

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	4
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_0016
Proposal	<p>What are the intentions of Gold Corporation as regards Bucium gold mines, where the gold quantities may exceed the ones from Roşia Montana?</p>
Solution	<p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) is the titleholder of the Exploration License no. 218/1999 ("Bucium License") endorsed by the National Agency for Mineral Resources (NAMR) Ordinance no. 60/17.05.1999, for the Bucium perimeter, based on which geological exploration programs have already been conducted in this area. These programs have identified two areas with a potential of resources that can bring economic benefits: a gold-silver mineralization in the Rodu – Frasin area and a copper mineralization in the Tarniţa area.</p> <p>A pre-feasibility study has already been developed for the Rodu – Frasin area, which includes the calculation of the available resources and reserves. This study pointed out that the exploitation of this area is economically feasible. However, the calculated reserves, and therefore the outlined amounts of gold are much lower than the ones in Roşia Montană, (approximately 17 tons of gold in situ as compared to 314 tons of gold in situ at Roşia Montană).</p> <p>As for the copper reserves from the Tarniţa area, no feasibility study has been initiated yet for that area. Therefore, we cannot make any statement with regard to a future mining operation in this area.</p> <p>We underline the fact that, according to Mining Law no. 85/2003, art. 17(1), 18(2) letter a) and 20, RMGC as titleholder has the legal right to directly secure the Mining License for Bucium Perimeter. Any intention of implementing the aforementioned project shall be carried out in compliance with the legal provisions in force at national and European level, which means that a different permitting process will be necessary from all points of view, including the process of securing the environmental permit.</p> <p>In other words, if RMGC decides to develop a project in Bucium Commune, it will apply for an environmental permit and it will have to follow the same steps as the ones already followed for the Roşia Montană Project (that is to say a full environmental impact assessment process, including the public consultation and participation phase).</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	5
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Zlatna, 02.08.2006
RMGC internal unique code	MMGA_0021
Proposal	Researches to be performed at Zlatna for Porcurea and Staul Ludwig ore deposits.
Solution	<p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) will not conduct research works in these areas because it does not hold any exploration/mining license or exploration permit.</p> <p>Mining operations, as regulated by the Mining Law no. 85/2003 and the rules for its implementation, can only be developed based on a mining/exploration license endorsed by the National Agency for Mineral Resources (NAMR) for a particular mining perimeter.</p> <p>Such exploration operations cannot be developed within Zlatna area, considering the fact that RMGC did not secure any mining/exploration licenses for the deposits you have mentioned.</p>

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MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Zlatna, 02.08.2006
RMGC internal unique code	MMGA_0022
Proposal	<p>A facility to be established at Hanes mine of EM Zlatna Mining Company, for separating through ion-molecular flotation the Fe, Zn, Mn, Cd dissolved in mine waters which are discharged at surface and their usage at industrial scale as pigments. SEE ATTACHED A DOCUMENT</p>
Solution	<p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) does not hold any exploration/exploitation license or exploitation permit for this area, therefore it cannot conduct research or exploration works to justify the existence of a pilot plant at the Haneş mine. These types of works are regulated by the Mining Law no. 85/2003 and by the rules for its implementation and can be conducted only based on annual programs to be approved by the National Agency for Mineral Resources (NAMR). These approvals can only be issued based on a mining/exploration license endorsed by the National Agency for Mineral Resources (NAMR) for a particular perimeter.</p> <p>A construction permit is required for building a pilot plant. This permit should be obtained based on all the permits requested through an Urbanism Certificate obtained in advance, including the environmental permit.</p> <p>The waters released from the old mining works should be treated as part of a closure and rehabilitation program developed for the facility. This program should be developed, approved and implemented by the mining operator that carries out activities in the perimeter in question, in accordance with the "polluter pays" principle.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1
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_0053
Proposal	<p>The questioner states that many chapters of the EIA are not signed by a particular individual and wants to know nominally who signed them.</p> <p>Since June 2004, the legal provisions in force [1] stipulate that certified experts are no longer required to sign the report on the environmental impact assessment study (or "parts" thereof). Also, the law does not stipulate the obligation to specify the authors' participation in drafting the Report on the Environmental Impact Assessment chapters.</p> <p>In accordance with the legal provisions in force [2], the <i>Report on the Environmental Impact Assessment</i> contains in Chapter 1. <i>General Information</i>, Section 2 – contact data of the certified authors of the environmental impact assessment study and of the related report, and this information is briefly presented also in Chapter 9. <i>Non-Technical Summary</i>.</p> <p>"The liability for the accuracy of the information supplied to the competent authorities for environmental protection and to the public belongs to the project [...] titleholder", and the liability for the accuracy of the environmental impact assessment belongs to its authors [3], <i>i.e.</i>, in the case of the team of certified experts, to the "natural persons certified at the highest level of competence" and "certified legal persons"[4], that participated in the environmental impact assessment based on the agreement concluded with the project titleholder.</p> <p>References:</p>
Solution	<p>[1] <i>The provision regarding the liability for the "quality of the studies and reports prepared", entailed "under the signature" of the coordinating expert, stipulated in Article 5(2) of Order no. 978/December 2, 2003 of the Minister of Agriculture, Forests, Waters and Environment (published in the Official Gazette no. 3 of January 5, 2004) was eliminated by Order no. 97/May 18, 2004 of the Minister of Agriculture, Forests, Waters and Environment (for the amendment and supplementation of Order no. 978/2003 of the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for the certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004).</i></p> <p>[2] <i>Annex 2, Part 2 of Order no. 863/2002 of the Minister of Agriculture, Forests, Waters and Environment regarding the approval of the Methodological guidelines applicable to the stages of the environmental impact assessment framework procedure, published in the Official Gazette of Romania, Part 1, no. 52 of January 30, 2003.</i></p> <p>[3] <i>Article 21 (4) of Government Emergency Ordinance no. 195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part 1, no. 1.196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, Part 1, no. 586 of July 6, 2006.</i></p> <p>[4] <i>According to Article 1, pct. 2 of Order no. 97/May 18, 2004 of the Minister of Agriculture, Forests, Waters and Environment, for the amendment and supplementation of Order no. 978/2003 of the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for the certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004.</i></p>

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	22
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_0097
Proposal	<p>It is true that RMGC has proposed in 2002 the alteration of the Urbanism Plan so as no other activity alternative to mining will be possible to be developed in Rosia Montana?</p>
Solution	<p>The General Urbanism Plan of Roşia Montană Commune (PUG), approved in 2002, modified the plan approved in 2000, incorporating the protected area, which comprises the historic buildings. After this modification, the industrial area occupied by the mining project proposed by S.C. Roşia Montană Gold Corporation S.A. (RMGC) has remained unchanged, covering only 25% of the Roşia Montană commune, and the restrictions related to the construction of facilities, other than the industrial ones, apply only to this part of the commune. These restrictions related to the industrial area were also included in the PUG developed in 2000, therefore the current changes are not related to the proposed mining project.</p> <p>The remaining 75% of the Roşia Montană Commune territory does not form the object of any restriction generated by the mining project.</p> <p>At the same time, we would like you to understand that there are mandatory legal provisions limiting the development of projects other than those intended for the exploration and processing of natural resources in the areas where these have been identified. In this respect, we want to mention the following legal provisions:</p> <ul style="list-style-type: none"> (i) art. 41(2) from the Mining Law no.85/2003 <i>“the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow for carrying out all the operations related to the conceded mining activities”</i>; (ii) art. 6(1) from the Governmental Decision 525/1996 for the approval of the General Urbanism Regulation (“GD no. 525/1996”) <i>“the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”</i>; (iii) art 4.4 of Local Urbanism Regulation of Roşia Montană governing the 2002 General Urbanism Plan, <i>“the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”</i>. <p>Consequently, please be so kind and take notice of the fact that all aforementioned legal provisions are applicable to any similar project developed by legal and/or private entities.</p> <p>The modified Zonal Urbanism Plan – the Industrial Area Roşia Montană is currently under approval. This is a town-planning documentation which was approved in 2002 as well, but it is currently being changed given the advanced stage of the Roşia Montană project (see Annex 3.1, modifications: decrease of the open-pits footprint; some of the technological roads have been re-designed; increase of the surface of the protected area. All these changes were made following the environmental impact assessment and the measures meant to prevent, minimize and eliminate the potential impact that was established as a result of the environmental impact assessment process).</p> <p>The boundaries of the industrial area have been established based on a scientific survey, which also served as a basis for establishing the boundaries of the protected areas. The town-planning regulations of the Zoning Urbanism Plan (PUZ) will establish in detail the future uses of the protected areas, while the restriction related to constructions and to the development of other activities will be maintained only on the footprint of the planned facilities.</p>

As proved by the experience of other similar project, such industrial activities can be carried out in parallel and stimulate the development of other activities.

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	28
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_0113
Proposal	<p>The Urban Certificate obtained in May 2006 (the old one being suspended), no longer includes a tailings facility. The period of public consultation and assessment of the environmental study has been initiated without a valid urbanism certificate. The procedure for securing an environmental permit cannot be conducted without having a valid urbanism certificate; thus, the Ministry should reject the application for an environmental permit, which was submitted by RMGC.</p>
	<p>A) Your assertion referring to the fact that there is no tailing management facility in the Urbanism Certificate 78/26.04.2006 issued by Alba County Council is not grounded.</p> <p>Actually, the section 1 Construction works, position 10 of the Urbanism Certificate no. 78 of 26th 04. 2006 – mentions “processing plant and associated constructions” – which category includes the tailing management facility which is compulsory for the processing plant running.</p> <p>The tailing management facility is also specified on the layout plans which are integral part of the Urbanism Certificate, are sealed by Alba County Council so that they cannot be modified and this facility is also mentioned in the tables with the occupied surface areas and property and land types from the previous plans.</p> <p>B) It is not correct the assertion according to which the public debate stage and the environmental study assessment started up without an applicable Urbanism Certificate.</p> <p>Thus, on the date of the EIA Report submission (15 May 2006) and prior to the start up of the public debates (June 2006), the documentation submitted by Roşia Montană Gold Corporation (RMGC) included the Urbanism Certificate no. 78 of 26.04.2006, document valid and applicable both by that time and at present</p>
Solution	<p>C) The request to reject the application for the environmental permit issue, based on the opinion that the environmental permit procedure has been invalidated because it would have not been submitted an applicable Urbanism Certificate, is neither correct and nor legally grounded.</p> <p>Thus, from legal point of view, we specify that the Urbanism Certificate is part of the documentation submitted by the applicant by the time of the environmental permitting procedure start up.</p> <p>In fact, we would like to underline that RMGC complied with the legal requirement as it submitted a complete documentation in full compliance with the law provisions including an applicable Urbanism Certificate (Urbanism Certificate no. 68 of 26th August 2004).</p> <p>The waiving of the initial Urbanism Certificate is irrelevant and does not impact the environmental permitting procedure as per the following:</p> <ul style="list-style-type: none"> • The requirement to have an applicable Urbanism Certificate refers to the time of the procedure start up (art. 9 of the environmental impact assessment procedure approved through the Order no. 860/2002), and this requirement was met by RMGC as mentioned above ; • On the date of the EIA Report submission (15th May 2006) and prior to the public consultation start up (June 2006). The documentation submitted by Roşia Montană Gold Corporation (RMGC) contained also the Urbanism Certificate no. 78/26th 04.2006 which is applicable and valid since that date and at present. The Urbanism Certificate is an informative document and its goal is only to inform the applicant about the legal, economic and technical regime of the existing

lands and buildings and to establish the urbanism requirements and the approvals necessary to obtain the construction permit (including the environmental permit) as per art. 6 of Law 50/1991 referring to the completion of construction works , republished and art 27 paragraph 2 of the Norms for the application of Law 50/1991 – Official Journal 825 bis/13.09.2005);

- As it is an informative document, it does not limit the number of certificates an applicant may obtain for the same land plot (art. 30 of Law no. 350/2001 regarding the territorial planning and urbanism).
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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	30
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_0117
Proposal	<p>The questioner makes reference to Gabriel Resources Financial Report from 31st of March 2006 where it is stated that this company intends to use Rosia Montana's Tailings Management Facility (TMF) for its Bucium Project. He believes that this thing is not possible because from technical point of view the Bucium TMF needs to be developed at a certain dimension and the Rosia Montana one at another one, and that means that it will be necessary to redesign it.</p>
Solution	<p>There is no such statement included in Gabriel Resources Annual Report that has been published on 31.03.2006 for the financial year end from 31.12.2005 (please visit http://www.gabrielresources.com/i/pdf/RO-Annual2005.pdf)</p> <p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) is the titleholder of the mining exploration license for the Bucium perimeter and according to the provisions of the license the company has conducted exploration works in order to identify and outline several resources and reserves that might be economically developed.</p> <p>A pre-feasibility study for certain areas from the Bucium perimeter has been developed. This study assesses the possibility of economical development of the gold and silver ore deposits. RMGC must conduct a feasibility study in compliance with Romanian mining legislation before initiating the operational stage (mining) and it is mandatory for the company to secure the mining license pursuant to the provisions of art. 17, 18(2) and 20 from Mining Law no. 85/2003.</p> <p>Provided that the mining license for the Bucium perimeter is going to be secured and the decision to develop the mining operation is going to be taken, an entire permitting process will have to be initiated for this Project. This process would require to secure an environmental permit and to undergo an environmental impact assessment procedure. According to legal applicable provisions, this process requires a public participation and consultation stage.</p> <p>Nowadays, the possible use of the Roşia Montană tailings management facility for the storage of tailings resulting from the Bucium mining operation, is an alternative which will be analyzed, from the point of view of its feasible character, together with other possibilities, in order to choose and support the best solution if the decision to open a mine in Bucium is made.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	49
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Abrud, 25.07.2006
RMGC internal unique code	MMGA_0153
Proposal	<p>The questioner does not agree with the Project and makes the following remarks and comments:RMGC's representatives avoid answering questions related to the financial guarantee, established in case of dam failure, but instead they state that Abrud's locals should conclude on their own accidents insurances.</p>
Solution	<p>Representatives of Roşia Montană Gold Corporation have displayed their availability to discuss the issues related to the establishment and maintenance of a financial guarantee for environmental rehabilitation and they have not stated that locals of Abrud should obtain their own accident insurance policies.</p> <p>Details related to RMGC's Environmental Financial Guarantee ("EFG") are discussed in the Report on Environmental Impact Assessment, in the section of the titled "Environmental and Social Management and System Plans" (Annex 1 of the subchapter titled "Mine Rehabilitation and Closure Management Plan").</p> <p>In Romania, the creation of an Environmental Financial Guarantee is required to ensure adequate funds are available from the mine operator for environmental cleanup. The EFG is governed by the Mining Law (no. 85/2003) and the National Agency for Mineral Resources instructions and Mining Law Enforcement Norms (no. 1208/2003). There are also two directives issued by the European Union which include provisions related to the EFG: the Mine Waste Directive ("MWD", no. 2006/21/EC) and the Environmental Liability Directive ("ELD", no. 2006/21/EC).</p> <p>The Mine Waste Directive aims to ensure that coverage is available for 1) all the obligations connected to the permit granted for the disposal of waste material resulting from mining activities and 2) all of the costs related to the rehabilitation of the land affected by a waste facility. The Environmental Liability Directive regulates the remedies, and measures to be taken by the environmental authorities, in the event of environmental damage created by mining operations, with the goal of ensuring adequate financial resources are available from the operators for environmental cleanup efforts. While these directives have yet to be transposed by the Romanian Government, the deadlines for implementing their enforcement mechanisms are 30 April 2007 (ELD) and 1 May 2008 (MWD) – thus before operations are scheduled to begin at Roşia Montană.</p> <p>RMGC has already begun the process of complying with these directives, and once their implementation instruments are enacted by the Romanian Government, we will be in full compliance.</p> <p>Moreover, we would also like to underline the fact that the internal legislation stipulates two types of environmental financial guarantees, namely the annual environmental financial guarantee ("Annual EFG") and the final environmental financial guarantee ("Final EFG").</p> <p>The annual EFG is updated on an annual basis, and it is established in order to cover the reconstruction costs associated to mining activities that are to be developed during the following year. These costs are no less than 1.5% of the total costs resulting form the preliminary estimates on annual production.</p> <p>Final EGF is also updated on an annual basis and includes the estimated costs for a possible closure of Roşia Montană mine. The EFG quantum is established as an annual percentage of the value of the environmental rehabilitation works stipulated in the framework of the monitoring program established for the post-closure environmental factors. This program is a part of the Technical Mine Closure Program, a document which is going to be approved by the National Agency for Mineral Resources ("NAMR").</p> <p>Both EFGs will be fully financed and made available to the Romanian authorities, and the amounts</p>

provided by these EFGs will not be impacted in case of RMGC bankruptcy

The estimated cost for the closure of Roşia Montană mine is US\$ 76 million. This estimate is based on the activity developed during its 16 year life. Annual updates are going to be conducted by independent experts, in collaboration with NAMR as competent governmental authority in the field of mining activities. These updates are going to ensure the fact that in the unlikely case of a premature closure of the project, at any given moment, every EFG is going to reflect the costs associated with the rehabilitation. Annual updates consider the following four alternatives:

- project amendments that impact the rehabilitation activities;
- amendments of the Romanian legal framework, including the implementation of EU directives;
- new technologies that improve the science and practice of the rehabilitation;
- price amendments for key assets and services associated with the rehabilitation.

Once these updates have been completed, the new estimates related to closure costs are going to be included in the RMGC's financial reports and will be publicly disclosed.

Furthermore, we would like you to take notice that RMGC has retained one of the world's leading insurance brokers, which is well established in Romania and has a long and distinguished record of performing risk assessments on mining operations. The broker will use the most appropriate property and machinery breakdown engineers to conduct risk analysis and loss prevention audit activities, during the construction and operations activity at Roşia Montană, to minimize hazards. The broker will then determine the appropriate coverage, and work with A-rated insurance companies to put that program in place, on behalf of RMGC.

RMGC is committed to maintaining the highest standards of occupational health and safety for its employees and service providers. Our utilization of Best Available Techniques helps us to ensure this goal is achieved. No organization gains from a loss, and to that end we will work to implement engineering solutions to risk, as they are far superior to insurance solutions to risk. Up to 75% of loss risk can be removed during the design and construction phase of a project.

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	51
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Abrud, 25.07.2006
RMGC internal unique code	MMGA_0163
Proposal	<p>A large part of the Corna Tailings Management Facility is not included in the mining lease of Gabriel Resources. The questioner would like to learn if this is correct or is merely an erroneous information.</p>
Solution	<p>We would like to underline the fact that the mining operations developed by the S.C. Roşia Montană Gold Corporation S.A. (RMGC) as titleholder of the secured licenses are and going to and will be developed "<i>in the framework of certain perimeters which have been authorized by the relevant authority for this reason</i>" (according to the provisions of Art. 4(3) from Mining Law no.85/2003).</p> <p>In this respect we mention the fact that RMGC is the titleholder of the Mining License no.47/1999 ("Roşia Montană License") for the Roşia Montană perimeter, approved by the Governmental Decision no. 458/10.06.1999 as well as for the Exploration License for the Bucium Perimeter no. 218/1999 ("Bucium License") approved by the NAMR Ordinance no. 60/17.05.1999 where can be found similar resources to those included in the Roşia Montană License. We underline the fact that according to the provisions of art. 17(1), 18(2) letter a) and 20 from Mining Law no. 85/2003, the RMGC titleholder has the legal right to secure directly the mining license for the Bucium perimeter. Concurrently, we underline that in the Bucium perimeter approximately 9% of the surface area of the tailings management facility at its maximum extension (in the 16th year of operation) and not "a large part of it".</p> <p>However, we want to lay the emphasis on the fact that, according to legal provisions, the National Agency for Mineral Resources is liable with the authorization of the mining operations, those for the industrial area of the Roşia Montană Project are also included here. This stage is subsequent to the issuance of the environmental permit for Roşia Montană Project, which is at this moment the main objective of the environmental impact assessment procedure.</p>

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	51
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Abrud, 25.07.2006
RMGC internal unique code	MMGA_0164
Proposal	<p>The company conducted a pre-feasibility study for Bucium where it holds a mining license for a much larger mine than the one for Rosia Montana. There is information according to which RMGC intends to use the tailings management facility and the processing plant from Rosia Montana for Bucium pit and that represents a major issue related to the tailings management facility. This facility has been constructed for Rosia Montana Project, i.e. it has a certain storage capacity for tailings. If the tailings resulted from Bucium are stored in the tailings management facility where Rosia Montana tailings are stored, then the dam will surely fail.</p> <p>The questioner would like to receive a confirmation with respect to the fact that Gabriel Resources will use the tailings management facility and the processing plant for Bucium Project, because that will mean that the Project needs to be redesigned.</p>
Solution	<p>Please note that pursuant to current legal provisions, the <u>project proposed by the titleholder</u> [1] is undergoing the procedure of environmental impact assessment.</p> <p>Therefore, a potential analysis of a potential development of other mining projects or operations of S.C. Roşia Montană Gold Corporation S.A. (RMGC) exceeds the scoping of the procedure of environmental impact assessment conducted for Roşia Montană Project. Moreover, with respect to the current stage of mining activities developed within the Perimeter covered by Bucium License, a discussion related to the feasibility or the operations of this Project can be done only at a principle level.</p> <p>We would like to state on this the fact that S.C. Roşia Montană Gold Corporation S.A. (RMGC) is the titleholder of an exploration license (and not mining) for Bucium Perimeter and pursuant to the provisions of this license, the company has performed geologic explorations in order to identify and outline resources and reserves that may be economically developed.</p> <p>Any comparison performed between the area covered by Bucium Perimeter and the Roşia Montană Perimeter is unreasoned and unfounded, due to the fact that the license perimeters and their coordinates are classified information, i.e. inaccessible to the public according to the National Agency for Mineral Resources (NAMR) Order no. 202/2003 regarding the approval of the classified information list of NAMR.</p> <p>For certain areas from Bucium perimeter a pre-feasibility study has been conducted in order to assess the possibility to economically develop the gold and silver ore deposits. In order to proceed forward to the operational stage, RMGC would have to prepare a feasibility study as per Romanian mining legislation and to secure a Mining License pursuant to the provisions of art. 17, 18(2) and 20 Mines Law no. 85/2003.</p> <p>If the Mining License for Bucium Perimeter is secured and the decision to develop the mine is taken, than a permitting process of this mining project would have to be initiated and that would require among other issues, to secure an environmental permit and to undergo a procedure for environmental impact assessment that on its turn requires a public consultation and disclosure stage according to applicable legal requirements.</p> <p>If the Roşia Montană Tailings Management Facility (TMF) is to be used to store the tailings resulted from Bucium Perimeter that is merely an alternative to be analyzed together with other possibilities, in order to select and base the best solution provided the Bucium mine is open.</p> <p>References: [1] Please see as an example: (i) Art. 2 of Emergency Governmental Ordinance no. 195/2005 regarding the environmental protection</p>

defines the the environmental permit as being “the technical-legal act through which the conditions in which a project is developed are established, *from environmental protection point of view; the environmental permit represents the decision of competent environmental authorities who are granting the right to the titleholder to develop its project from environmental point of view*”

(ii) Art. 44(3) and art. 45 Order no. 860/2002 regarding the procedure for environmental impact assessment and the issuance of the environmental permit, and art. 10 Governmental Decision no. 819/2002 regarding the framework procedure for assessing the environmental impact and for the approval of the list of public or private project that will undergo this procedure as well as the Methodology Guidelines for the assessment scoping and to perform the report on the assessment study – Part II (the structure of the Report on Environmental Impact Assessment Study) approved by the Order no. 860/2002, stipulate the information that the titleholder needs to provide and the procedures that need to be followed for the project proposed by titleholder on the respective site and subjected to environmental impact assessment procedure.

