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W O R K I N G F O R

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Dear Mr Wates,

Re: Communication ACCC/C/2005/15

Following our complaint at the ACCC which amongst others showed that there were no public consultations during the scoping stage of the Rosia Montana mine proposal, Romania's Ministry for the Environment agreed to change the law that sets the framework for the procedure to evaluate the environmental impact for certain public and private works; this time explicitly mentioning that that public consultation during scoping must take place. This change was formalized with Governmental Decision (HG) 1213/ 06/09/2006 and was published in the Official Gazette with No. 802 on 25/06/2006.

On 10 October 2008, Romania's ministry for the Environment announced that it wishes to modify¹ HG 1213/06/09/2006. Public consultation during scoping is not mentioned at all in the proposed replacement of HG 1213/06/09/2006 and it reads identical to the predecessor of HG1213/06/09/2006.

According to Article 11 of HG 1213/06/09/2006 – “1.)After establishing that a project is subject to an environmental impact assessment, one moves to the stage of scoping. At this stage, the competent authority for environmental protection prepares and sends to the project owner a scoping list with regards to the environmental problems that need to be treated in the environmental impact assessment report as well as the grade of detail with which these need to be addressed.

¹ See http://www.mmediu.ro/proiecte_acte.htm

2.) In order to draw up a scoping list as stipulated in alin. (1), the competent authority for environmental protection:

a.) analyses the project presentation report submitted by the project owner which details the information presented in the request;

b.) consults the project owner, the interested public and all public authorities implicated the environmental impact assessment procedure for the respective project.

3.) The scoping list is made available to the interested public, for information.

4.) The scoping list sent to the project owner does not exclude the possibility for the competent authority of environmental protection to ask for supplementary information. “

According to Article 12 of the proposed replacement of HG 1213/06/09/2006

– “(1) For projects for which is necessary to carry out an evaluation of the environmental impact, prior to the request to approve a project for development, the public authority for environmental protection prepares and sends to the project owner a scoping list regarding the aspects which need to be treated in the environmental impact assessment report as well as the grade of detail for these.

2.) In order to draw up a scoping list as stipulated in alin. (1), the public authority for environmental protection:

a.) analyses the project presentation report submitted by the project owner;

b.) consults the project owner and all other public authorities implicated and mentioned in art 7 (1).

(3) The scoping list is made available to the interested public, for information.

(4) The sending of the scoping list by the authority for environmental protection does not exclude the possibility to ask for supplementary information from the project owner at a later point.”

We are concerned about this important shortcoming in the proposed replacement of HG 1213/06/09/2006 and would be grateful if you could ensure that Romania’s law that sets the framework for the procedure to evaluate the environmental impact for certain public and private works guarantees for public participation during scoping.

Yours sincerely,

Eugen David
President
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