

DECISION NO. 30 of June 23, 1993 (*republished*)

on the organization and functioning of the Joint Standing Commission of the Chamber of Deputies and the Senate for the exercise of parliamentary control over the activity of the Romanian Intelligence Service

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CHAPTER I

Organization and functioning of the Commission

ARTICLE 1

(1) This Decision regulates the organization and functioning of the Joint Standing Commission of the Chamber of Deputies and the Senate for the exercise of parliamentary control over the activity of the Romanian Intelligence Service, hereinafter referred to as the Commission.

(2) The Joint Standing Commission of the Chamber of Deputies and the Senate is established to exercise parliamentary control over the activity of the Romanian Intelligence Service.

(3) The Commission shall ensure that the Romanian Intelligence Service carries out its duties according to the law in force and shall perform a specific and permanent control over the activities of the Romanian Intelligence Service.

(4) The Commission consists of 9 members, elected in the joint meeting of the two Chambers with the majority vote of the deputies and senators, upon the proposal of their Standing Bureaus and after consultations with the leaders of the parliamentary groups.

(5) During the same meeting, the chairman, the vice-chairman and the secretary of the Commission are elected with the majority vote as stipulated in paragraph (4), upon the proposal of the Standing Bureaus and after consultations with the leaders of the parliamentary groups.

(6) Members of the Commission may not sit on other standing parliamentary commissions.

(7) Membership of the Commission is incompatible with other positions and offices provided by the law.

(8) The Parliament representatives may not be members of the Commission if they have been:

(a) convicted, by final court decision, of crimes affecting national security;

(b) part of or cooperating with the security structures, as political police.

(9) At the end of a mandate as Commission member, the corresponding Parliamentary Group can come up with a replacement proposal, that shall be submitted to vote according to paragraph (4) provisions.

(10) The members of the Commission may not be operative agents, including undercover agents, informers or intelligence partners.

ARTICLE 2

Once elected, the members of the Commission shall take the following oath before the two Chambers:

"I,....., I swear not to disclose the documents, data and information that will come to my attention while exercising my duties, both during and after my term of office. I solemnly swear that I was not part of the former security structures and that I am not part of the Romanian Intelligence Service or any other secret intelligence service."

ARTICLE 3

The Commission shall exercise its mandate during the parliamentary term in which it is appointed.

CHAPTER II

Attributions of the Commission

ARTICLE 4

The Commission shall exercise parliamentary control over the activity of the Romanian Intelligence Service as follows:

a) supervises whether, in the exercise of its duties, the Romanian Intelligence Service respects the Constitutional provisions and other legal decisions;

b) supervises that the Romanian Intelligence Service respects the rights and freedoms of individuals during the intelligence activity;

c) examines violations of constitutional and other legal provisions cases, reported in the activity of the Romanian Intelligence Service, and decides on the necessary measures to restore the law;

d) analyzes and investigates, upon the request of any of the standing commissions of the two Chambers - for defense, public order and national security-, the complaints of citizens who consider that their rights and freedoms have been affected, through means of obtaining information on national security; examines and solves other complaints addressed to it regarding the violation of the law by the Romanian Intelligence Service;

e) hears the person proposed by the President of Romania for the position of Director of the Romanian Intelligence Service and presents in this respect a report before the two Chambers of Parliament;

f) examines the reports submitted to the Parliament, according to the law, by the Director of the Romanian Intelligence Service and draws up a report on them, that shall be forwarded to the Standing Bureaus of the two Chambers;

g) examines the draft budgets for the Romanian Intelligence Service and submits, to the specialized parliamentary commissions, its observations and proposals regarding the budget allocations;

h) checks the use of state budget allocated funds, as well as the establishment and use of extrabudgetary resources for the Romanian Intelligence Service;

i) checks the compliance of the autonomous enterprise functioning, the production companies, the health institutions, and the cultural and sports associations within the Romanian Intelligence Service with the legal provisions;

j) decides on the reports, briefings and written explanations, documents, data, and information to be requested from the Romanian Intelligence Service, as well as on its military and civilian personnel to be heard;

(k) reports on the findings and conclusions reached in the exercise of its duties to the Standing Bureaus of the two Chambers of Parliament.

ARTICLE 5

(1) In exercising specific and permanent control over the Romanian Intelligence Service, the Commission:

a) constantly and systematically gets updates on the way the Romanian Intelligence Service activity operates and functions by:

(i) examining the planning and regulatory documents of the intelligence activity;

(ii) verifying the compliance with the legal rules in the operational field, based on reports or information submitted by the Romanian Intelligence Service;

(iii) analyzing the statistics on the data destination and its thematic structure, in terms of threats, risks, vulnerabilities, malfunctions and the nature of the problems reported, as appropriate;

(iv) analyzing the quarterly statistical report on the implementation of court authorizations issued for information gathering operations involving temporary restriction of the exercise of fundamental rights or freedoms, covering the nature of the reasons in terms of threats, the duration of the restrictions, the relevance and the destination of the information acquired;