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	58
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Abrud, 25.07.2006
RMGC internal unique code	MMGA_0173
Proposal	The questioner asks two questions: What will happen when during operations, additional reserves will be discovered that will increase the ore deposit by 25%; will this be included in the project during its development?
Solution	<p>The current calculated reserves are located within the four planned pits, namely: Cetate, Cârnic, Jig and Orlea.</p> <p>Should additional reserves be discovered during the research programs to be conducted outside the footprint of the four open-pits, they will be subject to subsequent assessments studies (reserve calculations, mine development plans and feasibility studies). The next step taken by the company will be to request the National Agency for Mineral Resources the homologation of the resources.</p> <p>Once the company decides to develop and extend the mining operations, a permitting process will have to be initiated. This process will also involve securing an environmental permit. Therefore, an environmental impact assessment procedure will be needed, which also includes a public consultation and participation phase to be carried out prior to making a decision.</p> <p>Therefore, the potential development of future operations in the surrounding perimeters should not be discussed in the context of the current permitting procedure.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	80
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_0197
Proposal	<p>Since RMGC arrived here, the area became polluted and no one allows them to establish farms in Rosia Montana. Only the ones holding a mining license may develop.</p>
Solution	<p>Taking into account the fact that your statement refers to 2 distinct issues: (i) a potential pollution of the area and (ii) the development of certain farms, we kindly ask you to read the following aspects:</p> <p>(i) The area is polluted as a result of the mining activities carried out over the last 2000 years and not because of the operations undertaken by S.C. Roşia Montană Gold Corporation S.A. (RMGC) in the area as the company has undertaken only geological research activities by means of drillings and underground sampling, in the existing galleries. These procedures have a negligible, short-term impact, which is felt only locally.</p> <p>The Environmental Reports on the rehabilitation of the areas where drillings were performed, drafted at the end of every year of geological research campaigns, have been signed for conformity by the local authorities (the Territorial Inspection Department and the Local Environmental Protection Agency of Alba County) as well as by the regional and national authorities (the Regional Environmental Protection Agency of Sibiu County and the National Agency for Mineral Resources), thus confirming the complete rehabilitation of the areas where drillings were performed.</p> <p>(ii) As far as the development of a farm is concerned, we underline the fact that the mining license, refers to only 25% of the territory of the Roşia Montană commune and corresponds to the historic mining area. Therefore, no farms had ever existed in this area, as it was known as a mining perimeter. Most of the lands in the Roşia Montană commune located outside the mining perimeter are not used either to establish farms, in the real sense of the word because they are located in a mountainous area where the soil is poor and not very suited for agriculture and the worm season lasts for 3-4 maximum per year. Therefore, there are no orchards in the area, as fruit cannot ripen. The area residents usually have their gardens and few animals in their yards. This is more a subsistence activity, but definitely not an income-generating one.</p> <p>Concurrently, we underline the fact that there are mandatory legal provisions limiting the development of projects other than those designed to develop and process natural resources within mining perimeters. In this respect, we would like to mention the following legal provisions:</p> <ul style="list-style-type: none"> (i) art. 41(2) from the Mining Law no.85/2003 "<u>the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow carrying out all the operations related to the leased mining activities</u>"; (ii) art. 6(1) from the Governmental Decision 525/1996 for the approval of the General Urbanism Regulation ("GD no. 525/1996") "<u>the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden</u>"; (iii) art 4.4 of Local Urbanism Regulation of Roşia Montană governing the 2002 General Urbanism Plan, "<u>the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden</u>". <p>To that end, please be so kind and take notice of the fact that all aforementioned legal provisions are applicable to any similar project developed by legal and/or private entities.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	86
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_0210
Proposal	<p>The questioner reads an answer received by Mr. Eugen David to a letter from 2003 regarding the establishment of an agro-tourist motel on his property through which he was notified that according to Rosia Montana PUG all dwellings and social functions for industrial protected area are strictly forbidden.</p> <p>Through the management plans, the Roşia Montană Project encourages the development of tourism activities and the diversification of services supplied in the project area and in the surrounding areas, activities which are considered as imperative. Several partnerships have been initiated and developed in this respect, among which:</p> <ul style="list-style-type: none"> • The Micro-bank set up in order to finance small businesses; • The training and skill development programs available for the people in Roşia Montană and in the neighboring communities; • The development and counseling program for young people conducted through the CERT Apuseni Resources Centre for Youth, which operates in the town of Abrud. <p>The General Urbanism Plan (PUG) developed in 2002 for the entire Roşia Montană settlement included town planning regulations for all 16 villages included in Roşia Montană Commune, as well as a protected area, comprising historical buildings.</p> <p>RMGC's proposed project covers only 25% of the Roşia Montană commune, affecting only 4 of the 16 villages of the commune, and the restrictions related to the construction of facilities, other than the industrial ones, apply only to this part of the commune and are regulated in compliance with the legal provisions in force. The remaining 75% of the Roşia Montană commune is not subject to the restrictions generated by the mining project.</p>
Solution	<p>The General Urbanism Plan has been presented to the public and subject to public debates, therefore all interested persons have been able to express their opinion regarding the development opportunities of the commune. After the completion of the public participation stage, the General Urbanism Plan has obtained all necessary permits from the competent ministries, from Alba County Council, the Urbanism Committee, Alba Environmental Protection Agency, the network operators and the final permit from Roşia Montană Local Council.</p> <p>We also underline that there are mandatory legal provisions limiting the development of projects other than those intended for the exploration and processing of natural resources in the mining perimeters. In this respect, we want to mention the following legal provisions:</p> <ol style="list-style-type: none"> (i) art. 4(2) from the Mining Law no.85/2003 "<u>the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow for carrying out all the operations related to the conceded mining activities</u>"; (ii) art. 6(1) from the Governmental Decision 525/1996 for the approval of the General Urbanism Regulation ("GD no. 525/1996") "<u>the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden</u>"; (iii) art 4.4 of Local Urbanism Regulation of Roşia Montană governing the 2002 General Urbanism Plan, "<u>the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden</u>". <p>Consequently, please be so kind and take notice of the fact that all aforementioned legal provisions are applicable to any similar project developed by legal and/or private entities.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	105
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_0243
Proposal	<p>The Environmental Impact Assessment Report is prepared by breaching the law, because the Urbanism Certificate, based on which the impact study was prepared, is totally different from what is stated by Gabriel Resources as being leased from the Romanian Government, what it has applied for, and what is currently working with.</p>
Solution	<p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) applied for and obtained the Urbanism Certificate no. 78/26.04.2006. This certificate issued by the Alba County Council refers to the whole Roşia Montană mining project and it fully complies with the project proposal the impact of which is assessed in the EIA Report. This certificate corresponds to the area included in the Zonal Urbanism Plan drafted for the Roşia Montană industrial area, which is included in the Mining License issued by the National Agency for Mineral Resources.</p> <p>The Zonal Urbanism Plan prepared for the Roşia Montană industrial area was submitted to public consultation and debates held in Roşia Montană, Bucium, Câmpeni and Abrud and the four local councils agreed in principle with the continuation of the permitting procedures.</p> <p>The Urbanism Certificate is only an informatory document and it has been issued only to present to the applicant the legal, economic, and technical framework of the existing buildings and lands and to set the urbanism requests and necessary authorizations in order to secure the construction permit according to art. 5 from Law no. 50/1991 – republished – on the authorization of the development of construction operations.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	107
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_0251
Proposal	What was the total cost paid by National Agency for Mineral Resources for the geologic report of the reserves from Rosia Montana?
Solution	The National Agency for Mineral Resources did not pay for the geological report on the existing reserves at Roşia Montană. All the expenses related to the development of geological reports, technical documentation for the reserves/resources calculation, feasibility studies, mine development plans, closure plans, rehabilitation plans, etc. are covered by the mining operator or by the holder of the license based on which these documentations are developed.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	107
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_0252
Proposal	What are the intentions of the company with respect to the development of the tailings facilities, because its first step in Rosia Montana was the research of these facilities?
Solution	<p>Until 2004, the disused tailings management facilities owned by RoşiaMin S.A., a subsidiary of the CNCAF Minvest S.A were included in the Roşia Montană mining license. Under the Mining Law no. 85/2003, the titleholder of the license was under the obligation to assess the potential of resources on the entire area covered by the mining license.</p> <p>Therefore, RMGC also assessed the potential of resources/gold content of the disused tailings management facilities by means of low-depth drillings. But, after 2004, these tailings ponds were no longer included in the perimeter covered by the mining license. Consequently, no other works could be conducted on these surfaces (such as tailings processing surveys meant to establish a gold mining rate).</p> <p>The company does not plan to obtain a profit out of the material stored in these tailings ponds, first of all in order to comply with the legal framework, according to the mining license, and secondly, because the studies required in order to reach a decision as to their development have not been completed.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	121
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_0272
Proposal	<p>The questioner quotes from the Environmental Impact Assessment (page 13 – rock types, page 36 – underground waters and page 72 – heavy metals and non-metals) and believes that the study is based on probabilities and not on certainties. He asks that on each chapter or subchapter it should be noted the name of each person responsible for preparing that particular study and who will guarantee from penal point of view that nothing will happen.</p> <p>Pursuant to relevant legal provisions, the environmental impact assessment for the Rosia Montana Mining Project was conducted by “natural and legal persons independent of the project [...] titleholder” and “certified by the competent environmental protection authority”[1].</p> <p>According to the legal provisions in force [2], the report on the environmental impact assessment study includes in Chapter 1, <i>General Information</i> – section 2, contact data of the certified authors of the environmental impact assessment study and report on such study, information which is also summarized in Chapter 9. <i>Non-Technical Summary</i>.</p> <p>Since June 2004, the certified experts are (no longer) required by the legal provisions in force [3] to sign the Report on the Environmental Impact Assessment Study (or “parts” thereof).</p> <p>“The liability for the accuracy of the information supplied to the competent environmental protection authority and to the public belongs to the project [...] titleholder”, and the liability for the correctness of the environmental impact assessment belongs to its authors [4], <i>i.e.</i>, in the case of the certified experts team, it belongs to “the natural persons certified at the highest level of competence” and to “the certified legal persons” [5], that participated in the environmental impact assessment based on the agreement concluded with the project titleholder.</p> <p>References:</p>
Solution	<p>[1] According to the provisions of Article 21(1) (a) of Emergency Government Ordinance no. 195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part I, no. 1196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, Part I, no. 586 of July 6, 2006.</p> <p>[2] Annex 2, part 2 of Order no. 863/2002 issued by the Minister of Agriculture, Forests, Water and Environment regarding the approval of the Methodological guidelines applicable to the stages of the environmental impact assessment framework procedure, published in the Official Gazette of Romania, part I, no. 52 of January 30, 2003.</p> <p>[3] The provision under which the coordinating expert is held liable, „under his/her signature”, for the „quality of the studies and reports prepared”, stipulated by Article 5(2) of Order no. 978/December 2, 2003 of the Minister of Agriculture, Forests, Water and Environment (published in the Official Gazette no. 3 of January 5, 2004) was eliminated by Order no. 97/May 18, 2004 of the Minister of Agriculture, Forests, Waters and Environment (for the amendment and modification of Order no. 978/2003 of the Minister of Agriculture, Forests, Water and Environment regarding the Regulations for certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004).</p> <p>[4] Article 21(4) of Emergency Government Ordinance no. 195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part I, no. 1196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, part I, no. 586 of July 6, 2006.</p> <p>[5] According to Article 1, pct. 2 of Order no. 97/May 18, 2004 of the Minister of Agriculture, Forests, Water and Environment, for the amendment and supplementation of Order no. 978/2003 of the Minister</p>

of Agriculture, Forests, Water and Environment, regarding the Regulations for certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	125
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_0286
Proposal	<p>Because the area has been declared an industrial site, since RMGC has arrived, alternatives of any kind are not possible – neither Sapard, nor roads, or other activities.</p> <p>Roșia Montană commune consists of 16 villages. To date, the Roșia Montană Industrial Area covers only 25% of this territory; therefore only 4 villages are impacted by the mining activities proposed under the project initiated by S.C. Roșia Montană Gold Corporation S.A. (RMGC). Due to the fact that, in the past, only mining activities have been performed here, no farms or activities other than the industrial ones have existed in this area.</p> <p>As for most of the lands in the Roșia Montană commune, located outside the mining perimeter (the remaining 75%), we want to point out that multiple activities are allowed in this area, and that the mining project proposed by RMGC imposes no restrictions upon them.</p> <p>At the same time, we would like you to notice that there are mandatory legal provisions limiting the development of projects other than those intended for the exploration and processing of natural resources in the areas where these have been identified. In this respect, we want to mention the following legal provisions:</p> <ul style="list-style-type: none"> (i) art. 41(2) from the Mining Law no.85/2003 <i>“the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow for carrying out all the operations related to the conceded mining activities”</i>; (ii) art. 6(1) from the Governmental Decision 525/1996 for the approval of the General Urbanism Regulation (“GD no. 525/1996”) <i>“the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”</i>; (iii) art 4.4 of Local Urbanism Regulation of Roșia Montană governing the 2002 General Urbanism Plan, <i>“the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”</i>.
Solution	<p>Consequently, please be so kind and take notice of the fact that all aforementioned legal provisions are applicable to any similar project developed by legal and/or private entities.</p> <p>Moreover, through the management plans prepared as part of the environmental impact assessment process, the development of tourism activities and diversification and development of services inside the project perimeter and in the neighboring areas are encouraged and imperiously necessary for the proper project implementation. This may be illustrated by the partnerships initiated and developed by the company (see the annex), such as: the micro-bank for financing small businesses, training and skill development programs for the residents of Roșia Montană and neighboring communities, and the youth development and mentoring program, implemented through the CERT Apuseni resource center, based in Abrud.</p> <p>In order to present the clearest possible overview of the Sapard program, we would like to present to you the information we are currently holding. The Sapard program was part of the financing package granted by the European Union to the accessing countries. In the Roșia Montană area, the development of RMGC's mining project has not prevented any eligible entities from accessing the Sapard funds for one of the program's measures, which were available until 2006. The eligible entity for roads restoration was the local administration (the Alba County Council and the Local Council of Roșia Montană). The development</p>

of the Roşia Montană project did not prevent any of the organizers or members of the local community from accessing the funds provided for tourism-related businesses or the diversification of the services supplied in rural areas, as well as for any other measures included in the Sapard program. Thus, any local entity eligible according to the Sapard criteria could have accessed the necessary funds, for example, in order to set up a guest house or for the diversification of the services provided in the protected area or outside the industrial perimeter. To our knowledge, nothing like this has ever happened, and we reserve the right to claim that such facts may not be associated in any way with the development of the Roşia Montană project.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	126
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_0294
Proposal	<p>The same situation appears also in the case of municipal water supplying systems. The company Romproiect has developed a study on this issue. Who ordered, without delay, the study concerning water and who paid for it? What is the costs estimate for this business which is going to bring to the project, eventually, 251m³ of water per hour? There have been quoted costs like 30 Euros per m³. Is it going to be a business for Campeni or a battle on limited resources, as it is water in this case?</p>
Solution	<p>In its capacity of titleholder of the project, S.C. Roşia Montană Gold Corporation S.A. (RMGC) has initiated all the design study contracts. Romproiect is a sub-contractor of Petrostar - the company which has prepared the feasibility study for the industrial water supply.</p> <p>No one can talk about businesses with limited resources, when the yield has been calculated based on a hydrological study. This study indicated the minimum, average and maximum flows, and the necessary amount of industrial water is far below the salubrious discharge during the periods of low flow.</p> <p>Any approval regarding the use of the necessary flow for industrial purposes will be obtained in accordance with the legal provisions, through an approval and water management permit.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	132
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_0305
Proposal	<p>With regard to PUG and PUZ, the company claims that they are only for 25% of Roşia Montana. However, if someone has a property incorporated in those 25% and that someone wants to establish a business in that place, he won't be allowed. Thus, the percentage is irrelevant, as long as people cannot develop businesses.</p>
Solution	<p>According to the General Urbanism Plan (PUG) and Zonal Urbanism Plan for the Roşia Montană Industrial Area (PUZ), indeed, the Industrial Area of the Roşia Montană project covers approximately 25% of the entire surface of the Roşia Montană commune. Concerning the restrictions directly imposed by the PUZ, only activities and constructions for industrial purposes are allowed in this area. We want to emphasize that these restrictions only indicate the direction of development for these activities, without banning them. Consequently, even mine-related businesses may be started, such as those providing construction materials, consumables, spare parts, protection equipment, etc.</p> <p>Moreover, through the management plans prepared during the environmental impact assessment process, we encourage the initiation of tourist activities and the diversification and development of services supplied in the project area and in the surrounding areas. Moreover, these activities are considered as imperative for an appropriate development of the mining project. The partnerships initiated and developed by the company are a proof in this respect (see Annex). We would like to mention here: the Micro-bank set up in order to finance the development of small businesses, the training programs available for the people in Roşia Montană and in the neighboring communes as well as the development and counseling program for young people conducted through the CERT Apuseni Resources Centre for Youth, which operates in the town of Abrud.</p> <p>We would also like you to notice that there are mandatory legal provisions limiting the development of projects other than those intended for the exploration and processing of natural resources in the areas where these have been identified. In this respect, we want to mention the following legal provisions:</p> <ul style="list-style-type: none"> (i) art. 41(2) from the Mining Law no.85/2003 "<u>the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow for carrying out all the operations related to the conceded mining activities</u>"; (ii) art. 6(1) from the Governmental Decision 525/1996 for the approval of the General Urbanism Regulation ("GD no. 525/1996") "<u>the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden</u>"; (iii) art 4.4 of Local Urbanism Regulation of Roşia Montană governing the 2002 General Urbanism Plan, "<u>the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden</u>".

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	133
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_0307
Proposal	<p>The questioner quotes from a financial report belonging to the company that was issued for the investors in Canada, where it is presented the situation of the mining license where RMGC is the owner and Minvest is the associated company. In the report it is stated that there is an important risk for RMGC as regards the development of mining operations by Minvest without having all necessary endorsements and permits because this will involve RMGC's responsibility and will lead to the cancellation of the license. It is known that there are 3 sanctions already applied to Minvest because it has mined the deposit from Rosia Montana without having a permit, an environmental authorization (2 of them being enforced by the Environmental Guard and one by the Prosecutor's Office, the most recent of all is dated May 2006). Taking into account all these conditions, when does RMGC's mining license end?</p>
Solution	<p>We would like to state that the reports submitted by Gabriel Resources Ltd. pursuant to its legal reporting requirements to the authorities of Toronto Stock Exchange, have a pre-established format. Among other things, they include a section where the "risks and uncertainties" related to their operations are being analyzed, together with other factors that may make the actual financial results, the performances or the achievements of the company to differ from the results, performances or achievements previously estimated in a reasonable manner.</p> <p>These risks, uncertainties and other factors are: political instability, production restrictions, and the price of precious metals; unpredictable legislative, political or economical evolutions, strikes, wars, revolutions, terrorism, fires or any other natural catastrophes or calamities.</p> <p>Therefore, one can see that these risks are uncertain, potential and subsequent. They are a possibility which is analyzed in theory by a diligent investor and not a confirmation of the fact that they will surely appear. Thus, the Annual Report of Gabriel Resources completed for the financial year ended on 31.12.2005 has also included "<i>Risks associated with the mining operations developed by the Government</i>" where it is stipulated: "<i>any activity developed by Minvest without having all permits, endorsements and approvals secured may entail the responsibility of RMGC, as titleholder and may provide reasons to cancel the license.</i>"</p> <p>With respect to the situation existing at that moment, CNCAF Minvest SA has secured the environmental permit required for its closure plan following ceasing of its production within Roşia Montană Perimeter.</p> <p>Moreover, the facts cited by the participant in the public consultations have been the scope of File no. 38498/2/2005 filed by Alburnus Maior through which they have requested the cancellation/annulment of Roşia Montană License and Bucium License. Through the final sentence issued on 20.03.2007, Bucharest Appellate Court has denied this request of annulment of licenses as unfounded and consequently has removed all claims related to its illegality.</p> <p>With respect to the validity of the Roşia Montană Mining Licence no. 47/1999, we would like to state that the license has a validity period of 20 years, i.e. until 2018, and the validity period may be extended with successive 5 years periods, pursuant to the provisions of art. 20(2) Mines Law no. 85/2003.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	134
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_0311

Proposal Rosia Montana is an industrial area, but in the Impact Study it is stated that 60% of the Rosia Montana lands (this excludes Corna) are hay lands, what means that one couldn't assert that it is an industrial site.

All the figures reflecting the territorial balance are based on the Project proposal, *i.e.* the industrial perimeter, including the protection areas or the land that is not affected by the project, located among the project facilities (1646.32 ha). They are not based on the surface area of the territorial and administrative division of Roşia Montană commune (4200 ha).

In order to avoid any misunderstanding related to the information quoted from the Report on the Environmental Impact Assessment (EIA), Chapter 4 – Potential Impact, Section 4.7 Landscape p. 20, please find below the percentage distribution of the Project area of 1646.32 ha. The percentages have been calculated per categories of land use prior to the beginning of the Roşia Montană Project, as follows: the highest percentage is represented by hay land - 60% of the total surface area, followed by forests – 17.7% and built areas – 12%. The remaining area is occupied by non-productive land – 5%, roads – 3%, arable land – 1%, cemeteries – 0.5% and waters – 0.8% (see Table 1).

Table 1. Land Use in the Project Area

Land Use	Surface Area				
	ha	%	ha	%	ha
	Prior to Project Implementation		During Project operational phase I		Revegetated
Arable Land	16.9	1	-		
Hay Land	987.75	60	468.54	29	572.61
Forests	289.22	17.7	92.4	5.6	335
Roads	48.76	3	17.77	1	
Built Zones	198.25	12	1061.61	64.4	
Water	14.2	0.8	6		
Cemeteries	8.87	0.5	-		
Non-productive	82.37	5	-		
Outcrop Habitat					154
Total area	1646.32	100	1646.32	100	1061.61

Note: The balance from 1061.61 ha that represents the area taken up directly by the Project facilities up to 1646 32 ha (total surface area of industrial zone plus buffer zone) represents the total area of lands not taken up by facilities located in the buffer zone (the protection area of the industrial zone).

The Urbanism Certificate (No. 78/26.04.2006) presents the perimeter of the Roşia Montană Industrial

Area, having a total surface area of 1257.31 ha. The Industrial Area does not include the Protected Area of the cultural heritage. The total surface area includes small plots of land, which will not be directly impacted by the project operations; however they will remain isolated among various operation sites. These plots of land have a total area of 195.7 ha.

