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LAW NO. 3647  
Administration and management of the Wakfs and their properties  
of the Muslim minority in Western Thrace

THE PRESIDENT OF THE  
GREEK REPUBLIC

We publish the following law voted by the Parliament:

PART A  
GENERAL PART

Article 1  
Legislative framework

The issues of the administration and the management of the Wakfs and their properties of the Muslim Minority in Western Thrace are ruled by:

- (a) the Lausanne Peace Treaty, which was ratified with the article 1 of the legislative decree of the 25<sup>th</sup> August 1923 and
- (b) the present Act.

Article 2  
Wakf

Based on the Islamic Holy Law, the Wakf is a dedication which includes immovable and/or movable property or other revenues for pious, charitable and welfare purposes or for pious, religious and welfare institutions, which either exist or they are established to serve non profitable purposes.

Article 3  
Wakf property

1. The Wakf property includes the Wakf and any other property, movable or immovable, devoted to the functioning of the Wakf either in the sense of purpose either in the meaning of the institution, as this is defined in the previous article.
2. The management of the Wakf property is defined in accordance with the legislation about the bequests and the welfare institutions.

3. The members of the Committees that manage the Wakf property are obliged to respect the Muslim principles and traditions in terms of the property's management. The supervision is exercised by the Mufti.
4. The Committee that manages the incomes of the Wakf property could offer them for:
  - a) The construction of mosques, masjids and other holy places, boarding schools, bridges, fountains, and the preservation of cemeteries within the borders of the prefecture,
  - b) Charitable assistance to people in need of help,
  - c) The legal support of demands, an injunction, a court appearance, for the protection of the Wakf property,
  - d) The payment of the debts and mortgages of the Wakf property.
5. The management of the incomes of the Wakf property for any other reason, including any sale of the immovable property, the formation of a mortgage, the construction of a block of flats with the system of compensation, the purchase of immovable property and the financial contribution to other Wakf, occurs after the concurrent opinion of the Mufti.

#### Article 4 Wakfs with immovable property

1. The existing Wakfs that include immovable property consist, from the entry into force of this Act, separate legal entities under private law and are regarded as pious institutions functioning to serve the purpose for which they were established.
2. Based on the meaning of the preceding paragraph, the public muslim cemeteries located in Xanthi, Rodopi and Evros prefectures are regarded as Wakfs.
3. The Wakfs that are indented for common use based on article 967 of the Civil Code are not regarded legal entities under private law.

#### Article 5 New Wakfs

The Wakfs that include either movable or immovable property and will set up after the implementation of this Act will come under the provisions of the Civil Code about institutions in terms of their establishment and administration; in terms of their management, the Wakfs will come under the provisions of the present law.

### PART B WAKF COMMITTEES

#### Article 6 Wakf Committee

1. The Wakf Committee manages the Wakf property of a mosque or a group of mosques in the settlements of Thrace located outside the limits of the Komotini, Xanthi and Didimoticho Municipalities. The Committee exercises

its responsibilities on the Wakf properties based on the practice during the establishment of the Wakf.

2. The Wakf Committee is composed of three members: the President (Mutevelli), the Cashier and a member.

#### Article 7

##### Election of the Wakf Committee

1. The Muslim residents of the settlement where the Wakf is found elect the Wakf Committee after the concurrent opinion of the Imam of the Mosque to which the Wakf belongs.
2. The Wakf Committee, right after its election, is composed into Body, by its election, based on the system of absolute majority, consisted by a President and a Cashier. The new President announces the results of the election and the composition of the Wakf Committee into body to the Mufti.
3. The outcome of the election is ratified by the decision of the Mufti, who also notifies the General Secretary of the Region.

#### Article 8

##### Replacement of the members of the Wakf Committee

The Wakf Committee continues its functioning in case of a member's refusal to be appointed, death or serious illness, resignation or degradation. The Committee continues its functioning in case it is composed at least by two members, who occupy the posts of the President (Mutevelli) and the Cashier. The Mufti solves any dispute, in case of disagreement for the occupation of the positions. In case the Wakf Committee cannot function, the electoral process is repeated based on article 7.

#### Article 9

##### Accounting of the Wakf Committee

The Wakf Committee is obliged, in addition to its management responsibilities set out in paragraph 2 of article 3 of this Act, to give to the Mufti accurate accounting of management for each financial year.

