the application Administrator is no longer entitled to process the application data. The system automatically issues the approval of small-scale building works by taking a single number (“Α/Α ΠΡΑΞΗΣ”) by the information system, the approval is posted on Diavgeia Program (<https://diavgeia.gov.gr/>) and transferred to the designated website by the Ministry of Environment and Energy, where citizens are provided free access to the form.

The Approvals of Small-Scale Building Works are valid for one (1) year from the date of issuance, with the possibility of revising the validity period by one (1) additional year. In the event that the works of the approval are not completed within the above period, the validity of the Approval of Small-Scale Building Works may be extended for one more year upon request of the owner and a reasoned report of the engineer. If within the period of validity of the Approval of Small-Scale Building Works the owner intends to carry out new works falling under para. 2 of Article 29 of Law 4495/2017, the approval is revised and a total budget of the works (old and new) is submitted by the engineer in order to check the budget ceiling of twenty-five thousand euros (25,000). In the case that the works are completed before the expiry of the Approval of Small-Scale Building Works, the engineer may submit a declaration in the electronic permit system.

If a building permit or an authorization to construct has been issued for the property, which is in force, an Approval of Small-Scale Building Works is not required, but an update of the permit in force is required.

10. Height variance of the prayer tower (minaret) in an existing place of worship

In summary, the following procedure is followed:



The interested party is addressed to the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace for the granting of a consent if the existing building does not fall under the provisions of Law 3028/2002 (if it is a monument or is located within an archaeological site or historical site or near an ancient or modern monument). **In any case, the relevant opinion is issued by the competent Service of the Ministry of Culture and Sports, which is communicated to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs.**

Then, in order to obtain the approval of the Minister of Education and Religious Affairs, the interested party shall submit the following documents to the Department for Islamic Matters:

- An application signed by the competent Mufti appointed in accordance with the provisions of Article 3 of Law 1920/1991 (GG, Vol. A', Iss. 11) and by the President and the Members of the Management/Waqf Committee with the decision of their constitution or appointment according to Articles 7, 12 and 24 of Law 3647/2008 (GG, Vol. A', Iss. 37).
- A certified act of operation if the place of worship exists before 30-11-1955, date of validity of the Royal Decree 09-08-1955 or an establishment/operation Permit if the existing place of worship exists after 30-11-1955 (II. (F) and (G)).
- A copy of the technical - explanatory report of an engineer in which copies of plans (floor plans - sections) shall be mentioned/attached, which shall be submitted to the competent Building Service ("ΥΔΟΜ") for the approval of the building permit.
- A certificate from the Mufti stating the reasons for the requested deviation.

Subsequently, the interested party shall submit to the competent Building Service ("ΥΔΟΜ"), the deviation approval of the Minister of Education and Religious Affairs and the documents provided for by the ΥΠΕΝ/ΔΑΟΚΑ/43538/1181/20 (GG, Vol. B', Iss. 1899/18-05-2020) *"Determination of the procedure, supporting documents and transmission form for the approval of deviations from the applicable conditions and restrictions on building areas"* in order to obtain the approval of the Minister of Environment and Energy:

1. An application by the owner or the person having the legal right.
2. A topographic diagram of the plot or land in accordance with the applicable specifications.

In the case of lands off-plan, along with the topographic diagram, an extract of a map with a road sketch of the area showing the exact location of the land, road designation (community, provincial, national, international), distances from approved plans, the sea, settlement boundaries, boundaries of quarry zones, etc.
3. A coverage diagram according to the applicable specifications.
4. An architectural study (floor plans, elevations and sections).
5. Title deeds, a recent certificate of property or a cadastral sheet and an extract of a cadastral map for each property.
6. Evidence of the legality of any existing buildings.
7. Approvals of other services and administrative bodies, where required, such as forestry, archaeology, traffic connection approval, the permit of establishment, pre-approval of zoning, approval of environmental conditions, height approval due to proximity to an airport or high-voltage lines of the Public Power Corporation (“ΔΕΗ”), etc.
8. A technical report of the engineer giving a complete picture of the installation from the point of view of construction and operation and justifying the necessity of the extent and volume of the proposed structures and the requested deviations.
9. Determination of the coastline and beach line in case the land is coastal.
10. Photographs of the surrounding area and existing buildings.

In addition to the above, any other specific supporting documents, if provided for in the specific provision on granting a deviation or if deemed necessary to better substantiate the matter, shall be submitted.

After checking the completeness of the above file of supporting documents, the Building Service (“ΥΔΟΜ”) shall check the topographical and coverage diagram, ascertaining the compliance of the building with the urban planning provisions, except for the parts for which a deviation is requested, as well as the requested deviations from the applicable building conditions and restrictions of the area.

After the approval of the topographic diagram as to the applicable building conditions, a form for the transmission of the request to the competent authority shall be drawn up, in accordance with the standard form of the Annex to the present document, to which the file of supporting documents and data shall be attached.

The competent department shall examine the request for a deviation, taking into account all the elements of the file, and make a positive or negative recommendation to the advisory collective body concerned. Following the opinion of the collective body, the competent

department shall draw up a draft decision granting the deviation, **which shall be communicated to the Department for Islamic Matters.**

The deviation approval, once granted, is submitted to the electronic system of the Ministry of Environment for issuing permits (e-adeies) in order to be taken into account when issuing the building permit.

