idea accepted We are certain	Zlatna, 02.08.2006 MMGA_0020 tion must be very well informed on Project's issues, before the development of a referendum d by the Alba County Prefecture and Council). in that proper information on the Roşia Montană Project (RMP) will clarify many of the
des the ed by the RMGC de code Alba's popula (idea accepted) We are certain	MMGA_0020 tion must be very well informed on Project's issues, before the development of a referendum d by the Alba County Prefecture and Council).
Alba's popula (idea accepted We are certai	tion must be very well informed on Project's issues, before the development of a referendum d by the Alba County Prefecture and Council).
idea accepted We are certain	d by the Alba County Prefecture and Council).
	in that proper information on the Rosia Montană Project (RMP) will clarify many of the
	aspects, and will create more project supporters.
_	fic issue of a referendum, which is a choice open to local government authorities, we are at a referendum organized in Alba County would be favorable to us.
	ws do not stipulate the organization of referendum for industrial projects. Moreover, RMP is concerns the locals from Roșia Montană and the neighboring communities, included in the ct area.
Regarding yo	ur request, please consider the following aspects:
(i)	according to the relevant legal provisions, the public may submit grounded proposals regarding the environmental impact assessment;
(ii)	art. 44 (1) of the Order of the Ministry of Waters and Environmental Protection no. 860/2002 regarding the Environmental Impact Assessment and the Issuance of Environmental Permit ("Order no. 860/2002") provides that "during the public debate meeting the project titleholder [], provides grounded answers to the justified proposals of the public, which were received under a written form, previously to the respective hearing";
(iii)	according to art. 44 (3) of the Order no. 860/2002 "based on the results of the public debate, the relevant authority for the environmental protection evaluates the grounded proposals/comments of the public and requests the titleholder to supplement the report on the environmental impact assessment study with an appendix comprising solutions for solving of the indicated issues."
R A A	confident that comanian law in issue that project impact degarding you (i) (ii)

As your allegation (i) does not identify nor indicate issues related to the project initiated by Roşia Montană Gold Corporation SA (RMGC) and undergoing the environment impact assessment procedure, (ii) refers to decisional capacities under the competence of certain public authorities, issues which RMGC is not in the position to answer, we mention that the project titleholder cannot and does not have the capacity to provide an answer or make any comments in this respect.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	9
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Alba Iulia, 31.07.2006
RMGC internal unique code	MMGA_0044
Pronocal	ntation couldn't be consulted at the locations where it was made available and at other as possible to consult it until 16.30h;

Any interested party who wished to examine the Environmental Impact Assessment Study (EIA) Report had many means to do so.

Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

The documentation you refer to has been available at the following locations:

- The hardcopy of the EIA Report was available at 48 locations - town halls, environmental protection agencies, libraries, ministries, information centers of the Roșia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroşani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lupsa Town Hall, Rosia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roşia Montană Town Hall, Bistra Town Hall, Baia de Arieș Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Techical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babeş Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timişoara County Library, Bucharest Town Hall, Timişoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldis' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roşia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours.

- Also, the electronic copy of this study was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management - www.mmediu.ro; Sibiu Regional Environmental Protection Agency - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel R

Also, we have distributed more than 6,000 CDs and DVDs with the English and Romanian versions of the EIA Report.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

	1	Domain
	's item no. for the question ncludes the observation ed by the RMGC internal	which includes th
	's identification no. for the on which includes the ation identified by the RMGC I code	question which in
	nternal unique code	RMGC internal ur
ese facilities are closed during vacations, that is,	The document during July an	Proposal
ese facilities are closed during vacations, t	ed by the RMGC internal (s identification no. for the on which includes the ation identified by the RMGC I code I code The document	identified by the code MMDD's identific question which is observation identification internal code RMGC internal under the code in the c

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Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

The documentation you refer to has been available at the following locations:

- The hardcopy of the EIA Report was available at 48 locations - town halls, environmental protection agencies, libraries, ministries, information centers of the Roșia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroşani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lupsa Town Hall, Rosia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roşia Montană Town Hall, Bistra Town Hall, Baia de Arieș Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Techical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babeş Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timişoara County Library, Bucharest Town Hall, Timişoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldis' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roşia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours;

- Also, the electronic copy of this study was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management - www.mmediu.ro; Sibiu Regional Environmental Protection Agency - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel R

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References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

Domain		PCDP
which includes	no. for the question the observation ne RMGC internal	9
question which	fication no. for the n includes the entified by the RMGC	Alba Iulia, 31.07.2006
RMGC internal	unique code	MMGA_0046
Proposal	,	nvironment and Water Management did not consult the stakeholders when it established or public debates;
	m1 1 ·	C 1 1.1. 1 1 1 1

The planning for consultations did take place in accordance with the law.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

In accordance with the provisions of Order no. 860/2002, the public debates have been scheduled together with the Ministry of Environment and Water Management, on business days, but after working hours, in order to allow the interested public to participate, as follows:

- (i) "Article 41 The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours;"
- (ii) "Article 27. (1) Within 5 business days from the receipt of the report on the environmental impact assessment study and, as applicable, of the security report, the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project. (2) Under the guidance of the competent public authority, the project titleholder shall organize the public debate to present the report on the environmental impact assessment study, in accordance with the provisions of Articles 39-44."

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.

[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	9
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Alba Iulia, 31.07.2006
RMGC internal unique code	MMGA_0047

The locations have been selected by RMGC because some of them are mining localities;

The 14 consultation sites across Romania spanned cities, towns and villages - mining or not - and it is entirely proper that some sites are in areas most likely to be affected by the project, and others not.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.

In accordance with the provisions of Order no. 860/2002, the locations of the public debates have been planned together with the Ministry of Environment and Water Management.

Solution

"Article 27. - (1) Within 5 business days from the receipt of the report on the environmental impact assessment study and, as applicable, of the security report, the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project, at the project titleholder's expense; (2) Under the guidance of the competent public authority, the project titleholder shall organize the public debate to present the report on the environmental impact assessment study, in accordance with the provisions of Articles 39-44."

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	9
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Alba Iulia, 31.07.2006
RMGC internal unique code	MMGA_0048
Proposal The chairmen of the debates were not impartial	

The chairmen of the debates were not impartial.

A proper process guards against partiality, plus the process was carefully followed in the Roşia Montană Environmental Impact Assessment (EIA).

Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.

Solution

The chairmen have been appointed in accordance with the provisions of Order no. 860/2002, as follows: "Article 42 - Before the public debate meeting, the project titleholder and the competent public authority for environmental protection shall appoint a chairman and a secretary to enlist the participants. The participants' comments shall be recorded in the minutes of the meeting. The minutes of the meeting shall be signed by the chairman, the secretary and, at the public's request, by one or more public representatives."

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the Official Gazette, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.

Domain		PCDP
which includes	to. for the question the observation te RMGC internal	1
question which	fication no. for the i includes the entified by the RMGC	Rosia Montana, 24.07.2006
RMGC internal	unique code	MMGA_0051
Proposal	-	er makes the following remarks and comments:The registration of speakers was not made by atives of Ministry, but by a non-governmental organization.
	m1 · 1 · ·	

This claim is not true; a legal process governs the public consultation process for the Environmental Impact Assessment (EIA), and that process was fully followed.

Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.

Solution

The participants were enlisted to take the floor by the Ministry representatives, in accordance with the provisions of Article 42 of Order no. 860/2002: Before the public debate meeting, the project titleholder and the competent public authority for environmental protection shall appoint a chairman and a secretary to enlist the participants. The participants' comments shall be recorded in the minutes of the meeting. The minutes of the meeting shall be signed by the chairman, the secretary and, at the public's request, by one or more public representatives."

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.

Domain		PCDP
MMDD's item no which includes identified by the code		17
question which	ication no. for the includes the ntified by the RMGC	Rosia Montana, 24.07.2006
RMGC internal u	ınique code	MMGA_0088
Proposal	Why the Rom	anian Academy was not invited to the public debate?
Solution	assessment st Assessment R Romanian Aca Report of the This is a pu himself/herse	n Academy was invited to be part of the team that developed and prepared the impact udy, but it refused to participate In addition, a copy of the complete Environmental Impact eport in digital and printed format was sent to the Romanian Academy and placed in the ademy Library to enable all of the academy members the chance to read and review the EIA project. blic debate, one of the 14 meetings organized in Romania. Anyone who considers lift to be a member of the interested public, as defined by the European Union and Romanian is free to participate, including the Romanian Academy members or representatives.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	17
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Rosia Montana, 24.07.2006
RMGC internal unique code	MMGA_0089

Why the European Parliament was not invited here, if they are opposing too?