### PART C

#### MANAGEMENT COMMITTEES

#### Article 10

##### Management Committee

1. The administration and the management of each the legal entities referred to in article 4 in the Municipalities of Xanthi, Komotini and Didimoticho is exercised by a Management Committee. Each Management Committee is composed of five members. The members of the Committees are elected by secret ballot by the Muslims, men and women, who are registered in the

electoral lists of the Municipalities that are covered in the corresponding Wakfs Committee.

2. Exceptionally, the General Secretary of the Region may decide, depending on the purpose, to designate that Wakfs' groups per municipality, located within the administrative limits of the Municipality of Xanthi, or Komotini, or Didimoticho, managed and administrated by a special Management Committee which accordingly apply the provisions of articles 10 of this law. The General Secretary of the Region takes into account the will of the dedicator as to charitable or religious purpose of the dedication of each Wakf.

#### Article 11

##### Election of the Management Committee

The electoral system and the pattern of elections for all Management Committees, the participation in these of the voters, the supervision of the elections, the announcement of the successful and the control of the elections are defined with a similar application of the Articles 32 to 74 of the Municipalities and Communities Code with the exception of paragraph 3 of article 34 (Law 3463/2006). A joint decision of the Ministers of Interior, of Economy and Finance, of Foreign Affairs and of National Education and Religious Affairs determinates the necessary adjustments in the way of election.

#### Article 12

##### Composition of the Management Committee

1. The Management Committee, immediately after the announcement of the successful candidates, is established into Body by the election, by an absolute majority, composed by the President, the Vice-President, the Secretary and the Cashier. The Vice-President substitutes the President in all his duties in his absence or unavailability. The President and the Members of the Management Committee may, for their services, receive fair compensation, which is defined by a decision of the Management Committee and charges the Wakf.
2. The newly elected President announces the results of the election and of the composition of the Committee into Body to the General Secretary of the Region and to the Mufti.

#### Article 13

##### Replacement of the Management Committee's members

Replacement of the Management Committee's members shall take place only in case of refusal of appointment, of death or serious illness, of resignation or degradation of a member. The alternate member based on the position of the replacement replaces the member. In the absence of other alternate member, the General Secretary of the Region, after the consultation of the Mufti, appoints to the vacant position of the Management Committee a Greek citizen Muslim in faith who has the typical qualifications to be elected.

#### Article 14

##### Management of the property

1. The Management Committee publishes annually, in two daily and weekly newspapers of the local press, a report of its incomes and the expenses and establishes a general balance sheet of the property of the Wakf, which includes the state's assets and liabilities, as well as the alterations of property during the financial year.
2. The Management Committee places and invests any surpluses from the annual income in an interest-bearing bank account.

PART D  
QUALIFICATIONS OF ELIGIBILITY – DEGRADATION – TENURE–  
REPRESENTATION

Article 15  
Qualifications of eligibility

1. Eligible as members of the Management or the Wakf Committees are those among the Greek citizens who have completed the 21<sup>st</sup> year of age, men and women, Muslims in faith.
2. The Muftis and their spouses, the Members of Parliament, the Heads of Prefectures and the Vice-Heads of Prefectures, the Mayors and the Presidents of Communities are not eligible. Non-eligible are also those who have been deprived of their political rights for any reason and those who have been convicted irreversible for felony, theft, cheat, embezzlement, extortion, forgery, infidelity, corruption, oppression, breach of duty, crimes against freedom and financial exploitation of life, defamation and bankrupt.
3. The same person cannot be involved in more than one Management or Wakf Committees.
4. The spouses of the members and their relatives by blood up to the 3<sup>rd</sup> grade cannot participate in the same Management or Wakf Committee.

Article 16  
Degradation

1. The members of the Management and the Wakf Committees degrade from their posts in case they will become non-eligible for one of the reasons of the previous article. The General Secretary of the Region of Eastern Macedonia and Thrace shall notify the person concerned about the reasons for the degradation before the application of this decision. The concerned person may contradict these reasons within twenty (20) days of the next day of the service of the above notification. This deadline may be extended up to ten (10) days, for a serious reason, at the request of the person concerned. If the deadlines have expired without any result and the reason to degrade still continues, the General Secretary of the Region issues the degradation act.
2. The members of the Management and the Wakf Committees also deduct from their position in case of non-compliance with the provisions of this Act and in performing these ministerial orders and other administrative acts. The non-compliance is demonstrated by a final judgment that is tried during the process

of voluntary jurisdiction and is issued at the request of the General Secretary of the Region.

Article 17  
Tenure

The tenure of the members of the Management and Wakf Committees is three years. Whoever was elected and served as a member of the Management Committee for two consecutive terms could not be re-elected for the following term.