(v) examining the annual statistical report on the indicators of the operational intelligence activity carried out;

(vi) analyzing the statistics on the notifications of the people whose rights or freedoms have been affected by the authorized operations, regarding the activities carried out upon them and their duration;

b) verifies the compliance of the Romanian Intelligence Service activity with the National Defense Strategy, as well as with the approved security policies and strategies;

c) monitors the way Romanian Intelligence Service meets the legal requirements in regards of the measures restricting the exercise of citizens' rights and freedoms; upon the rejection of such requests by the competent courts, according to the law, the Commission verifies the appropriateness and the merits of proposing such measures;

d) analyzes the intelligence journals, the thematic briefings, the event reports regularly sent by the Romanian Intelligence Service concerning national security;

e) examines the draft budget of the Romanian Intelligence Service and the use of budget allocated funds, the establishment and destination of funds and extrabudgetary resources;

f) examines the internal audit reports elaborated by Romanian Intelligence Service;

g) analyzes the reports and the decisions of the Court of Auditors regarding the Romanian Intelligence Service and its subordinated units;

h) annually evaluates the statistics and the reports on the activities of the disciplinary commissions, the honor and the judicial councils.

(2) In order to stay informed, the members of the Commission receive from the Romanian Intelligence Service documentary purposes information concerning the national security and the activity of intelligence services, systematically elaborated, as a result of specialized use of open sources or resulting from systematic scientific research.

(3) The control tasks of the Commission may be exercised by visiting the headquarters of the Romanian Intelligence Service units, with prior notification of the period and subject of the control. The Commission may also decide to carry out unannounced checks.

(4) The Commission may initiate draft laws for national security.

(5) The Commission shall examine the draft and legislative proposals submitted by the Joint Standing Bureaus of the two Chambers of Parliament in order to draw up reports and/or opinions.

(6) The Commission adopts its own rules of organization and functioning, which will be submitted to the approval of the Joint Standing Bureaus of the two Chambers of Parliament, and reviews them whenever necessary.

(7) The Commission may represent the Chamber of Deputies and the Senate in parliamentary diplomacy activities, such as meetings with representatives of their counterparts in other European Union countries or members of the North Atlantic Alliance, and in other parliamentary consultations dealing with specific subjects of the Commission's work.

ARTICLE 6

(1) In exercising its duties, the Commission requests the Romanian Intelligence Service, through its Director, to provide reports, briefings, explanations, documents, data and information and may hear people regarding ongoing matters.

(2) The Romanian Intelligence Service is bound to provide to the Commission, within 7 working days, with the reports, briefings, explanations, documents, data and information requested and to facilitate the hearing of the military and civilian staff indicated by the Commission.

(3) If searching for the requested information and sending it exceeds the deadline of 7 working days, the Romanian Intelligence Service shall communicate the reasons and the time required to submit the response for the requests referred to in paragraph (2).

(4) Documents, data and information regarding national security intelligence operations, in progress or to come, as well as information that may lead to the disclosure of the real condition of the operational staff and to the identification of the intelligence sources or the methods and practical means of work used in the intelligence activity are excepted from the provisions of paragraph (1) and (2). The exception does not apply if violation of civil rights and freedoms has been established by a judicial body.

(5) On its own initiative, the Commission may pursue actions affecting the Romanian Intelligence Service activity or raising doubts as to its legality.

(6) Upon possible law violations by the Romanian Intelligence Service, the Commission may notify, as appropriate, the President of Romania, the criminal investigation bodies and other institutions, such as: Superior Council of Magistracy, the Court of Auditors, the National Agency for Public Procurement, ministries.

(7) The Romanian Intelligence Service, through its Director, may address the Commission whenever considers that the impartiality or the reputation of the institution is affected in any way.

(8) The Commission shall uphold the honor and dignity of the staff of the institution affected by allegations or actions giving rise to suspicion of their moral integrity.

(9) The Commission may organize checks to clarify the matters referred to in paragraphs (1) to (4), and then make public their conclusions.

(10) In order to perform its parliamentary control attributions, the Commission may request the Romanian Intelligence Service to provide the necessary specific means, respecting the standards of classified information protection.

(11) Upon the request of the Commission, the Romanian Intelligence Service shall ensure, under terms of the law, the protection of its members.

ARTICLE 7

1. Annually, in the joint meeting of the two Chambers, the Commission presents a report on its activity, no more than 5 months after the end of the previous year.

2. Upon the request of the Standing Bureaus of the two Chambers or on its initiative, the Commission draws up and presents to them reports on the findings and conclusions resulting from the exercise of their duties according to Article 4.

3. The conclusions within the Commission's report are authorized to be disclosed to the public by the decision of the Joint Standing Bureaus of the two Chambers.

CHAPTER III

Commission's working procedure

ARTICLE 8

(1) The Commission may invite to its meetings the presidents of the Standing Bureaus of the two Chambers, the presidents of the Commissions for defense, public order and national security, members of the Supreme Council for National Defense, representatives of public authorities and other structures, and specialists in the field.