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.

Solution

The public debates regarding the project were open to all legitimate stakeholders interested in the project, which means that, practically speaking, everyone could participate, including members of the European Parliament.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

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Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	17
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Rosia Montana, 24.07.2006
RMGC internal unique code	MMGA_0090
Proposal Why Alburnus	s Maior doesn't have room to sit at the table besides the Project's titleholder?

Proposal Why Alburnus Maior doesn't have room to sit at the table besides the Project's titleholder?

Roşia Montană Gold Corporation SA (RMGC) is committed to following the Environmental Impact Assessment (EIA) consultation process laws without exception.

Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.

As far as your allegations are concerned, please note that:

- (i) the applicable legislation does not stipulate any provisions establishing every detail of the participants' distribution and location in the meeting hall, *i.e.* the distribution and location of the project titleholder, competent authority and interested public;
- (ii) according to the provisions of Article 41 of Order no. 860/2002 "The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours";
- (iii) the Alburnus Maior representatives participated in the public debates as interested public.

Considering the aforesaid, please take into account that the applicable legal provisions did not stipulate any restrictions related to the distribution in the hall of the public debate participants, and that the main objective of the Company was the best possible information of the public on RMGC's project, the examination of the problems raised by the public and the identification of valid solutions to any possible problems.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the

Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.

Domain		PCDP
MMDD's item no which includes t identified by the code		34
question which i	cation no. for the includes the ntified by the RMGC	Rosia Montana, 24.07.2006
RMGC internal u	nique code	MMGA_0126
Proposal	,	rom European Parliament invited here for the debates? Why aren't any European individuals ress their opinions?
	The public del	pates regarding the project were open to all legitimate stakeholders interested in the project

The public debates regarding the project were open to all legitimate stakeholders interested in the project, which means that, practically speaking, everyone could participate, including members of the European Parliament. The Project and its preparation, as well as the Environmental Impact Assessment (EIA) process, are compliant with the Romanian and European Union laws and standards.

Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.

Solution

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	87
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Campeni, 26.07.2006
RMGC internal unique code	MMGA_0217

Why wasn't any public debate organized in Baia Mare, taking into account the fact that Baia Mare faced these types of experiences. Probably the answer will be that Baia Mare is not an impact area, but Baia Mare has something to say on this issue.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment Report documentation (EIA) for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.

Order no. 860/2002 stipulates as follows:

"Article 27. - (1) Within 5 business days from the receipt of the report on the environmental impact assessment study and, as applicable, of the security report, the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project."

"Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours."

Solution

When organizing the public debates meetings, Roṣia Montană Gold Corporation SA (RMGC), based on the consultation with the competent authorities, aimed at the best possible information of the public interested in this project, and when establishing the meeting locations, the company mainly took into consideration the settlements located inside the project impact area. Although Baia Mare is not included in the project impacted perimeter, the interested public from this area and from other locations could participate in any of the public debate meetings organized by RMGC.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

Domain		PCDP
which includes	oo. for the question the observation ee RMGC internal	106
question which	fication no. for the i includes the entified by the RMGC	Alba Iulia, 31.07.2006
RMGC internal	unique code	MMGA_0246
Proposal	The questione	er wants to receive a copy of debate's minute of proceedings.
Solution	According to Environmenta and/or obligate "(4) The public direct dialogue by Government Emergency Or (5) The public relevant documn applicable." Moreover, ple Corporation S	the provisions of Article 35 of Order no. 860/2002 of the Minister of Waters and al Protection regarding the approval of the environmental impact assessment and al permitting procedure, the competent environmental authority has the following duties

Domain		PCDP
MMDD's item no which includes t identified by the code		124
question which	cation no. for the includes the ntified by the RMGC	Alba Iulia, 31.07.2006
RMGC internal u	nique code	MMGA_0280
Proposal	locals from All heard from th	er makes the following comments and remarks: The debate is no longer a discussion with ba Iulia, but a way of creating a false image and a manipulation of the public opinion. I have e audience several threats to some of the speakers, like: "think of what could happen after bom, a car could run you down".
	alleged in the discuss issues inevitable tha	Tail Gold Corporation SA (RMGC) does not condone any statements resembling the ones question. The public debates concerning the environmental impact assessment study should related to the technical details of the project and its potential impact. However, it is to the discussions became highly emotional, which can prevent from having a normal the purpose of these public consultations.
Solution	Waters and E and environm during the pul "Art. 44 (1) and the assess	dural point of view, according to the provisions of Order no. 860/2002 of the Minister of nvironmental Protection regarding the approval of the environmental impact assessment ental permitting procedure ("Order no. 860/2002"), the obligations of the project titleholder olic debates are established in detail, obligations that RMGC has complied with: During the public debate meeting, the project titleholder shall describe the proposed project isment made in the environmental impact assessment study, shall answer the public's shall respond with arguments to the justified proposals coming from the public, received in the meeting."

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		176
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Brad, 04.08.2006
RMGC internal unique code		MMGA_0354
Proposal	-	er makes the following comments and remarks:Those who have presented the project and should have also listened to reason.
Solution	is sufficiently supplied by th	recisely a logical and reasonable analysis that this project needs. We believe that our project well substantiated to stand any reasonable and logical examination. This is a guarantee ne over 100 consultants, (certified) experts and Romanian and foreign specialists that have environmental impact assessment study.
	0	analysis of the economic benefits is required. The gold from the deposit is worthless from a t of view, unless it is processed, and its processing is very costly.

Domain		PCDP
which includes	o. for the question the observation e RMGC internal	196
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Cluj Napoca, 07.08.2006
RMGC internal u	unique code	MMGA_0391
Proposal	The question	er wants to know, from MMGA, why wasn't the public consulted?
		ic consultation hearings across Romania, we consider that we have informed and consulted public, in accordance with the laws in force.
	Regarding you	ar statement, please consider the following:
Solution	(i) (ii)	According to Article 44 (1) of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002") "during the public debate meeting, the project titleholder [] shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting"; Also, Article 44 (3) of Order no. 860/2002 stipulates that "based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the report on the environmental impact assessment study, annex containing solutions to the problems raised by the public".
	signal any pro subject to the authority to o	the legal provisions quoted above, due to the fact that your statement (i) does not identify or oblems related to the project proposed by Roşia Montană Gold Corporation SA (RMGC) and environmental impact assessment procedure, (ii) refers to issues on which RMGC has no comment, please note that the project titleholder may not and does not have the necessary ovide an answer or make any comment in this respect.

Domain		PCDP
which includes	o. for the question the observation e RMGC internal	220
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Cluj Napoca, 07.08.2006
RMGC internal u	unique code	MMGA_0445
Proposal	_	er believes that the time provided for every speech, for every participant, is too short, ow large the EIA report is.
	Regarding vo	ur complaint please note that the public consultation method applied during the

Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").

Article 39 (1) of Order no. 860/2002 stipulates that "once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the report on the assessment study will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the report on the environmental impact assessment study should be transmitted to."

Solution

According to Article 41 of Order no. 860/2002, the public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.

The method applied for the public debate meetings was set by the Ministry of Environment and Water Management, according to the duties held by the environmental protection authority in this field, based on the provisions of Order no. 860/2002 and of the relevant environmental protection legislation.

The time limit set for each intervention from the public has been set considering the many public members who wish to address the forum, such as to allow as many people as possible to be heard.

Also, we want to remind you that every public debate was declared closed only after each interested participant expressed his/her standpoint or comments on the environmental impact assessment report.

