

Terms of reference, membership and operation

The Joint Committee for the Security of the Republic was established by article 30 of Law 3 August 2007, no. 124, "Intelligence Services for the Security of the Republic and Official Secrets Reform". The law vests the Joint Committee with the responsibility to systematically and continuously monitor the activities of Intelligence Services, to ensure that they comply with the Constitution and the laws of the country, in the sole interest and defence of the Republic and its institutions.

Five Deputies and five Senators sit on the Committee. They are appointed within 20 days of the beginning of a new Parliament by the presiding officers of the Chamber of Deputies and the Senate of the Republic in proportion to the number of members of parliamentary groups. Members of the government and opposition parties shall be equally represented, in view of the peculiar functions of the Committee. The Bureau, comprising the chairperson, one deputy chairperson and one secretary (also an MP), is elected by the members of the Committee by secret ballot from within the committee membership. The chairperson shall always be a member of the opposition. During this Parliament alone, the number of Copasir members has changed. Article 20 of Law 21 July 2016 No 145 on the Participation of Italy in International Operations establishes that one more Senator and one more Member of the Chamber of Deputies are to be added to the committee for the remaining part of the current parliamentary term alone.

In performing oversight, the Committee enjoys very broad investigation authority. Firstly, it may hold hearings and summon witnesses and stakeholders. The Committee may summon the Prime Minister, the Minister or Junior Minister coordinating the intelligence and security services, the ministers sitting on the Interdepartmental Commission for the Security of the Republic (CISR) and the heads of intelligence agencies DIS, AISE and AISI. In special cases, the Committee may also summon Intelligence and Security officers, without prejudice to the power of the Prime Minister to challenge the summons on justified grounds. The Committee may hear anyone, also outside the intelligence community, who is deemed able to provide information or any useful input.

By way of exemption from the provisions of article 329 of the Criminal Code, the committee may obtain copies of documents on ongoing prosecution or investigations by the judiciary or any other authority, documents relating to enquiries conducted by Parliament and any documents or information held by the Intelligence Services or the Civil Service deemed to be of interest for the Committee. A special procedure, which may also involve the Prime Minister, can be used when the disclosure of intelligence or the documents requested may be detrimental to specific security requirements. Moreover, if the Committee unanimously votes to hold enquiries to "ascertain whether the conduct of members of the intelligence services is consistent with their responsibilities under the law", this decision may not be challenged on the grounds of confidentiality or State secrecy.

The Committee has access to any premises of the Intelligence and Security Services and may conduct on-the-spot investigations, after notifying the Prime Minister. It may also control all spending records relating to completed operations.

The Committee submits compulsory, non-binding opinions on all draft decrees and regulations under the Reform Law, and on any other draft decree or regulation regarding the organisation and status of Intelligence and Security officers.

The Government and the intelligence services have an obligation to provide the Committee and its chairperson with information briefs and regular reports. The Prime Minister is required to

give the committee chair advance notice of the appointments of directors and the deputy directors of DIS, AISE and AISI.

If the Committee finds evidence of unlawful or irregular conduct, it shall notify the Prime Minister and the presiding officers of Parliament.

In addition to an annual report, the Committee may also submit to Parliament urgent information notes or reports.

Lastly, the Committee is vested with wide-ranging powers in the event that the Prime Minister invokes State secrecy. Article 40(5) and article 41(9) stipulate that whenever the Prime Minister invokes State secrecy, he/she shall inform the Committee thereof and explain the key reasons for doing so. If the Committee considers there are insufficient grounds to invoke State secrecy, it shall report to Parliament for consideration.