



Strasbourg, 16 March 1998

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CDL-DEM (98) PV5

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**5th MEETING OF THE  
SUB-COMMISSION ON DEMOCRATIC INSTITUTIONS  
(Venice, 4 March 1998)**

**MEETING REPORT**

**1. Adoption of the agenda**

The agenda was adopted as set out in document CDL-DEM (98) OJ 5.

**2. Report on the supervision of internal security services in Europe**

Ms Bolognese presented the report, which had been amended to take account of the comments made by the Parliamentary Assembly at the Commission meeting in December 1997 (document CDL (98) 11). A number of major changes had been made, in particular to emphasise the safeguards needed to prevent violations of fundamental rights by internal security services.

The Sub-Commission made several minor changes to the text.

**The Sub-Commission proposed that the plenary Commission adopt the revised report.**

**3. Discussion of the Romanian bills on the organisation of government and the functioning of ministries**

Mr Robert commented orally on the bills (CDL (97) 62 and (97) 63), which did not raise any constitutional difficulties. Certain aspects of their practical implementation might be discussed, however. With regard to the first text, his comments primarily concerned the actual powers of the President of the Republic, elected by universal suffrage, which were not always easy to circumscribe. The President of the Republic apparently attended only some government meetings (on foreign policy,

defence policy and law and order). It would be useful to have further details about instances of dissolution of the Parliament. The question also arose as to why there was a Ministry for Relations with the Parliament and why some administrative heads were members of the government. Other comments concerned the fact that the head of the Prime Minister's office had the rank of State Secretary, and Ministers' criminal liability.

With regard to the second text, Mr Robert wondered why the President of the Republic had to obtain Parliament's approval in order to modify governmental structures and could only do so on the Prime Minister's suggestion. The fact that ministers could apparently not be dismissed for misconduct was also questionable. Lastly, the subordination of a number of decentralised bodies to the Prime Minister seemed rather paradoxical.

Mr Giakoumopoulos said that Mr Nastase, former Romanian Minister for Foreign Affairs and Vice-President of the Parliament, would attend the Commission's plenary meeting.

**The Sub-Commission proposed that, following the Commission's exchange of views with Mr Nastase, the Secretariat should decide whether a meeting of the sub-commission was necessary before or during the Commission's next plenary meeting.**

**APPENDIX I**

**LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS**

**CYPRUS/CHYPRE:**

Mr Michael TRIANTAFYLLIDES, Chairman of the Council of the University of Cyprus, Former President of the Supreme Court and former Attorney-General of the Republic

**FINLAND/FINLANDE:**

Mr Antti SUVIRANTA, Former President of the Supreme Administrative Court

**FRANCE:**

M. Jacques ROBERT, Président honoraire de l'Université de droit, d'économie et des Sciences sociales de Paris, Membre du Conseil constitutionnel

**GREECE/GRECE:**

M. Constantin ECONOMIDES, Professeur à l'Université Pantios, Directeur du Département juridique, ministère des Affaires Etrangères

**LITHUANIA/LITUANIE:**

Mr Kestutis LAPINSKAS, Judge at the Constitutional Court

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**SECRETARIAT**

M. Christos GIAKOUMOPOULOS

M. Pierre GARRONE

Mlle Caterina BOLOGNESE

**INTERPRETERS/INTERPRETES**

Mme Denise BRASSEUR

M. Derrick WORSDALE