(2) Commission meetings can be organized independently of the work schedule of the standing commissions, but not during the plenary sessions of the Chamber of Deputies, Senate or the plenary sessions of the two Chambers.

(3) By way of exception from paragraph (2), Commission meetings or activities may be held at the same time as plenary sessions of the Chamber of Deputies, the Senate or the plenary sessions of the two Chambers, with the approval of the Standing Bureaus, as appropriate.

ARTICLE 9

(1) The request for the data and information the Commission needs, as well as any other step in its relations with the Romanian Intelligence Service, shall be made by the Commission, through its president.

(2) Requests addressed to the Romanian Intelligence Service by senators, deputies, as well as by any of the parliamentary commissions shall be made through the Commission.

(3) The responses of the Romanian Intelligence Service to the requests referred to in paragraph (2) shall be carried out through the Commission.

(4) The Commission may invite to its meetings any person who has information that may be relevant to the Commission's scope of work.

(5) The people mentioned in paragraph (4) have the obligation to come to the hearings. The provisions of Article 9 in the Joint Activities Rules of the Chamber of Deputies and the Senate shall apply.

ARTICLE 10

(1) In the exercise of its duties, the Commission may cooperate with specialists in the field.

(2) The specialists referred to in paragraph (1) must:

(a) meet the conditions for access to classified information;

(b) have a good professional reputation and experience in the field of national security;

(c) comply with the prohibitions laid down in Article 1 paragraph 8.

(3) The specialists referred to in paragraph (1) are bound to comply with the legal provisions regarding the protection of classified information and to protect the data and information they become aware of.

(4) Violation of the obligations stipulated in paragraph (3) incurs material, disciplinary, contravention or criminal liability, as appropriate, according to the law.

ARTICLE 11

1. In the exercise of the duties granted by this decision, the activity of the Commission is carried out in the presence of the majority of its members.

2. The Commission adopts decisions by the majority vote of the members present.

ARTICLE 12

(1) The work and the documents issued by the Commission shall comply with the provisions of the law no. 182/2002 on the protection of classified information and its subsequent amendments and completions.

(2) The members of the Commission are bound to comply with the legal provisions on the protection of classified information of all documents, data and information they become aware of in exercising their duties, and to ensure their full protection, according to the law.

(3) Failure to comply with the provisions of the paragraph (1) and (2) shall result in the termination by right of the Commission's membership.

ARTICLE 13

The cases violating the provisions of Articles 2 and 12 paragraph (1) and (2), considering its own program to prevent the disclosure of information, shall be investigated by the Legal Commission for discipline and immunity of the Deputies Chamber and by the Legal Commission for appointments, discipline, immunity and validation of the Senate, which shall submit the appropriate conclusions and proposals to the Standing Bureaus of the two Chambers.

ARTICLE 14

The Chairperson leading the two Chambers' joint meetings, where issues under the Commission's competence are analyzed, may require, at his own initiative or at the request of a parliamentary group, of the Commission's Chairman or of the Director of the Romanian Intelligence Service, that the said works should take place in closed door sessions. This decision shall be reached with the majority vote of the attending deputies and senators.

ARTICLE 15

The formal trips undertaken by the members and parliamentary civil officials to the territorial units of the Romanian Intelligence Service, as well as other activities under the Commission's competence, shall be validated by the Joint Standing Bureaus of the Deputies Chamber and the Senate, their expenses being reimbursed based on supporting documents.

CHAPTER IV

Final provisions

ARTICLE 16

(1) Commission documents shall be kept in its own archives, in accordance with the legal rules on the state secret protection.

(2) At the end of the parliamentary term, Commission documents will be inventoried and sealed under the supervision of their members and handed over to the commission appointed by the new Parliament, together with the documents from the previous commissions, as provided by the Commission's functioning regulations.

(3) The Commission shall have access to any archived documents handed over by the previous commissions.

ARTICLE 17

The provisions of this decision shall be supplemented by the applicable provisions of the Chamber of Deputies' Regulation,

^1 of the Senate's Regulation,

^2 as well as of the Chamber of Deputies and Senate's joint activities Regulation,

^3 to the extent they do not contravene the provisions of this decision.

^1 Approved by the Decision of the Chamber of Deputies no. 8/1994, published in the Official Gazette of Romania, Part I, no. 50 of February 25, 1994 and republished in the Official Gazette of Romania, Part I, no. 481 of June 28, 2016, as amended and supplemented.

^2 Approved by Senate Decision no. 28/2005, published in the Official Gazette of Romania, Part I, no. 948 of October 25, 2005 and republished in the Official Gazette of Romania, Part I, no. 72 of January 25, 2018.

^3 Approved by the Decision of the Romanian Parliament no. 4/1992, published in the Official Gazette of Romania, Part I, no. 34 of March 4, 1992 and republished in the Official Gazette of Romania, Part I, no. 110 of February 5, 2018.

ARTICLE 18

In order to implement this decision, the Commission shall work out and submit for the approval of the two Chambers' Standing Bureaus its own organization and functioning regulation.
