



C.I.D.R.M



## Independent Centre for the Development of Environmental Resources (ICDER)

### Alburnus Maior

Joint Press Release – For immediate distribution

### *Grounds for halting Rosia Montana EIA procedure acknowledged by final court decision*

*19 March 2009* – The Timisoara Court of Appeal has ruled that urbanistic certificate No 105/2007 is suspended *de jure*. The court's decision is final, cannot be appealed, and comes in confirmation of the ruling by the Timisoara Tribunal of October 2008. The verdict also supports the Ministry for the Environment's assessment of September 2007 which concluded that urbanistic certificate No 105/2007 is suspended *de jure*. According to Romanian law the environmental licensing procedure for the Rosia Montana mine proposal cannot re-commence in the absence of a valid urbanistic certificate.

Rosia Montana Gold Corporation (RMGC) is 80% owned by Gabriel Resources (TSX:GBU), a small and inexperienced Canadian mining company which plans to uproot the people of Rosia Montana to realize Europe's largest open-cast cyanide gold mine. From the outset the venture has been beleaguered by scandals, operational problems and vehement local, national and international opposition. Today American mining company Newmont (NYSE: NEM) owns 19.68% of Gabriel, American Electrum Strategic Holdings LLC owns 19.89% and American company Paulson&Co. owns 18% of Gabriel.

In August 2007 the Rosia Montana project owner requested and obtained urbanistic certificate No. 105/2007 in order to continue the environmental licensing procedure (EIA). Both Alburnus Maior and ICDER subsequently took legal action asking the court to verify whether in light of Romania's new Administrative Litigation Law, urbanistic certificate N. 105/2007 should be suspended *de jure*. According to Art. 14/5 of Law 554/2004 if an authority issues a new administrative act with the same content as one already suspended, then the new one is suspended *de jure*. In September 2007 the Ministry for the Environment concluded that in the light of Romania's new administrative litigation law, urbanistic certificate No.105/2007 should be suspended *de jure*. The ministry subsequently [announced](#) (1) that it can not continue the EIA procedure for the Rosia Montana proposal. In October 2008 the Timisoara Tribunal [ruled](#) (2) that urbanistic certificate No 105/2007 is suspended *de jure*. This ruling was appealed but the Timisoara Court of Appeal's verdict, which is a ruling of last instance, confirmed that urbanistic certificate No 105/2007 is suspended *de jure*.

“We believe that there are strong grounds for urbanistic certificate No 105/2007 to be annulled and our court action in this sense is pending. In the meantime, there exist no lawful grounds to re-start the EIA procedure,” says Dan Mercea, ICDER’s president; concluding that: “Now all the eyes of civil society are on Nicolae Nemirschi, the Minister of the Environment, to ensure that the decisions of Romania’s courts are respected and upheld.””

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**ENDNOTES:**

1. [http://www.mmediu.ro/departament\\_mediu/rosia\\_montana/pdf/NOTE\\_Suspension.pdf](http://www.mmediu.ro/departament_mediu/rosia_montana/pdf/NOTE_Suspension.pdf)
2. <http://www.ngo.ro/date/4ef160f5484c05ea6c665d19f7a161d3/Page.pdf>