Domain		PCDP
MMDD's item no which includes identified by the code		232
question which	ication no. for the includes the ntified by the RMGC	Cluj Napoca, 07.08.2006
RMGC internal u	ınique code	MMGA_0467
Proposal		er wants the answers here and now and not in writing because the public might have sent company or to Ministry and no meetings would have been organised.
Solution	The public consultation hearings must balance the many people who wish to address the forum, is meetings which ran as long as 12 hours, with a time limit to questions and answers as well, to allow a many voices as possible to be heard. The analysis of Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure, indicate that there is no legal deadline for preparing the answers. There is only one legal provision regarding the preparation of the answers, under Article 44: "(1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing befor the meeting; (2) The competent authority for environmental protection shall record the justified proposals of the public, made during the meeting, using the form presented in Annex no. IV.1, which also includes the justified proposals received before the public meeting; (3) Based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach at annex to the report on the environmental impact assessment study, annex containing solutions to the problems raised by the public, according to the form presented in Annex no. IV.2." To conclude, these answers will be prepared within the shortest possible time, starting from the momen when the request is transmitted from the public authority for environmental protection.	

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		236
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Cluj Napoca, 07.08.2006
RMGC internal u	nique code	MMGA_0481
Proposal		r wants to know why he was asked the phone number when registering to take the floor and y insist on his addresses.
		v sets the standards for how the public must identify itself at the public consultation both in terms of gaining entry to the meeting and standing to make a statement or pose a
Solution	regarding the proposals mad 860/2002 of t impact assessi have the oblig Therefore, the	Article 40 of Order no. 860/2002 of the Minister of Waters and Environmental Protection, environmental impact assessment and environmental permitting procedure, the justified de by the public must be recorded by the competent authority. Article 40 (2) of Order no. he Minister of Waters and Environmental Protection for the approval of the environmental ment and environmental permitting procedure stipulates that the members of the public ation to declare their name and address on a special form provided in Order no. 860/2002. The telephone number and address were expressly requested to make sure that the public ten answer to their comments and questions related to the Environmental Impact eport.

	PCDP
for the question ne observation RMGC internal	236
cation no. for the ncludes the tified by the RMGC	Cluj Napoca, 07.08.2006
nique code	MMGA_0482
The questione she had numb	er wants to know why she was registered on the 52nd position and when she took the floor er 53?
Due to the fact that the number of persons who wanted to take the floor was very high, in order to allow everybody to enlist within the set enlisting time, the representatives of the Ministry of Environment and Water Management prepared several lists. Subsequently, these lists were merged and everybody that had enlisted could present their standpoints.	
r	ation no. for the coludes the tified by the RMGC The questione she had numb Due to the face everybody to a Water Manager

Domain		PCDP
MMDD's item no. which includes the identified by the code	ne observation	247
MMDD's identific question which in observation iden internal code		Cluj Napoca, 07.08.2006
RMGC internal ur	nique code	MMGA_0499
Proposal	attention on t the public me submitting th	er addresses the following remarks, comments and questions: The questioner draws the the fact that he hasn't received a written answer to the questions he had formulated during eeting that took place at Rosia Montana, therefore he cannot meet the dead line for e remarks to the head office of Ministry of Environment and Water Management. In this anyone say that this is a consultation?
		ă Gold Corporation SA is, in the Environmental Impact Assessment (EIA) Report Annex, h the requirements to provide a written answer to the question.
	Protection for procedure ("O assessment, pr public consult	with Article 40 (1) of Order no. 860/2002 of the Minister of Waters and Environmental r the approval of the environmental impact assessment and environmental permitting rder no. 860/2002"), the public may submit justified proposals regarding the environmental rior to the date set for the public debate on the EIA Report, but not after that date. The last ration regarding the EIA was scheduled for August 25, in Arad, therefore this was the legal nit comments on the EIA Report.
Calusian		of Environment and Water management has set the deadlines, according to the law. For deadline has been extended by one month.
Solution	"Article 44 project and the questions and writing before (2) The comperpublic, made of grounded project.	he provisions of Order no. 860/2002: (1) During the public debate meeting, the project titleholder shall describe the proposed e assessment made in the environmental impact assessment study, shall answer the public's shall respond with arguments to the justified proposals coming from the public, received in the meeting; etent authority for environmental protection shall record the well grounded proposals of the during the meeting, using the form presented in Annex no. IV.1, which also includes the well possals received before the public meeting;

(3) Based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the EIA report, annex containing solutions to the problems raised by the public, according to the

form presented in Annex no. IV.2."

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	254
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0523

It was impossible for the public to read the EIA.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

The company has complied with the obligations stipulated by the relevant laws in force, making the necessary documentation available to the public, as follows:

- The hardcopy of the EIA Report was available at 48 locations town halls, environmental protection agencies, libraries, ministries, information centers of the Roşia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroşani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lupșa Town Hall, Roșia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roşia Montană Town Hall, Bistra Town Hall, Baia de Arieş Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Techical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babes Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timişoara County Library, Bucharest Town Hall, Timişoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldiş' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roşia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours.
- Also, the electronic copy of this study was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management www.mmediu.ro; Sibiu Regional Environmental Protection Agency www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web page of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web page of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web page of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web page of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web page of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resources www.apm-alba.ro; the web page of Roşia Montană Gold Corporation (RMGC) SA and Gabriel Resourc

Also, we have distributed more than 6,000 CDs and DVDs with the English and Romanian versions of the EIA study.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		256
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Cluj Napoca, 07.08.2006
RMGC internal u	nique code	MMGA_0536
Proposal	Hungary is o	adline for receiving the contestations the 25th of August 2006, while the public debate from n the 28th of August? The questioner requests the extension of the dead line term for e contestations.
	υ,	hearing referred to here was part of the Espoo process which followed the public process in Romania.
Solution	860/2002 for procedure ("O assessment, p report, but no	with Article 40 (1) of Order of the Minister of Waters and Environmental Protection no. It the approval of the environmental impact assessment and environmental permitting rder no. 860/2002"), the public may submit justified proposals regarding the environmental prior to the date set for the public debate on the environmental impact assessment (EIA) that date. The last public consultation regarding the EIA was scheduled for August 25, fore this was the legal term to transmit comments on the EIA Report.
		pates organized on another country's territory must comply with the provisions of the Espoo he EIA procedure carried out in Romania, in accordance with Order no. 860/2002, being a less.
		of Environment and Water Management has set the deadlines, according to the law. For deadline has been extended by one month.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	286
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Turda, 09.08.2006
RMGC internal unique code	MMGA_0614
<u> </u>	

The questioner remarks that these meetings are public awareness sessions rather than debates.

The aim of the public meeting process is to allow those who have concerns related to the environmental impact assessment (EIA) to express them in public.

Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

Please note that, from a strictly procedural point of view, as far as the public debates are concerned, Order no. 860/2002 stipulates as follows:

"Article 39. - (1) Once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, in accordance with the provisions of Article 35, paragraphs (1) and (2), at least 30 days prior to the date set for the public debate meeting:

- a) the place and date of the public debate;
- b) the place and date when the report on the assessment study will be made available for consultation;
- c) address of the public authority for environmental protection that the justified proposals made by the public regarding the EIA report should be transmitted to.
- (2) The announcement regarding the public debate shall also be posted on the web page of the competent authority for environmental protection and of the environmental protection authorities whose territorial jurisdiction includes interested public, in accordance with the provisions of paragraph (1)."
- "Art. 44. (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting.
- (2) The competent authority for environmental protection shall record the justified proposals of the public, made during the meeting, using the form presented in Annex no. IV.1, which also includes the justified proposals received before the public meeting."

Considering the aforesaid, we believe that the public debates organized for the Roşia Montană Project complied with the relevant legal provisions and with the spirit thereof.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public

and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		300A
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Turda, 09.08.2006
RMGC internal u	nique code	MMGA_0642
Proposal	atmosphere d	to the statement made on the website: www.povesteaadevarata.ro according to which the uring the public debate held on August 7, 2006 in Cluj-Napoca was calm without boos and nose who were there know that this is not true.
Solution	We have posted on www.povesteaadevarata.ro a press release issued after the public consultation organized in Cluj, where it is stated that: "The atmosphere was calm, there were no cries and booing, like it happened during the public consultation in Roşia Montană, which was the first of the 14 meetings planned by the company." This statement stands, as atmosphere was calm, in comparison to what happened in Roşia Montană.	

