

# LAW

Art. 10057 of 22 January 2009

## “AGREEMENT BETWEEN THE CABINET OF THE REPUBLIC OF ALBANIA AND THE ORTHODOX AUTOCEPHALOUS CHURCH OF ALBANIA FOR THE SETTING OF THE MUTUAL RELATIONS BETWEEN THEM”

Based on articles 10, paragraph 5, 78 and 83, paragraph 1 of the Constitution  
and recommended by the Cabinet,

THE PARLIAMENT OF THE REPUBLIC OF ALBANIA DECIDED

### Article 1

The “Agreement between the Cabinet of the Republic of Albania and the  
Orthodox Autocephalous Church of Albania for the setting of the mutual relations  
between them” is ratified based on the text of the law, which is attached.

### Article 2

This law is made valid two weeks following its publication in the State  
Newspaper

**Act of publication of Presidential Decree sub. Art. 6033 - Republic of  
Albania, 29 January 2009 by the President of the Republic, Bamir Topi.**

## AGREEMENT

### “OF THE CABINET OF THE REPUBLIC OF ALBANIA AND THE ORTHODOX AUTOCEPHALOUS CHURCH OF ALBANIA FOR THE SETTING OF THE MUTUAL RELATIONS BETWEEN THEM”

The Cabinet of the Republic of Albania and the Orthodox Autocephalous  
Church of Albania based on the principles of freedom of conscience and of religious  
convictions, which are upheld and safeguarded by articles 10 and 24 of the  
Constitution of the Republic of Albania and international law agreements, as also by  
other valid laws (below a reference is made to the points of the Constitution, the laws,  
and/or the current legislation) establishes the Agreement below (henceforth, simply  
“The Agreement”):

## CHAPTER 1 GENERAL PROVISIONS

### Article 1

#### **The subject matter**

The present Agreement regulates the general principles of the relations and cooperation between the Republic of Albania and the Orthodox Autocephalous Church of Albania for the mutual benefit of both parties and of the whole. It is based on the Constitutional principles, which guarantee the freedom of expression and the practice of religious rights as well as the common desire for reinforcing and developing their mutual relations.

### Article 2

#### **Definition**

The Orthodox Autocephalous Church of Albania understands and expresses itself as it is defined by article 1 of its Charter.

### Article 3

#### **Aim**

The aim of the present Agreement is:

1. To ensure the fulfillment of the passing of Constitutional rights and instrumental legislation for the freedom of conscience and freedom of religious convictions.
2. To recognize and to guarantee the respect of the rights of the Orthodox Autocephalous Church of Albania, **its foundations**, its structures and its legal entities, for the free practice of its religious, educational and philanthropic activities.
3. To recognize and to guarantee the inviolability of religious institutions, as long as their activity does not come into conflict with Constitutional principles regarding: freedom of religious conscience and of religious convictions, to the current legislation, the Canons and the Holy Tradition of the Orthodox Autocephalous Church of Albania.
4. To guarantee the freedom of the individual regarding the choice or change of their religion, in order to express them either individually or collectively in religious institutions or aside from them, via worship, education, practice or the celebration religious rituals.
5. To safeguard individual freedom and to not obstruct, nor require anyone to participate in a religious community, or to perform or participate in their worship and in its management.

Through the present Agreement, the contracting parties take on the responsibility to ensure their freedom of thought, conscience and religion. This freedom may not have any restrictions other than the provided clauses, which constitute necessities in

a democratic society, for the public order of the State, for the safeguarding of public morals and rights of freedom of other human beings.

#### Article 4

##### **The Implementation of the Agreement**

1. The validity of the present Agreement extends to all state bodies and institutions, which are related to religion, together with the Orthodox Autocephalous Church of Albania, with its institutions and established legal entities.
2. Individuals or collective groups benefit from the provided rights of the present Agreement, when they participate in the life of the Orthodox Autocephalous Church of Albania or in its acts of worship.

#### Article 5

##### **General Principles**

1. The State respects the Orthodox Autocephalous Church of Albania and recognizes only as its representatives **those assigned** by its Holy Synod. It also ensures the protection of the Orthodox Autocephalous Church of Albania from any individual or group, which claim the name, places of worship, ecclesiastical real estate, symbols or its seal.
2. The Orthodox Autocephalous Church of Albania is entitled to organize and fulfill its mission independent of the State, respecting the principle of state secularism, the Canons and Holy Tradition of the Orthodox Church. The State protects religious coexistence.

#### Article 6

##### **Cooperation with State Bodies**

In common relations with the Orthodox Autocephalous Church of Albania, the State is represented by the State Committee of Religions. The Church cooperates with the above Committee for the possibility and realization of an active communication with state departments and institutions.