11. If the land or the existing place of worship falls under law 3028/2002 (GG, Vol. A', Iss. 153)

The interested parties, regardless of the case, should be aware that **for any action:**

1. **in a building that is a designated monument or is protected ipso jure by the provisions of Law 3028/2002 or is a construction older than 100 years, as well as in its surroundings,**
2. **on land or a building located within an archaeological or historical site, or near an ancient or modern monument,**

the approval of the Ministry of Culture and Sports is required.

The approval of the competent Services of the Ministry of Culture and Sports precedes any other required approval under penalty of invalidation of other authorizations, including the implementation of small-scale works (even if no building permit or other permit from a competent authority is required).

In particular:

1. For the **construction of an Islamic place of worship** on a plot of land located within a declared archaeological site or historical site or near an ancient or modern monument, the interested parties must submit a complete architectural study with their application to the competent Ephorate of Antiquities or Service of Modern Monuments and Technical Works. The study must be approved by the competent Services of the Ministry of Culture and Sports, after an opinion of the competent Archaeological Council, and before the work can begin, the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace must be notified for their legal monitoring.

After the **relevant approval has been granted by the competent Services of the Ministry of Culture and Sports, which is communicated together with the application of the interested party to the Department for Islamic Matters**, the interested party is addressed to the Ministry of Education and Religious Affairs because the construction of an Islamic place of worship requires a relevant authorization from the Minister for which the procedures described in Chapter IV.4 of this circular must be followed.

2. In the case of **requests for the execution of repair works (including additions, repairs of facades and demolitions)**, in existing Islamic places of prayer/worship that either fall within the provisions of Law 3028/02 or are located within an archaeological site

or historical site or near an ancient or modern monument, the studies are submitted to the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace for approval. It should be noted that in cases of maintenance-restoration or addition on an ancient or newer monument, the request accompanied by a complete architectural study (technical description, schematic design of the existing situation, pathology and proposed interventions) and structural and electromechanical study where required is submitted for approval to the competent Services of the Ministry of Culture and Sports, which is issued after an opinion of the competent Council of the Ministry of Culture and Sports.

For the implementation of projects in declared monuments, funded by national resources or co-financed by the European Union or other international organizations, by bodies outside the Ministry of Culture and Sports, a decision of the Minister of Culture and Sports is required, which is issued after an opinion by the competent Council.

Then, if the relevant approval is given by the competent Services of the Ministry of Culture and Sports which is **communicated together with the application of the interested party to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs**, the interested party addresses the Ministry of Education and Religious Affairs because the addition/extension of a building as well as small-scale works in an existing Islamic place of worship require a relevant authorization from the Minister of Education and Religious Affairs.

3. For the change of use of a monument under the provisions of Article 10 para. 4 of Law 3028/02, the interested parties must submit to the competent Service of the Ministry of Culture and Sports a relevant application, accompanied by a topographic diagram and a technical report, as well as the supporting documents required in each case. The request must be approved by the competent services of the Ministry of Culture and Sports, following an opinion of the competent Council.

The relevant decision is notified, together with the application of the interested party, to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs.

4. The demolition of a monument is not allowed unless it is a dangerously dilapidated building, in which case the procedure provided for in Article 41 of Law 3028/02 is followed. The relevant decision **is communicated, together with the application of the interested party, to the Department for Islamic Matters of the General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs.**

For the demolition of newer properties that predate the last one hundred (100) years, even if these properties have not been designated as monuments, the provisions of Article 6, para. 10 of Law 3028/02 are in force.

It should be noted that in the case of listed buildings which have been demolished by events due to **force majeure**, such as earthquake, fire or flood or are considered demolishable by

protocols of dangerous dilapidated building, they are reconstructed according to the provisions of the 15.4.1988 Presidential Decree (GG, Vol. D', Iss. 317).

In any case, the interested party shall submit to the competent Ephorate of Antiquities/Service of Modern Monuments and Technical Works of Eastern Macedonia and Thrace, at least the following documents:

- An application of the interested party (accompanied by the decision of the establishment or designation of the Waqf or Management Committee according to Articles 7, 12 and 24 of Law 3647/2008 within which the Islamic place of worship falls), in which it must be specified whether it is an original building or an addition, in extension or height, to an existing building,
- Information on ownership. If there is a Cadastre, a relevant extract from the cadastral registration. In case of lack of property title deeds, they shall be presented, in accordance with **Article 27 para. 4 of Law 4067/12**: 1) A Certificate from the competent Land Registry for non-claiming the property, 2) An Attestation from the Mayor on the time of creation of the plot or land, accompanied by a topographic diagram certified by himself/herself, 3) A solemn declaration of Law 1599/1986, stating that the applicant is the owner of the plot or land, the way and time of its acquisition, as well as the time of its creation, which is relied upon for the deviation.
- A topographic diagram of the property,
- An aerial photograph of the area with the location of the property marked,
- A technical report with a description of the property and the proposed works,
- A complete architectural study.

In the case of a monument, the architectural study should include schematic designs, pathology and restoration proposal, as well as information on the historical, archaeological documentation of the building, the date of the construction, the construction phases, the uses as well as the structural and electromechanical study where required and anything else deemed necessary.

- A photographic documentation of the building, interior and exterior, as well as of its surrounding area.

THE SECRETARY GENERAL FOR RELIGIOUS AFFAIRS OF THE MINISTRY OF EDUCATION AND RELIGIOUS AFFAIRS	THE SECRETARY GENERAL FOR CITIZENS' PROTECTION OF THE MINISTRY FOR CITIZENS' PROTECTION
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