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	316
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Turda, 09.08.2006
RMGC internal unique code	MMGA_0658
-	ner makes the following observations and comments: Why wasn't there any public meeting on the mining of the deposit in Rosia Montana before the mining lease was granted

Mining licenses are obtained following the formalities and procedures expressly stipulated by the Mining Law and the rules for the enforcement thereof. Neither the former Mining Law no. 61/1998 and the Rules for the enforcement thereof, approved by Government Decision no. 639/1998, nor the Mining Law no. 85/2003 and the Rules for the enforcement thereof, approved by Government Decision no. 1208/2003 stipulate a public consultation stage as part of the process related to the issuance of a mining license. Concerning the Roşia Montană Mining License no. 47/1999 ("Roşia Montană Mining License"), please note that this was concluded on the grounds of, and in accordance with, the procedures stipulated by the former Mining Law no. 61/1998 in force on the license conclusion date, which was approved by Government Decision no. 458/10.06.1999 published in the Official Gazette of Romania, Part 1, no. 285/21.06.1999.

In conclusion, the issuance of concession licenses is not included, according to the law, in the category of procedures requiring public participation in the decision-making process. Also, we want to emphasize that public participation occurs during the stage of environmental permitting for the mining project.

Thus, public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

References:

to the company?

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.

[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the Ratification of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, signed at Aarhus on June 25, 1998.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	327
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Bistra, 14.08.2006
RMGC internal unique code	MMGA_0677
=	er contests the public consultation meeting held in Bistra claiming that the inhabitants of our present, but there were rather RMGC employees, who have most certainly been paid to

support the project.

The public consultation meeting was held while the inhabitants were busy carrying out agricultural activities or other activities and they couldn't take part in the debate.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

The locals from Rosia Montană are interested in the evolution of this project, therefore they came to the meetings to manifest themselves as pro or con, as any other member of the public. The public debates have been scheduled together with the Ministry of Environment and Water Management, on business days, but after working hours, in order to allow the interested public to participate. Everyone was free to attend the public debates, irrespective of their domicile.

Solution

According to the law, both the Ministry of Environment, and Roşia Montană Gold Corporation SA (RMGC) have used various methods to announce the public on the organization of this public debate: mass media announcements, posters, the information caravan (distributing brochures, leaflets, etc.) – that traveled to each town and village before the public consultations. However, effective public participation depends on each person's civic spirit and on their interest manifested in the Roşia Montană Project; it no longer depends on the company.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the Official Gazette, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		338
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Lupsa, 16.08.2006
RMGC internal	unique code	MMGA_0709
Proposal	The questioner raises doubts about the correctness of the debate as there are no representatives of the Romanian Government, or of the media and the debate is not recorded.	
Solution	The Government was represented by the Ministry of Environment and Water Management, the mass media was invited to participate and a significant part of it was present. All discussions were recorded both on audio and video media, and typed. The project titleholder officially provided the Ministry of Environment and Water Management with a complete set of DVDs containing the records of all public debates, in order to facilitate access of all interested stakeholders to the entire and unprocessed information gathered during the debates.	

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		348
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Bucuresti, 21.08.2006
RMGC internal u	ınique code	MMGA_0718
Proposal	spot, while fo	er makes the following remarks and comments: Some of the questions are answered on the r others a written answer will be provided. This is a correct measure, but it is not normal to itizen, any of the participants to the debate from hearing the answers to any of the questions
Solution		

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		368
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Bucuresti, 21.08.2006
RMGC internal unique code		MMGA_0747
Proposal	Concerning the public consultations, the questioner wants to know which legal provisions stipulate that the participants in the public consultations may not have a dialogue with the project titleholder? Which are the legal provisions stipulating the legal method for information supply by the company during the public consultations?	
		ny ways to have a dialogue with the project stakeholders, including the public consultation ritten submission of questions.
	Protection, ba Minister of V	arding the public consultation process are set by the Ministry of Waters and Environmental ased on the duties assigned by the law, respectively by Order no. 860/2002 issued by the Vaters and Environmental Protection regarding the environmental impact assessment and all permitting procedure ("Order no. 860/2002").
Solution	"Art. 42. – Bef environmenta participants' c	with the provisions of Order no. 860/2002: Fore the public debate meeting, the project titleholder and the competent public authority for all protection shall appoint a chairman and a secretary to enlist the participants. The comments shall be recorded in the minutes of the meeting. The minutes of the meeting shall of the chairman, the secretary and, at the public's request, by one or more public es."
	"Art. 44 (1) and the asse	During the public debate meeting, the project titleholder shall describe the proposed project ssment made in the environmental impact assessment study, shall answer the public's shall respond with arguments to the justified proposals coming from the public, received in

(2) The competent authority for environmental protection shall record the justified proposals of the public, made during the meeting, using the form presented in Annex no. IV.1, which also includes the

(3) Based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the environmental impact assessment report, annex containing solutions to the problems raised

justified proposals received before the public meeting.

by the public, according to the form presented in Annex no. IV.2." $\,$

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		369
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Bucuresti, 21.08.2006
RMGC internal	unique code	MMGA_0748
Proposal	refused to lea	ablic consultations, the project titleholder stated that, if one inhabitant from Rosia Montana ve the area, the project would no longer be implemented. Then, what is this fuss all about, llegal public consultations continue?
Solution	We want to identify, together with the interested public, the best solution for mining in Roşia Montană; this is the reason why we want to discuss the project now, not after having acquired the right of ownership over the land. Also, we need to know how many locals refuse to leave the area, in order to modify the project. This environmental impact assessment process includes a mechanism that allows us to shift from the main project proposal, to alternative solutions.	

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		390
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Bucuresti, 21.08.2006
RMGC internal unique code		MMGA_0821
	esentative	er believes that the public consultations are a farce organized by RMGC and its s; the consultations were held during the week, when people are in the field to work the
The	scheduling	g of the public consultation hearings followed to the letter the Romanian law.

Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").

Article 39 (1) of Order no. 860/2002 stipulates that "once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the report on the assessment study will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the report on the environmental impact assessment study should be transmitted to."

Solution

The public debates have been planned together with the Ministry of Environment and Water Management, and scheduled on business days, but after the working hours such as to allow the interested public to participate in these meetings, in accordance with the provisions of Order no. 860/2002:

"Article 27. - (1) Within 5 business days from the receipt of the environmental impact assessment report and, as applicable, of the security report, the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project, at the project titleholder's expense.

(2) Under the guidance of the competent public authority, the project titleholder shall organize the public debate to present the environmental impact assessment report, in accordance with the provisions of Articles 39-44."

"Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours."

The method applied for the public debate meetings was set by the Ministry of Environment and Water Management, according to the duties held by the environmental protection authority in this field, based on the provisions of Order no. 860/2002 and of the relevant environmental protection legislation.

Also, we want to remind you that every public debate was declared closed only after each interested participant expressed his/her standpoint or comments on the environmental impact assessment report.

Domain		PCDP
which include:	no. for the question s the observation he RMGC internal	392
question whic	ification no. for the h includes the entified by the RMGC	Bucuresti, 21.08.2006
RMGC internal	unique code	MMGA_0830
Proposal		reason why the public meeting held in Bucharest was not organized on Sunday, but on n everybody goes to work?
	The Buchares Romanian law	t meeting, as all public consultation hearings, was scheduled in full correspondence with v.
	environmenta Waters and	our complaint, please note that the public consultation method applied during the all impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Environmental Protection regarding the environmental impact assessment and all permitting procedure ("Order no. 860/2002").

Solution

Article 39 (1) of Order no. 860/2002 stipulates that "once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the environmental impact assessment report will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the report on the environmental impact assessment study should be transmitted to."

According to Article 41 of Order no. 860/2002, the public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, *in the most convenient* way for the public, on the territory where the project is intended to be implemented, and after the working hours.

The method applied for the public debate meetings was set by the Ministry of Environment and Water Management, according to the duties held by the environmental protection authority in this field, based on the provisions of Order no. 860/2002 and of the relevant environmental protection legislation. Thus, the public debates have been scheduled together with the Ministry of Environment and Water Management, on business days, but after the working hours, according to the law, such as to allow the interested public to participate.