Table 2. Land required [1] for the RMP – Chapter 9 Non-Technical Summary

Locality	Area of administrative unit (ha)	Land required for the proposed RMP (ha)	% of Locality
Roşia Montană Local Council	4,200	1,054	25
Abrud Local Council	3,500	170	5
Bucium Local Council	8,778	32	0.4
Câmpeni Local Council	8,520	1.6	0.02
Total	24,998	1,258	5

Note:

[1] This includes pits, waste dumps, tailings management facility and all supporting infrastructure such as access roads, water catchment dams for environmental protection, water supply to the site, the new road to Roşia Poieni, etc.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	139
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_0317
Proposal	<p>Environmental issues will impact not only on those who generate them but also others, and the constitution warrants a clean and healthy environment.</p>
Solution	<p>According to the provisions of the Romanian Constitution, “the State recognizes each individual’s right to a healthy and balanced environment, from an ecological point of view” (Article 35 (1)).</p> <p>The compliance with these provisions does not mean denial of any industrial activities, in general, or resource exploitation activities, in particular, but rather integration of protection measures in the actions directly related to economic development. Thus, Article 135 clearly stipulates the obligation of the State to ensure both “the exploitation of natural resources, according to the national interest” (letter d), and “the environmental rehabilitation and protection” and “an ecological balance” (letter e).</p> <p>The legal framework provided by the Romanian State for the exercise of the constitutional rights “to a healthy and balanced environment from an ecological point of view” includes provisions regarding the environmental impact assessment procedure. According to these provisions, the following information has been made public, as part of this procedure: “description and assessment of the direct and indirect impacts of the project” on the natural and human environment, as well as the “measures for the prevention, mitigation and, wherever possible, compensation of the significant adverse effects of the project”.</p> <p>Roşia Montană Gold Corporation proposes a project for economic development, whose social benefits have already been demonstrated. Starting from a 2000-year old activity carried out in the area, the project presents a highly efficient method to continue this activity, based on the responsible exploitation of the natural resources, using the best available techniques and in strict compliance with the national and EU legal provisions in force on environmental protection, and with the Best Management Practices (BMP).</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	159
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Zlatna, 02.08.2006
RMGC internal unique code	MMGA_0339
Proposal	For how long is the project going to last?
	<p>The Roşia Montană project began in December 1997 and will span over a period of 31 years of mine development, operation and closure, as follows:</p> <ul style="list-style-type: none"> - 5 years of geological exploration; - approximately 4 years for the development period (this is the current phase of the project); - approximately 2 years for the construction phase; - 16 years – estimated for the operational phase; - approximately 4 years for the closure phase.
Solution	<p>This period will be followed by a post closure monitoring period of at least 7 years, when the environmental conditions will be monitored. Thus, the total period amounts to 38 years.</p> <p>Under the EU legislation in force, namely the 2006/21/EC Directive on industrial mining waste management which hasn't been transposed into the internal legislation yet, the post-closure monitoring of a mining site will last as long as the regulatory authority considers it necessary (30 – 50 years).</p> <p>The potential for the generation of acid rock drainage (ARD) was estimated to 80 – 90 years according to the Mine Closure and Rehabilitation Management Plan. Therefore, a system was designed and will be implemented for the passive treatment of waters and annual costs have been considered for the maintenance and monitoring of this system.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	159
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Zlatna, 02.08.2006
RMGC internal unique code	MMGA_0340
Proposal	Are there any perspectives regarding the project's expansion in Zlatna?
Solution	<p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) does not hold any exploration/exploitation license/exploration permit in these areas. Therefore, RMGC may not carry out mining works in the Zlatna area. These types of operations are regulated by the Mining Law no. 85/2003 and the rules for its implementation and they can be carried out only based on annual programs approved by the National Agency for Mineral Resources (ANRM).</p> <p>Mining operations can only be developed if RMGC and NAMR have concluded certain exploration/mining licenses for a mining perimeter. Due to the fact that RMGC did not secure an exploration/mining license for Zlatna area, there is no perspective for the development of any mining operations in this area.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	194
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_0380
Proposal	<p>The questioner states that, due to the fact that local administration has included Rosia Montana area in a development plan (in a PUG) that has only one objective: mining development, all the other projects are being turned down from the very beginning by the financiers and no other activities can be developed except for mining.</p> <p>The questioner wants to know why this has happened.</p>
Solution	<p>A General Urbanism Plan (PUG) was developed in 2002 for the entire Roșia Montană commune, which establishes town-planning regulations for all the 16 villages within the Roșia Montană commune as well as a protected area that includes all the historic buildings. The mining project proposed by S.C. Roșia Montană Gold Corporation S.A. (RMGC) covers only 25% of the territory of the Roșia Montană commune and it concerns only 4 of the 16 villages in the commune and the restrictions related to the construction of facilities other than the industrial ones apply only in this part of the commune. The remaining 75% of the Roșia Montană commune is not subject to the restrictions related to the mining project. Stating that the PUG is limited only to the mining development is a misinterpretation, taking into consideration that the remaining ¾ of the commune is open for the development of any other types of activities. The rejection of many other projects by the financing sources can be related to many other aspects, which have nothing to do with the RM mining project.</p> <p>The PUG was submitted to public debate and all those interested had the possibility to express their points of view with regard to directions for the development of the Roșia Montană commune. Once completed the public debate and participation phase, the PUG obtained all the necessary permits issued by the: competent ministries, the Alba County Council, the Town-Planning Commission, the Local Environmental Protection Agency of Alba County as well as the consent of the network owners and the final approval of the Local Council of Roșia Montană .</p> <p>Moreover, through the management plans prepared during the environmental impact assessment process, we encourage the initiation of tourist activities and the diversification and development of services supplied in the project area and in the surrounding areas. Moreover, these activities are considered as imperative for an appropriate development of the mining project. The partnerships initiated and developed by the company are a proof in this respect (see Annex 4). We would like to mention here: the Micro-bank set up in order to finance the development of small businesses, the training programs available for the people in Roșia Montană and in the neighboring communes as well as the development and counseling program for young people conducted through the CERT Apuseni Resources Centre for Youth, which operates in the town of Abrud.</p> <p>At the same time, as far as your statement is concerned, we would like you to understand that there are mandatory legal provisions limiting the development of projects other than those intended for the exploration and processing of natural resources in the areas where these have been identified. In this respect, we want to mention the following legal provisions:</p> <ul style="list-style-type: none"> (i) art. 41(2) from the Mining Law no.85/2003 <i>“the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow for carrying out all the operations related to the conceded mining activities”;</i> (ii) art. 6(1) from the Governmental Decision 525/1996 for the approval of the General Urbanism Regulation (“GD no. 525/1996”) <i>“the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”;</i> (iii) art 4.4 of Local Urbanism Regulation of Roșia Montană governing the 2002 General Urbanism Plan, <i>“the permitting of final constructions, other than industrial ones, which are</i>

required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden".

Consequently, please be so kind and take notice of the fact that all aforementioned legal provisions are applicable to any similar project developed by legal and/or private entities.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	211
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_0420
Proposal	<p>The process of public consultations and assessment of the quality of environmental impact assessment study has been initiated without a valid urbanism certificate. Which is the number of the valid urbanism certificate, where and according to which schedule it can be consulted?</p> <p>Your statement according to which there was no urbanism certificate upon the initiation of public consultation process is not accurate. When the public consultation has been initiated, a valid urbanism certificate existed, i.e the urbanism certificate no. 78 issued on 26th of April 2006.</p> <p>At the same time, from legal point of view there is no condition imposed to develop public consultations based on the existence of an urbanism certificate. That is by taking into account the legal requirements: The Order of Ministry of Waters and Water Management no. 860/2002 regarding the procedure for assessing the environmental impact and for issuing the environmental permit (Order no. 860/2002) and Law no. 50/1991 regarding the permitting process of construction, re-published.</p> <p>The urbanism certificate is a document issued and is aimed at having an informative role that informs the applicant on the legal, economical and technical issues related to existing lands and buildings and establishes urbanism requirements and necessary permits for securing construction authorization, pursuant to the provisions of art. 5 of Law no. 50/1991 regarding the authorization of construction works, re-published. The permits and endorsements required for developing projects are included in the legislation governing each of the fields submitted to a permitting procedure (the environmental permit is included in the environmental legislation, the urbanism requirements are included in the urbanism and territorial arrangement legislation); these permits are only mentioned and summarized in the urbanism certificate.</p>
Solution	<p><u>Pursuant to the provision of art. 6(2) of Governmental Decision no. 918/2002 [i] regarding the establishment of the framework procedure of assessing the environmental impact and for the approval of the public or private projects subject to this procedure, the Roşia Montană Project has been considered as a project with significant impact on the environment, a project that will undergo an environmental impact assessment, as this is a mandatory requirement. The Project has been framed as having a significant impact on the environment by taking into account its dimensions and the nature of its activities. These characteristics, based on which its framing has been performed, have no relationship with the urban certificate and its content being under no circumstances altered. At the same time, the fact that an impact assessment is mandatory and required is not based on urbanism certificate and does not result from its content but it is intrinsic related and conditioned by Project's characteristics as proposed by titleholder based on its own plans.</u></p> <p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) applied for and secured an Urbanism Certificate for the entire Roşia Montană. Mining project. The Certificate no.78 was issued by the Alba County Council on April 26, 2006, prior to the initiation of the public consultations process. The public consultations have been initiated in May 2006 when the EIA Report was submitted to the authorities, and in over 48 localities and continued with the public debates initiated on July 24th, 2006 at Roşia Montană.</p> <p>The Urbanism Certificate is available for consultation at the headquarters of the Alba County Council, from 8 – 13 h during business days.</p> <p>Reference: [i] We would like to underline the fact that Governmental Decision no. 918/2002 has been abrogated by Governmental Decision no. 1213/2006 regarding the establishment of framework procedure for assessing</p>

the environmental impact for certain public and private projects, published in the Official Gazette, Part I no. 802 from 25/09/2006 (“Governmental Decision no. 1213/2006”). However, taking into account the provisions of art. 29 of Governmental Decision no. 1213/2006 where it is stipulated: *“The Projects submitted for securing environmental permits at the competent authorities and subjected to an environmental impact assessment, before enforcing this decision will be subjected to the procedure of environmental impact assessment and of issuing the environmental permit that was in force when the application was submitted”*. We would like to state that RMGC’s Projects is governed by the provisions included in the Governmental Decision no. 918/2002.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	212
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_0428

Proposal The questioner wants to know if for PUZ, which has not been approved yet and which solicits one single function of the area, the company has asked for the authorization or the approval of all owners from that particular area, as a PUZ without the approval of owners is illegal.

The Zonal Urbanism Plan (PUZ) for Roşia Montană Industrial Area does not require the approval or consent of the local owners. This urbanism plan identifies the main problems existing within a certain perimeter, proposes solutions for the remediation thereof and indicates the main directions for development of the studied perimeter. Please find below a complete list of the endorsements and approvals necessary for the approval of the Zonal Urbanism Plan:

Solution	1. Roşia Montană Local Council – endorsement
	2. Abrud Local Council – endorsement
	3. Câmpeni Local Council – endorsement
	4. Bucium Local Council – endorsement
	5. Environmental Protection Agency (AGRARO)
	6. Water Management Agency (IPROMIN)
	7. Public Health Inspectorate
	8. County administrator of communication ways – Alba County Council
	9. Administrator of the water distribution networks and sewerage networks – S.C. APA C.T.T.A. ALBA S.A.
	10. Beneficiary of the municipal technical equipment networks – Roşia Montană Commune Town Hall
	11. Administrator of the electric power distribution networks S.C. ELECTRICA S.A.
	12. Administrator of the telecommunications networks S.N. ROMTELECOM S.A. ALBA TELECOMMUNICATIONS DIRECTORATE
	13. Military Fire Brigade
	14. Civil Protection Inspectorate
	15. Ministry of Interior
	16. Romanian Intelligence Service
	17. Ministry of National Defense – U.M. 2515 Bucharest
	18. County Directorate for Religious Affairs and National Cultural Heritage
	19. Ministry of Culture and Religious Affairs
	20. Ministry of Transports, Constructions and Tourism
	21. Technical Urbanism Committee of Alba County Council - endorsement
	22. Alba County Council – approval
	23. Roşia Montană Local Council - approval
	24. Abrud Local Council – approval
	25. Câmpeni Local Council – approval
	26. Bucium Local Council - approval

Please note that the promotion of urbanism documentation in accordance with the laws in force may be initiated by the local administration or the titleholder of an investment, in this case the project proposed by RMGC for the future development of a clearly delimited area, pertaining to the mining perimeter.

At the same time, we would like you to understand that there are mandatory legal provisions limiting the development of projects other than those intended for the exploration and processing of natural resources

in the areas where these have been identified. In this respect, we want to mention the following legal provisions:

- (i) art. 41(2) from the Mining Law no.85/2003 “the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow for carrying out all the operations related to the conceded mining activities”;
- (ii) art. 6(1) from the Governmental Decision 525/1996 for the approval of the General Urbanism Regulation (“GD no. 525/1996”) “the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”;
- (iii) art 4.4 of Local Urbanism Regulation of Roşia Montană governing the 2002 General Urbanism Plan, “the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”.

Consequently, please be so kind and take notice of the fact that all aforementioned legal provisions are applicable to any similar project developed by legal and/or private entities.

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	241																																																										
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_0486																																																										
Proposal	<p>The questioner issues the following remarks, comments and questions: Who are the authors of PUG and PUZ and which is the situation of the approval for these two urbanism plans – which are the permits that they received (registration number, from whom and where they can be consulted), which are the approvals that haven't been acquired yet? Were there any reasons, were there any meetings, and have they been rejected?</p> <p>The General Urbanism Plan (PUG) and the Zonal Urbanism Plan (PUZ) for Roşia Montană Industrial Area have been prepared by S.C. Proiect Alba S.A.</p> <p>Roşia Montană General Urbanism Plan has obtained all the approvals required by the valid legal provisions regarding urbanism.</p> <p>Concerning the Zonal Urbanism Plan, please find below a presentation of the approvals and permits obtained or that have already been applied for. None of the approval/permit applications has been rejected.</p>																																																										
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16. Romanian Intelligence Service	1860/17.07.2006	2656314/17.07.2006	70237/28.07.2006
17. Ministry of National Defense - U.M. 2515 Bucharest	1860/17.07.2006	By mail	D/6218/09.08.2006
18. County Directorate for Religious affairs and National Cultural Heritage	2057/07.08.2006	618/07.08.2006	
19. Ministry of Culture and Religious Affairs			
20. Ministry of Transports, Constructions and Tourism			
21. Technical Urbanism Committee of Alba County Council - approval	Minutes	Submitted through RMGC	
22. Alba County Council - authorization			
23. Roşia Montană Local Council - authorization			
24. Abrud Local Council - authorization			
25. Câmpeni Local Council - authorization			
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Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	257
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_0538
Proposal	The questioner mentions that RMGC needs 205 ha of land in order to carry out this project.
	The 205 ha mentioned in the question represent the maximum footprint of the four open pits: Cârnic, Cetate, Orlea and Jig.
Solution	For the maximum development of the mining operations, <i>i.e.</i> at the end of 16 th year of operation, the land necessary for the development of Roşia Montană mining project is approximately 1250 ha, which is in compliance with the territorial balance presented in Urbanism Certificate no. 78/26.04.2006. The land will be returned to the local community as it is recovered.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	265
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_0553
Proposal	<p>The questioner points out the fact that Rosiamin is the partner of Gabriel Resources in the RMGC project, and the fact that RosiaMin has carried out polluting activities says a lot about this company's credibility. The Romanian Government took the responsibility of the rehabilitation of mining areas within the mine closure program.</p>
Solution	<p>The transfer of Roșia Montană License endorsed through the Governmental Decision no. 458/1999, from National Company of Copper, Gold, Iron Minvest SA Deva (CNCAF Minvest SA) to RMGC has been approved through the National Agency for Mineral Resources (NAMR) Order no. 310/9.10.2000, published in the Official Gazette, Part I no. 504/13.10.2000. Pursuant to the provisions of art. 2 of NAMR Order no. 310/2000, "CNCAF Minvest SA will remain an affiliated company pursuant to the provisions of the license", and will subsequently continue its small scale operations developed within the perimeter covered by the Roșia Montană License.</p> <p>CNCAF Minvest SA – Filiala Roșiamin SA Roșia Montană, a state-owned company has decided to cease its operations developed within Roșia Montană Perimeter, starting with May 16, 2006. A Closure Plan has been developed until now, and has been endorsed in accordance with the regulations in force – Minvest Technical and Economic Committee, the Technical and Economic Committee of the Ministry of Economy and Commerce, environmental permit from Alba Environmental Protection Agency, and the approval from Alba Department of Territory Control for Mineral Resources. Then, the National Agency for Mineral Resources approves the remaining ore reserve and issues the decision for closure of the mine facility. Such decision must be transmitted to the Romanian Government, for the issuance of a Government Decision for closure. After the issuance of the Government Decision and a public debate on the closure project, the necessary funds may be allocated.</p> <p>In accordance with the legal provisions, these works will be financed by the CNCAF Minvest SA and Romanian Government; art. 52(2) of Mines Law no. 85/2003 provides that <i>"the mining activity ceases following a decision issued by competent authority, after conducting an analysis on and acceptance of the closure plan and only after its is put in practice. The decision of conservation/closure of a mine or pit of national mining companies will be endorsed by the Government; <u>conservation/closure will be subsequently financed also from budgetary funds</u>".</i></p> <p>With respect to the technology used by the license affiliate, this cannot be held as proof of its credibility due to the fact that this is a situation common for the mining sector subsidized by the government, as depicted by the Mining Industry Strategy for 2004 – 2010, endorsed through Governmental Decision no. 615/2004, where under Chapter 1 it is stipulated – The analysis of the evolution of mining industry and its current status – Section 1.4 presents – <i>"The status of infrastructure and technology level is mainly characterized by the:</i></p> <ul style="list-style-type: none"> • <i>reduction of the technological level is due to the followings:</i> <ul style="list-style-type: none"> - <i>advance physical wear of mining equipment;</i> - <i>lack of modern equipments necessary for performing preparation and opening works;</i> - <i>elevated risk related to the works developed at working faces;</i> • <i>setbacks in the development of investments made for putting in practice new capacities [...] with implications on production;</i> • <i>abandoned constructions within mining sites, following reduction of the production, personnel, and consequently of the required space;</i> • <i>roads and access routs towards the main sites and auxiliary roads damaged."</i>

With respect to policies and measures taken for eliminating the financial losses of the mining sector, the Strategy promotes the closure of uneconomic mines as a primary measure. Therefore, by the end of 2006, 462 mining sites have been approved to be closed through Governmental Decision [1]. This process will continue throughout 2007 with closing several mines and pits, among which mining activities developed by C.N.C.A.F. Minvest S.A. within Roşia Montană perimeter.

Reference:

[1] Please see “Status of Mines Closures and Environmental Rehabilitation” posted on the official website of Ministry of Economy and Commerce <http://www.minind.ro>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	275
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_0584
Proposal	<p>The questioner points out the fact that this Canadian company has concessions and the mining and exploration license for the Bucium perimeter, a perimeter larger than the one in Rosia Montana. Moreover, its sister company European Gold holds the mining license for Certej, in the South of the Apuseni Mountains, whereas National Agency for Mineral Resources has recently granted the company SC Rom Aur SRL based in Rosia Montana, entirely hold by Gabriel Resources, the mining license for the gold deposit in Baisoara, a famous ski resort, a few km away from Cluj. Thus, a new open-cast mining project is being prepared near the town of Cluj-Napoca, where the cyanide leaching technique will be probably used.</p>
Solution	<p>According to legal requirements, the public may initiate any kind of reasoned proposals regarding environmental impact assessment of the project proposed by titleholder, art. 44(3) Order no. 860/2002 regarding the procedure of assessing the environmental impact and issuing the environmental permit stipulates that <i>"based on the results of the public debates, the competent authority for the environmental protection assesses the reasoned proposals/comments of the public and asks the titleholder to supplement the Report on the Environmental Impact Assessment with an annex that includes solutions for the issues that have been presented"</i>.</p> <p>Although the questioner does not identify and present any issues related to the project initiated by S.C. Roşia Montană Gold Corporation S.A. (RMGC) and subjected to an environmental impact assessment procedure, RMGC would like to bring forth these clarifications as it wants to show its availability to discuss any relevant issues related to the proposed project and operations developed by the company:</p> <p>The statements of the questioner are not accurate. Therefore:</p> <ol style="list-style-type: none"> 1. There are currently several tens of exploration and mining licenses of gold and silver and polimetalliferous ore deposits that have been concluded by the National Agency for Mineral Resources (NAMR) and other several hundreds of active licenses concluded for the exploration and mining of other mineral resources (please see the information presented on the official site of NAMR www.namr.ro, under section "Active Licenses"). The companies from Gabriel Resources Group do not hold any other licenses in Romania except the licenses hold by RMGC (Roşia Montană Mining License no. 47/1999 and Bucium Exploration License no. 218/1999) and Băișoara Exploration License hold by SC Rom Aur SRL. To conclude, any statement regarding the existence of any relationships with other companies holding licenses in Romania is unfounded. 2. Any comparison made between Bucium and Roşia Montană Perimeters is unfounded and unreal due to the fact that these two perimeters and their coordinates are classified information, and consequently inaccessible to the public pursuant to the provisions of NAMR Order no. 202/2003 regarding the endorsement of the classified information of NAMR. <p>Rom Aur S.R.L. has obtained an exploration license for Băișoara perimeter in 2006. However, quantitative and qualitative assessments have not been initiated yet. Therefore, one may not talk about a gold deposit that could be economically developed. Extensive research programs are required before drawing such conclusion. For the time being, the company lacks the data necessary to calculate the resources: such data will be obtained within the next five years. Only then, the company may begin to prepare the pre-feasibility and feasibility documentation (should the results of the works justify such studies), apply for a mining license, which procedure may take several years, and identify the optimum gold mining technologies. We would also like to underline the fact that Cluj-Napoca is located at approx. 120Km from the respective perimeter and any discussion related to the way in which a potential ore deposit may be developed from technical and economical point of view is premature.</p>

Domain	PERMITTING
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_0613
Proposal	<p>There are numerous mistakes in the EIA, and the questioner cannot present them in only 5 minutes. This report is not a coherent document, but a propaganda material. The questioner believes that the Ministry of Environment and Waters Management should call in experts to analyze this EIA Report.</p>
Solution	<p>Since, in the first part, the questioner refers to the presence of so-called mistakes in the EIA, without making any specific references, and in the second part refers to decision-making duties of the public authorities (the Ministry of Environment and Water Management), we underline that the project titleholder may not and does not have the capability to give and answer or make any comment in this respect.</p> <p>Concerning the accuracy of the Report on the Environmental Impact Assessment Study, please note that the structure and content of this report are compliant with the specific requirements of the following legal provisions:</p> <ul style="list-style-type: none"> - Article 3 (1) - (2), 9(1), 10 and Annex 4 of Romanian Government Decision no. 918 of August 22, 2002 [1] regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects subject to this procedure; - The model content of the report presented in Annex 2, Part 2, of Order no. 863/2002 issued by the Minister of Waters and Environment Protection regarding the approval of the Methodological guidelines applicable to the stages of the environmental impact assessment framework procedure, published in the Official Gazette of Romania, Part I, no. 52 of January 30, 2003; - The guidelines regarding the scoping stage of the assessment, attached to note no. 8070/May 24, 2005 transmitted to the Ministry of Environment and Water Management. <p><i>Reference:</i> [1] Romanian Government Decision no. 918/2002 was abrogated by Romanian Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the Official Gazette of Romania, Part I, no. 802 of 25/09/2006. However, taking into consideration the provisions of Article 29 of Romanian Government Decision no. 1213/2006, which stipulate that <u>"the projects transmitted to a competent environmental protection authority for the issuance of the environmental permit, and subject to the environmental impact assessment, before the coming into force hereof, shall be subject to the environmental impact assessment and environmental permitting procedure in force at the time of application"</u>, please note that the provisions of Romanian Government Decision no. 918/2002 are still applicable in the case of RMGC's project.</p>