## CHAPTER 2

### THE ORGANISATION AND LEGAL REPRESENTATION OF THE ORTHODOX AUTOCEPHALOUS CHURCH OF ALBANIA

#### Article 7

##### **The Orthodox Autocephalous Church of Albania and its legal entities**

1. The State recognizes and respects the legal entity of the Orthodox Autocephalous Church of Albania, as well as all of its completed acts until this day, as long as they are not contradictory to the Constitution of the country and the current legislation.
2. The foundation, structures, organization, subject of its activity, administration, regulations and the end of the Orthodox Autocephalous Church of Albania as a

legal entity are implemented based on the current legislation, through the present Agreement, the Canons and the Holy Tradition of the Orthodox Church.

3. The State recognizes the right of the Orthodox Autocephalous Church of Albania to establish institutions and structures of a religious and non-religious nature, which are founded by the established legal entity based on the current legislation.
4. The institutions and fundamental structures of the Orthodox Autocephalous Church of Albania may exercise any form of social, educational, medical and economic activity, according to its regulations and the current legislation which among other things controls the publication of the related approval and acquisition of permission.
5. The Orthodox Autocephalous Church of Albania with its free will can establish religious associations through the union of two or more communities with the aim of the realization of their common aims. **These associations, even if they are not documented as legal entities, are recognized by the State, having submitted the act of their establishment agreement to the State Committee of Religions.**
6. The Orthodox Autocephalous Church of Albania and its other constituent organizations supporting the development of its activity, in all legal aspects of their organization are non-profit legal entities.

#### Article 8

##### **The Legal Entity of the Orthodox Autocephalous Church of Albania**

1. The Orthodox Autocephalous Church of Albania reestablished and re-authenticated by the Albanian State is recorded as above by the decision of the Court of the Judiciary of the County of Tirana and recognizes all its previous acts. For its registration, the Orthodox Autocephalous Church of Albania is due to submit the following documentation:
  - 1.1. The application for the registration as a legal entity, which will be submitted by the legal representative of the Orthodox Autocephalous Church of Albania (by the Archbishop of Tirana, Durrës and all Albania).
  - 1.2. The Charter of the Orthodox Autocephalous Church of Albania.
2. The Court of the Judiciary of the District of Tirana, within 30 days from the submission of the application, accompanied by the above documents, will recognize the legal entity and will document it accordingly to the related decision.

#### Article 9

##### **The time limit and the place of activity of the legal entities of the Orthodox Autocephalous Church of Albania**

The Orthodox Autocephalous Church of Albania and its constituent legal entities may develop their activities without a specific time limit, in a place or throughout the State of Republic of Albania according to the same options of the Orthodox Autocephalous Church of Albania.

## Article 10

### **The principles of the Organization and the Activity of the Orthodox Autocephalous Church of Albania**

1. **The contracting parties are committed** to respect the Constitutional principles on which the present Agreement is supported on, and to commonly cooperate for the application of the current Albanian legislation.
2. The State respects the independence of the Orthodox Autocephalous Church of Albania to organize, to act and to utilize its established property based on the principles, clauses, traditions, canons and its Charter.
3. The Orthodox Autocephalous Church of Albania respects ethnic interests and religious coexistence and tolerance in Albania.

## Article 11

### **The Organization of the Orthodox Autocephalous Church of Albania**

1. In relations with other secular or religious bodies, institutions and organizations, within and outside of the country, the faithful of the Orthodox Autocephalous Church of Albania are represented by appointed and elected bodies based on its Charter, its responsible officials and leadership.
2. The Orthodox Autocephalous Church of Albania, in full independence, is entitled to establish its bodies, to appoint their officials and heads according to the foreseen clauses in its Charter. The head of the Orthodox Autocephalous Church of Albania is appointed according to the foreseen procedures and criteria of its Charter.
3. The Orthodox Autocephalous Church of Albania informs the State Committee of Religions regarding the appointment of its head.
4. For the officials, heads and other bodies of the Orthodox Autocephalous Church of Albania full freedom is ensured for the practice of their religious, organizational and administrative activities, as long as the act is not contrary to Constitutional order and legislation.

## Article 12

### **Relations with other Religious Communities**

1. The Orthodox Autocephalous Church of Albania is entitled to establish relations and to maintain contacts with religious communities of another country or internationally, to participate in their religious and philanthropic activities, under the condition that these contacts do not contradict the Constitutional order.
2. The Orthodox Autocephalous Church of Albania is entitled financial and material aid from unions and/or foreign individuals, as long as the aid does not contradict the present Agreement and the current legislation.