Domain		PCDP
which includes	no. for the question the observation ne RMGC internal	397
question which	fication no. for the i includes the entified by the RMGC	Bucuresti, 21.08.2006
RMGC internal	unique code	MMGA_0843
Proposal		er complains about the fact that he was not allowed to speak democratically and that he was le talking to the audience.
	meeting, repr speakers mus representative	ablishing the details of the public consultation process are set out by the chairman of the esenting the Ministry of Environment and Water Management, who decided that the set take the floor according to their order of enrolment on the lists prepared by the set of the Ministry of Environment and Water Management, and that no dialogue was en the public and the project titleholder.
Solution	Environmenta procedure, the Water Manage "Article 41. – competent au territory wher "Article 44 project and th	the applicable legal provisions, Order no. 860/2002 issued by the Minister of Waters and all Protection regarding the environmental impact assessment and environmental permitting a meeting held in the presence of the representatives of the Ministry of Environment and ement, who have also set the rules for the public consultation process: The public debate meeting shall take place in the presence of the representatives of the thority for environmental protection, in the most convenient way for the public, on the e the project is intended to be implemented, and after the working hours." (1) During the public debate meeting, the project titleholder shall describe the proposed e assessment made in the environmental impact assessment study, shall answer the public's shall respond with arguments to the justified proposals coming from the public, received in

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		398
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Bucuresti, 21.08.2006
RMGC internal unique code		MMGA_0856
Proposal		relieves that the 5-minute time allocated to each person for taking the floor is insufficient ng such an important issue.

Rules for the public consultation hearings must balance the many people who wish to address the forum, in meetings that ran as long as 12 hours, with a time limit to allow as many people as possible to be heard. There was no limit on the length of the written questions submitted.

Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").

Article 39 (1) of Order no. 860/2002 stipulates that "once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the environmental impact assessment report will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the report on the environmental impact assessment study should be transmitted to."

Solution

According to Article 41 of Order no. 860/2002, the public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.

The method applied for the public debate meetings was set by the Ministry of Environment and Water Management, according to the duties held by the environmental protection authority in this field, based on the provisions of Order no. 860/2002 and of the relevant environmental protection legislation.

The rules related to the details of the public consultation process are set out by the chairman of the meeting, representing the Ministry of Environment and Water Management, who decided that the speakers must take the floor according to their order of enrolment on the lists prepared by the representatives of the Ministry of Environment and Water Management, that the maximum speech time was limited to 5 minutes and that no dialogue was allowed between the public and the project titleholder. Also, we want to remind you that every public debate was declared closed only after each interested participant expressed his/her standpoint or comments on the environmental impact assessment report.

Domain		PCDP
which includes	o. for the question the observation e RMGC internal	399
question which	ication no. for the includes the ntified by the RMGC	Bucuresti, 21.08.2006
RMGC internal u	ınique code	MMGA_0858
Proposal		er makes the following comments: The discussion should have been a dialogue, instead of ologues. The questioner thinks that RMGC's seriousness is doubtful, since it answers only uestions.
Solution	The rules esta meeting, representative was limited to Given the limithat moment, According to Environmenta procedure: "Article 41.—competent auterritory where "Article 44.—project and the questions and	the public consultation hearings follows Romanian law, not the preferences of any single stions, as per the law, will receive written answers, as in the present case. Ablishing the details of the public consultation process are set out by the chairman of the resenting the Ministry of Environment and Water Management, who decided that the set take the floor according to their order of enrolment on the lists prepared by the set of the Ministry of Environment and Water Management, that the maximum speech time to 5 minutes and that no dialogue was allowed between the public and the project titleholder, ited time available during the meetings, we tried to answer as many questions as possible at but we shall answer all questions in writing, after the public consultations. The laws in force, i.e. Order no. 860/2002 issued by the Minister of Waters and all Protection regarding the environmental impact assessment and environmental permitting. The public debate meeting shall take place in the presence of the representatives of the ethority for environmental protection, in the most convenient way for the public, on the tenther than the project is intended to be implemented, and after the working hours."; (1) During the public debate meeting, the project titleholder shall describe the proposed to assessment made in the environmental impact assessment study, shall answer the public's laball respond with arguments to the justified proposals coming from the public, received in the meeting.".

Domain		PCDP
which includes	no. for the question s the observation ne RMGC internal	407
question which	ification no. for the n includes the entified by the RMGC	Bucuresti, 21.08.2006
RMGC internal	unique code	MMGA_0875
Proposal	The question	er thinks this is not a public consultation, but rather a publicity campaign, a circus.
Solution	Subjective views can differ, that is why the public consultation process follows Romanian law. This public debate is organized in accordance with the laws in force, respectively Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"). The locations of the public debates and the ways of access to information on the environmental impact assessment report made available to the interested public have been established together with the regulatory authorities and according to the set dates. The people from Roşia Montană who wanted to participate in the debates, came to the meetings during their spare time, because they are interested in what people discuss about this project. We believe their interest is justified, since we are discussing their town and their future. Please note that their transportation was ensured by the local unions and NGOs. In accordance with Order no. 860/2002, the meeting is chaired by the representatives of the Ministry of Environment and Water Management, who also set out the rules related to these consultations. In this respect, please find below a quotation of the following provisions of Order no. 860/2002: "Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours."; "Article 44 (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting."	

Domain		PCDP
which includes	o. for the question the observation e RMGC internal	414
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Bucuresti, 21.08.2006
RMGC internal	unique code	MMGA_0886
Proposal	This consultat	tion is a mockery, the company has brought its own people to support the project, which is
Solution	The presence of people who support a project is as valid as the presence of those opposing it in the pulconsultation context. This public debate is organized in accordance with the laws in force, i.e. Order no. 860/2002 issued by Minister of Waters and Environmental Protection for the approval of the environmental imp assessment and environmental permitting procedure ("Order no. 860/2002"). The locations of the pul debates and the ways of access to information on the environmental impact assessment report may available to the interested public have been established together with the regulatory authorities a according to the set dates. The people from Roşia who wanted to participate in the debates, came to the meetings during their specime, because they are interested in what people discuss about this project. We believe their interest justified, since we are discussing their town and their future. Please note that their transportation vensured by the local unions and NGOs. In accordance with Order no. 860/2002, the meeting is chaired by the representatives of the Ministry Environment and Water Management, who also set out the rules related to these consultations. In trespect, Order no. 860/2002 stipulates as follows: "Article 41. – The public debate meeting shall take place in the presence of the representatives of competent authority for environmental protection, in the most convenient way for the public, on territory where the project is intended to be implemented, and after the working hours." "Article 44 (1) During the public debate meeting, the project titleholder shall describe the proportion and shall respond with arguments to the justified proposals coming from the public, received writing before the meeting."	

Domain		PCDP
which includes	o. for the question the observation e RMGC internal	417
question which	ication no. for the includes the ntified by the RMGC	Bucuresti, 21.08.2006
RMGC internal (unique code	MMGA_0888
Proposal	not approve t wants to kno discussion? W	er makes the following comments and addresses the following questions: The questioner does the manner in which the public meeting held in Bucharest was planned and organized and w what is exactly the role of Mr. Aston in this story. Why did he monopolize most of the Thy haven't the experts present in the hall take the floor, when questions related to specific been asked?
Solution	It is always possible to make subjective judgments on any public consultation hearings. That cannot helped. It is also the reason the rules governing the public consultation process follow from Romanian land According to Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for approval of the environmental impact assessment and environmental permitting procedure ("Order 860/2002"), the rules related to the public consultation process are set out by the representatives of Ministry of Environment and Water Management, not by the project titleholder. Mr. John Aston is representative of the project titleholder in this public debate. In accordance with Order no. 860/2002, the meeting is chaired by the representatives of the Ministry Environment and Water Management, who also set out the rules regarding the process of the consultations. In this respect, Order no. 860/2002 stipulates as follows: "Article 41. – The public debate meeting shall take place in the presence of the representatives of competent authority for environmental protection, in the most convenient way for the public, on territory where the project is intended to be implemented, and after the working hours."; "Article 44 (1) During the public debate meeting, the project titleholder shall describe the propo project and the assessment made in the environmental impact assessment study, shall answer the public questions and shall respond with arguments to the justified proposals coming from the public, received writing before the meeting."	