Domain	PERMITTING
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_0617
Proposal	Has RMGC requested mining licenses for other deposits in the area?
Solution	<p>There is no other license for mining operations. S.C. Roşia Montană Gold Corporation S.A. (RMGC) holds only one mining license, i.e. the Lease License for Mining within the Roşia Montană Perimeter no. 47/1999 ("Roşia Montană Mining License") that was endorsed through the Governmental Decision no 458/10.06.1999.</p> <p>RMGC is also the titleholder of the Exploration License for Bucium Perimeter no. 218/1999 ("Bucium License"), endorsed through the Order of National Agency for Mineral Resources no. 60/17.05.1999. We would like to underline the fact that pursuant to the provisions of art. 17(1), 18(2) lit. a) and 20 of Mines Law no. 85/2003, RMGC as a titleholder is legally entitled to directly secure a Mining License for Bucium Perimeter.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	292
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_0623
Proposal	<p>Why does the representative of the Ministry of Environment and Waters Management sit at the same table as the representatives of RMGC during the public debates? Shouldn't you be seated at different tables? Do you represent the same institution?</p>
Solution	<p>Public consultation and information in the framework of the environmental impact assessment procedure, and here we also include public disclosure of the EIA Report, has been developed in compliance with the following provisions:</p> <ul style="list-style-type: none"> (i) art. 11(2), art. 12 and art. 15 of Governmental Decision no. 918/2002 on establishing the environmental impact assessment framework-procedure and for the endorsement of the list of public or private projects which have been submitted to this procedure ("GD no. 918/2002") [1]; (ii) chapter 3 on the Public information and participation with regard to the environmental impact assessment procedure of ministerial order issued by the Ministry of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and environmental permitting procedures ("Order no. 860/2002"), as well as on the principles established within the framework of the Aarhus Convention on the access to information, public participation in decision-making process and the access to justice in environmental issues [2], but also on the provisions of the Directive no. 85/337/EEC on the environmental impact assessment of the public and private projects. <p>With regard to your statements we mention the followings:</p> <ul style="list-style-type: none"> (i) the relevant legislation in the field does not include provisions with regard to certain specific methods related to the distribution and arrangement of the participants in the meeting room, namely the project's titleholder, the competent authorities and stakeholders. (ii) according to the provisions stipulated by art. 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." <p>Given this context, we kindly ask you to take notice of the fact that, as there are no limitations stipulated in the legal provisions in force, regarding the arrangement of participants in the meeting rooms where the public debates take place, we underline the fact that RMGC has focused on the best public disclosure as far as the project initiated by RMGC was concerned, taking notice of all issued stated by the public and identification of valid solutions for all potential matters.</p> <p>References:</p> <p>[1] <i>We underline the fact that GD no. 918/2002 abrogated by the GD no. 1213/2006 regarding the framework-procedure for assessing the environmental impact of certain public and private projects, published in the Official Gazette, Part 1, no. 802/25/09/2006 ("GD no. 1213/2006"). However, considering the provisions of art. 29 of GD no. 1213/2006 where it is underlined the fact that "<u>Projects submitted to a competent authority for environmental protection in order to secure the environmental permit and to assess the environmental impact, before the present decision is enforced, they must subjected to the environmental impact assessment procedure and issuance procedure of the applicable environmental permit when the application has been submitted</u>" we underline the fact that as far as the RMGC Project is concerned the provisions of GD 918/2002 are still valid.</i></p> <p>[2] <i>Directive 85/337/EC was amended and supplemented by Council Directive 97/11/EC published in the Official Journal of the European Communities (OJCE) no. L 73 of March 14, 1997, and Directive 2003/35/EC providing for public participation in respect of drawing up of certain plans and programs relating to the environment, and amending with regard to public participation and access to justice, Council directives 85/337/EEC and 96/61/EC, published in the Official Journal of the European Union (OJEU) no. L 156 of June 25, 2003.</i></p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	317
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_0667
Proposal	<p>The questioner is indignant that the project was initiated before the company obtained all the necessary permits.</p>
Solution	<p>The Roşia Montană mining project may not begin without the construction authorization and the permit issued by the National Agency for Mineral Resources.</p> <p>Until present, only the preliminary activities related to the Roşia Montană mining operations have been carried out:</p> <ul style="list-style-type: none"> - geological research 1997 – 2006; - baseline studies 1999 – 2006; - archaeological discharge research 2000 – present; - feasibility and general design studies 2001 – present; - EIA report development 2003 – 2006. <p>The detail design will be prepared during the next stage. All preliminary activities have obtained the necessary permits and approvals, in accordance with the legal provisions in force, and all related duties have been paid.</p> <p>Roşia Montană Project began in 1997, through the initiation of geological exploration programs, consisting in mapping, underground and surface probing, drilling works, chemical tests, geophysical measurements, land surveys, metallurgical tests, geotechnical drilling programs, etc. All these programs have been conducted based on annual permits issued by the National Agency for Mineral Resources for the work programs prepared by RMGC.</p> <p>The works that required construction authorizations, such as drillings, have obtained the necessary approvals for each program, from Alba County Council, including: environmental permits, agreements for temporary change of land use, land owners' consent, permits issued by the Roşia Montană or Abrud Town Halls, network administrators' approvals, road administrators' approvals, permits issued by the Romanian Waters National Administration, etc. All of these permits and approvals are available for examination in RMGC's archive or at the headquarters of the issuing authorities.</p> <p>Concerning the town planning documentation and the EIA Report, they have been subject to an extensive procedure of public consultations and debates, carried out throughout a period of several months, at 16 locations in România and in Hungary. During the public consultation process, the interested parties have had the possibility to express their standpoints and contribute to the improvement of the Roşia Montană Project.</p> <p>The archaeological research programs have been approved by the Ministry of Culture and Religious Affairs, being prepared by a team whose members came from 11 museums from all over the country, coordinated by the Romanian National Museum of History.</p>

Domain	PERMITTING
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_0700
Proposal	Are the commitments assumed by the company on environmental protection issues included in an internationally acknowledged agreement? If so, where is this document and why isn't it made available to the public, to those who are directly impacted by this project?
Solution	After the independent experts conducted the EIA and prepared the report on the environmental impact assessment study, Roşia Montană Gold Corporation (RMGC) prepared detailed operation and management plans for various types of works included in the project, contained in 13 volumes. All the commitments included in these plans will be incorporated in a monitoring report, which will be audited on a regular basis, both by the financial bodies financing the project, and by independent auditor teams, as part of the environmental management system (EMS) to be implemented by RMGC. The annual report regarding the monitoring of environmental performances, which is part of the EMS, will be made available to the public and to the regulatory authorities.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	339
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_0711
Proposal	How does RMGC plan to monitor the activities performed in Rosia Montana during the lifetime of the project?
Solution	<p>Throughout the term of execution of the Roşia Montană investment, the competent authorities (the National Environmental Guard, acting through its subordinated structures) have the obligation to verify, through periodical inspections, the compliance with all the requirements of the environmental permit, by periodic inspections. In this respect, we mention the provisions of art. 53 of Order no. 860/2002 issued by the Ministry of Waters and Environmental Protection on the procedures governing the approval of the environmental impact assessment and the issuance of the environmental permit ("Order 860/2002"): <i>"Competent public authorities for environmental protection have the duty to continuously update the site file which exists at their headquarters together with the official reports of inspection, and which have been filled in upon the controls conducted during the operation stage of the respective investment. Upon completion of operation works, the competent public authority for environmental protection conducts a specific control in order to verify if all conditions imposed by the environmental permit/ integrated permit are met. The observation official report established during this stage is going to be accompanied by the official acceptance report for the works developed for the respective investment."</i></p> <p>During the entire operation period, the facility will be monitored by the competent authority (the environmental authorities and the National Environmental Guard, acting through its subordinated structures, the local structures of the "Romanian Waters" National Administration). The monitoring activity will consist in the analysis of the monitoring reports transmitted by the project titleholder, and regular inspections, planned based on the requirements included in the integrated environmental permit, which has to be obtained by the project titleholder before commissioning the facility.</p>

Domain	PERMITTING
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_0742
Proposal	<p>The questioner makes the following comments and addresses the following questions: The questioner wants the project titleholder to tell him whether SANTEC is a company certified by the Ministry of Environment to prepare impact assessment studies and, if it is not a certified company, why is it listed among the authors of the biodiversity baseline report?</p>
Solution	<p>According to the provisions of Order no. 978/2003 issued by the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for the certification of natural and legal persons preparing environmental impact assessment studies and environmental balances ("Order 978/2003") the liability for the development of the environmental impact assessment study and for the accuracy of the information presented within the Report on the Environmental Impact Assessment study lies with the experts that have been certified by the Ministry of Environment and Water Management.</p> <p>We underline that the Biodiversity Baseline Report, has been prepared, based on the information secured by the project's titleholder, by the Forests Research and Development Institute (FRDI) and Integration Support Unit (ISU); these are companies that are certified to develop the environmental impact assessment study, issued by the Ministry of Environment and Water Management.</p> <p>Concurrently, according to the Order 978/2003, the project titleholder is responsible for the accuracy of information provided to the certified experts for the development of the environmental impact assessment study.</p> <p>The biodiversity baseline studies initiated by the titleholder in 1999, under the supervision of Knight Piesold. During the period 2000-2006, STANTEC has involved several teams of Romanian experts in the preparation/revision/completion of the biodiversity baseline studies. The first version of the study was drafted under the supervision of STANTEC (a multinational company based in Canada, specialized in environmental impact assessment studies (see www.stantec.com). The company was established in 1954 and offers a wide range of services, including design, ecological restoration, project management, etc. It has more than 6000 employees and 80 offices/work points in North America and the Caribbean.</p> <p>From the very beginning, STANTEC employed Romanian experts, who collaborated in the preparation and gathering necessary information of the biodiversity baseline reports (Călin Hodor - biologist, Mircea Gomoiu - academician, Dr. Mihai Vălcu - biologist, Virgil Iordache - biologist).</p> <p>Details related to the companies involved in the impact study may be found at the beginning of the Non-technical summary. The 5 pages presenting all the organizations involved in the study contain company names, the names of their representatives and web page.</p>



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Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	371
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_0757

Proposal	Why was the law violated, and the impact assessment study fails to take into consideration the urbanism certificate issued by the Alba County Council?
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Your conclusions regarding the failure to comply with the law and the fact that the environmental impact assessment does not take into account the urbanism certificate are not grounded and do not specifically refer to any supposed breaches of the law. Despite it, as SC Roşia Montană Gold Corporation SA wishes to clarify any eventual issue which may throw doubt upon the lawfulness of the procedure undertaken, we would like to make the following comments:

The procedure referring to the environmental permitting process for Roşia Montană Project started up on the 14th December 2004 by submitting the Technical Memorandum and the urbanism certificate no.68/26th August 2004 (certificate applicable by that time) SC Roşia Montană Gold Corporation SA (RMGC) applied for and obtained from Alba County Council a new urbanism certificate no.78/26th.04.2006 for the entire Roşia Montană Project which was applicable on the date of the EIA Report submission (15th May 2006) and prior to the start up of the public debate (June 2006)

The section 1 of the Urbanism Certificate no.78 of 26th 04.2006 entitled Work construction, position 10 – “Processing plant and associated constructions“ – including the tailing management facility which existence is compulsory for the processing plant running. The Tailing management facility is also specified on the layout plans which are integral part of the urbanism certificate and they were sealed by Alba County Council so that they cannot be modified.

Solution The urbanism certificate is an informative document and its goal is only to inform the applicant about the legal, economic and technical regime of the existing lands and buildings and to establish the urbanism requirements and the approvals necessary to obtain the construction permit (including the environmental permit) as per art. 6 of Law 50/1991 referring to the completion of construction works, republished and art 27 paragraph 2 of the Norms for the application of Law 50/1991 – Official Journal 825 bis/13.09.2005).

The environmental impact assessment identifies, describes and evaluate the direct and indirect environmental impact of a project (on human beings, soil, air, water) as indicated in the Government Decision 918/2002 [1] referring to the establishment of the frame procedure of the environmental impact assessment and for the approval of the list containing the public or private projects which are subject to the said procedure (“GD 918/2002).

The approvals and permits necessary to carry out a project are provided by the laws governing each permitting domain (the environmental permit is provided by the legislation referring to the environment protection, the urbanism requirements are regulated by the urbanism and territorial planning laws), **these permits and approvals being only mentioned in the urbanism certificate contents.**

Reference:

[1] It is to be noted that the Government Decision 918/2002 was abrogated through the GD no. 1213/2006 referring to the establishment of the fra,me procedure for the environmental impact assessment for certain public or private projects published in the Romanian Official Journal , Part I no. 802 of 25/09/2006 (“GD no. 1213/2006”).

However taking into account the provisions of the art.29 of the GD no. 1213/2006 where it is mentionned that “The Projects submitted to an authority competent in the field of environmental protection in

order to obtain the environmental permit and subject to the environmental impact assessment, prior to the present decision enforcement , have to undergo the the environmental impact assessment and environmental permitting procedures applicable at the time of the application submission” it is to be noted that RMGC Project is still subject to the provisions of the GD 918/2002.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	373
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_0767
Proposal	<p>The speaker says that RMGC claims that the urbanism certificate is not necessary in order to obtain the building permit, although – based on the urbanism certificate – it is clear that the company is unable to build what it has promised. The speaker wants to ask the project titleholder if it intends to build the facilities without a permit. In case there is an urbanism certificate, does it stipulate the construction of the tailings management facilities?</p>
Solution	<p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) has committed to comply with the intrinsic legal requirements of the national legislation and with the provisions stipulated by European Union and World Bank, and it has no intention to begin the construction without having a valid authorization.</p> <p>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, which also includes the tailings management facility.</p> <p>According to the laws in force, the procedure related to the issuance of a construction authorization begins with the issuance of a valid urbanism certificate. This certificate is practically a list of all approvals and/or permits and authorizations that RMGC is required to obtain in order to be able to apply for the construction authorization.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	377
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_0775
Proposal	Many of the 3,500 pages of the EIA are repetitions, useless repetitions of the data presented in various volumes. For example: volume 13 contains the same information like volumes 4 and 27, and volume 4 is included in volume 27.
Solution	<p>SC Roşia Montană Gold Corporation SA (RMGC) has committed to comply with the Romanian laws, the European Union directives, and international guidelines and recommendations. Thus, the repetition of information in the Report on the Environmental Impact Assessment Study (EIA) is due to the fact that the documentation submitted to the Ministry of Environment and Water Management contains, in addition to the requirements of Romanian laws, also the baseline reports (containing monitoring data from the period 1999 – 2006) and the management plans prepared as part of the EIA process.</p> <p>Consequently, the design criteria have taken into consideration the best available techniques and practices in the field (BAT – Best Available Techniques and BMP – Best Management Practices).</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	377
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_0776
Proposal	<p>The environmental impact assessment study is illegal. It does not clearly indicate the authors of its chapters, it does not state who will be liable for the environmental impact assessment study. This study is signed by its beneficiary. The report includes detailed baseline analyses, however, when the impact is assessed, the general conclusion is that such impact is not significant, and it occurs only at a local level. Consequently, the measures and recommendations for impact mitigation are incorrect, incomplete and inefficient.</p> <p>According to the legal requirements in force, the environmental impact assessment for the Roșia Montană mining project was conducted by “natural and legal persons independent of the project [...] titleholder” and “certified by the competent environmental protection authority” [1].</p> <p>The law does not stipulate the obligation to specify the authors’ participation in drafting the EIA chapters. In accordance with the legal provisions in force [2], the Report on the Environmental Impact Assessment Study contains in Chapter 1. <i>General Information</i>, Section 2 – contact data of the certified authors of the environmental impact assessment study and of the related report, and this information is briefly presented also in Chapter 9. <i>Non-Technical Summary</i>.</p> <p>Since June 2004, the legal provisions in force stipulate that certified experts are no longer required to sign the Report on the Environmental Impact Assessment Study (or “parts” thereof).[3]</p> <p>“The liability for the accuracy of the information supplied to the competent authorities for environmental protection and to the public belongs to the project [...] titleholder”, and the liability for the accuracy of the environmental impact assessment belongs to its authors [4], i.e., in the case of the team of certified experts, to the “natural persons certified at the highest level of competence” and “certified legal persons”[5], that participated in the environmental impact assessment based on the agreement concluded with the project titleholder.</p>
Solution	<p>In other words, and taking into account the fact that you state that the Report on the Environmental Impact Assessment Study is illegal, please take notice of the following aspects:</p> <p>According to art. 44(1) of the Ministerial Order no. 860/2002 issued by the Ministry of Waters and Environmental Protection on the Environmental Impact Assessment and on environmental permit issuance procedures (“Order no.860/2002”) “<i>during the public consultation, the titleholder [...] brings arguments to the justified proposals of the public which have been submitted in written form before the respective public debate</i>”.</p> <p>Concurrently, art. 44(3) of Order no. 860/2002 stipulates that “<i>based on the results of the public debates, the competent authority for the environmental protection assesses the reasoned proposals/comments of the public and asks the titleholder to supplement the report on Environmental Impact Assessment with an annex that includes solutions for the issues that have been presented</i>”.</p> <p>Furthermore, considering the relevant legal provisions in the field, we underline the fact that the only relevant authority which can contest the legal character of the Environmental Impact Assessment Study is the Court of Law.</p> <p>References:</p> <p>[1] In accordance with the provisions of Article 21(1), letter (a) of Government Emergency Ordinance no.</p>

195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part 1, no. 1196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, Part 1, no. 586 of July 6, 2006.

[2] Annex 2, part 2, of Order no. 863/2002 of the Minister of agriculture, forests, waters and environment, regarding the approval of the Methodological guidelines applicable to the stages of the environmental protection assessment procedure, published in the Official Gazette of Romania, Part 1, no. 52 of January 30, 2003.

[3] The provision regarding the liability for the “quality of the studies and reports prepared”, entailed “under the signature” of the **coordinating expert**, stipulated in Article 5(2) of Order no. 978/ December 2, 2003 of the Minister of Agriculture, Forests, Waters and Environment (published in the Official Gazette no. 3 of January 5, 2004) **has been deliberately abrogated** by art. 1(1), position 2 of Order no. 97/May 18, 2004 of the Minister of Agriculture, Forests, Waters and Environment (for the amendment and supplementation of Order no. 978/2003 of the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for the certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004).

[4] Article 21(4) of Government Emergency Ordinance no. 195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part 1, no. 1196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, Part 1, no. 586 of July 6, 2006.

[5] According to Article 5 of Order no. 97/May 18, 2004 of the Minister of Agriculture, Forests, Waters and Environment, for the amendment and supplementation of Order no. 978/2003 of the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for the certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	378
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_0777
Proposal	The questioner represents the Romanian Ecologist Party and makes the following suggestions: The environmental impact assessment report submitted by the Rosia Montana Company should be audited by internationally recognized foreign experts, who have been confronted with the same problems in the past. The result of this audit should be made public.
Solution	In accordance with the Romanian – Hungarian bilateral protocol, the mixed committee has required a group of 6 independent experts to analyze the EIA Report for the Roşia Montană Project. The document has been made public and may be accessed on the web page of the Ministry of Environment and Water Management – www.mediu.ro . Therefore, the specific legal provisions stipulating that the competent environmental authority may consult the opinion of independent experts on the EIA Report, have been complied with.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	378
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_0778
Proposal	<p>The report on the environmental impact assessment study should be audited by the Romanian Parliament, through its specialized committees, and the results of this audit should be discussed in Parliament. The results of this audit should be made public.</p>
Solution	<p>Please be advised that pursuant to the provisions of art. 11(1) of the Governmental Emergency Ordinance no. 195/2005 regarding the environmental protection ("GEO no. 195/2005") <i>"it is mandatory to apply for and secure environmental permits for public and private projects or to alter or extend existing activities, including for decommissioning projects that may have a potential impact on the environment"</i>.</p> <p>The titleholder of the project will prepare a Report on the Environmental Impact Assessment (EIA) Study, which will be disclosed to the stakeholders that are entitled to issue reasoned proposals on this matter.</p> <p>The analysis of the EIA is conducted by competent environmental public authorities together with the Technical Analysis Committee based on the options regarding the application of the project and the reasoned assessment of public's proposals (art. 2 together with art. 45 of the Order issued by the Ministry of Environment and Water Management no. 860/2002 regarding the procedure for assessing the environmental impact and issuing the environmental permit "Order no. 860/2002").</p> <p>Existing legislation regarding the permitting process for this type of activities does not require that the issuance of the environmental permit be subject to debate by the Romanian Parliament.</p> <p>Under the Emergency Ordinance no. 195/22.12.2005, Art. 19 – The environmental permit and the environmental authorization/integrated environmental authorization for mining activities using hazardous substances in their processing and concentration operations, for production rates exceeding 5 million tons/year and/or if the project surface exceeds 1,000 ha, will be issued by means of a Governmental Decision, based on the recommendation of the central public authority for environmental protection.</p> <p>The Ministry of Environment and Waters Management plays a key part in coordinating the permitting process from the environmental protection point of view. But, the final decisions will be made by the Romanian Government.</p> <p>Due to the fact that: (i) relevant legal requirements exhaustively establish the competence of competent authorities to conduct an impartial analysis of the EIA Report and (ii) the right of stakeholders to issue objections on the report is warranted by the law and RMGC observes this requirement, we believe that your proposed alternative is actually a derogation from the legal requirements, which cannot be accepted by the titleholder unless the legal framework will stipulate the duty for the titleholder to proceed on this matter.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	378
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_0779
Proposal	<p>The environmental permit should not be issued by the Ministry of Environment and Water Management, or the Government but rather, as much as possible, this decision should reflect the outcome of the parliamentary debates.</p>
Solution	<p>Please be advised that pursuant to the provisions of art. 11(1) of the Governmental Emergency Ordinance no. 195/2005 regarding the environmental protection ("GEO no. 195/2005") <i>"it is mandatory to apply for and secure environmental permits for public and private projects or to alter or extend existing activities, including for decommissioning projects that may have a potential impact on the environment"</i>.</p> <p>The titleholder of the project will prepare a Report on the Environmental Impact Assessment (EIA) Study, which will be disclosed to the stakeholders that are entitled to issue reasoned proposals on this matter.</p> <p>The analysis of the Report on EIA Study is conducted by competent environmental public authorities together with the Technical Analysis Committee based on the options regarding the application of the project and the reasoned assessment of public's proposals (art. 2 together with art. 45 of the Order issued by the Ministry of Environment and Water Management no. 860/2002 regarding the procedure for assessing the environmental impact and issuing the environmental permit "Order no. 860/2002").</p> <p>Existing legislation regarding the permitting process for this type of activities does not require that the issuance of the environmental permit be subject to debate by the Romanian Parliament.</p> <p>Under the Emergency Ordinance no. 195/22.12.2005, Art. 19 – The environmental permit and the environmental authorization/integrated environmental authorization for mining activities using hazardous substances in their processing and concentration operations, for production rates exceeding 5 million tons/year and/or if the project surface exceeds 1000 ha, will be issued by means of a Governmental Decision, based on the recommendation of the central public authority for environmental protection.</p> <p>The Ministry of Environment and Waters Management plays a key part in coordinating the permitting process from the environmental protection point of view. But, the final decisions will be made by the Romanian Government.</p> <p>Due to the fact that: (i) relevant legal requirements exhaustively establish the competence of competent authorities to conduct an impartial analysis of the EIA Report and (ii) the right of stakeholders to issue objections on the report is warranted by the law and RMGC observes this requirement, we believe that your proposed alternative is actually a derogation from the legal requirements, which cannot be accepted by the titleholder unless the legal framework will stipulate the duty for the titleholder to proceed on this matter.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	387
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_0801
Proposal	How did RMGC influence the conclusions presented by the experts who prepared the EIA?
	<p>S.C. Roşia Montană Gold Corporation S.A. (RMGC) is committed to comply with the Romanian and European Union legislation. Therefore, we assure you that RMGC has not influenced in any way the environmental impact assessment study. On the contrary, we can say that, in this case, the environmental impact assessment study has influenced the initial plans of RMGC, as project titleholder.</p> <p>In accordance with the legal provisions in force, the project titleholder has the obligation to bear all the expenses related to the environmental impact assessment [1], to supply the necessary information to the experts and undertake responsibility for the accuracy of the information supplied for the preparation of the environmental impact assessment [2]. The information supplied by the project titleholder is technical and refers to the nature, size and location of the project [3]. The conclusions of the environmental impact assessment study have lead to the modification of the initial project proposal, for the purpose of reducing/minimizing the environmental impact.</p> <p>According to the legal provisions, the liability for the accuracy of the environmental impact assessment belongs to its authors [4], i.e., in the case of the team of certified experts, to the natural persons certified at the highest level of competence and certified legal persons [5], employed under an agreement by the titleholder of the activity.</p> <p>References:</p> <p>[1] Article 21(3), letter (a) of Government Emergency Ordinance no. 195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part 1, no. 1196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, Part 1, no. 586 of July 6, 2006.</p> <p>[2] Article 5(1) of Order no. 978/2003 of the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for the certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004.</p> <p>[3] Art. 4(2) of Government Decision no. 1213 of September 6, 2006 on the establishment of 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.</p> <p>[4] Article 21(4) of Government Emergency Ordinance no. 195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part 1, no. 1,196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, Part 1, no. 586 of July 6, 2006.</p> <p>[5] Article 5(2) of Order no. 978/2003 of the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for the certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004.</p>
Solution	