Article 18  
Representation of the Wakfs

The president of the Management and the Wakf Committee represents the Wakf and its property before the Courts, the Administration and others. The president and the members of the Management and the Wakf Committees have, in accordance with the current legislation, the rights and the obligations of the president and the members of the administrative council of pious institutions of private law.

PART E  
SCHOOL WAKFS AND WAKFS  
IN UNINHABITED AREA

Article 19  
School Wakfs

In case a Wakf is established in a school, including any property, movable or immovable, with which it has endowed in the past based on the Islamic Holy Law, its control and management is exercised by the competent elected School Board.

The School Board is accountable annually before the meeting of the parents and the guardians. For other issues, the ministerial decision 6209/2002 “Duties and responsibilities of the school Board in minority schools in Thrace” (FEK 776 B/2002) is in force.

Article 20  
Wakfs in uninhabited area

If there is a Wakf in an uninhabited area or a place inhabited by non-Muslims within the limits of Xanthi, Rodopi and Evros Districts, the nearest Management or Wakf Committee appoints, after the concurrent opinion of the Mufti, a Muteveli to manage this Wakf and any property. The appointment is announced to the General Secretary of the Region. The appointed person should have the typical qualifications of eligibility.

PART F  
TRANSITIONAL AND FINAL PROVISIONS

Article 21

## Ownership

1. The General Secretary of the Region sets up a committee composed by one representative of the Ministry of Economy and Finance, a graduate of a Law School who will be indicated by the Ministry of Foreign Affairs, a representative of the Region of Eastern Macedonia and Thrace and two representatives of the corresponding Management or Wakf Committee to resolve any outstanding issues relating to the ownership status of the Wakfs which have immovable property and to propose ways to overcome these outstanding issues.
2. The details of implementation of this Act are defined by a joint decision of the Ministers of Interior, Economy and Finance, Foreign Affairs, and of National Education and Religious Affairs.

## Article 22

1. The Act 1091/1980 is repealed.
2. Every general or specific provision, which is contrary to the provisions of this Act, is repealed.
3. The existing Management Committees which were formed based on the Law 1091/1980, continue their functioning until the emergence of the new Management Committees under this Act and the provisions of the article 24.

## Article 23

In the end of the article 14 of the law 2190/1994 (FEK 28A), as it is in force, is added paragraph 7 which states:

“7. A quota of five per thousand (5‰) of the posts of civil servants and staff working under contract by private law for an indefinite period by category of University Education, Technological Education, High School Education and Basic Education, issued by the pan- Hellenic competitions of A.S.E.P. (Higher Council of Selection of Staff), are covered by Greek citizens, from the Muslim minority of Thrace who are registered in the municipal rolls of the municipalities of Thrace or another municipality in the country to which they have been registered from a municipality of Thrace. The A.S.E.P. distributes the notice of the positions allocated to the above rate by prefecture, body and category.”

## Article 24

The implementation of this law starts from the expiration of the tenure of the Management Committee as provided in the Presidential Decree 2/2007 (FEK 2 A/2.1.2007) unless it is differently specified on its rest provisions.

In case of an objective difficulty to implement the provisions of this Act, the tenure of the existing Management Committee is extended with a corresponding application of article 90 of the Municipalities and Communities Code.

In case of failure to carry out elections or in case of the existence of other conditions that render impossible the establishment and function of the Management Committees, the General Secretary of the Region appoints, after taking into consideration the opinion of the Mufti, a temporary Management Committee composed by Muslim Greek citizens who possess the typical qualifications of

eligibility. In case the right conditions to conduct elections will be formed, the General Secretary of the Region announces elections, based on the existing legislation. The elected Management Committees replace the temporary committees after the completion of the electoral process proposed from the law. In any case the tenure of the temporary Management Committees should not extend the three years period.

We order the publication of this Act to the Government Gazette and its implementation as law of the State.

Athens, 27 February 2008

THE PRESIDENT OF THE REPUBLIC  
KAROLOS GR. PAPOULIAS

THE MINISTERS

INTERIOR  
P. PAVLOPOULOS

ECONOMY AND FINANCE  
G. ALOGOSKOYFIS

FOREIGN AFFAIRS  
TH. BAKOYANNI

NATIONAL EDUC. AND REL. AFFAIRS  
EVR. STYLIANNIDIS

It was ratified and stamped with the Great Stamp of the State.

Athens, 29 February 2008  
THE MINISTER OF JUSTICE  
S. HATZIGAKIS