



## Questionnaire

### National Parliaments' activities on alleged CIA activities in European countries

COUNTRY: **Romania**

CHAMBER: The Chamber of Deputies

1. Was there a special committee formed in your chamber, similar to the one of the EP's Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners - TDIP?

Yes:

No:

2. Does any other permanent committee of your chamber deal with the matters?

Yes:

No:

3. Which permanent committee in your Chamber supervises intelligence services of your country?

#### Name of the first Committee:

1. Joint Standing Committee of the Chamber of Deputies and Senate exercising parliamentary control over the activity of the Romanian Intelligence Service

#### What is its mandate:

The Parliament exercises its control over the activity of the Romanian Intelligence Service, with the observance of the confidentiality of the means and sources in collecting the intelligence. The ways of organisation, functioning and control were established by a joint decision of the two Chambers, *H.P. No. 30/23.06.1993, published in the Official Gazette of Romania, Part I, No. 133/ 23.06.1993*. The Committee has nine members, elected in joint sitting of the two Chambers. The members shall neither be part of any other Committee nor assume any position with the Government.

The competencies of the Committee, according to Chapter II, Article 5 from the Parliament Decision Nr. 30 of June 23<sup>rd</sup>, 1993, are as follows:

- To verify whether the provisions of the Romanian Constitution and other regulatory legislation are observed by the Romanian Intelligence Service in exercising its competencies in terms of national security;
- To examine reported cases of infringement upon constitutional provisions and other legal stipulations by the Romanian Intelligence Service in their activity and to rule on necessary measures to reinstate legality;
- Upon the request of either standing Committee for defence, public order and national security in the two Chambers, to examine and conduct enquiries, following intimations by citizens deeming their rights and freedoms to have been infringed upon, during the process of national security intelligence collecting; to examine and settle any other complaints and intimations received, as regards any possible law infringement by the Romanian Intelligence Service;
- To hear the person the President of Romania has nominated to take up the position of Director of the Romanian Intelligence Service, and to submit a relevant report to both Chambers;
- To consider the reports submitted by the Director of the Romanian Intelligence Service to the Parliament, in keeping with the law, and to draw up its own report on that issue, subsequently forwarded to the Standing Bureaus of the two Chambers;
- To examine the draft budget of the Romanian Intelligence Service and give its opinions and proposals on the budgetary allowances to the specialized parliamentary committees;
- To control the way the Romanian Intelligence Service has used the funds allotted from the State Budget, and the way extra-budgetary means have been built-up and used;
- To verify the compliance with the legal provisions on the functioning of the self-managed public corporation, manufacturing trade companies, healthcare institutions and cultural and sports associations within the Romanian Intelligence Service.

In the exercise of its prerogatives, the Committee may request reports, written information and explanations, documents and data from the Romanian Intelligence Service and can hear persons as regards the scrutinised situations.

The Romanian Intelligence Service is bound to provide the Committee with the required reports, informative notes, explanations, documents and data in due time, and to allow the hearing of the persons as indicated by the Committee.

#### MPs involved:

#### Outcome and work programme in the area of these allegations:

#### Name of the second Committee

2. Special Committee of the Chamber of Deputies and Senate exercising parliamentary control over the activity of the Foreign Intelligence Service



## Questionnaire

### National Parliaments' activities on alleged CIA activities in European countries

#### What is its Mandate

The Parliament exercises its control over the activity of the Foreign Intelligence Service, with the observance of the confidentiality of the means and sources in collecting the intelligence. To this end, a special committee was set up consisting of 3 deputies and 2 senators elected from the Committees for Defence, Public Order and National Security in the two Chambers.

Parliamentary control is aimed at ensuring that the activity of the Foreign Intelligence Service is consonant with the Constitution and policy of the Romanian State. The Committee was set up as per *Parliament's Decision H.P. 13/3.06.1998 published in the Official Gazette of Romania, Part. I, No. 257/ 9.07.1998*, while its organisation, functioning and control were detailed in *Parliament's Decision H.P. 44/28.10.1998, published in the Official Gazette of Romania No. 417/5.11.98*.

The competencies of the Committee, according to Chapter II, Article 6 from the Parliament Decision No. 44 of October 28<sup>th</sup>, 1998, are as follows:

- a) To examine and verify whether the provisions of the Romanian Constitution and other regulatory legislation are observed by the Foreign Intelligence Service;
- b) To check whether the orders, instructions and other regulatory legislation issued by the Foreign Intelligence Service comply with the Constitution of Romania, with the Decisions of the Supreme Council of National Defence and with Government Decisions, as issued to enforce Decisions of the Supreme Council of National Defence.
- c) To examine the Budget's substantiation and checks the Budget execution following the inspections carried out by relevant authorities
- d) To hear the person the President of Romania has nominated to take up the position of Director of the Foreign Intelligence Service, and to submit an opinion to the President of Romania. The Committee may suggest to the President, in a Report, to revoke the Director of the Foreign Intelligence Service.
- e) To examine reported cases of infringement upon constitutional provisions and other legal stipulations by the Foreign Intelligence Service in their activity and to rule on necessary measures to reinstate legality;
- f) To examine, check and settle the intimations of citizens deeming their rights and freedoms to have been infringed upon, during the process of national security intelligence collecting by Foreign Intelligence Service; to examine and settle any other complaints and intimations received, as regards any possible law infringement by the Foreign Intelligence Service;
- g) To check the Foreign Intelligence Service personnel selection and promotion criteria.
- h) To check the way national interests of Romania are promoted and how the Foreign Intelligence Service directs its action, mainly to identify, examine, control and eliminate the risks to the national security.
- i) To check the extent to which the Foreign Intelligence Service co-operates and is interoperable with other institutions having competencies in the field of national security.
- j) To check the way the Foreign Intelligence Service co-operates and with similar foreign institutions.
- k) To endorse any bills relating to the activity of the Foreign Intelligence Service.
- l) To carry out any other competencies as established by decisions of the Romanian Parliament.

In the exercise of its prerogatives, the Committee may request documents and data from the Foreign Intelligence Service, through the agency of its Director, and can hear persons on issues related to the scrutinised situations.

The Foreign Intelligence Service is bound to respond in due time to the Committee's request, and to allow the hearing of the persons as indicated by the Committee, upon the approval of the Foreign Intelligence Service's Director.

#### MPs involved

#### Outcome and work programme in the area of these allegations

4. Has your Chamber been involved in another activities relating to these allegations (debate, report, etc.)?

No