

5 May 2021

Ms. Dorina Mocanu
Ministry of Environment
Bucharest, Romania

Dear Ms. Mocanu,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Romania with article 6 and 9 of the Convention with respect to the extension of lignite quarries in Gorj County (ACCC/C/2016/140)

After considering the replies from the Party concerned dated 22 March 2021, the Committee has identified a number of points upon which it seeks further clarification. To this end, please find **enclosed** the questions prepared by the Committee for your attention.

As you will see, questions 1 and 2 of the enclosed questions concern questions 14 and 4 of the Committee's questions dated 22 February 2021 to which the Party concerned has not yet provided its reply. The Committee accordingly looks forward to receive your replies to those two outstanding questions by **Wednesday, 19 May 2021**. With respect to the other questions, the Committee would be grateful to receive your replies to questions 3-10 by **Wednesday, 26 May 2021**.

Please send your reply to aarhus.compliance@un.org, copying the communicant. The communicant will have one week from the receipt of your answer to provide the Committee with any comments it wishes to make on your reply.

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

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Romania to the United Nations Office and other international organizations in Geneva
Ms. Daniela Pineta, Ministry of Environment, Romania
Ms. Catalina Radulescu, representing Bankwatch Romania, the communicant of communication ACCC/C/2016/140

Enc: Questions from the Committee to the Party concerned

Questions from the Committee to the Party concerned:

1. Please provide the information requested by the Committee in question 14 of its list of questions of 22 February 2021.
2. In your reply dated 22 March 2021 to question 4 of the Committee's questions of 22 February 2021, you mention that "a more specific answer" would be provided to the Committee "in the next few days". Please provide this answer.
3. With respect to your reply to question 3 of the Committee's list of questions of 22 February 2021, please explain on what basis the newspaper "Gorj Exclusive" was chosen to notify the public concerned, given that no data is available about the number of copies of this newspaper distributed in the region.
4. On page 7 of your reply dated 22 March 2021 to the Committee's list of questions of 22 February 2021, you mention that, in accordance with MO 135/2010, the EIA documentation with the additional information was published on the EPA's webpage for an additional commenting period of 15 days. For each of the proposed quarry extensions, please provide evidence of how, if at all, the public concerned was notified of this additional commenting period.
5. In relation to your reply to question 10 of the Committee's list of questions of 22 February 2021, please provide the "form for presenting the solutions to the problems reported by the public concerned" containing the response to the request of the communicant from 24 September 2015. Please provide this evidence in Romanian, together with an English translation thereof. Please also provide evidence to show how and when the communicant was notified of the publication of the form providing the response to the communicant's request.
6. In relation to your reply to question 13 of the Committee's list of questions of 22 February 2021, please explain why the "findings" by the Râmnicu Vâlcea Forest Guard that the respective areas were already (partially) deforested are only recorded for the year 2018, given that most of the concerned deforestation decisions had already definitely been annulled by court decisions between 2015 and 2017.
7. In relation to your reply to question 15 of the Committee's list of questions of 22 February 2021, please indicate whether, under Romanian law, the applicant in a proceeding for injunctive relief can request the court to suspend the execution of the administrative act pending the outcome of the injunctive relief proceedings.
8. In annex 14 of its reply of 19 May 2020 the communicant has provided a list of comments that it alleges were not properly taken into account in the 2015 permitting process for the mining quarry extensions. Please provide highlighted versions of the forms in annexes 1, 3, 5, 7, 9, 11, 13 and 15 of your reply of 19 January 2021 to show where each of the questions and comments in points a-x of Part I of the Romanian version of annex 14 are taken into account or addressed. (For each section you highlight please indicate which of the points a-x is addressed in that section).

9. Please provide the full text, in Romanian, of judgment 1358/2017 of the Court of Bucharest dated 3 March 2017.
10. Please provide English translations of the following pages of the judgments that were annexed to the communicant's reply of 9 April 2021:
 - (a) Pages 6 to 8 of judgment no. 3532/2013 of 25 November 2013 (annex 1).
 - (b) Pages 5 to 7 of judgment no. 8096/2014 of 3 November 2014 (annex 2).
 - (c) Pages 6 to 8 of judgment no. 3533/2013 of 25 November 2013 (annex 3).
 - (d) Pages 5 to 9 of judgment no. 5819/2014 of 8 August 2014 (annex 4).
 - (e) Pages 5 and 6 of judgment no. 620/2014 of 17 February 2014 (annex 5).
 - (f) Pages 4 to 6 of judgment no. 888/2014 of 10 March 2014 (annex 7).
 - (g) Pages 6 to 10 of judgment no. 7458/2014 of 13 October 2014 (annex 8).
 - (h) Pages 6 to 8 of judgment no. 3534/2013 of 25 November 2013 (annex 9).
 - (i) Pages 10 to 12 of judgment no. 5821/2014 of 14 August 2014 (annex 10).
 - (j) Pages 5 to 7 of judgment no. 622/2014 of 17 February 2014 (annex 11).
 - (k) Pages 11 to 15 of judgment no. 5820/2014 of 8 August 2014 (annex 12).
 - (l) Pages 4 to 6 of judgment no. 4190/2014 of 17 September 2013 (annex 13).
 - (m) Pages 7 to 10 of judgment no. 5838/2014 of 1 September 2014 (annex 14).
 - (n) The last three pages of judgment 3469/2013 of 14 June 2014 (annex 15).
 - (o) Pages 3 to 10 of judgment no. 3132/2013 of 14 August 2013 (annex 16).