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8 May 2012

Ms. Daniela Eugenia Pineta  
Director  
Horizontal Legislation and Regulations Directorate  
Ministry of Environment and Forests  
12th Libertății Blvd., sector 5  
Bucharest Romania

Mr. Constantin Pulbere  
Legal Adviser  
Unit for Environmental Assessment  
Directorate for Pollution Control and Impact Assessment  
Ministry of Environment and Forests  
12th Libertății Blvd., sector 5  
Bucharest Romania

Dear Ms. Pineta, Mr. Pulbere,

**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 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.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

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.

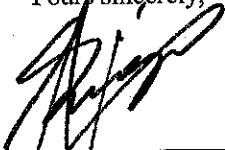
Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter (i.e. by **8 October 2012**), any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the meantime.

Additionally, 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 providing your response, please note that you should explicitly comment on the communication itself and the allegations contained therein, as well as addressing the questions raised by the Committee.

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

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: Permanent Mission of Romania to the United Nations Office and specialized institutions in Switzerland  
Ms. Catalina Radulescu, Strategic litigation manager, Center for Legal Resources, Romania  
Ms. Crisanta Lungu, Executive Director, Greenpeace CEE Romania, Romania  
Mr. Thomas Alge on behalf of Justice & Environment

Encs. Communication ACCC/C/2012/69 (including annexes)  
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”?