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5 July 2007

Attn. Ms. Angela Filipas
National Focal Point for the Aarhus Convention
Director, Impact Assessment, Pollution Control and Risk Management Directorate
Ministry of Environment and Water Management
12 Libertatii Blvd., sector 5, Bucharest
Romania
Fax: +40 21 410 04 21

Dear Ms. Filipas,

Re: Communication to the Aarhus Convention Compliance Committee concerning decision-making on Rosia Montana gold mine (Ref. ACCC/C/2005/15)

With reference to the above communication, the Compliance Committee has asked the secretariat to thank you for the information that you provided on 25 May 2007 and to inform you of the outcome of the discussion on the matter that took place at its sixteenth session (Geneva, 13-15 June 2007).

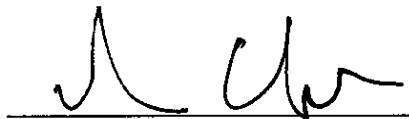
Having considered the information provided, the Committee expressed its concern at the way in which the issue of public disclosure of EIA studies is handled under the current system in Romania. Specifically, the Committee notes that the application of copyright laws to environmental impact assessment (EIA) studies by no means justifies a general exclusion of such studies from disclosure, in particular in situations where they form part of "information relevant to the decision-making" which, according to article 6, paragraph 6, of the Convention, should be made available to the public at the time of the public participation procedure. Although that provision allows that requests from the public for certain information may be refused in certain circumstances related to intellectual property rights, this may happen only where in an individual case the competent authority considers that disclosure of the information would adversely affect intellectual property rights. Even in such situations, the grounds for refusal should be interpreted in a restrictive way, taking into account the public interest served by disclosure. Thus, disclosure of EIA studies in their entirety should be considered as the rule, with the possibility for exempting parts of them being an exception to the rule. The Committee would regard a general exemption of EIA studies from disclosure as non-compliance with article 4 and article 6, paragraph 6, of the Convention.

This was a general observation by the Committee. However, it indicated that it would revisit the matter in the context of preparing its next report to the Meeting of the

Parties as well as its findings and conclusions with regard to the communication
ACCC/C/2005/15.

As regards the other matters addressed in the communication, it did not consider that it was necessary for it to change its earlier decision on how to proceed with its review of the communication (see ECE/MP.PP/C.1/2006/4, para. 19).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Wates', is written over a horizontal line.

Jeremy Wates

Secretary

Convention on Access to Information, Public Participation in Decision-making and Access
to Justice in Environmental Matters

Cc: Permanent Mission of Romania to the United Nations and other specialised agencies
in Geneva
Alburnus Maior