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8 May 2012

Ms. Crisanta Lungu
Greenpeace CEE Romania
20 Maior Ion Coravu str., sector 2
Bucharest, Romania

Ms. Catalina Radulescu
Center for Legal Resources, Romania
19 Arcului str., sector 2
Bucharest, Romania

Mr. Thomas Alge
on behalf of Justice and Environment
Dvorakova nr. 13,
602 00 Brno, Czech Republic

Dear Ms. Radulescu, Ms. Lungu, Mr. Alge

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by
Romania in relation to the permitting process for the Rosia Montana mining project
(Ref. ACCC/C/2012/69)**

On 16 March 2012, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received from you the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by Romania with the provisions of the Convention on access to information, public participation and access to justice in relation to the permitting process for the Rosia Montana mining project. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

The communication has been registered under the symbol ACCC/C/2012/69, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

The Compliance Committee, having considered the admissibility of the communication at its thirty-sixth meeting (27-30 March 2012), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

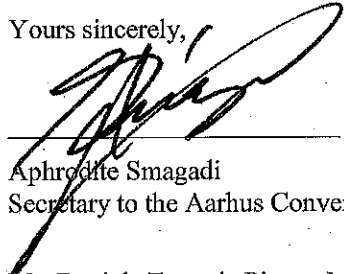
In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegations of non-compliance.

In a letter to the Party concerned, a copy of which you will receive for your information, the Committee has invited the Party to address other questions. You are welcome to respond to those questions, if you so wish.

You are invited to submit your response to the Committee as soon as possible, but no later than **8 October 2012**.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

cc: Ms. Daniela Eugenia Pineta, Ministry of Environment and Forests
Mr. Constantin Pulbere, Ministry of Environment and Forests
Permanent Mission of Romania to the United Nations Office and specialized institutions in Switzerland

Enc. Preliminary determination on admissibility
Datasheet on the communication

ANNEX
ACCC/C/2012/69 Romania
Questions to the parties

To the communicant

1. At what phase is the Rosia Montana mining project EIA procedure now? Did you already have the opportunity to point out to any administrative or judicial authority the deficiencies of the EIA report? If so, what was the result?
2. Which one is the article 6 decision taken in breach of article 6, paragraph 6 – the final EIA decision or the archeological discharge certificate? What is the relation between these two decisions?
3. Please describe how the missing information about archeological national monuments can influence the EIA process and final decision. Is there a legal requirement for assessment of the impact on cultural sites as part of the environment?
4. Which refusal to release environmental information is subject to the communication – the one issued in 2005 or the second one, which was quashed by the Bucharest Tribunal decision No 914/2011?
5. Could you please describe the relevance of each piece of information requested in 2010 to the ongoing art.6 decision-making process?
6. When do you expect the High Court of Cassation and Justice to issue its decision? How long does it take on average to go through a procedure for access to environmental information, including two court instances?

To the Party concerned

1. How long does it take on average to go through a procedure for access to environmental information, including two court instances?
2. What are the reasons for classifying all exploration/exploitation licenses and the Governmental Decision No S-921/2004 as “secrets of service”?