Domain		PCDP
MMDD's item no which includes identified by the code		433
question which	ication no. for the includes the ntified by the RMGC	Bucuresti, 21.08.2006
RMGC internal u	unique code	MMGA_0927
Proposal		er makes the following comments and observations:Dialogue involves the participation of this fact was disregarded during the public debates.
Solution	With 14 meetings across Romania, some of them lasting for 12 hours, vigorous exchange of ideas was achieved. According to Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), the regulations establishing the details of the public consultation process are set out by the chairman of the meeting, representing the Ministry of Environment and Water Management, not by the project titleholder. It was the chairman who decided that the speakers must take the floor according to their order of enrolment on the lists prepared by the representatives of the Ministry of Environment and Water Management, that the maximum speech time was limited to 5 minutes and that no dialogue was allowed between the public and the project titleholder. In accordance with Order no. 860/2002, the meeting is chaired by the representatives of the Ministry of Environment and Water Management, who also set out the rules related to these consultations. In this respect, Order no. 860/2002 stipulates as follows: "Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours."; "Article 44 (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting."	

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		442
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Deva, 23.08.2006
RMGC internal u	unique code	MMGA_0944
Proposal	The questione	er thinks that the time allotted for submitting the public's observations is too short.
Solution	The deadline for the submission of the public's comments on the EIA Report has been set in accordance with the provisions of Article 40 (1) of Order no.860/2002 issued by the Ministry of Environment and Water Management regarding the environmental impact assessment and environmental permitting procedure, which stipulates as follows: "the public may submit justified proposals regarding the environmental impact assessment until the date set for the public debate regarding the environmental impact assessment report, and not after that date." According to the public consultation program, established together with the Ministry of Environment and Water Management, the last public debate was held on August 25, 2006 in Arad.	

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	447
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Deva, 23.08.2006
RMGC internal unique code	MMGA_0953

Are citizens entitled by law to vote for the implementation of this project or not? The characteristic of a democracy is that problems of general interest are made public. And the proposed project is of great interest for the public. The consequences of the project will be passed on to our grandchildren and our grand-grandchildren. People should ask themselves a question: where will their vote go if they were able to take part in the public debate? He considers that both RMGC and MEWM should answer this question.

Romanian law provides for the election of public officials who have the power to act in the public's behalf.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2,002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

Considering the applicable legal provisions, the interested public has the following rights related to the environmental impact assessment procedure:

- (i) Article 11 (2) of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002"): "the environmental impact assessment report shall be discussed by the public, whose pertinent comments shall be taken into consideration throughout the entire environmental impact assessment process;"
- (ii) Article 40 (1) of Order no. 860/2002 for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"): "the public may submit justified proposals regarding the environmental assessment, prior to the date set for the public debate on the environmental impact assessment report, but not after that date;"
- (iii) Article 44 (1) of Order no. 860/2000 "during the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting;"
- (iv) Article 44 (3) of Order no. 860/2002:"based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the environmental impact assessment report, annex containing solutions to the problems raised by the public, according to the form presented in Annex no. IV.2."

Please note that the internal legislation ensures the compliance with the principles stipulated by the European Union legislation regarding public participation in the environmental impact assessment process, and allows the interested public to express their standpoints in relation to this type of project.

Solution

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		452
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Deva, 23.08.2006
RMGC internal u	unique code	MMGA_0958
Proposal	social aspects Protection sho	asked during the public debates were not technical questions; 99 % of them referred only to issues that have been and continue to be avoided. The Ministry of Labour and Social puld probably organize a similar action.
	Minister of W shall describe to answer the pu	er that, according to the provisions of Article 44 (1) of Order no. 860/2002 issued by the Vaters and Environmental Protection," during the public debate meeting, the project titleholder the proposed project and the assessment made in the environmental impact assessment study, shall blic's questions and shall respond with arguments to the justified proposals coming from the d in writing before the meeting."
Solution	an important	ects are discussed in the Environmental Impact Assessment Report, as such issues represent element of the project impact assessment, and it is normal for the interested public to be out these aspects. We believe we have answered these questions, with respect for public
	the questions	please note that, in this respect, the project titleholder has the sole obligation to answer all raised by the public, irrespective of their scope and number, therefore the project titleholder nent on the issues raised by you.

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		455
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Deva, 23.08.2006
RMGC internal unique code		MMGA_0965
Proposal	Why was ther	e a 5 minutes time limit and why were the people who spoke in favour of the project allowed

to speak more?

Rules for the public consultation hearings must balance the many people who wish to address the forum, in meetings that ran as long as 12 hours, with a time limit to allow as many people as possible to be heard. There was no limit on the length of the written questions submitted.

Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").

Article 39 (1) of Order no. 860/2002 stipulates that "once the environmental impact assessment process is completed, and the environmental impact assessment report is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the environmental impact assessment report will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the environmental impact assessment report should be transmitted to."

Solution

The rules establishing the details of the public consultation process are set out by the chairman of the meeting, representing the Ministry of Environment and Water Management, not by the project titleholder. It was the chairman of the meeting who decided that the speakers must take the floor according to their order of enrolment on the lists prepared by the representatives of the Ministry of Environment and Water Management, that the maximum speech time was limited to 5 minutes and that no dialogue was allowed between the public and the project titleholder.

According to Order no. 860/2002, the meeting is chaired by the representatives of the Ministry of Environment and Water Management:

"Article 41. - The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.";

"Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting."

Also, we want to remind you that every public debate was declared closed only after each interested participant expressed his/her standpoint or comments on the environmental impact assessment report.

Domain	PCDP		
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	462		
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Arad, 25.08.2006		
RMGC internal unique code	MMGA_0986		
The questioner makes the following comments and observations:He believes that the people taking part in			

The questioner makes the following comments and observations:He believes that the people taking part in the public debate should have been mostly from Arad, while many people present there and the people who expressed their wish to take the floor have been brought by the investors.

With 14 public consultation hearings across Romania, an effort was made to include the interested public in the broadest possible sense.

The environmental impact assessment procedure is regulated, at the level of the European Union Member States, by Directive 85/337/EC, amended and supplemented by Council Directive 97/11/CE and published in the *Official Journal of the European Communities* (JOCE) no. L 73 of March 14, 1997. This directive stipulates the principles that the Member States must take into consideration for the internal application of the regulations related to the environmental impact assessment procedure.

Please note that, according to the provisions of Article 6 of Directive 85/337/CE, Member States have the obligation to ensure, within a reasonable term, the information of the public concerned on the projects forming the object of the environmental impact assessment procedure. According to the provisions of Article 1 (2) of Directive 85/337/EC, the public concerned means "the public affected or potentially affected by, or holding an interest in the assessment of the environmental decisions mentioned under Article 2 (2); for the purpose hereof, non-governmental organizations promoting environmental protection and complying with the requirements stipulated by the national legislation shall be considered public concerned".

Solution

We want to emphasize that the term of public concerned, as defined by the legal provisions applicable in the European Union (EU) Member States, does not make any clear distinction depending on the territoriality, conferring equal rights to any person potentially impacted by a project implementation.

Moreover, the procedure regarding the consultation of the public concerned during the environmental impact assessment process, established by the national legislation and followed by Roşia Montană Gold Corporation SA (RMGC), fully complies with the principles stipulated by the EU legislation.

Considering the aforesaid, the potentially impacted persons, *i.e.* both the persons impacted directly and indirectly, and the potentially impacted persons irrespective of their place of origin, have been and still are entitled to make comments, during the public debate stage, on the project proposed by RMGC.

Taking into consideration the legal provisions, both the Ministry of Environment, and RMGC have used various methods to announce the public from Arad about this public debate: announcements in the mass media, posters, the information caravan (distributing brochures, leaflets, etc.) – which has traveled to every town and village before the public consultations. However, effective public participation depends on each person's civic spirit and on their interest manifested in the Roşia Montană Project; it no longer depends on the company. In its turn, the community from Roşia Montană manifests its interest in this project participating in the debates and expressing its personal or group convictions: pro or con. Everyone has the right to participate in these public debates, and even to express their standpoint.

PCDP

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RMGC internal unique code

MMGA_1053

Proposal

The Urbanism Plan has been modified without public consultation; SEE CONTENT CONTESTATION TYPE 1

This claim is not true; the Urbanism Plan has been prepared with public consultation.

