

Editorial Note by the Editor-in-Chief

The main comparative surveys of religion-related legislation in the various Member States of the EU confirm three main assumptions, namely that:

- a) religion has been, and continues to be, extremely influential in the legal and social regulation of nearly all Member States,
- b) the regulation of religion is not harmonised, since there are very diverse and different approaches to the regulation of religion in the Member States, mirroring the diversity of national cultures and identities,
- c) Member States which until recently had been characterised by their religious and cultural homogeneity, have been transformed into multi-religious communities and have re-evaluated, or are in the process of re-evaluating, their legislation and social policies in order to address this challenge.

A comparison of national laws on religion reveals the existence of similarities between EU Member States. Three main typologies of systems exist within the EU. The first type is characterised by the existence of a State or dominant religion, so that close ties exist between state power and the existence of the dominant Church. The second type is founded on the idea of strict separation between State and religions. The third basic type, which corresponds -to a greater or lesser extent- to the majority of EU Member States, is effectively a system of coordination, in the sense that there is basis separation of State and religions, while

simultaneously recognising a degree of cooperation between State and religions in specific fields which are considered of common interest.¹

EU law is often viewed as detached from religious affairs, in view of the EU's secularism. However, while EU law has opted to defer to Member States in the area of regulation of religion, it still affects and is affected by religion². Increasing secularisation of European countries has led to a more diverse religious affiliation due to extensive immigration and to the growth of religious plurality.³ Article 10 of the Charter of Fundamental Rights, and its corresponding Article 9 of the European Convention on Human Rights, safeguard religious freedom; such freedom, in addition to being a fundamental principle of Europe's public order, is also the major definitional problem in enabling a common strategy of regulation of religion. An analysis of the case-law of the European Court of Human Rights confirms that a common definition of religion has not yet been achieved, and that the effect and limits of the notion of religious freedom with respect to collective entities, have not yet been fully determined. Whereas it is generally accepted that it is possible to identify a number of principles of law on religion common to the Member States,⁴ the notion of collective religious freedom has been subject to different and often contrasting interpretations in the EU Member States.⁵

¹ See, *inter alia*, G. Robbers (ed), *State and Church in the European Union* (3rd Ed., Baden-Baden: Nomos, 2019).

² R. McCrea, *Religion and the Public Order of the European Union* (Oxford: OUP, 2010).

³ N. Doe, R. Sandberg (eds), *Law and Religion: New Horizons* (Leuven: Peeters, 2010).

⁴ N. Doe, *Law and Religion in Europe: A Comparative Introduction* (Oxford: OUP, 2011), S. Ferrari, R. Cristofori (eds), *Law and Religion in the 21st Century* (London: Ashgate, 2010).

⁵ A. Emilianides (ed), *Religious Freedom in the European Union: The Application of the European Convention on Human Rights in the European Union* (Leuven: Peeters, 2011).

It is within this framework, that the work of the European Consortium for Church and State Research has been instrumental in the comparative study of law and religion in the EU. The Consortium was founded in 1989, and has since brought together a number of academics sharing a common interest in the relations between States and religious denominations in Europe. The work of the Consortium, particularly its annual meetings and the publication of its proceedings, has facilitated continuous promotion of comparative research in the field for more than 35 years. From 1994-2004, the *European Journal for Church and State Research - Revue Européenne des Relations Églises – État*, was annually published, under the editorship of Prof. Rik Torfs, in order to observe developments in the relationship between state and church in almost all EU countries. This was achieved through reports that explained the substantial events, legislation, jurisdiction and literature in the respective countries.

It has been more than 20 years since the last volume of the *European Journal for Church and State Research* has been published, but no other publication has since filled the void. The General Assembly of the Consortium has therefore decided to approve a proposal to publish a new e-journal, titled *European Yearbook of Law and Religion*. The *Yearbook* shall focus on national/comparative papers from EU member states, as well as selected Council of Europe member states. It shall include legislative/case-law developments on law and religion in the member states in the previous years, as well as developments on law and religion in the EU/ECHR. Reports from EU countries remain an integral part of the new *Yearbook*, so as to further promote comparative study in law and religion. The *Yearbook* is hosted by the University of Nicosia, which has also undertaken all administrative aspects of the project, whereas the academic supervision remains with the Consortium.

The Yearbook is published electronically, beginning with the 2026 issue, so as to enable swift publication and wide dissemination, and will remain open-access. The language of publication is English. Authorship shall be open to all researchers in the field of law and religion, and it will not be restricted in any way to Consortium members. It shall include academic papers and/or essays in law and religion, preferably with emphasis on comparative analyses, theoretical approaches, or European-wide perspectives, including the EU and Council of Europe system. It shall further include reports/analyses on developments on legislation/case-law in Member States of the EU/Council of Europe, as well as ECHR/EU, and book reviews.

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