## CHAPTER 3 LEGAL AND FINANCIAL STATUS

### Article 13

#### **State Financial and Material Support**

1. The Albanian State may provide financial or material aid to the Orthodox Autocephalous Church of Albania and/or to its constituent legal bodies.
2. The ways and criteria for the insurance of this financial aid will be determined by special legislation of financial support of religious communities by the state budget.

### Article 14

#### **Registration into the Tax Authority**

The Orthodox Autocephalous Church of Albania and its legal bodies must be registered to the tax authority, as every other **legal non- profitable entity** according to the **designated legislation**.

### Article 15

#### **Legal and Financial Property**

1. The Orthodox Autocephalous Church of Albania recognizes and respects the legal authorities of the Republic of Albania. In the financial department it completely retains its independence for the use of its own budget, which was created either from external or internal sources or from donations coming from sister Churches and international organizations.
2. The following are exempt from all forms of taxation:
  - 2.1. Financial sponsorships of any kind and any form of legal income, as well as material donations intended for the achievement of its mission, when income and donations are not used for personal profit by their heads.
  - 2.2. The construction of new buildings, as well as buildings which are under the ownership of the Orthodox Autocephalous Church of Albania and which constitute to be its property and estate, or being in use by the same Orthodox Autocephalous Church of Albania, or by its constituent legal entities, which are registered as accountable state bodies, as long as the buildings – being non-for-profit – are used for its practice of faith, ecclesiastical administration and management, pastoral, humanitarian and philanthropic activity, for the formation of the clergy, the study of Theology and other sciences, as well as for training of the servants of the Orthodox Autocephalous Church of Albania: staff, clergy and laity.
  - 2.3. The inheritance tax or the transfer of buildings which are in the process of being listed as movable or immovable property, which are donated to the Orthodox Autocephalous Church of Albania, or when they are transferred through the union of the same Church.



3. The constituent legal entities of the Orthodox Autocephalous Church of Albania, which do not maintain legal ownership or are not registered as **non-profit organizations** before the ratification of this present Agreement, have the right to register in the Court of the Juridical Body of the County of Tirana of Albania, according to article 8 of the present Agreement and within two years of the commencement of its validity.
4. Servants of the Orthodox Autocephalous Church of Albania, foreign clergy and laity, permanent residents of Albania are exempt from payments of social and medical insurance premiums in the case that they do not pay, nor acquire other means of income from their activities, and as long as the premiums are acquired in their country of origin.
5. The Orthodox Autocephalous Church of Albania, for its clerical and lay staff as a special professional category, is entitled to have a different salary scale in order that the social and health insurance premiums are paid as well as personal income tax.
6. For activities of an institutional nature, such as the practice of worship, ecclesiastical administration, pastoral, humanitarian and philanthropic activity, formation of the clergy, teaching of Theology and of the remaining religious sciences, the Church and the legal entities, those belonging to it, are not required to keep account books and to submit forecasts of current legal acts regarding administration and management.

Therefore, through the aforementioned activities, it is not required to present an annual budget – statement to the responsible state bodies, nor to deposit them to prescribed state bodies of the current legislation.

## CHAPTER 4 COOPERATION FOR THE BENEFIT OF CITIZENS

### Article 16

#### **Religious Holidays**

1. **The days of the religious feasts are defined as public holidays by the law.** The Orthodox Autocephalous Church of Albania may recommend other religious feasts, which, according to its opinion, may **be proclaimed** as bank holidays.
2. The Orthodox Autocephalous Church of Albania according to the religious needs of its faithful is entitled to determine other religious holidays, aside from the recognized and legalized ones as official holidays, which **are not obligatory for the public state and private sector.**

### Article 17

#### **Educational and formative institutions of the Orthodox Autocephalous Church of Albania**

1. The Orthodox Autocephalous Church of Albania is allowed, based on the foreseen criteria of the current legislation, to establish and manage educational and formative institutions of all levels.
2. The State and the Orthodox Autocephalous Church of Albania take on the responsibility to ensure the right of the individuals to be educated without any discrimination, respecting the right of the parents to provide an education for their children according to their religious convictions.
3. The State recognizes the validity of certificates of distinction issued by the religious educational institutions according to specified criteria of education under current legislation.
4. The State and the Orthodox Autocephalous Church of Albania drafts the educational material, assesses and certifies the educational staff of private religious schools. The Ministry of Education and Sciences is entrusted with their establishment.
5. During the teaching process, the State and the Orthodox Autocephalous Church of Albania takes on the responsibility, so that the education of the students is based on democratic principles and on human rights, to oversee the preparation of said students for a responsible life, in a free society with the spirit of mutual-understanding, peace, tolerance, gender equality, fraternity between persons of different origin, condemning racism and fanaticism.