Solution

Roşia Montană Gold Corporation SA (RMGC) has requested and obtained from Alba County Council the Urbanism Certificate no. 78 of 26.04.2006, for the entire Roşia Montană mining project, including the tailings management facility. The Urbanism Certificate also stipulated the preparation of a Zonal Urbanism Plan, to reflect all changes made to the Roşia Montană Project, following the public consultations and debates organized in relation to this project, and the consultations with the permitting authorities. This plan, entitled "Modification of the Zonal Urbanism Plan, Roşia Montană Industrial Area", was prepared and subjected to public debate in June 2006 in accordance with the provisions of Order no.176/N/2000 issued by the Ministry of Public Works and Territory Development for the approval of the technical regulations "Guidelines regarding the methodology applied for the preparation and framework content of the Zonal Urbanism Plan" and, at present, it is pending approval.

Concerning the Roşia Montană General Urbanism Plan approved in 2002, such plan was prepared in parallel with the Zonal Urbanism Plan of 2002, all the provisions of the General Urbanism Plan being also included in the Zonal Urbanism Plan. Also, the approval procedure related to the two urbanism plans was carried out in parallel.

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		1262
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 110435/22.08.2006
RMGC internal unique code		MMGA_1148
Proposal	The questioner does not agree with the development of the Rosia Montana project and makes the following observations and comments: The public has not been consulted and has not been offered any information on the project during the screening stage;	
	Roşia Montar	nă Gold Corporation SA (RMGC) has made an effort to have the broadest possible public

Roşia Montană Gold Corporation SA (RMGC) has made an effort to have the broadest possible public consultation process during all the stages of the Roşia Montană Project.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

According to the provisions of Article 16 of Order no. 860/2002, "public's information on the decision regarding the project scoping stage shall occur within 10 business days from the issuance of such decision by the competent environmental protection authority, and within 10 business days from the receipt thereof, by the project titleholder, in accordance with the provisions of Chapter 3. Within 5 business days from the publication of the decision regarding the framing stage by the competent environmental protection authority, the public has the right to submit to the competent environmental protection authority justified proposals for the purpose of reconsidering the decision made following the framing stage."

The best practices in this field stipulate that the public consultations must be organized before these public meetings. Although Romanian legislation does not stipulate such consultations for the scoping stage, so far, RMGC has implemented an extensive public consultations program, including: 1,262 individual meetings and interviews, distribution of questionnaires, with 500 responses received, 18 focus groups, and 65 public debates. Also, the company has discussed with the central authorities, non-governmental organizations and the potentially affected interested public. The feedback from the interested public has been used to prepare the management plan and the Independent EIA, as well as to design partnerships and development programs.

References

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's

Solution

project.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1262
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110435/22.08.2006
RMGC internal unique code	MMGA_1150

Relevant information for the project is not made available for public consultation;

Any interested party who wished to examine the Environmental Impact Assessment (EIA) had many means to do so. The EIA Report study was made available to the public for consultation purposes, in accordance the provisions of the Aarhus Convention on access to environmental information and of Romanian laws in force, namely Ministerial Order no. 860/2002, Article 37, letter c. We consider that those who wanted to consult the documentation had several possibilities:

- The hardcopy of the EIA Report was available at 48 locations town halls, environmental protection agencies, libraries, ministries, information centers of the Rosia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroşani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lupşa Town Hall, Roşia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roşia Montană Town Hall, Bistra Town Hall, Baia de Arieş Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Techical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babes Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timişoara County Library, Bucharest Town Hall, Timişoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldiş' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Rosia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours;
- Also, the electronic copy of this report was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management www.mmediu.ro; Sibiu Regional Environmental Protection Agency www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Corporation SA and Gabriel Resources www.apm-alba.ro; the web pages of Roṣia Montană Gold Cor
- Also, we have distributed more than 6,000 CDs and DVDs with the English and Romanian versions of the EIA Report.

Solution

Domain	PCDP	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1354, 1355	
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110302/24.08.2006, No. 110301/24.08.2006	
RMGC internal unique code	MMGA_1166	
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The EIA procedure and the permitting procedure did not comply with the existing legislation with regard to the public participation;

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

Regarding your statement, please consider the following:

- (i) according to the relevant legal provisions, the court of law is the only authority having the competence to establish the lawfulness of the public debates process;
- (ii) according to Article 44 (1) of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), "during the public debate meeting, the project titleholder [...] shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting";

Solution

Also, Article 44 (3) of Order no. 860/2002 stipulates that "based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the environmental impact assessment report, annex containing solutions to the problems raised by the public".

Considering the legal provisions quoted above, due to the fact that your statement (i) does not iidentify or signal any problems related to the project proposed by Roşia Montană Gold Corporation SA (RMGC) and subject to the environmental impact assessment procedure, (ii) refers to issues on which RMGC has no authority to comment, please note that the project titleholder may not and does not have the necessary capacity to provide an answer or make any comment in this respect.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1723, 1870, 1871, 1872, 1873, 2613, 3123, 3124, 3125, 3126, 3127, 3233
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110779/25.08.2006, No. 110933/25.08.2006, No. 110932/25.08.2006, No. 110931/25.08.2006, No. 110930/25.08.2006, No. 112385/25.08.2006, No. 112880/25.08.2006, No. 112875/25.08.2006, No. 112868/25.08.2006, No. 112873/25.08.2006, No. 112874/25.08.2006, No. 111448/25.08.2006
RMGC internal unique code	MMGA_1218
The last of in	nformation and transparency on the part of the Mainstry for Environment and Water

The lack of information and transparency on the part of the Mninstry for Environment and Waters Management is intolerable;

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

The hardcopy of the EIA Report was available at 48 locations - town halls, environmental protection agencies, libraries, ministries, information centers of the Rosia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroşani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lupșa Town Hall, Roșia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roşia Montană Town Hall, Bistra Town Hall, Baia de Arieș Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Techical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babes Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timişoara County Library, Bucharest Town Hall, Timişoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldis' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roşia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours.

Solution

Also, the electronic copy of this study was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management - www.mmediu.ro; Sibiu Regional Environmental Protection Agency - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.povesteaadevarata.ro and the Environmental Partnership for Mining - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC). and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A (RMGC).

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References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

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PCDP

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MMDD's identification no. for the question which includes the observation identified by the RMGC internal code

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111615/25.08.2006, No. 111616/25.08.2006, No. 111784/25.08.2006
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RMGC internal unique code

MMGA_1299

Proposal

Modification of the urbanism plan without the public consultation; SEE THE CONTENT OF THE TYPE 1 CONTESTATION

Also, the questioner sends a letter and two points of view of some independent specialists

This claim is not true; the Urbanism Plan has been prepared with public consultation.

S.C. Roşia Montană Gold Corporation S.A. has requested and obtained from Alba County Council the Urbanism Certificate no. 78 of 26.04.2006, for the entire Roşia Montană mining project, including the tailings management facility. The Urbanism Certificate also stipulated the preparation of a Zonal Urbanism Plan, to reflect all changes made to the Roşia Montană Project, following the public consultations and debates organized in relation to this project, and the consultations with the permitting authorities. This plan, entitled "Modification of the Zonal Urbanism Plan, Roşia Montană Industrial Area", was prepared and subject to public debate in June 2006 in accordance with the provisions of Order no.176/N/2000 issued by the Ministry of Public Works and Territory Development for the approval of the technical regulations "Guidelines regarding the methodology applied for the preparation and framework content of the Zonal Urbanism Plan" and, at present, it is pending approval.

Solution

Concerning the Roşia Montană General Urbanism Plan approved in 2002, such plan was prepared in parallel with the Zonal Urbanism Plan of 2002, all the provisions of the General Urbanism Plan being also included in the Zonal Urbanism Plan. Also, the approval procedure related to the two urbanism plans was carried out in parallel.

Domain		PCDP	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		3262	
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 111343/25.08.2006	
RMGC internal unique code		MMGA_1441	
	-	er does not agree to the Rosia Montana project implementation formulating the following	
Proposal	-	d comments: Why the MMGA and Romanian Government did not perform a public	

consultation in the manner in which this is performing right now, before the granting of the gold ore deposit from Rosia Montana?

Mining licenses are obtained following the formalities and procedures expressly stipulated by the Mining Law and the rules for the enforcement thereof. Neither the former Mining Law no. 61/1998 and the Rules for the enforcement thereof, approved by Government Decision no. 639/1998, nor the Mining Law no. 85/2003 and the Rules for the enforcement thereof, approved by Government Decision no. 1208/2003 stipulate a public consultation stage as part of the process related to the issuance of a mining license.