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	389
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_0813
Proposal	<p>There are incompatibilities regarding the authors of various studies and their positions held at the time when the study was prepared. For example, the risk report was prepared under the guidance of Mr. Florea Gabrian, former general director at the Ministry of Environment and Water Management, although he is not allowed to be an author / coordinator, because of the incompatibility with the status of former public officer, even if he is now employed with the World Bank.</p> <p>In regards with your comments we would like to underline the following:</p>
Solution	<p>The safety report drawn up in accordance with the provisions of the Government Decision 95/2003 regarding the activities with major accidents risks involving the use of poisonous chemicals. Was completed by a team headed by Prof. Alexandru Ozun from SC Ocon Ecorisc S.R.L. which company signed a contract in the project holder for the drafting of the safety report.</p> <p>We want to underline also that the project holder had no contracting relation with Mr. Florea Gabrian and thus, in the light of the applicable law provisions, there is no incompatibility to be alleged here.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	424
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_0908
Proposal	<p>The questioner makes the following comments and addresses the following questions: the first Urbanism Certificate no. 68 issued on August 26th, 2004 was suspended, and the second Urbanism Certificate no. 78 issued on April 26th, 2006, issued by the Alba County Council, does not stipulate the existence of the dam and tailings management facility. We are discussing a project which includes the tailings management facility; therefore the entire permitting procedure should be rejected and suspended.</p> <p>Your conclusion regarding the rejection of the application for the environmental permit issue based on the fact that the urbanism certificate does not specify the existence of a tailing management facility is neither correct and nor legally grounded</p> <p>For better understanding the applicable law provisions and the facts developed within Roşia Montană Mining Project area we would like to make several comments:</p> <p>The environmental permit issuing procedure for Roşia Montană Project started on 14th December 2004 by submitting the Technical Memorandum and urbanism certificate no. 68 of August 26, 2004, (applicable by that time). Roşia Montană Gold Corporation (RMGC) applied for and obtained a new Urbanism Certificate, certificate no. 78/26.04.2006, issued by the Alba County Council, for the entire Roşia Montană Mining Project and applicable on the date of the EIA Report submission (15th May 2006) and prior to the public debates (June 2006).</p>
Solution	<p>Urbanism Certificate no. 78 of 26.04.2006 stipulates, under Section 1. <i>Construction Works</i>, point 10 – “<i>Processing plant and associated constructions</i>” – including, under associated constructions category, the tailings management facility which existence is compulsory for the processing plant running. The TMF is also specified on the layout plans which are integral part of the urbanism certificate, and which were endorsed by Alba County Council for proof of non- alteration.</p> <p>The Urbanism Certificate is an informative document and its goal is only to inform the applicant about the legal, economic and technical regime of the existing lands and buildings and to establish the urbanism requirements and the approvals necessary to obtain the construction permit (including the environmental permit) as per art.6 of Law 50/1991 referring to the completion of construction works, republished and art 27 paragraph 2 of the Norms for the application of Law 50/1991 – Official Journal 825 bis/13.09.2005).</p> <p>As it is an informative document, the laws do not restrict the number of urbanism certificates an applicant can obtain for the same land plot (art. 30 Law 350/2001 referring to the urbanism and territorial planning).</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	424
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_0909
Proposal	<p>Not all the persons and institutions that participated in the environmental impact assessment are authorized for such assessment and included on the list of natural persons and legal entities holding a certificate attesting to their authority to prepare the environmental impact assessment study, certificate issued by the Ministry of Environment and Water Management.</p>
Solution	<p>The EIA was prepared and undertaken by experts certified according to the laws in force. Considering the provisions of Annex no.2, Part 2 of Order no. 863/2002 of the Ministry of Waters and Environmental Protection on the endorsement of applicable methodological guidelines for the framework-procedure for environmental impact assessment ("Order no. 863/2002"), RMGC has presented in Chapters 1 (<i>General Information</i>) and 9 (<i>Non-Technical Summary</i>) of the Report on Environmental Impact Assessment Study the organizations and persons certified by the Ministry of Environment and Water Management (with contact details and certificate number).</p> <p>The baseline reports and management plans submitted together with the Report were prepared with the support of specialized consultants and, according to the legal provisions, no certification by the Ministry of Environment and Water Management is required for this type of studies, plans and/or reports.</p> <p>Moreover, according to the provisions of art. 21(4) of Governmental Emergency Ordinance no. 195/2005, on environmental protection ("GEO no. 195/2005") and the provisions of art. 5(1) of the Order that has been issued by the Ministry of Agriculture, Forests, Waters and Environment no. 978/2003 on the approval of the Regulations for the certification procedure for natural and legal persons preparing environmental impact assessment studies and environmental balances ("Order no. 978/2003") (the liability for the accuracy of the information provided for the competent authorities for the environmental protection and public lies with the titleholder of the project, and the experts who have conducted the environmental assessment are responsible for the accuracy of the assessment).</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	425
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_0919
Proposal	<p>Given this precedent, what guarantees do we have that this has not happened with all the chapters of the EIA, considering that most of them are unsigned, thus casting doubt upon the entire environmental impact assessment study?</p>
Solution	<p>The environmental impact assessment for the Roşia Montană mining project was conducted by “natural and legal persons independent of the project [...] titleholder” and “certified by the competent environmental protection authority” [1]. “The liability for the accuracy of the information supplied to the competent environmental protection authority and to the public belongs to the project [...] titleholder”, and the liability for the correctness of the environmental impact assessment belongs to its authors [2].</p> <p>The list of certified natural and legal persons that participated in the preparation of the report on the environmental impact assessment study was presented in Chapters 1 (<i>Introduction</i>) and 9 (<i>Non-Technical Summary</i>). A list of non-certified natural and legal persons that assisted the certified authors was attached to the list of certified natural and legal persons involved in the preparation of the report on the environmental impact assessment study, as proof of the recognition of their effort. However, “natural persons certified at the highest level of competence” and “certified legal persons” that participated in the environmental impact assessment based on the agreement concluded with the project titleholder will be responsible for the environmental impact assessment and correct interpretation of the information presented in the report.[3] The assistant consultants will not be responsible for this. Consequently, the decision regarding the selection and use of information supplied by the assistant consultants also belongs to the certified experts.</p> <p>Moreover, we would like you to take notice of the fact that, legal provisions according to which “<i>coordinating experts must have the highest level of competence and are liable, under signature, with the quality of the studies and reports they have conducted</i>” have been expressly abrogated through art. 1 of Order no. 97/18.05.2004 of the Ministry of Agriculture, Forests, Waters and Environment (for the amendment and adjustment of the Order 978/2003 issued by the Ministry of Agriculture, Forests, Waters and Environment (“Order no. 978/2003”)) on the Regulations for certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504/04.06.2004).</p> <p>In its current shape, art. 1 of Order no. 978/2003 stipulates: “the liability for the preparation of Environmental Balances/Environmental Impact Assessment Studies and for the accuracy of the interpretation of the presented information lies with the natural person having the highest level of competence and/or with the certified legal person”. Consequently, we would like to underline the fact that signing the Report on Environmental Impact Assessment Study (or “parts” thereof) by certified experts is not a legal requirement.</p> <p>References:</p> <p>[1] According to the provisions of Art. 21 letter (a) of Emergency Government Ordinance no. 195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part I, no. 1.196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, Part I, no. 586 of July 6, 2006., (“EGO no. 195/2005”).</p> <p>[2] Idem 21(4) of EGO no. 195/2005.</p> <p>[3] According to Article 1 of Order no. 97/May 18, 2004 of the Minister of Agriculture, Forests, Waters and Environment, for the amendment and supplementation of Order no. 978/2003 of the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	446
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_0948
Proposal	The questioner wants to know whether the company is confident of obtaining all the necessary permits from the competent institutions, given the fact that a considerable amount of money has been invested so far.
Solution	<p>Any mining project implies a huge consumption of resources, including financial resources. Every shareholder who decides to invest money in a mining project is fully aware of the risks he/she takes when making this decision. No one can say for sure from the very beginning whether the environmental agreement will be issued or not.</p> <p>In this case, we have tried to conceive and develop a project consistent with the best available techniques as well as with the Romanian, European and international recommendations. The process of environmental impact assessment has reached its final stage, and very soon, the competent authorities will have to assess the quality of the EIA as well as the solutions submitted by the project titleholder in response to the questions raised by the concerned public during the public consultation and disclosure stage.</p> <p>We are convinced that all these aspects will have a say in the final decision. This final decision lies entirely with the Romanian authorities and, according to the legislation in force; it will be issued by means of a Government Decision.</p>

Domain	PERMITTING
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 unique code	MMGA_0956
Proposal	<p>The questioner wants an explanation for the fact that the project entered the public debate stage before the opinions of the experts in the country were made public. He believes that the Ministry's position on the issue should have been made public long time ago.</p>
Solution	<p>Public consultation and information in the framework of the environmental impact assessment procedure, and here we also include public disclosure of the EIA, has been developed in compliance with the following provisions:</p> <p>(i) art. 11(2), art. 12 and art. 15 of Governmental Decision no. 918/2002 on establishing the environmental impact assessment framework-procedure and for the endorsement of the list of public or private projects which have been submitted to this procedure ("GD no.918/2002")[1];</p> <p>(ii) chapter 3 on the Public information and participation with regard to the environmental impact assessment procedure of ministerial order issued by the Ministry of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and environmental permitting procedures ("Order no. 860/2002"), as well as on the principles established within the framework of the Aarhus Convention on the access to information, public participation in decision-making process and the access to justice in environmental issues [2], but also on the provisions of the Directive no. 85/337/EEC on the environmental impact assessment of the public and private projects.</p> <p>When such a complex project gets to the stage of public debate stage, the project titleholder is the most interested in having its project treated in a serious and responsible manner. In this respect, RMGC has fully complied with the provisions of the relevant legislation in force related to the liabilities of the titleholder of such a project.</p> <p>Therefore, we underline the followings:</p> <p>"Article 39 – (1) Once the environmental impact assessment is completed and the report on the environmental assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the public with the following information, at least 30 working days prior to the date set for the public debate meeting (in accordance with the provisions of article 35, paragraphs (1) and (2)):</p> <ol style="list-style-type: none"> a). Date and place of the public debate; b). Date and place where the report on the environmental impact assessment study will be made available for consultation; c). Address of the public authority for environmental protection where well-grounded public proposals with regard to the report on the environmental impact assessment study should be transmitted. <p>- (2) The announcement regarding the public debate shall also be posted on the websites of the competent authority for environmental protection and of the environmental protection authorities of the territorial units where the interested public resides, in accordance with the provisions of paragraph (1)".</p> <p>"Article 44 - (1) During the public debate meeting, the project titleholder shall present the project proposal and the assessment made in the environmental impact assessment study and shall answer the public's questions. The project titleholder shall also respond with arguments to the well-grounded public proposals received in writing prior to that meeting.</p> <p>- (2) The competent authority for environmental protection shall record on the form enclosed in Annex IV.1 all the well-grounded public proposals, made during the meeting as well as the proposals received before the public meeting.</p> <p>References:</p> <p>[1] We underline the fact that GD no. 981/2002 has been abrogated by GD no.1213/2006 on the</p>

establishment of 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 ("GD no.1213/2006"). However, taking into account the provisions of art. 29 of GD no. 1213/2006 where it is stipulated the fact that "the projects submitted to a competent authority for environmental protection, in order to secure the environmental permit and follow the environmental impact assessment and environmental permitting procedures in force when the application was submitted", we mention the fact that as far as the RMGC project is concerned the provisions of GD no. 918/2002 are still valid.

[2] Aarhus Convention has been ratified by Romania through Law no. 86/2000, for the ratification of the Convention on public access to information, public participation in decision-making process and the access to justice on environmental related issues. This convention has been signed at Aarhus on 25th of June, 1998.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	467
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_0997
Proposal	<p>The questioner asks for information on the PUG approved for Roşia Montana, which makes it impossible to build new houses in the area.</p> <p>A General Urbanism Plan for the entire Roşia Montană settlement was prepared in 2002. This Plan stipulates urban-planning regulations for all 16 villages included in the commune, and for a protected area including historical buildings. The mining project proposed by Roşia Montană Gold Corporation (RMGC) occupies only 25% of Roşia Montană Commune territory, and impacts only 4 of the 16 villages of the commune. Therefore, the interdictions to build certain facilities, other than industrial facilities, apply only to this part of the territory. The remaining 75% of the Roşia Montană Commune is not subject to any interdictions generated by the mining project. We consider it is a misunderstanding to state that the General Urbanism Plan is limited only to the mine facility development, due to the fact that any other type of activity may be developed in the remaining land, which represents the majority of the total area.</p> <p>The General Urbanism Plan has been subject to public debates, for almost six months, when all interested persons have been able to express their opinion regarding the development opportunities of the Roşia Montană commune.</p> <p>After the completion of the public participation stage, the General Urbanism Plan has obtained all necessary approvals from the competent ministries, from Alba County Council, the Urbanism Committee, Alba Environmental Protection Agency, the network operators and the final approval of Roşia Montană Local Council.</p>
Solution	<p>Moreover, we would like you to take notice that there are mandatory legal provisions limiting the development of projects other than those intended for the exploration and processing of natural resources in the areas where these have been identified.</p> <p>In this respect, we want to mention the following legal provisions:</p> <ul style="list-style-type: none"> (i) art. 41(2) from the Mining Law no.85/2003 “the County Councils and Local Councils shall modify and/or update the existing territorial plans and urban general plans in order to allow for carrying out all the operations related to the conceded mining activities”; (ii) art. 6(1) from the Governmental Decision 525/1996 for the approval of the General Urbanism Regulation (“GD no. 525/1996”) “the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”; (iii) art 4.4 of Local Urbanism Regulation of Roşia Montană governing the 2002 General Urbanism Plan, “the permitting of final constructions, other than industrial ones, which are required for the development of mining and processing operations of identified mineral resources from areas outlined pursuant to the law, is strictly forbidden”. <p>Consequently, please be so kind and take notice of the fact that all aforementioned legal provisions are applicable to any similar project developed by legal and/or private entities.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	477
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_1012
Proposal	The questioner mentions the fact that over the time the project has suffered modifications and wants to know about the two most important modifications.
Solution	<p>It is true that, during the past few years, following the environmental impact assessment procedure, the project has been subject to modifications. The aim of these changes is to improve the environmental performances of the project and to prevent and even eliminate the potential impact on the protected areas, cultural heritage and population health.</p> <p>Two of the most important modifications made to the project are:</p> <ul style="list-style-type: none"> - the design of the tailings management facility to retain 2 maximum probable precipitation events and resist an earthquake with a magnitude of 8 degrees on the Richter scale, - the reconfiguration of the footprints of Cârnic, Jig and Orlea open pits for the purpose of increasing the protection area of the historical center or the buffer zone of certain historical monuments, and of ensuring a high level of safety for these monuments. <p>In addition to these, we would like to mention the design of an acid water dam on the Roşia Valley, to remove pollution from this valley and prevent pollution spreading into Abrudel and Arieş rivers.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	7
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 108106/05.07.2006 and No. 74076/AF/07.07.2006
RMGC internal unique code	MMGA_1027
Proposal	<p>-The area possesses cultural and tourism resources and many people wanted to invest there, only to be told that it is destined to different uses. Who takes responsibility for such a decision?</p> <p>The Industrial zone of Roșia Montană Project occupies approximately 25% of Roșia Montană Commune territory. Industrial activities and constructions are allowed inside this area, including businesses serving the mining operations, such as: construction materials, consumables, spare parts, protection equipment, etc.</p> <p>The management plans prepared as part of the environmental impact assessment process encourage the existence of tourism activities or diversification and development of services in the project area and in the neighboring areas, such activities and services being absolutely necessary for the proper development of the project. This may be illustrated by the partnerships initiated and developed by the company, such as:</p> <ul style="list-style-type: none"> - the micro bank for financing small businesses - training and skill development programs for Roșia Montană locals and of the neighboring communities, - the development and consultation program for youth implemented through the Youth Resource Center - CERT Apuseni, established in Abrud. <p>As for your comments, please note that there exist law provisions which limit the development of project, others than those for natural resource mining and processing within the ozone's where they were identified. To this aim we would like to underline the following legal provisions :</p>
Solution	<ul style="list-style-type: none"> (i) art.41(2) of Law 85/2003 <i>“the county and local councils will modify and/or update the territorial planning and general urbanism plans to allow the completion of all the operations necessary to develop the leased mining activities”;</i> (ii) art. 6(1) of the Government Decision no.525/1996 referring to the approval of the General Urbanism Regulations (“GD 525/1996”) <i>“ the permitting of the final construction completion, others than the industrial ones, necessary for the development of mining and processing operations of the resources within the areas delimited as per laws and containing underground identified resources, is not allowed;</i> (iii) Art.4.4 of the Local Urbanism Regulation of Roșia Montană commune and corresponding to the 2002 General Urban Plan saying that <i>“ the permitting of the final construction completion, others than the industrial ones, necessary for the development of mining and processing operations of the resources within the areas delimited as per laws and containing underground identified resources, is not allowed”.</i> <p>Consequently please note that, the, law provisions previously mentioned are imperative and applicable to any mining project developed by public and/or private entities.</p> <p>As for the decision to approve the industrial zone of the Roșia Montană project, please find below the complete list of the approvals and permits necessary for the approval of the Zonal Urbanism Plan, <i>i.e.</i> a list of the decision-making factors involved in the project:</p>

1. Roșia Montană Local Council – approval
2. Abrud Local Council – approval
3. Câmpeni Local Council – approval
4. Bucium Local Council – approval
5. Environmental Protection Agency (AGRARO)
6. Water Management Agency (IPROMIN)
7. Public Health Inspectorate
8. County administrator of communication ways – Alba County Council
9. Administrator of the water distribution networks and sewerage networks - S.C. APA C.T.T.A. ALBA S.A.
10. Beneficiary of the municipal technical equipment networks – Roșia Montană Commune Mayoralty l
11. Administrator of the electric power distribution networks S.C. ELECTRICA S.A.
12. Administrator of the telecommunications networks S.N. ROMTELECOM S.A. ALBA TELECOMMUNICATIONS DIRECTORATE
13. Military Fire Brigade
14. Civil Protection Inspectorate
15. Ministry of Interior
16. Romanian Intelligence Service
17. Ministry of National Defense - U.M. 2515 Bucharest
18. County Directorate for Religious Affairs and National Cultural Heritage
19. Ministry of Culture and Religious Affairs
20. Ministry of Transports, Constructions and Tourism
21. Technical Urbanism Committee of Alba County Council – approval
22. Alba County Council – permit
23. Roșia Montană Local Council – permit
24. Abrud Local Council – permit
25. Câmpeni Local Council – permit
26. Bucium Local Council – permit

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	7
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 108106/05.07.2006 and No. 74076/AF/07.07.2006
RMGC internal unique code	MMGA_1028
Proposal	-Doesn't the Urban General Plan imply compliance with national laws and European norms?
	<p>According to the town planning regulations in force, the originator of a General Urbanism Plan is the local public administration. After the approval of the plan, the local and county authorities are responsible for the implementation of the town planning regulations approved there under.</p> <p>A General Urbanism Plan for the entire Roșia Montană settlement was prepared in 2002. This Plan stipulates urban-planning regulations for all 16 villages included in the Roșia Montană Commune, and for a protected area including historical buildings. The mining project proposed by RMGC occupies only 25% of Roșia Montană Commune territory, and impacts only 4 of the 16 villages of the commune, by the restrictions regarding the construction of certain facilities (other than for industrial purposes).</p>
Solution	<p>Then, the General Urbanism Plan was presented to the public and subject to public debates; therefore all interested persons have been able to express their opinion regarding the development opportunities of the commune. After the completion of the public participation stage, the General Urbanism Plan has obtained all necessary approvals from the competent ministries, from Alba County Council, the Urbanism Committee, Alba Environmental Protection Agency, the network operators and the final approval of Roșia Montană Local Council, in accordance with the Romanian laws in force, which are aligned to the European legislation.</p> <p>In conclusion, the General Urbanism Plan has been prepared and approved in full compliance with the Romanian and EU laws, harmonized following accession to the EU.</p>