#### Article 18

##### **Social Activities**

The Orthodox Autocephalous Church of Albania is entitled to act in the social arena, practicing social works of a financial, educational and medical nature. This right also encompasses the creation of suitable social spaces, according to the current legislation.

#### Article 19

##### **Philanthropic Organizations**

The Orthodox Autocephalous Church of Albania is entitled to establish philanthropic organizations respecting the general clauses of the current legislation.

#### Article 20

##### **The Freedom of Expression and the Right of Information**

1. The State and the Orthodox Autocephalous Church of Albania recognizes and accepts Mass Media as an important element in the protection of the freedom of conscience and expression.
2. The Orthodox Autocephalous Church of Albania is entitled to express itself and to freely disseminate its convictions through every known legal form, or through the currently unknown and legalized forms in the future.
3. The Orthodox Autocephalous Church of Albania is entitled to establish structures for common expression, according to the current legislation. In every instance,

however, the content of the messages of the Mass Media ought not to have ideas which contradict the Constitutional order, religious tolerance or provoke religious discrimination with other communities and contribute to inter-religious disputes.

4. The Orthodox Autocephalous Church of Albania is **entitled** to express itself via Mass Media.
5. The State Committee of Religions cooperates with the Orthodox Autocephalous Church of Albania for study and information needs.

#### Article 21

##### **Places of Worship**

1. Buildings and other properties, which are used for religious worship, are considered to be sacred by the Orthodox Autocephalous Church of Albania. Interference by state authorities in them is forbidden, except through court injunction, when sought to be exercised following the decision of the public prosecutor, court or by executive order, or in the case of a direct danger.
2. The State ensures the inviolacy of public spaces. The State protects specified religious grounds for worship based on the law.
3. For the fulfillment of its religious needs the Orthodox Autocephalous Church of Albania is entitled to acquire needed places of worship following the legal procedure.

## CHAPTER 5

### PROPERTY MATTERS

#### Article 22

##### **The right of property**

1. The State recognizes that the Orthodox Autocephalous Church of Albania has the right of movable and immovable property.
2. The State will return all the property of the Orthodox Autocephalous Church of Albania and will provide a corresponding exchange. Priority is given to places of worship, which happen to be in known hands, because they have been spiritual and cultural centers of the Orthodox Community for centuries and they constitute its history, just as the objects of worship and Holy Monasteries, its estates and archives confiscated by the Communist regime, based on the current legislation.
3. In circumstances in which the places of worship (Holy Churches and Monasteries) of the Orthodox Community are not recorded in the registry of the offices of immovable estates, the Return and Exchanges Department of Real Estate will certify (and will prove) the ownership of the property through the documents of the Central Archives of the State.

#### Article 23

##### **The Protection of Cultural and Religious Heritage**

1. Places of worship, which happen to be recognized and are deemed as monuments of culture, will be returned to the ownership of the Orthodox Autocephalous Church of Albania and will be protected by the relevant law of cultural heritage.
2. The State may use a place of worship, only in circumstances of need and interest, after first and foremost receiving the consent of the Orthodox Autocephalous Church of Albania.
3. The Cabinet of Albania with the common view of the Orthodox Autocephalous Church of Albania coordinates future attempts for the assessment, advancement and protection of cultural resources, such as places of worship of the Orthodox Autocephalous Church of Albania, which have national, cultural, material and spiritual value.

### CHAPTER 6

#### TRANSITIONAL AND FINAL CLAUSES

#### Article 24

##### **The Solution of Disagreements**

1. The interpretation and application of the present Agreement, as well as the solutions of topics under discussion is done based upon a mutual understanding of the contributing sides.
2. Changes to the present Agreement may be reached based on mutual understanding and on an Agreement between the contributing sides.

#### Article 25

##### **Final Clause**

1. The State recognizes the right of contracting special agreements for the application of the clauses of the present Agreement to the Orthodox Autocephalous Church of Albania.
2. The present Agreement serves as a basic act with the signatures of special Agreements between the State and the Orthodox Autocephalous Church of Albania, ratified by the Parliament.
3. The Orthodox Autocephalous Church of Albania is entitled to dissolve the present Agreement by renouncing the ratified Agreement by the Parliament.

FOR THE CABINET  
OF ALBANIA

THE MINISTER OF TOURISM,  
CULTURE, YOUTH AND SPORT

**Ylli Pango**

AUTOCEPHALOUS CHURCH OF  
ALBANIA

HIS BEATITUDE, THE  
ARCHBISHOP OF TIRANA,  
DURRËS AND ALL ALBANIA

**Prof. Dr. Anastasi**