Concerning the Roşia Montană Mining License no. 47/1999 ("Roşia Montană Mining License"), please note that this was concluded on the grounds of and in accordance with the procedures stipulated by the former Mining Law no. 61/1998 in force on the license conclusion date, which was approved by Government Decision no. 458/10.06.1999 published in the Official Gazette of Romania, Part 1, no. 285/21.06.1999.

Also, we want to emphasize that public participation occurs during the stage of environmental permitting for the mining project. Thus, public consultation and information during the environmental impact assessment procedure, including the publication of the documentation, were compliant with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.

Solution

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the Official Gazette, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to S.C. Roşia Montană Gold Corporation SA's project.

[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.

Domain		PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		3262
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 111343/25.08.2006
RMGC internal unique code		MMGA_1445
Proposal	Why the MMGA's representative sits down at the same table together with the representatives of the firm contested by us?	
RMGC internal unique code Why the MM		GA's representative sits down at the same table together with the representatives of the firm

The organization of the public consultation hearings is in accord with Romanian law.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

As far as your allegations are concerned, please note that the applicable legislation does not stipulate any provisions establishing every detail of the participants', distribution and location in the meeting hall, *i.e.* the distribution and location of the project titleholder, competent authority and interested public;

Solution

According to the relevant legal provisions, the meeting is chaired by the representatives of the Ministry of Environment and Water Management, who have also set out the rules related to the consultation process: "Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours."

"Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting."

Considering the aforesaid, please take into account that the applicable legal provisions did not stipulate any restrictions related to the distribution in the hall of the public debate participants, and that the main objective of the Company was the best possible information of the public on Roşia Montană Gold Corporation SA's (RMGC) project, the examination of the problems raised by the public and the identification of valid solutions to any possible problems.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application",

please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the Ratification of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, signed at Aarhus on June 25, 1998.

Domain	PCDP
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	8/D;5463/B
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 114735/15.09.2006
RMGC internal unique code	MMGA_1464

Proposal

The questioners do not agree to the gold and silver mining operation proposal for Rosia Montana and formulate the following remarks and comments:

Difficulties regarding the documentations consulting;

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

For public information purposes, we have distributed more than 6,000 CDs and DVDs containing the EIA Report in the English and Romanian languages.

The hardcopy of the EIA Study Report was available at 48 locations - town halls, environmental protection agencies, libraries, ministries, information centers of the Rosia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petrosani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lupșa Town Hall, Roșia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roșia Montană Town Hall, Bistra Town Hall, Baia de Arieş Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Techical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babes Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timisoara County Library, Bucharest Town Hall, Timisoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldiş' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roşia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours.

Also, the electronic copy of this study was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management - www.mmediu.ro; Sibiu Regional Environmental Protection Agency - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.povesteaadevarata.ro and the Environmental Partnership for Mining - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation S.A. (RMGC) and Gab

References:

Solution

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the Ratification of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, signed at Aarhus on June 25, 1998.

Domain	PCDP	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	60	
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 114557/14.09.2006	
RMGC internal unique code	MMGA_1510	
Why was a public debate not programmed also in Baia Mare, where the river Tisa was polluted by a similar		

Proposal

Why was a public debate not programmed also in Baia Mare, where the river Tisa was polluted by a similar case of cyanide utilization for gold extraction, with enormous damages for Romanian State which is still in dispute with Hungary which asks substantial compensations for polluting?

While Romanian law calls for one public consultation meeting, in the case of the Roşia Montană Project, 14 meetings were held, with a focus on the lower Arieş and Mureş basin areas and adjacent communities.

Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.

S.C. Roşia Montană Gold Corporation S.A. (RMGC), together with the Ministry of Environment and Water Management, have mutually agreed upon the program and locations of the public consultations.

Order no. 860/2002 stipulates as follows:

Solution

"Article 27. - (1) Within 5 business days from the receipt of the environmental impact assessment report and, as applicable, of the safety report, the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project.";

"Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours."

When organizing the public debates meetings, RMGC, based on the consultation with the competent authorities, aimed at the best possible information of the public interested in this project, and when establishing the meeting locations, the company mainly took into consideration the settlements located inside the project impact area. Although Baia Mare is not included in the impact perimeter, the interested public from this area and from other locations could participate in any of the public debate meetings organized by the project titleholder.

References:

[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the *Official Gazette*, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").

However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application",

please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the Ratification of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, signed at Aarhus on June 25, 1998.

Domain		PCDP
MMDD's item no. for the which includes the obsidentified by the RMGC code	servation	259, 260, 265, 269, 270, 271, 283, 284, 285, 287, 301, 325, 330, 335, 381, 385, 412, 417, 419, 423, 431, 434, 892, 1781, 1787, 1831, 1832, 1835, 1838, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3236, 3237, 3238, 3240, 3241, 3610, 3611, 3612, 3613, 3614, 1/D;5456/B
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 108928/04.08.2006andNo. 74465/07.08.2006, No. 109005/07.08.2006andNo. 74477/08.08.2006, No. 109008/07.08.2006andNo. 74482/08.08.2006, No. 109014/07.08.2006andNo. 74486/08.08.2006, No. 109015/07.08.2006andNo. 74486/08.08.2006, No. 109015/07.08.2006andNo. 74487/08.08.2006, No. 109016/07.08.2006andNo. 74500/08.08.2006, No. 109030/07.08.2006andNo. 74501/08.08.2006, No. 109031/07.08.2006andNo. 74502/08.08.2006, No. 109031/07.08.2006andNo. 74502/08.08.2006, No. 109032/07.08.2006andNo. 74502/08.08.2006, No. 109038/07.08.2006andNo. 74502/08.08.2006, No. 109038/07.08.2006andNo. 74502/08.08.2006, No. 109116/09.08.2006andNo. 74540/09.08.2006, No. 109112/09.08.2006andNo. 74545/09.08.2006, No. 109106/09.08.2006andNo. 74518/08.08.2006, No. 109218/14.08.2006andNo. 74620/14.08.2006andNo. 74550/09.08.2006, No. 109218/14.08.2006andNo. 74620/14.08.2006andNo. 74657/15.08.2006, No. 109218/14.08.2006andNo. 74620/14.08.2006andNo. 74657/15.08.2006, No. 109256/14.08.2006andNo. 74662/15.08.2006, No. 109256/14.08.2006andNo. 74666/15.08.2006, No. 109256/14.08.2006andNo. 74669/15.08.2006, No. 109268/14.08.2006andNo. 74676/15.08.2006, No. 109271/14.08.2006andNo. 74679/15.08.2006, No. 110082/22.08.2006andNo. 74676/15.08.2006, No. 110751/25.08.2006, No. 11098/22.08.2006andNo. 74676/15.08.2006, No. 110751/25.08.2006andNo. 7607605.09.2006, No. 110745/25.08.2006andNo. 76082/05.09.2006, No. 110972/25.08.2006andNo. 165086/07.09.2006, No. 110971/25.08.2006andNo. 165087/07.09.2006, No. 1121287/25.08.2006, No. 1121287/25.08.2006, No. 112138/25.08.2006, No. 112138/25.08.2006, No. 111318/25.08.2006, No. 111313/25.08.2006, No. 111313/25.08.2006, No. 111313/25.08.2006, No. 111313/25.08.2006, No. 111319/25.08.2006, No. 111313/25.08.2006, No. 111319/25.08.2006, No. 1111096/25.08.2006, No. 111091/25.08.2006, No. 1111091/25.08.2006, No. 1111091/25.08.2006, No. 1111091/25.08.2006, No. 1111091/25.08.2006, No. 1111091/25.
RMGC internal unique code		MMGA_1552
Proposal - there is no safety report available for the public disclosure and competent authorities assessm accordance with the legislation in force.		
This claim is not true. The safety report was submitted together with the Environmental Imparation Assessment (EIA) Report on May 18 th , 2006 and was available for public consultation at the location where the EIA Report was submitted, both as hardcopy and in electronic form. The electronic copy of the report could be accessed both on the web page of the Ministry of Environment and Water Management and on www.povesteaadevarata.ro .		