Domain	PERMITTING
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	E-MAIL BIROUL DE PRESA No. 74114/14.07.2006
RMGC internal unique code	MMGA_1037
Proposal	<p>Question from the statement made by Greenpeace, Alburnus Maior and the Centre for Juridical Resources on July the 10th 2006, asking for the suspension of the EIA report: Why doesn't the urbanism certificate coincide with the project that was made public by RMGC?</p>
Solution	<p>Your question does not specify which are the elements of the urbanism certificate that do not comply with Roşia Montană project.</p> <p>Despite it, we would like to underline that the urbanism certificate no.78/26th 04. 2006 issued by Alba County Council entirely reflects Roşia Montană Project which Report to the environment impact assessment is under debate.</p> <p>For better understanding the applicable law provisions and the events developed within the project of Roşia Montană zone we would like to make the following comments:</p> <p>The procedure for the environmental permit issuing for Roşia Montană project started up on the 14th December 2004 by submitting the Technical Memorandum and the urbanism certificate no. 68/26th August 2004 (applicable by that time). Roşia Montană Gold Corporation (RMGC) applied for and obtained a new urbanism certificate – no. 78 of 26th April 2006 – from Alba County Council for the entire Roşia Montană project which was applicable by the time of the EIA Report submission (15th May 2006) and prior to the public debate start up (June 2006)</p> <p>The Section 1 of the urbanism certificate no.78 of 26th 04.2006 entitled <i>Work construction</i>, position 10 – “<i>Processing plant and associated constructions</i>” – including the tailing management facility which existence is compulsory for the processing plant running. The Tailing management facility is also specified on the layout plans which are integral part of the urbanism certificate and they were sealed by Alba County Council so that they cannot be modified.</p> <p>The urbanism certificate is an informative document and its goal is only to inform the applicant about the legal, economic and technical regime of the existing lands and buildings and to establish the urbanism requirements and the approvals necessary to obtain the construction permit (including the environmental permit) as per art.6 of Law 50/1991 referring to the completion of construction works , republished and art 27 paragraph 2 of the Norms for the application of Law 50/1991 – Official Journal 825 bis/13.09.2005).</p> <p>As it is an informative document it does not limit the number of urbanism certificates that an applicant can obtain for the same land plot (art. 30 of Law 350/2001 referring to the territorial planning and urbanism).</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	10
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	FAX No. 74115/14.07.2006
RMGC internal unique code	MMGA_1038
Proposal	The questioner asks that:the environment permitting request made by RMGC on December 14th 2004 be refused.
Solution	<p>Under the Romanian legislation in force, the decision regarding the issuance of the environmental permit is going to be made through a Government Decision. The EIA has been drawn up according the guidelines of the Ministry of Environment and Waters Management, in compliance with the relevant legislation. More than 100 experts and specialists of national, European or even world renown, both from Romania and from abroad, have contributed to the development of the EIA. They are known as the EIA team. A list of these experts can be found in the first five pages of the Non-Technical Summary of the EIA.</p> <p>Moreover, we underline that art. 44(3) of Order no. 860/2002 of Ministry of Waters and Environmental Protection on the procedure of the impact assessment procedure and permit issuance procedure ("Order no. 860/2002") stipulates that "based on the results of the public debates, the competent authority for the environmental protection assesses the reasoned proposals/comments of the public and asks the titleholder to supplement the Report on Environmental Impact Assessment with an annex that includes solutions for the issues that have been presented".</p> <p>Consequently, taking into consideration that, your proposal represents a simple statement where no potential issues are raised and no further data are provided, we would like to underline the fact that, the decision to issue or deny the environmental permit cannot be made with regard to a simple proposal, but only in terms of some impartial criteria established under art. 45 of Order no. 860/2002 and only after the assessment of :</p> <ul style="list-style-type: none"> (i) The Report on Environmental Impact Assessment; (ii) The conclusions of the stakeholders involved in the assessment process; (iii) The possibilities to implement the project; (iv) The answers formulated by the titleholder to the public's reasoned proposals/comments.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	10
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	FAX No. 74115/14.07.2006
RMGC internal unique code	MMGA_1039
Proposal	<p>The urbanism certificate no. 78 issued by the Alba County Council on the 26th of April 2006, is incompatible with the environmental permit application submitted by RMGC to EPA Alba on the 14th of December 2004. The request has been supported by arguments.</p>
Solution	<p>In regards with the assertion according to which the Urbanism Certificate no. 78/26.04.2006 would be incompatible with the initial application submitted by RMGC for obtaining the environmental permit, please note the following:</p> <p>The issuing of the Urbanism Certificate no. 78/26.04.2006 was applied for depending on the project modifications resulted at the completion of the EIA, too, and such modifications were meant to implement the results of the environmental impact assessment in order to avoid or mitigate the potential negative impacts revealed.</p> <p>The urbanism certificate is an informative document only for informing the applicant about the legal, economic and technical regime of the existing lands and buildings and to establish the urbanism requirements and approvals necessary to obtain the construction permit (including the environmental permit).</p> <p>As it is an informative document the law provisions do not limit the number of urbanism certificate an applicant may obtain for the same land plot (art. 30 of Law 350/2001 referring to the territorial planning and urbanism).</p> <p>As per art. 6. of Law 50/1991, referring to the construction work permitting, republished, "The urbanism certificate is an information document through which the local authorities (a.n.) in accordance with the provisions of the urban plans and their related regulations or of the territorial planning plans, approved and permitted as per the law , inform the applicant the legal, economic and technical regime of the lands and buildings existing by the time of the application submission and establish the urbanism requirements which are to be met depending on the site characteristics as well as the list including the legal approvals and permits required for permitting purpose", and the issuing of the urbanism certificate ensures " the application of the approved territorial planning and urbanism documents" per article 29 of Law 350/2001 referring to the territorial planning and urbanism.</p> <p>The approvals and permits necessary to carry out a project are provided by the laws governing each permitting domain (the environmental permitting is provided by the environmental protection laws, the urbanism requirements by the laws governing the territorial planning and urbanism), these authorizations being only mentioned and summarized in the urbanism certificate contents.</p> <p>Roşia Montană Project modifications represent exactly the natural and expected result of the environmental impact assessment and reflect the measures taken by the project holder to avoid or mitigate the potential negative environmental impacts revealed further to the procedure undertaking.</p> <p>Thus, in relation with the above mentioned, it can be said there is no compatibility between the environmental permit application submitted by the project holder in December 2004 and the urbanism certificate.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	71, 153, 154, 155, 156, 157, 161, 162, 166, 207, 208, 214, 216, 248, 290, 291, 292, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 333, 339, 438, 439, 442, 443, 445, 450, 546, 907, 923, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1240, 1242, 1243, 1244, 1246, 1248, 1249, 1250, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1383, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1419, 1420, 1481, 1482, 1486, 1487, 1488, 1490, 1491, 1493, 1497, 1498, 1499, 1500, 1511, 1512, 1521, 1522, 1523, 1524, 1525, 1526, 1528, 1529, 1557, 1559, 1565, 1566, 1567, 1613, 1683, 1696, 1699, 1702, 1703, 1705, 1708, 1709, 1718, 1719, 1720, 1721, 1747, 1794, 1798, 1799, 2592, 2595, 2619, 2620, 2621, 2622, 2749, 3117, 3119, 3120, 3121, 3615, 3616, 11/D;5466/B, 12/D;5467/B, 13/D;5468/B, 14/D;5469/B, 5485
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No.108614/25.07.2006andNo.74234/AF/28.07.2006, No.108787/02.08.2006andNo.74340/02.08.2006, No.108788/02.08.2006andNo.74341/02.08.2006, No.108789/02.08.2006andNo.74342/02.08.2006, No.108790/02.08.2006andNo.74343/02.08.2006, No.108791/02.08.2006andNo.74344/02.08.2006, No.108797/02.08.2006andNo.74348/02.08.2006, No.108798/02.08.2006andNo.74349/02.08.2006, No.108795/02.08.2006andNo.74353/02.08.2006, No.108868/03.08.2006andNo.74407/04.08.2006, No.108869/03.08.2006andNo.74408/04.08.2006, No.108875/03.08.2006andNo.74414/04.08.2006, No.10887703.08.2006andNo.74416/04.08.2006, No.108941/04.08.2006andNo.74453/07.08.2006, No.109037/07.08.2006andNo.74507/08.08.2006, No.109038/07.08.2006andNo.74508/08.08.2006, No.109005/07.08.2006andNo.74509/08.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109117/09.08.2006andNo.74539/09.08.2006, No.109108/09.08.2006andNo.74548/09.08.2006, No.109102/09.08.2006andNo.74554/09.08.2006, No.109296/15.08.2006andNo.74684/16.08.2006, No.109297/15.08.2006andNo.74685/16.08.2006, No.109300/15.08.2006andNo.74688/16.08.2006, No.109301/15.08.2006andNo.74689/16.08.2006, No.109303/15.08.2006andNo.74691/16.08.2006, No.109308/15.08.2006andNo.74696/16.08.2006, No.112878/25.08.2006andNo.165454/12.09.2006, No.110068/22.08.2006andNo.75184/23.08.2006, No.110102/22.08.2006andNo.75218/24.08.2006, No.113004/25.08.2006, No.110324/24.08.2006, No.110325/24.08.2006, No.110326/24.08.2006, No.110327/25.08.2006, No.110498/24.08.2006, No.110497/24.08.2006, FR.No.andNo.7532028.08.2006, No.109900/22.08.2006, No.109901/22.08.2006, No.109902/22.08.2006, No.109903/22.08.2006, No.109904/22.08.2006, No.109905/22.08.2006, No.109906/22.08.2006, No.109908/22.08.2006,

No.109911/22.08.2006, No.109912/22.08.2006, No.109913/22.08.2006, No.109915/22.08.2006, No.109917/22.08.2006, No.109918/22.08.2006, No.109919/22.08.2006, No.110383/24.08.2006, No.110382/24.08.2006, No.110381/BIS24.08.2006, No.110381/24.08.2006, No.110380/24.08.2006, No.110379/24.08.2006, No.110378/24.08.2006, No.110377/24.08.2006, No.110607/25.08.2006, No.110811/25.08.2006, No.110810/25.08.2006, No.110809/25.08.2006, No.110808/25.08.2006, No.110807/25.08.2006, No.110806/25.08.2006, No.110805/25.08.2006, No.110804/25.08.2006, No.110803/25.08.2006, No.110802/25.08.2006, No.110800/25.08.2006, No.110801/25.08.2006, No.110794/25.08.2006, No.110793/25.08.2006, No.110642/25.08.2006, No.110640/25.08.2006, No.110637/25.08.2006, No.110636/25.08.2006, No.110635/25.08.2006, No.110633/25.08.2006, No.110632/25.08.2006, No.110630/25.08.2006, No.110626/25.08.2006, No.110625/25.08.2006, No.110624/25.08.2006, No.110623/25.08.2006, No.111062/25.08.2006, No.111061/25.08.2006, No.111052/25.08.2006, No.111051/25.08.2006, No.111050/25.08.2006, No.111049/25.08.2006, No.111048/25.08.2006, No.111047/25.08.2006, No.111045/25.08.2006, No.111044/25.08.2006, No.111016/25.08.2006, No.111014/25.08.2006, No.111008/25.08.2006, No.111007/25.08.2006, No.111006/25.08.2006, No.110990/25.08.2006, No.110790/25.08.2006, No.110712/25.08.2006, No.110709/25.08.2006, No.110706/25.08.2006, No.110703/25.08.2006, No.110703/25.08.2006, No.110700/25.08.2006, No.110699/25.08.2006, No.113005/25.08.2006, No.112971/25.08.2006, No.112972/25.08.2006, No.112973/25.08.2006, No.110755/25.08.2006, No.110738/25.08.2006andNo.76089/05.09.2006, No.110734/25.08.2006andNo.76093/05.09.2006, No.110733/25.08.2006andNo.76094/05.09.2006, No.111376/25.08.2006, No.111387/25.08.2006, No.112379/25.08.2006, No.112378/25.08.2006, No.112377/25.08.2006, No.112376/25.08.2006, No.112324/25.08.2006, No.112996/25.08.2006, No.112995/25.08.2006, No.112994/25.08.2006, No.112993/25.08.2006, No.114290/25.08.2006, No.111137/25.08.2006, No.114718/31.08.2006, No.114719/31.08.2006, No.114720/31.08.2006, No.114733/31.08.2006, No.112991/25.08.2006

RMGC internal unique code MMGA_1069

Proposal The company could not find an insurer for the mining project.

With respect to the issues indicated by you, namely the insurance of mining projects, we would like to underline the fact that the Directive no. 2004/35/CE regarding **on environmental liability with regard to the prevention and remedying of environmental damage**, which has been published in the Official Journal of the European Union no. L143/56 (“Directive no. 35/2004”) establishes the general governing framework with regard to environmental pollution.

According to the provisions stipulated by art. 1 of Directive no. 35/2004 “The purpose of this directive is to establish a framework of environmental liability based on the ‘polluter-pays’ principle, to prevent and remedy environmental damage.”

Solution

Directive no. 35/2004 states as a principle pursuant to the provisions of art. 14(1) the fact that “Member States shall take measures to encourage the development of financial security instruments and markets by the appropriate economic and financial operators, including financial mechanisms in case of insolvency, with the aim of enabling operators to use financial guarantees to cover their responsibilities under this Directive”.

Moreover, according to the provisions of art. 19(1) Directive no. 35/2004, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 2007. We would like to underline the fact that, up to now, the Directive no. 35/2004 hasn’t been transposed into our legislation. Taking into account the previously mentioned aspects, we kindly ask you

to take notice of the fact that, at this moment there are no internal legal regulations to establish the material and procedural aspects related to the establishment of such a guarantee.

However, if specific legal dispositions are going to be created with regard to the establishment of certain guarantees, RMGC is going to take all necessary measures to fulfill all mandatory legal liabilities.

Moreover, we underline the fact that RMGC has contracted one of the world's leading insurance brokers, which is well established in Romania and has a long and distinguished record of performing risk assessments on mining operations. The broker will use the most appropriate property and machinery breakdown engineers to conduct risk analysis and loss prevention audit activities, during the construction and operations activity at Roşia Montană, to minimize hazards. The broker will then determine the appropriate coverage, and work with A-rated insurance companies to put that program in place on behalf of RMGC, for all periods of the project life from construction through operations and closure.

RMGC is committed to maintaining the highest standards of occupational health and safety for its employees and service providers. Our utilization of Best Available Techniques helps us to ensure this goal is achieved. No organization gains from a loss, and to that end we will work to implement engineering solutions to risk, as they are far superior to insurance solutions to risk. Up to 75% of loss risk can be removed during the design and construction phase of a project.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	296
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109043/07.08.2006 and No. 74513/08.08.2006
RMGC internal unique code	MMGA_1107
Proposal	How will it be possible to develop the access road parallel to the existing road starting from Gura Rosiei, on those portions which are not comprised in the industrial zone, given the fact that the lands in the area are private property?
Solution	The Industrial Area of the Roşia Montană Project also includes the proposal to build a road parallel to the existing county road DJ 742. The road will be built on private and institutional property land, and part of such land has already been purchased through the procurements department of RMGC, which is in charge of the negotiation and purchase of these properties. Also, the possibility to rehabilitate county road DJ 742 has been examined, in order to serve the industrial activities related to the project.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	296
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109043/07.08.2006 and No. 74513/08.08.2006
RMGC internal unique code	MMGA_1110
Proposal	Why aren't the access roads for Orlea and Jig open pits marked (Exhibit 4.10.1)?
	Volume 9 of the EIA - Annex to the <i>Technological Processes</i> Chapter - Figure 2.9 presents the industrial roads existing in year 0 of the project.
Solution	The operation of the two open pits, Orlea and Jig, will begin after the 7 th year of mine operation, and the access roads are presented as follows: <ul style="list-style-type: none"> - the access road to Orlea pit is presented in Figure 2.4 – <i>Site development – end of year 7</i>; - the access road for Jig pit is presented in Figure 2.5 – <i>Site development – end of year 14</i>, in the same document.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	298, 1446
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109049/07.08.2006 and No. 74515/08.08.2006, No. 110508/25.08.2006
RMGC internal unique code	MMGA_1113
Proposal	Lack of a valid urbanism certificate;
	We underline the fact that the project titleholder owns a valid urbanism certificate for the development area of the Roşia Montană Project.
Solution	The titleholder has requested and obtained, from Alba County Council, the Urbanism Certificate no. 78 of 26.04.2006 for the entire Roşia Montană mining project, as it has been presented during the public consultations.
	The Urbanism Certificate no. 78 from 26.04.2006 is valid about 1 year, and may be extended by 1 additional year.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	384
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109221/14.08.2006 and No. 74624/15.08.2006
RMGC internal unique code	MMGA_1131
Proposal	-The EIA report confirms the fact that RMGC could not find an insurer for the mining project.
Solution	<p>With respect to the issues indicated by you, namely the insurance of mining projects, we would like to underline the fact that the Directive no. 2004/35/CE regarding the responsibility for environmental pollution, prevention and rehabilitation of the prejudices caused to the environment, which has been published in the Official Journal of European Community no. L143/56 ("Directive no. 35/2004") establishes the general governing framework for environmental pollution.</p> <p>According to the provisions stipulated by art. 1 of Directive no. 35/2004 "The purpose of this directive is to establish a framework of environmental liability based on the 'polluter-pays' principle, to prevent and remedy environmental damage."</p> <p>Directive no. 35/2004 states as a principle pursuant to the provisions of art. 14 (1) the fact that "Member States shall take measures to encourage the development of financial security instruments and markets by the appropriate economic and financial operators, including financial mechanisms in case of insolvency, with the aim of enabling operators to use financial guarantees to cover their responsibilities under this Directive".</p> <p>Moreover, according to the provisions of art. 19(1) Directive no. 35/2004, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 2007. We would like to underline the fact that, up to now, the Directive no. 35/2004 hasn't been transposed into our legislation. Taking into account the previously mentioned aspects, we kindly ask you to take notice of the fact that, at this moment there are no internal legal regulations to establish the material and procedural aspects related to the establishment of such a guarantee.</p> <p>However, if specific legal dispositions are going to be created with regard to the establishment of certain guarantees, RMGC is going to take all necessary measures to fulfill all mandatory legal liabilities.</p> <p>We would also like to ask you to take notice of the fact that Roşia Montană Gold Corporation ("RMGC") is committed to maintaining the highest standards of occupational health and safety for its employees and service providers. Our utilization of Best Available Techniques helps us to ensure this goal is achieved. No organization gains from a loss, and to that end we will work to implement engineering solutions to risk, as they are far superior to insurance solutions to risk. Up to 75% of loss risk can be removed during the design and construction phase of a project.</p> <p>In this respect we also underline the fact that RMGC has retained one of the world's leading insurance brokers, which is well established in Romania and has a long and distinguished record of performing risk assessments on mining operations. The broker will use the most appropriate property and machinery breakdown engineers to conduct risk analysis and loss prevention audit activities, during the construction and operations activity at Roşia Montană, to minimize hazards. The broker will then determine the appropriate coverage, and work with A-rated insurance companies to put that program in place on behalf of RMGC, for all periods of the project life from construction through operations and closure.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1496
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110627/25.08.2006
RMGC internal unique code	MMGA_1203

Proposal The lack of the mining project insurer regarding the environment liability;

As your statement refers to two different issues, please take into consideration the following aspects:
 (i) insurance of the mining projects

Directive no. 2004/35/CE regarding **on environmental liability with regard to the prevention and remedying of environmental damage**, which has been published in the Official Journal of the European Union no. L143/56 ("Directive no. 35/2004") establishes the general governing framework with regard to environmental pollution.

According to the provisions stipulated by art. 1 of Directive no. 35/2004 "*The purpose of this Directive is to establish a framework of environmental liability based on the 'polluter-pays' principle, to prevent and remedy environmental damage.*"

Directive no. 35/2004 states as principle within the framework of the dispositions of art. 14 (1) the fact that "Member States shall take measures to encourage the development of financial security instruments and markets by the appropriate economic and financial operators, including financial mechanisms in case of insolvency, with the aim of enabling operators to use financial guarantees to cover their responsibilities under this Directive".

Solution Moreover, according to the provisions of art. 19 (1) Directive no. 35/2004, the Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 2007. We would like to underline the fact that, up to now, the Directive no. 35/2004 hasn't been transposed into our legislation. Taking into account the previously mentioned aspects, we kindly ask you to take notice of the fact that, at this moment there are no internal legal regulations to establish the material and procedural aspects with regard to the establishment of such a guarantee.

However, if specific legal provisions are going to be stipulated for the establishment of certain guarantees, RMGC is going to take all necessary measures to fulfill all relevant legal liabilities.

We would also like to mention the fact that RMGC has retained one of the world's leading insurance brokers, which is well established in Romania and has a long and distinguished record of performing risk assessments on mining operations. The broker will use the most appropriate property and machinery breakdown engineers to conduct risk analysis and loss prevention audit activities, during the construction and operations activity at Roşia Montană, to minimize hazards. The broker will then determine the appropriate coverage, and work with A-rated insurance companies to put that program in place on behalf of RMGC, for all periods of the project life from construction through operations and closure.

(ii) the responsibility for the prejudices caused to the environment

Independently of the aforementioned aspects, we would like to underline the fact that, the relevant legislation in the field punctually establishes the responsibilities of the titleholder with regard to the rehabilitation of the impacted environment. The titleholder is liable both during the development of mining operations and at the moment of cessation of mining activities. In this respect we would kindly ask you to take notice of the following mandatory legal provisions:

(a) art. 3 (1), e, of Government Emergency Ordinance no. 195/2005 regarding the environmental

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- protection (“GEO no. 195/2005”) establishing the “polluter pays” principle.
- (b) Art. 39 (1) of Law no. 85/2003 the titleholder of the license is responsible “to carry out upon termination of the concession the works for care and maintenance/closure of the mine/quarry, as the case may be, including the Post Closure Monitoring Program, according to the activity cession plan”.
 - (c) Art. 37 (3), p, of Law no. 85/2003 “The titleholders, legal persons shall be liable for the improvement of all environment factors, affected by the mining activity, according to the environmental rehabilitation plans as approved by the Competent Authority”.
 - (d) Art. 37 (5) of Law no. 85/2003 “the titleholder of a license shall be further liable, in accordance with the rules which determine the civil extracontractual responsibility, for the damages caused to the third parties by its fault as a result of mining activities conducted prior to the date of termination of relinquishment, even if such damages are evidenced after the termination of concession or administration”.

Moreover, we would like to ask you to take notice of the fact that the titleholder is also required to establish a financial guarantee for environmental rehabilitation. According to the provisions stipulated by art. 3 (1) position 16 of Mining Law no. 85/2003, “*Financial guarantee for environmental rehabilitation means the obligation and the responsibility of the natural or legal persons carrying out mining activities on the basis of the license or exploitation permit to ensure the necessary funds for environmental rehabilitation under the form of a bank deposit, irrevocable bank guarantee letter or any other ways provided by the law*”.

Through its value, the financial guarantee for environmental rehabilitation ensures the development of environmental rehabilitation works in the following cases:

- (i) the cessation of activity;
- (ii) the non-execution of environmental rehabilitation work.

The environmental financial guarantee is annual (ensures the development of environmental rehabilitation works undertaken by the titleholder through the design for environmental rehabilitation) and final (ensures the development of environmental rehabilitation works stipulated in the program for the cessation of mining operations).

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1834
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No.110969/25.08.2006 and No.165089/07.09.2006
RMGC internal unique code	MMGA_1226
Proposal	The current urbanism plans of the Roșia Montana commune do not correspond to the mining project proposal described in the EIA report
Solution	<p>The general urban plan approved in 2000 was modified by the approval of the General Urban Plan for the Roșia Montană commune drawn up in 2002. This change consists in the inclusion of the protected area, which comprises the historic buildings.</p> <p>The Modification of the Zonal Urban Plan-Roșia Montană Industrial Area is currently under approval. This town-planning documentation was approved in 2002 as well, but then it has been modified given the detailed stage of the Roșia Montană project (decrease of the open-pits footprints; some of the technological roads have been re-designed; increase of the surface of the protected area. All these changes were made following the environmental impact assessment and the measures meant to prevent, minimize and remove the potential impact; these were established as a result of the environmental impact assessment process).</p> <p>The boundaries of the industrial area have been established based on a scientific survey, which also served as a basis for establishing the boundaries of the protected areas. The town-planning regulations of the Zonal Urban Plan (PUZ) will establish in detail the future uses of different areas. The restriction related to constructions and to the development of other activities will be maintained only on the footprint of the planned facilities.</p> <p>The two urban plans fully comply with the mining proposal whose impact is assessed in the EIA Report.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1897
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110906/25.08.2006
RMGC internal unique code	MMGA_1234

Proposal	Who controls the observance of the technology and environment standards?
	<p>According to the provisions stipulated by art. 3(2) of Governmental Decision no. 440/2005 on the reorganization and functioning of the National Environmental Guard ("GD no. 440/2005") "The National Environmental Guard has executive duties regarding the implementation of the Governmental policies that govern prevention, identification and penalization measures taken after breaching legal provisions on the protection of environment, water, soil, air, and biodiversity as well as those mentioned in the laws specific to the field of the control of industrial pollution and risk management, of the environmental fund and of other fields stipulated by specific legislation in force, to include here legal environmental permitting procedures for issuing permits, endorsements and authorizations for both environment and water management fields issued by the competent authorities pursuant to current in force law governing the permitting process of projects, programs and specific activities"</p>
Solution	<p>The National Environment Guard is the authority competent to monitor the compliance with the environmental standards and regulations.</p> <p>Under the provisions of art. 10 of GD no. 440/2005, the National Environment Guard has, among the others, the following responsibilities:</p> <ul style="list-style-type: none"> - monitors the activities with an impact on the environment and inflicts preventive civil penalties as stipulated by law for environmental protection, verifies the compliance with the provisions of the environmental protection permits as well as the compliance with the legal provisions governing the issuance of these documents; controls the activities which imply a risk of major accidents or of significant environmental impact, in order to prevent and limit the risk of pollution; - monitors the investments during all the development phases; - makes proposals to the competent authority as to the suspension or cancellation of the permits that were issued without complying with the existing legislation.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1897
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110906/25.08.2006
RMGC internal unique code	MMGA_1237

Proposal	Who pays the damages?
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We would like to underline the fact that relevant legislation in the field punctually establishes all mandatory liabilities for the titleholder with regard to the environmental rehabilitation of the areas impacted by mining activities. The titleholder has to undertake these responsibilities both during the development of the mining operations and throughout the cessation of the mining activity. In this respect, we would like to ask you to take notice of the following mandatory legal provisions:

- (i) Art. 3 (1),e, of Government Emergency Ordinance no. 195/2005 regarding the environmental protection ("GEO no. 195/2005") enforcing the "polluter pays" principle;
- (ii) Art. 39 (1), p, of Law no. 85/2003 the titleholder of the license is responsible "to carry out upon termination of the concession the works for care and maintenance/closure of the mine/quarry, as the case may be, including the Post Closure Monitoring Program, according to the activity cession plan";
- (iii) Art. 37 (3) of Law no. 85/2003 "The titleholders, legal persons shall be liable for the improvement of all environment factors, affected by the mining activity, according to the environmental rehabilitation plans as approved by the Competent Authority";
- (iv) Art. 37 (5) of Law no. 85/2003 "the titleholder of a license shall be further liable, in accordance with the rules which determine the civil extracontractual responsibility, for the damages caused to the third parties by its fault as a result of mining activities conducted prior to the date of termination of relinquishment, even if such damages are evidenced after the termination of concession or administration".

