



NATIONS UNIES

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Ref: ACCC/C/2012/69

ОБЪЕДИНЕННЫЕ НАЦИИ

ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ  
КОМИССИЯ

UNITED NATIONS

ECONOMIC COMMISSION  
FOR EUROPE

Palais des Nations, Room 348  
CH-1211 GENEVA 10

12 April 2013

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Bucharest, Romania

Dear Ms. Pineta, Mr. Pulbere,  
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 (ACCC/C/2012/69)**

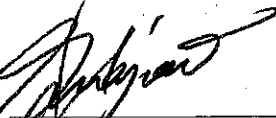
On behalf of the Aarhus Convention Compliance Committee, I would like to thank the participants in the discussion of the above referenced communication at the fortieth meeting of the Compliance Committee (Geneva, 25-28 March 2013).

The report of the meeting, including information concerning the discussion on the communication at issue, will be shortly accessible at the following link <http://www.unece.org/env/pp/ccMeetings.htm>.

You may recall that during the discussion of the communication, the Committee requested you to submit some additional information, as detailed in the questions annexed to the present letter. The Party concerned is invited to reply to the questions as soon as possible, but no later than **20 May 2013**. The communicant may comment on the Party's reply no later than **31 May 2013**. In providing your responses, please address the questions of the Committee in a **brief and explicit manner** and provide the text of the relevant supporting documents in English.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Romania to the United Nations Office and other international organizations in Geneva

## Annex

Questions to the Party concerned (reply due by **20 May 2013**)

The communicant may comment by **31 May 2013**

- 1) Please provide a chronology of events from 2009 to date, including the decisions/agreements that have been taken/signed at the different stages of the process. For each decision/agreement, please provide brief information on their content and legal effects. Also indicate what are the next steps for the final authorization of the project (construction permit)?
- 2) Will the environmental impact assessment (EIA) statement include all relevant archaeological aspects in the area and the measures for their protection?
- 3) We understand that the EIA statement is subject to public debate regarding the construction permit (see also p. 5 of the communicant's answers of 04.02.2013 listing the information attached to the exploitation license, according to art. 20 of Law 85/2003). Are the measures proposed in the EIA statement for the protection of natural resources and cultural heritage binding for the final construction permit?
- 4) Do you have any record of a previous license that was eventually not issued (i.e. the "dormant right" of the developer/investor was not realized) and that the State had to pay damages to the other contracting party?
- 5) Concerning the establishment of a "secret of service"
  - a. Is there a methodology (instructions, administrative circulars, etc) to be followed and if yes, is this methodology publicly available?
  - b. Is the order classifying the information publicly available (i.e. in the Official Gazette)?
- 6) Does the Governmental Decision 878/2005 concerning access to environmental information also incorporate the Convention requirements that:
  - a. "the grounds for refusal shall be interpreted in a restrictive way, taking into account the public interest served by disclosure" (art. 4, para. 4, last sentence)?
  - b. If information that has been exempted from disclosure can be separated, "public authorities make available the remainder of environmental information that has been requested (art. 4, para. 6)"?
- 7) What are the domestic legal arrangements providing for guidance (instructions, circulars, etc.) to public administration concerning information that may fall both under the regime for access to general information of public interest (Law No. 544/2001) and access to environmental information (Gov. Dec. 878/2005)?