Solution

In addition to the aforementioned information, we would like to ask you to take notice of the fact that, the titleholder is also liable to establish a financial guarantee for environmental rehabilitation. According to the provisions stipulated by art. 3(1) position 16 of Mining Law no. 85/2003, "Financial guarantee for environmental rehabilitation means the obligation and the responsibility of the natural or legal persons carrying out mining activities on the basis of the license or exploitation permit to ensure the necessary funds for environmental rehabilitation under the form of a bank deposit, irrevocable bank guarantee letter or any other ways provided by the law".

Through its value, the financial guarantee for the environmental rehabilitation ensures the development of environmental rehabilitation works in the following cases: (i) the cessation of activity and (ii) the non-execution of environmental rehabilitation work. The environmental financial guarantee is annual (ensures the development of environmental rehabilitation works undertaken by the titleholder through the design for environmental rehabilitation) and final (ensures the development of environmental rehabilitation works stipulated in the program for the cessation of mining operations).

Moreover, we would like to underline the fact that during the development of the project, RMGC is going to carry out the obligations related to the establishment and the maintenance of the environmental financial guarantee and it is going to make every effort to fulfill any other mandatory obligations according to legal provisions.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1920
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110904/25.08.2006
RMGC internal unique code	MMGA_1246
Proposal	<p>The lack of a valid urbanism certificate, the document obtained in May 2006 being incompatible with that one submitted initially at the Ministry of Environment;</p> <p>In regards with the assertion according to which the urbanism certificate no. 78/26.04.2006 would be not compatible with the one initially submitted by RMGC for the environmental permitting please note the following:</p> <p>The issuing of the urbanism certificate no. 78/26.04.2006 was also applied for based on the project modifications resulted at the EIA Report completion and these modifications were meant to implement the results of the environmental impact assessment in order to avoid or mitigate the potential negative impacts revealed.</p> <p>The urbanism certificate is an informative document only for informing the applicant about the legal, economic and technical regime of the existing lands and buildings and to establish the urbanism requirements and approvals necessary to obtain the construction permit (including the environmental permit).</p> <p>As it is an informative document the law provisions do not limit the number of urbanism certificate an applicant may obtain for the same land plot (art. 30 of Law 350/2001 referring to the territorial planning and urbanism).</p>
Solution	<p>As per art. 6. of Law 50/1991, referring to the construction work permitting, republished, "The urbanism certificate is an information document through which the local authorities (a.n.) in accordance with the provisions of the urban plans and their related regulations or of the territorial planning plans, approved and permitted as per the law, inform the applicant the legal, economic and technical regime of the lands and buildings existing by the time of the application submission and establish the urbanism requirements which are to be met depending on the site characteristics as well as the list including the legal approvals and permits required for permitting purpose", and the issuing of the urbanism certificate ensures " the application of the approved territorial planning and urbanism documents" per article 29 of Law 350/2001 referring to the territorial planning and urbanism.</p> <p>The approvals and permits necessary to carry out a project are provided by the laws governing each permitting domain (the environmental permitting is provided by the environmental protection laws, the urbanism requirements by the laws governing the territorial planning and urbanism), these authorizations being only mentioned and summarized in the urbanism certificate contents.</p> <p>Roşia Montană Project modifications represent exactly the natural and expected result of the environmental impact assessment and reflect the measures taken by the project holder to avoid or mitigate the potential negative environmental impacts revealed further to the procedure undertaking.</p> <p>Thus considering the above mentioned, it cannot be said that there is no compatibility between the two urbanism certificates.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	2984
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 111777/25.08.2006
RMGC internal unique code	MMGA_1277
Proposal	The Association requests that within a new EIA the two open pits to be treated with responsibility
Solution	<p>Roşia Montană Project development plan does not provide for any period of time of simultaneous operation of the four ore mining open pits and two rockfill pits. Throughout the 16 years of mine life, the project will develop as follows:</p> <ul style="list-style-type: none"> - only the two rockfill pits will be operational during the construction stage; during the operational stage of the mine, these pits will be temporary operational, for very short periods of time, when rockfill is necessary for the drains and filters of the tailings management facility; - from the 1st year of the operational stage, until the 9th year, the mining activities will be carried out in two open pits: Cărnic and Cetate; - the Orlea and Jig pits will be opened after year 9. <p>Even the 2 pits will be operated on a sequential basis: - when mining the ore in one pit, waste rock will be mined in the other pit, to open new working fronts.</p> <p>This progress schedule was designed as a measure to mitigate and even eliminate the potential impact of the mining operations – dust, noise and vibrations generated by the drilling, blasting, loading and transport works (the EIA, Chapter 4: <i>Potential Impact</i>, Sections 4.2 <i>Air</i>, and 4.3 <i>Noise and Vibrations</i>, explains in detail all aspects related to the potential impact of the abovementioned activities, developing dispersion models both for the air, and for the noise and vibrations). The modeling result is presented on the maps attached to the two sections. Also, the measures for the prevention, mitigation and elimination of the potential impact are presented. The strategy proposed for the implementation of the best management practices, for the purpose of eliminating the potential impact, is presented in the related Management Plans, <i>i.e.</i> Plan D – <i>Air Quality Management Plan</i> and Plan E – <i>Noise and Vibrations Management Plan</i>.</p> <p>In conclusion, according to the results of the assessment conducted by the team of independent experts upon the protected area (historical center of Roşia Montană commune), the environmental standards in force have not been violated through the activities proposed in this project. The conditions regarding the quality of environmental factors within the residential areas will be complied with through the implementation of the proposed mitigation measures.</p> <p>Also, an operation plan has been prepared, to monitor the quality of environmental factors throughout the operational stages of the project: construction, operation, closure and post closure (sensors will be mounted on historical buildings, to monitor the level of discomfort generated by the blasting activities).</p>

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

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RMGC internal unique code MMGA_1288

Proposal There isn't until now an approved Zonal Urbanism Plan for the Protected Areas; SEE THE CONTENT OF THE TYPE 1 CONTESTATION

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

Solution

According to Law 5/2000, regarding the approval of the Territory Arrangement Plan – 3rd Section – protected areas (“Law 5/2000”) (article 5, paragraphs 2-3), local public authorities, with the support of the competent central public authorities, had the obligation to establish the boundaries of the protection areas for the cultural heritage elements stipulated in Annex III to the above-mentioned law. This measure should have been taken within 12 months from the effective date of Law 5/2000, based on specialized studies. For this purpose, the local public authorities had to prepare the town planning documentation and its related regulations, developed and approved according to the law. This documentation must comprise the necessary protection and conservation measures for the national cultural heritage elements located in this area.

Concurrently, Law 350/2001 on the territory arrangement and urbanism stipulates the right of legal or natural persons interested in arranging the territory, to initiate the development of urbanism plans.

In accordance with these legal provisions, in 2001, RMGC initiated the preparation of these specific town-

planning documentations - the General Urbanism Plan and the Zonal Urbanism Plan. These plans have been developed by Romanian certified companies and followed the legal approval procedure. The permit for the establishment of the Roanda Montană Historical Centre Protected Area was issued by the Ministry of Culture and Religious Affairs in 2002 (permits no. 61/14.02.2002 and no. 178/20.06.2002) as part of the procedure for the approval of the town planning documentation. Based on these permits, the Ministry of Culture and Religious Affairs requested the company to develop a Zonal Urbanism Plan for the Historical Centre of Roanda Montană. Out of the 41 historical buildings in Roanda Montană, thirty-five (35) are located inside the protected area of the Roanda Montană Historical Centre.

As for the heritage elements located in the future industrial development area (6 historical buildings), these are discussed in the Industrial Zonal Urbanism Plan prepared by SC Proiect Alba SA. The regulations included in this document will contain measures for the protection of these monuments.

In conclusion, the town planning studies and the specialized studies conducted for the purpose of establishing the boundaries of the protection areas within the future mining operations perimeter are currently pending approval, in accordance with the legal provisions, by the competent institutions and committees. Please note that none of the historical houses located in the perimeter of the proposed project will be affected; on the contrary, all the 41 historic buildings will be included in a complex restoration and rehabilitation program (see the Management Plan). This program is mandatory, regardless of the implementation of the mining project, if we want to prevent these buildings from collapsing because of their advanced degradation.

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

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<p>Proposal</p>	<p>The phase of public consultation and quality evaluation of the impact assessment study report begun without a valid urbanism certificate; SEE THE CONTENT OF THE TYPE 1 CONTESTATION Also, the questioner sends a letter and two points of view of some independent specialists</p>
<p>Solution</p>	<p>Your assertion regarding the failure to obtain an applicable urbanism certificate at the start up of the public debates and of the evaluation o the quality of the report to the environmental impact assessment, is not correct.</p> <p>Thus, by the time when the public debate stage started up there was an applicable urbanism certificate and namely the urbanism certificate no. 78/26.04.2006 issued by Alba County Council. This certificate was obtained prior to the evaluation stage of the quality of the report to the environmental impact assessment which started up once the EIA was submitted to the Ministry of Environment and Water Management on the 15th May 2006.</p> <p>For better understanding the applicable legal proviandons and the facts developed within the mining project of Roşia Montană zone we would like to make several comments:</p> <ul style="list-style-type: none"> • The procedure for issuing the environmental permit for Roşia Montană project started up on the 14th December 2004 by submitting the technical memorandum and the urbanism certificate no.68/26.August 2004 (certificate applicable by that time). S.C. Roşia Montană Gold Corporation S.A. (RMGC) applied for and obtained a new urbanism certificate no.78/26.04.2006 issued by Alba County Council for the entire Roşia Montană Project applicable on the date of the EIA Report submisandon (15th May 2006) and prior to the public debate strat up (June 2006); • The Section 1 of the urbanism certificate no.78 of 26th 04.2006 entitled Work construction, poandtion 10 – “Procesandng plant and associated constructions” – including the tailing management facility which existence is compulsory for the procesandng plant running. The Tailing management facility is also specified on the layout plans which are integral part of the urbanism certificate and they were sealed by Alba County Council so that they cannot be modified; • The Urbanism Certificate is an informative document and its goal is only to inform the applicant about the legal, economic and technical regime of the existing lands and buildings and to establish the urbanism requirements and the approvals necessary to obtain the construction permit (including the environmental permit) as per art.6 of Law 50/1991 referring to the completion of construction works, republished and art 27 paragraph 2 of the Norms for the application of Law 50/1991 – Official Journal 825 bis/13.09.2005). <p>As it is an informative document, it does not limit the number of certificates an applicant may obtain for the same land plot (art. 30 of Law no. 350/2001 regarding the territorial planning and urbanism).</p>

MMDD's item no. for the question
which includes the observation
identified by the RMGC internal
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RMGC internal unique code MMGA_1291

Proposal The present urbanism plans of the Roşia Montana commune do not correspond with the mining project proposal described in EIA;SEE THE CONTENT OF THE TYPE 1 CONTESTATION
Also, the questioner sends a letter and two points of view of some independent specialists

We underline the fact that your statement is false. The General Urbanism Plan for the Roşia Montană commune, endorsed in 2002 allows the development of Roşia Montană project, as it has been presented during the public consultations.

Solution Concurrently, pursuant to the provisions of art. 41, paragraph 2, from the Mining Law no.85/2003, the authorities from the local administration have the liability to adjust and/or update the territory arrangement plans and the general urbanism plans, in order to allow the development of all operations necessary for the development of mining activities.

RMGC has also initiated the preparation of two zonal urbanism plans: Zonal Urbanism Plan Modification – Roşia Montană Industrial Area and Zonal Urbanism Plan – Roşia Montană Historical Area. The first urbanism plan is required by the urbanism certificate no.78/26.04.2006, which updates the Zonal Urbanism Plan for the Industrial Area approved in 2002. As far as the historical area is concerned, its Zonal Urbanism Plan is required by the General Urbanism Plan approved also in 2002. Both urbanism plans are pending approval and have been subject to public consultations.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3027
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 111774/25.08.2006
RMGC internal unique code	MMGA_1327
Proposal	Some chapters from report have not authors or if they exist they are not accredited
Solution	<p>The legal provisions currently in force do not stipulate the obligation to specify the authors' contribution to the EIA chapters. In accordance with the legal provisions in force [1], the report on the environmental impact assessment study contains in Chapter 1. <i>General Information</i> – Section 2 – contact data of the certified authors of the environmental impact assessment study and of the related report, and this information is briefly presented also in Chapter 9. <i>Non-Technical Summary</i>.</p> <p>The environmental impact assessment for the Roșia Montană mining project has been conducted by a multi-disciplinary team of “natural and legal persons independent of the project [...] titleholder” and “certified by the competent environmental protection authority” [2]. The team members' contribution to the report has consisted both in drafting certain sections of the report, and integration and correlation of the information supplied in other chapters. Moreover, all sections / chapters of the report have been subjected to a special organization within the team meant to ensure full compliance with the legal provisions regarding the content and applicable legislation.</p> <p>The list of certified natural and legal persons that participated in the preparation of the report on the environmental impact assessment study (presented in chapters 1. <i>General Information</i> and 9. <i>Non-Technical Summary</i>) is accompanied by a list of non-certified natural and legal persons that assisted the certified authors of the report.</p> <p>The responsibility for the environmental impact assessment and accurate interpretation of the information presented in the report belongs to the “natural persons certified at the highest level of competence” and “certified legal persons” [3], that participated in the environmental impact assessment based on the agreement concluded with the project titleholder.</p> <p>References:</p> <p>[1] Annex 2, Part 2 of Order no. 863/2002 of the Minister of Agriculture, Forests, Waters and Environment, regarding the approval of the Methodological guidelines applicable to the stages of the environmental impact assessment framework procedure, published in the Official Gazette of Romania, Part 1, no. 52 of January 30, 2003.</p> <p>[2] In accordance with the provisions of Article 21 (a) of Government Emergency Ordinance no. 195/December 22, 2005 on environmental protection, published in the Official Gazette of Romania, Part 1, no. 1196 of December 30, 2005, approved as amended by Law no. 265/June 29, 2006, published in the Official Gazette of Romania, Part 1, no. 586 of July 6, 2006.</p> <p>[3] According to Article 5 of Order no. 978/2003 of the Minister of Agriculture, Forests, Waters and Environment, regarding the Regulations for the certification of natural and legal persons preparing environmental impact assessment studies and environmental balances, published in the Official Gazette no. 504 of June 4, 2004.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3027
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 111774/25.08.2006
RMGC internal unique code	MMGA_1333
Proposal	The answers to the questions from the domain list are inadequate
Solution	<p>According to the provisions of the Order no. 860/2002, issued by the Ministry of Waters and Environmental Protection on the environmental impact assessment and environmental issuance procedure ("Order no. 860/2002"), after the completion of the scoping phase, the Ministry of Environment and Water Management has transmitted the document Terms of Reference/Control List including the specific issues for the development of the environmental impact assessment. The preparation procedure for the environmental impact assessment study considered the requirements stipulated in the Guidelines presented by the Ministry of Environment and Water Management.</p> <p>Concurrently, the report was submitted together with a list of short answers to the punctual issues identified in the document Terms of Reference including references to the sections including comprehensive answers to the questions.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	<p>647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 901, 911, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1880, 1885, 1886, 1887, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1910, 1911, 1913, 1914, 1915, 1916, 1917, 1918, 2994, 2995, 2996, 2997, 2998, 2999, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3017, 3018, 3031, 3032, 3033, 3036, 3037, 3063, 3074, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3248, 3249, 3250</p>
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	<p>No. 109602/18.08.2006 and No. 74921/21.08.2006, No. 109603/18.08.2006 and No. 74922/21.08.2006, No. 109604/18.08.2006 and No. 74923/21.08.2006, No. 109605/18.08.2006 and No. 74924/21.08.2006, No. 109606/18.08.2006 and No. 74925/21.08.2006, No. 109607/18.08.2006 and No. 74926/21.08.2006, No. 109608/18.08.2006 and No. 74927/21.08.2006, No. 109609/18.08.2006 and No. 74928/21.08.2006, No. 109610/18.08.2006 and No. 74929/21.08.2006, No. 109611/18.08.2006 and No. 74930/21.08.2006, No. 109612/18.08.2006 and No. 74931/21.08.2006, No. 109613/18.08.2006 and No. 74932/21.08.2006, No. 109614/18.08.2006 and No. 74933/21.08.2006, No. 109615/18.08.2006 and No. 74934/21.08.2006, No. 109616/18.08.2006 and No. 74935/21.08.2006, No. 109617/18.08.2006 and No. 74936/21.08.2006, No. 109618/18.08.2006 and No. 74937/21.08.2006, No. 109619/18.08.2006 and No. 74938/21.08.2006, No. 109620/18.08.2006 and No. 74939/21.08.2006, No. 109621/18.08.2006 and No. 74940/21.08.2006, No. 109622/18.08.2006 and No. 74941/21.08.2006, No. 109623/18.08.2006 and No. 74942/21.08.2006, No. 109624/18.08.2006 and No. 74943/21.08.2006, No. 109625/18.08.2006 and No. 74944/21.08.2006, No. 109626/18.08.2006 and No. 74945/21.08.2006, No. 109627/18.08.2006 and No. 74946/21.08.2006, No. 109628/18.08.2006 and No. 74947/21.08.2006, No. 109629/18.08.2006 and No. 74948/21.08.2006, No. 109630/18.08.2006 and No. 74949/21.08.2006, No. 109631/18.08.2006 and No. 74950/21.08.2006, No. 109632/18.08.2006 and No. 74951/21.08.2006, No. 109633/18.08.2006 and No. 74952/21.08.2006, No. 109634/18.08.2006 and No. 74953/21.08.2006, No. 109635/18.08.2006 and No. 74954/21.08.2006, No. 109636/18.08.2006 and No. 74955/21.08.2006, No. 109637/18.08.2006 and No. 74956/21.08.2006, No. 109638/18.08.2006 and No. 74957/21.08.2006, No. 109639/18.08.2006 and No. 74958/21.08.2006, No. 109640/18.08.2006 and No. 74959/21.08.2006, No. 109641/18.08.2006 and No. 74960/21.08.2006, No. 109643/18.08.2006 and No.</p>

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111286/25.08.2006, No. 111317/25.08.2006, No. 111316/25.08.2006, No.
111149/25.08.2006

RMGC internal unique code

MMGA_1345

Proposal

The urbanism plans do not correspond to the project proposal; SEE THE CONTENT OF THE TYPE 2 CONTESTATION

Solution

We would like to state that your statement is erroneous. The General Urbanism Plan (PUG) of Roşia Montană approved in 2002, allows the development of Roşia Montană Project as it was presented during public debates.

At the same time, pursuant to the provisions under art. 41, 2nd paragraph from Mines Law no. 85/2003, the local authorities must alter and/or update existing territorial arrangement plans and general urban plans, in order to allow execution of all required actions to develop mining activities.

RMGC has also commenced the preparation of two zonal urbanism plans: Zonal Urbanism Plan Modification – Roşia Montană Industrial Area and Zonal Urbanism Plan – Roşia Montană Historical Area. The first urbanism plan is required by the urbanism certificate no 78 from 26.04.2006, which updates the Zonal Urbanism Plan for the Industrial Area approved in 2002. As far as the historical area is concerned, its Zonal Urbanism Plan is required by the General Urbanism Plan approved also in 2002. Both urbanism plans are pending approval and have been subject to public consultations.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3040
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 112911/25.08.2006
RMGC internal unique code	MMGA_1352
Proposal	<p>The questioners do not agree to the Rosia Montana gold and silver mining project proposal formulating the following remarks and comments regarding the EIA report: The paper is very subjective and misleading on its whole</p>
Solution	<p>With respect to your request, we would like to state that art. 44(3) of the Ministry of Waters and Environmental Protection no. 860/2002 on the procedure of assessing the environmental impact and issuing the environmental permit ("Order no. 860/2002") stipulates that <i>"based on the results secured from the public debates, <u>the competent environmental authority will assess reasoned proposals/comments of public and requests from the titleholder to complete the environmental impact assessment with an annex that includes solutions for the raised issues"</u></i>.</p> <p>We would like to underline the fact that during the preparation of the Environmental Impact Assessment (EIA) and during the development of the entire procedure of assessing the environmental impact, RMGC has observed full compliance with relevant imperative legal requirements included both in domestic and EU legislation. On this, please read the following aspects:</p> <ul style="list-style-type: none"> (i) According to current legal requirements [1], the Report on EIA Study has been prepared by a team of certified experts independent of the titleholder that are presented in the summary of Chapter 1 – General Information of the EIA; (ii) The EIA Report has been prepared by taking into account all aspects included in the Terms of Reference (ToR) that has been sent by the competent environmental authority pursuant to the provisions included in art. 8(1) of Governmental Decision no. 918/2002 [2] regarding the establishment of the framework procedure for assessing the environmental impact and for the endorsement of the list of public or private projects submitted to this procedure ("GD no. 918/2002"), and at the scale required through the ToR; <p>Therefore please note that the preparation of such a report is conducted based on several impartial criteria that are mandatory and established by competent environmental authority. These criteria are fully observed by RMGC, and not some subjective aspects.</p> <p>References: [1] Art. 21, al. (1), lit. a) and (4) of Governmental Emergency Ordinance no. 195 from 22nd of December 2005 regarding environmental protection, published in Romania's Official Gazette, part I, no. 1.196 from 30th of December 2005, endorsed with several amendments by Law no. 265 from 29th of June 2006, published in Romania's Official Gazette, part I, no. 586 from 6th of July 2006. [2] We underline the fact that GD no. 918/2002 abrogated by the GD no. 1213/2006 regarding the framework-procedure for assessing the environmental impact of certain public and private projects, published in the Official Gazette, Part 1, no. 802/25/09/2006 ("GD no. 1213/2006"). However, considering the provisions of art. 29 of GD no. 1213/2006 where it is underlined the fact that "Projects submitted to a competent authority for environmental protection in order to secure the environmental permit and to assess the environmental impact, before the present decision is enforced, they must be subjected to the environmental impact assessment procedure and issuance procedure of the applicable environmental permit when the application has been submitted" we underline the fact that as far as the RMGC Project is concerned the provisions of GD 918/2002 are still valid.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3065
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 111729/25.08.2006
RMGC internal unique code	MMGA_1367
Proposal	<p>Since the discussions about Project started any other modality of the area development was not taken into consideration</p> <p>We underline the fact that the Report on Environmental Impact Assessment Study assesses, within Chapter 5, the <i>Assessment of the Alternatives</i>, various development alternatives for the area of Roşia Montană, alternatives for the current Project.</p> <p>The mining project proposed by Roşia Montană Gold Corporation (RMGC) covers only 25% of the Roşia Montană commune territory. The restrictions related to the construction of non-industrial facilities apply only to this part of the area, while the remaining 75% of the territory is not affected by any restrictions generated by the mining project at issue.</p> <p>In order to make sure that the mining project development plan does not prejudice other potential development activities in the area, RMGC has complied with the obligation to examine the national, regional and local plans, such as not affect the other development opportunities of the Roşia Montană Commune. The next step was the public consultation and debate stage, of approximately six months, when other development proposals and opportunities could be discussed, in addition to those presented by RMGC. These consultations have revealed that the mining project proposed by Roşia Montană Gold Corporation does not discourage any other forms of development in the Roşia Montană area, at present or on the long term.</p>
Solution	<p>Moreover, we would like to underline that the restrictions of the industrial area have been established following a scientific analysis, based on which the protection areas have been delimited. The town-planning regulations of the Zonal Urbanism Plan will establish in detail the future uses of various areas, while the restriction related to construction or development of everyday activities will be maintained only for the footprint of the planned facilities.</p> <p>The experience of other similar projects demonstrates that industrial activities such as those included in a mining project may be carried out concurrently with other businesses.</p> <p>The General Urbanism Plan developed in 2002 for the entire Roşia Montană modifies the General Urbanism Plan of 2000, only to incorporate a protected area including historical buildings. The restrictions generated by the mining project also existed in the General Urbanism Plan of 2000 for the industrial area, therefore the modifications are not related to the current mining project. Right now, the modified Zonal Urbanism Plan – Roşia Montană Industrial Area is pending approval. This urbanism documentation was also approved in 2002, given the advanced stage of the Roşia Montană project (e.g. reduction of the open-pits footprint; some of the technological roads have been re-designed; increase of the surface of the protected area. All these changes were made following the environmental impact assessment and the measures meant to prevent, mitigate and eliminate the potential impact established as a result of the environmental impact assessment process).</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3065
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 111729/25.08.2006
RMGC internal unique code	MMGA_1369
Proposal	The precaution principle should have to be applied before to grant the environment permit for this project
	The strongest evidence as to the application of the precautionary principle in the procedure for the issuance of the environmental permit for the Roşia Montană project is the whole process of environmental impact assessment in its complexity.
Solution	<p>These are some of the aspects that support this statement:</p> <ul style="list-style-type: none"> - 11 baseline reports regarding the quality of the environmental media, the cultural heritage and the population's health status; - More than 100 experts who have assessed, estimated and quantified the potential impact of the project and proposed concrete solutions for its prevention, minimization and removal; - 16 public debates- this is a first for the EIA procedure in Romania.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3230
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 111105/25.08.2006
RMGC internal unique code	MMGA_1409
Proposal	<p>Contestation against the Environment Impact Assessment Study and the Report to the Environment Impact Assessment Study. The questioner has the following comments: The EIA study has no relevance or connection with the area which should have to be investigated</p>
Solution	<p>A realistic assessment of the potential impact generated both in the area of influence of the RMP and in the surrounding areas requires undoubtedly a solid basis for analysis.</p> <p>Starting from this principle, monitoring activities were conducted in the period 1999 – 2000 in order to support the baseline reports. The project proposal and the data available in the baseline reports served as starting point for a thorough assessment of all the types of impacts related to the implementation of the Roşia Montană Project. Concrete solutions have been proposed for the prevention, mitigation, removal of the potential impact.</p> <p>Similar technologies are being used in more than 400 mines worldwide and the management methods for the related risks have already proven their efficiency in the other cases.</p> <p>All these aspects represent significant premises which allow us to consider the conclusions reached by the over 100 experts at the end of the impact assessment as closely connected to the project proposal and relevant in order to make a decision (this is also mentioned in the report drafted by the international group of independent experts-IGIE, which is available on MMGA's website: www.mmediu.ro).</p>

Domain	PERMITTING
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_1442

Proposal	Who precisely signed the concession documents for Eurogold company, in what conditions and when?
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The Ministry of Economy and Commerce (former Ministry of Industries) has initiated, in time, development strategies and programs for the mining areas in Romania and, together with the National Agency for Mineral Resources permitted the establishment of joint ventures between Romanian mining companies and foreign investors, for the redevelopment of certain mining operations.

As an example, we would like to mention the following provisions of:

- (i) Law no. 15/1990 regarding the re-organization of state-owned companies as autonomous companies and commercial companies, with its subsequent amendments and alterations;
- (ii) The national exploration program regarding the directions required for the development of exploration of mineral resources between 1994 and 1996, endorsed by the Governmental Decision no. 60/1994;
- (iii) The Action Plan of the 2000 Governmental Program established for 2001 – 2004 period, endorsed by the Governmental Decision no. 456/2000;
- (iv) Strategy of Mining Industry established for the 2004-2010 period, endorsed by the Governmental Decision no. 615/2004;
- (v) Strategy for accelerating the 2005 privatization and attracting investments process that was developed for the companies in the property of the Ministry of Economy and Commerce as well as several measures adopted for its application that were endorsed by the Governmental Decision no. 184/2005;
- (vi) Romania's Industrial Policies established for 2005 – 2008 period and the Action Plan developed for the implementation of Romania's Industrial Policy during 2005-2006, endorsed by the Governmental Decision no. 1172/2005;
- (vii) Strategy established for the reorganization, privatization and attraction of investments for the following state-owned companies from mining industry: mining operations of metalliferous ores (non-coal/other than coal mining operations): S.C. "Cupru Min" - S.A. Abrud, S.C. "Moldomin" - S.A. Moldova Nouă, Compania Națională a Cuprului, Aurului și Fierului "Minvest" - S.A. Deva, S.C. "Băița" - S.A. Ștei, Compania Națională a Metalelor Prețioase și Neferoase "Remin" - S.A. Baia Mare, S.C. "MINBUCOVINA" - S.A. Vatra Dornei, and their subsidiaries, endorsed by Governmental Decision no. 590/2006.

Solution

In this case, the Mining License for the Roșia Montană Perimeter no. 47/1999 (Roșia Montană License) has been issued based and pursuant to the procedures included in the former Mines Law no. 61/1998 valid at the time of issuance.

The Mining License for Roșia Montană was concluded between NARM and Regia Autonomă a Cuprului Deva (currently, CNCAF Minvest Deva), as titleholder, and S.C. Euro Gold Resources S.A. (currently, RMGC), as affiliate to the license. With respect to National Agency for Mineral Resources (NAMR) representation during the development of the procedure of leasing the mining activities that are now included in the scoping of the Roșia Montană License, this has been executed in full compliance with the law, art. 4(2) of Governmental Decision no. 368/1999 regarding the re-organization of the NAMR that was valid at that time and was stipulating: *"The president is heading the entire activity, is ensuring the fact that the duties of the National Agency for Mineral Resources are met and is representing the Agency in the relationships with the ministries and other specific central authorities, with the local public authorities, and with the legal and neutral persons"*

The Roşia Montană License has been endorsed by the Governmental Decision no. 458/10.06.1999 published in the Official Gazette of Romania Part I no. 285/21.06.1999. The transfer of Roşia Montană License from Minvest to RMGC has been performed pursuant to the provisions of the art. 14(1) of Mine Law no. 61/1998, being endorsed by the NAMR Order no. 310/9.10.2000 published in the Official Gazette of Romania Part I no. 504/13.10.2000, which stipulates within the art. 2 that “*Minvest SA will remain an affiliated company pursuant to the provisions of the license*”.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	4016
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 113014/25.08.2006
RMGC internal unique code	MMGA_1455
Proposal	<p>Within EIA the baseline of the Rosia Montana commune and the impact on area caused by the Company until now are not presented;</p> <p>As regards your statement, please be so kind to take notice of the following aspects:</p> <p>The baselines were described in eleven Reports containing a detailed analysis of the conditions related to the environment, heritage and population health on site and inside the project impact area. These reports are included in Volumes 1-6 of the documentation submitted to the Ministry of Environment and Water Management on May 15, 2006. This document includes three large sections:</p> <ul style="list-style-type: none"> • The baseline reports – volumes 1- 6; • The Report on the Environmental Impact Assessment Study (EIA) – volumes 7-20 containing, in each chapter/section, a brief presentation of the baselines based on which the impact assessment was conducted, for the purpose of estimating and measuring the potential impact; • The Management Plans from A to M included in volumes 21- 33, present the measures proposed for the prevention/mitigation/elimination of the potential impact of the Roşia Montană project. <p>According to the legal provisions in force (Government Decision no. 918/2002 abrogated by Government Decision no. 1213/2006 and Ministerial Orders no. 860 /2002 and no. 863/2002, as subsequently amended and supplemented) transposing the Environmental Impact Assessment Directive 85/337/EEC, Roşia Montană Gold Corporation (RMGC) had only the obligation to submit the EIA Report.</p>
Solution	<p>RMGC has committed to comply with the Romanian legislation, the European Union directives and international guidelines and recommendations. For this reason, the design criteria have taken into consideration the BAT (Best Available Techniques) and BMP (Best Management Practice). The result of these commitments is also the environmental permitting documentation which contains, in addition to the EIA Report, the Baseline Reports prepared during the period 1999-2006 and the Management Plans prepared as part of the environmental impact assessment process, which may be a novelty for the environmental permitting procedure in Romania.</p> <p>The Company's impact on the area is presented in Chapter 4 <i>Potential Impact</i>, sub-chapter 4.8 <i>Social and Economic Impact</i>, Section 6.2 Tale 4.6-2. page 40, where you can find the types of impact occurring during each stage of the project. Due to the fact that the project is at the development stage, we cannot discuss other types of significant impact, such as the impact on the environmental media.</p> <p>All the operation preliminary activities have been authorized in accordance with the legal requirements. No incident that may cause the pollution of environmental media has occurred. The only activities performed to date, that involved physical operations on site, have been the geological drilling exploration and archaeological research activities. All the locations that have been subject to this type of activities have been rehabilitated after completion of the research.</p>

Domain	PERMITTING
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_1509
Proposal	<p>I ask to be said nominally who precisely from authorities and when signed this concession and in what conditions?</p>
Solution	<p>The Ministry of Economy and Commerce (former Ministry of Industries) has initiated, in time, development strategies and programs for the mining areas in Romania and, together with the National Agency for Mineral Resources permitted the establishment of joint ventures between Romanian mining companies and foreign investors, for the redevelopment of certain mining operations.</p> <p>As an example, we would like to mention the following provisions of:</p> <ul style="list-style-type: none"> (i) Law no. 15/1990 regarding the re-organization of state-owned companies as autonomous companies and commercial companies, with its subsequent amendments and alterations; (ii) The national exploration program regarding the directions required for the development of exploration of mineral resources between 1994 and 1996, endorsed by the Governmental Decision no. 60/1994; (iii) The Action Plan of the 2000 Governmental Program established for 2001 – 2004 period, endorsed by the Governmental Decision no. 456/2000; (iv) Strategy of Mining Industry established for the 2004 – 2010 period, endorsed by the Governmental Decision no. 615/2004; (v) Strategy for accelerating the 2005 privatization and attracting investments process that was developed for the companies in the property of the Ministry of Economy and Commerce as well as several measures adopted for its application that were endorsed by the Governmental Decision no. 184/2005; (vi) Romania's Industrial Policies established for 2005 – 2008 period and the Action Plan developed for the implementation of Romania's Industrial Policy during 2005-2006, endorsed by the Governmental Decision no. 1172/2005; (vii) Strategy established for the reorganization, privatization and attraction of investments for the following state-owned companies from mining industry: mining operations of metalliferous ores (non-coal/other than coal mining operations): S.C. "Cupru Min" - S.A. Abrud, S.C. "Moldomin" - S.A. Moldova Nouă, Compania Națională a Cuprului, Aurului și Fierului "Minvest" - S.A. Deva, S.C. "Băița" - S.A. Ștei, Compania Națională a Metalelor Prețioase și Neferoase "Remin" - S.A. Baia Mare, S.C. "MINBUCOVINA" - S.A. Vatra Dornei, and their subsidiaries, endorsed by Governmental Decision no. 590/2006. <p>In this case, the Mining License for the Roșia Montană Perimeter no. 47/1999 (Roșia Montană License) has been issued based and pursuant to the procedures included in the former Mines Law no. 61/1998 valid at the time of issuance.</p> <p>The Mining License for Roșia Montană was granted to Regia Autonomă a Cuprului Deva (currently, CNCAF Minvest Deva), as titleholder, and to S.C. Euro Gold Resources S.A. (currently, RMGC), as affiliate to the license. With respect to National Agency for Mineral Resources (NAMR) representation during the development of the procedure of leasing the mining activities that are now included in the scoping of the Roșia Montană License, this has been executed in full compliance with the law, art. 4(2) of Governmental Decision no. 368/1999 regarding the re-organization of the NAMR that was valid at that time and was stipulating: <i>"The president is heading the entire activity, is ensuring the fact that the duties of the National Agency for Mineral Resources are met and is representing the Agency in the relationships with the ministries and other specific central authorities, with the local public authorities, and with the legal and neutral persons"</i></p>

The Roşia Montană License has been endorsed by the Governmental Decision no. 458/10.06.1999 published in the Official Gazette of Romania Part I no. 285/21.06.1999. The transfer of Roşia Montană License from Minvest to RMGC has been performed pursuant to the provisions of the art. 14(1) of Mine Law no. 61/1998, being endorsed by the NAMR Order no. 310/9.10.2000 published in the Official Gazette of Romania Part I no. 504/13.10.2000, which stipulates within the art. 2 that *“Minvest SA will remain an affiliated company pursuant to the provisions of the license”*.

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1496
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110627/25.08.2006
RMGC internal unique code	MMGA_1523
Proposal	The Urbanism Plans are not in line with the proposed Project
Solution	<p>We underline the fact that your statement is false. The General Urbanism Plan for the Roşia Montană commune, endorsed in 2002 allows the development of Roşia Montană project, as it has been presented during the public consultations.</p> <p>Concurrently, pursuant to the provisions of art. 41, paragraph 2, from the Mining Law no.85/2003, the authorities from the local administration have the liability to adjust and/or update the territory arrangement plans and the general urbanism plans, in order to allow the development of all operations necessary for the development of mining activities.</p> <p>RMGC has also initiated the preparation of two zonal urbanism plans: Zonal Urbanism Plan Modification – Roşia Montană Industrial Area and Zonal Urbanism Plan – Roşia Montană Historical Area. The first urbanism plan is required by the urbanism certificate no.78/26.04.2006, being an updating of the Zonal Urbanism Plan for the Industrial Area, approved in 2002. As far as the historical area is concerned, its Zonal Urbanism Plan is required by the General Urbanism Plan also approved in 2002. Both urbanism plans are pending approval, and have been subject to public consultations.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	750
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109707/21.08.2006 and No. 75024/21.08.2006
RMGC internal unique code	MMGA_1541
Proposal	<p>Is there any feasibility study compiled for mining the Bucium ore? Can Bucium Project be considered a feasible project?</p> <p>Please note that pursuant to current legal provisions, the <u>project proposed by the titleholder</u> [1] is undergoing the procedure of environmental impact assessment.</p> <p>Therefore, a potential analysis of a potential development of other mining projects or operations of RMGC exceeds the scoping of the procedure of environmental impact assessment conducted for Roşia Montană Project. Moreover, with respect to the current stage of mining activities developed within the Perimeter covered by Bucium License, a discussion related to the feasibility or the operations of this Project can be done only at a principle level.</p> <p>We would like to underline on this the fact that Roşia Montană Gold Corporation (RMGC) is the titleholder of an exploration license for Bucium Perimeter and pursuant to the provisions of this license, the company has performed geologic explorations in order to identify and outline resources and reserves that may be economically developed.</p> <p>For certain areas from Bucium perimeter a pre-feasibility study has been conducted in order to assess the possibility to economically develop the gold and silver ore deposits. In order to proceed forward to the operational stage, RMGC would have to prepare a feasibility study as per Romanian mining legislation and to secure a Mining License pursuant to the provisions of art. 17, 18(2) and 20 Mines Law no. 85/2003. This study is being prepared by S.C. Ipromin S.A. and upon closure will be submitted for approval at National Agency for Mineral Resources.</p>
Solution	<p>If the Mining License for Bucium Perimeter is secured and the decision to develop the mine is taken, than a permitting process of this mining project would have to be initiated and that would require among other issues, to secure an environmental permit and to undergo a procedure for environmental impact assessment that on its turn requires a public consultation and disclosure stage according to applicable legal requirements.</p> <p>References:</p> <p>[1] Please see as an example:</p> <p>(i) Art. 2 of Emergency Governmental Ordinance no. 195/2005 regarding the environmental protection defines the environmental permit as being "the technical-legal act through which the conditions in which a project is developed are established, <i>from environmental protection point of view; the environmental permit represents the decision of competent environmental authorities who are granting the right to the titleholder to develop its project from environmental point of view</i>"</p> <p>(ii) Art. 44(3) and art. 45 Order no. 860/2002 regarding the procedure for environmental impact assessment and the issuance of the environmental permit, and art. 10 Governmental Decision no. 819/2002 regarding the framework procedure for assessing the environmental impact and for the approval of the list of public or private project that will undergo this procedure as well as the Methodology Guidelines for the assessment scoping and to perform the report on the assessment study – Part II (the structure of the report on environmental impact assessment study) approved by the Order no. 860/2002, stipulate the information that the titleholder needs to provide and the procedures that need to be followed for the project proposed by titleholder on the respective site and subjected to environmental impact assessment procedure.</p>

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	750
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109707/21.08.2006 and No. 75024/21.08.2006
RMGC internal unique code	MMGA_1542
<p data-bbox="97 539 422 584">Proposal</p> <p data-bbox="97 584 422 629">Can Bucium project be a continuation of Roşia Montana mining activity, after the 17 years of mining?</p> <p data-bbox="97 629 422 696">Please note that pursuant to current legal provisions, the <u>project proposed by the titleholder</u> [1] is undergoing the procedure of environmental impact assessment.</p> <p data-bbox="97 696 422 898">Therefore, a potential analysis of a potential development of other mining projects or operations of RMGC exceeds the scoping of the procedure of environmental impact assessment conducted for Roşia Montană Project. Moreover, with respect to the current stage of mining activities developed within the Perimeter covered by Bucium License, a discussion related to the feasibility or the operations of this Project can be done only at a principle level.</p> <p data-bbox="97 898 422 1055">We would like to underline the fact that Roşia Montană Gold Corporation (RMGC) is the titleholder of an exploration license for Bucium Perimeter and pursuant to the provisions of this license, the company has performed geologic explorations in order to identify and outline resources and reserves that may be economically developed.</p> <p data-bbox="97 1055 422 1279">For certain areas from Bucium perimeter a pre-feasibility study has been conducted in order to assess the possibility to economically develop the gold and silver ore deposits. In order to proceed forward to the operational stage, RMGC would have to prepare a feasibility study as per Romanian mining legislation and to secure a Mining License pursuant to the provisions of art. 17, 18(2) and 20 Mines Law no. 85/2003. This study is being prepared by S.C. Ipromin S.A. and upon closure will be submitted for approval at National agency for Mineral Resources.</p> <p data-bbox="97 1279 422 1458">Solution</p> <p data-bbox="97 1279 422 1458">We also underline that if the Mining License for Bucium Perimeter is secured and the decision to develop the mine is taken, than a permitting process of this mining project will have to be initiated and that would require among other issues, to secure an environmental permit and to undergo a procedure for environmental impact assessment that on its turn requires a public consultation and disclosure stage according to applicable legal requirements.</p> <p data-bbox="97 1458 422 1503">References:</p> <p data-bbox="97 1503 422 1547">[1] Please see as an example:</p> <p data-bbox="97 1547 422 1704">(i) Art. 2 of Emergency Governmental Ordinance no. 195/2005 regarding the environmental protection defines the environmental permit as being “the technical-legal act through which the conditions in which a project is developed are established, <i>from environmental protection point of view; the environmental permit represents the decision of competent environmental authorities who are granting the right to the titleholder to develop its project from environmental point of view</i>”</p> <p data-bbox="97 1704 422 1982">(ii) Art. 44(3) and art. 45 Order no. 860/2002 regarding the procedure for environmental impact assessment and the issuance of the environmental permit, and art. 10 Governmental Decision no. 819/2002 regarding the framework procedure for assessing the environmental impact and for the approval of the list of public or private project that will undergo this procedure as well as the Methodology Guidelines for the assessment scoping and to perform the report on the assessment study – Part II (the structure of the report on environmental impact assessment study) approved by the Order no. 860/2002, stipulate the information that the titleholder needs to provide and the procedures that need to be followed for the project proposed by titleholder on the respective site and subjected to environmental impact assessment procedure.</p>	

Domain	PERMITTING
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	892
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110082/22.08.2006 and No. 75169/23.08.2006
RMGC internal unique code	MMGA_1556
Proposal	<p>- inconsistency regarding the Urbanism Plans for Roşia Montana, Bucium, Abrud, Câmpeni and the mining Project.</p> <p>We underline the fact that pursuant to the provisions of art. 41, paragraph 2, from the Mining Law no. 85/2003, the authorities from the local administration have the liability to adjust and/or update the territory arrangement plans and the general urbanism plans, in order to allow the development of all operations necessary for the development of mining activities.</p> <p>In other words, we mention the fact that the General Urbanism Plan for the entire Roşia Montană settlement was prepared in 2002. This Plan stipulates urban-planning regulations for all 16 villages included in the Roşia Montană Commune, and for a protected area including historical buildings. The General Urbanism Plan has been presented to the public and subject to public debates, therefore all interested persons have been able to express their opinion regarding the development opportunities of the commune. After the completion of the public participation stage, the General Urbanism Plan has obtained all necessary approvals from the competent ministries, from Alba County Council, the Urbanism Committee, Alba Environmental Protection Agency, the network operators and the final approval of Roşia Montană Local Council.</p>
Solution	<p>S.C. Roşia Montană Gold Corporation S.A. (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 (TMF). This urbanism certificate is fully compliant with the project proposal whose impact is assessed in the EIA Report. The certificate covers the area included in the Zonal Urbanism Plan for Roşia Montană Industrial Area and is included in the Mining License issued by the National Agency for Mineral Resources. The Zonal Urbanism Plan for the Industrial Area has been subject to public consultations and debates organized in Roşia Montană, Bucium, Câmpeni and Abrud and has received the approval to continue the permitting procedures, from all 4 local councils.</p> <p>Concerning the urbanism plans of the other settlements, the General Urbanism Plan for Abrud city was updated in 2002, incorporating the part of the TMF located within the territory under Abrud administration. This General Urbanism Plan has been subject to the same approval procedure as the General Urbanism Plan of Roşia Montană Commune. The General Urbanism Plan for Câmpeni city is currently being updated, and Roşia Montană Gold Corporation requested the Local Council to include the part of the water supply pipe and the pipe collecting water from Arieş River. After completion, it will be subject to the approval procedure described above.</p> <p>Only one road will be constructed on the administrative territory of Bucium Commune, having a reduced impact on the urbanism plan. Consequently, in compliance with the applicable urbanism regulations it is not necessary to include it in a new urbanism plan or to modify the existing plan.</p>