

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3
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_0005

Proposal There are abuses and illegalities as regards to Project's initiation, promotion and preparation.

According to the relevant legal provisions, the interested public may submit justified proposals on the environment impact assessment. Art. 44 (3) of the Order no. 860/2002 on the Environment Impact Assessment Procedure and the issuance of the environmental approval provides to this end that „*based on the results of the public debate, the relevant authority for the environmental protection evaluates the grounded proposals/comments of the public and requests the titleholder the supplementation of the report to the environmental impact assessment study with an annex containing solutions for the solving of the underlined issues*”.

As the statement of the attendant to the public consultations (i) refers to the existence of some so-called abuses and illegalities regarding the Roşia Montană Project, without containing any specific indications on the alleged facts, and (ii) identifies and specifies no problems in regard of the project initiated by RMGC, subject to the environmental impact assessment procedure, RMGC is not in position to answer and has not the capacity to make any comments in this regard.

Nonetheless, considering RMGC has expressed its full availability to discuss any issues relevant for the proposed project, please note the following:

Solution As for the initiation, promotion and development of the project proposed by RMGC, they can only be made with the observance of the applicable legal provisions. The environmental impact assessment procedure is a transparent procedure in which both the relevant environmental authority and the project's titleholder are obliged to inform the interested parties, including the Technical Analysis Committee and the public, in regard of the aspects related to the fulfillment of the mandatory stages for the obtaining of the environmental approval.

In this context, any interested person may monitor the fulfillment of the mandatory legal procedures, may qualify the evaluation modality and may submit objections, as per the law. Distinct from the above mentioned, we underline that RMGC shall take all necessary measures in order to strictly comply and fulfill in due time the obligations provided by the Romanian applicable legislation in relation to promotion, building and operation of Rosia Montana Project.

According to the provisions of the Romanian law, the engagement of any form of liability and the sanctioning of the persons breaching the legal provisions can be made only by the state bodies and authorities with specific attributions in the field and under the conditions stipulated by the law. Thus, the criminal liability of a person who is supposed to have breached the legal provisions may be engaged only to the extent that the existence of all constitutive elements of an offence or misdemeanor can be proved within a lawsuit settled by a final decision of the relevant Court.

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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_0006
Proposal	<p>The public debate from Cluj Napoca and the entire public consultation process are not adequate and acceptable due to the short time allowed for analyzing the complete documentation (over 3,500 pages), to the period selected (July-August) because during this period the vacations/leaves are taken, to the time when the meeting was scheduled to start (16.30h), to the restricted duration of speeches, to the impartiality of organizers of public consultations, to the procedure, and to the scheduling.</p>
Solution	<p>The method for the public consultation as part of the environmental impact assessment procedure is provided by Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and the issuance of environmental permit procedures ("Order no. 860/2002"):</p> <p>Article 39 (1) of the Order no. 860/2002 provides that "after performing the environment impact assessment and drafting the report on the environmental impact assessment study, the relevant environmental protection authority and the project titleholder inform the public, [...], within <u>at least 30 working days prior to the date of public debate meeting</u>, on the following aspects: (i) the location and the date of the public debate, (ii) the location and the date when the report on the environment impact assessment study is available for consultation and (iii) the address of the public authority for environmental protection where the reasoned proposals of the public regarding the report on the environment impact assessment study are submitted"; According to art. 41 of Order no. 860/2002, the public debate meeting is held in the presence of the representatives of the relevant public authority for environmental protection, in the area where the project should be implemented and out of the working hours. Therefore, we kindly ask you to notice the fact that, the relevant legislation does not provide for or make recommendations for the organization of the public debate meetings on the study of the environment impact assessment report during a certain period of the year. The only provision and obligation of the project titleholder in this respect, an obligation fulfilled by S.C. Roşia Montana Gold Corporation S.A. (RMGC), is to inform the public 30 days before the date of the public debate meeting.</p> <p>Moreover, please note that the terms and stages provided by law for organizing and holding the public consultations were observed and strictly accomplished, considering that:</p> <ul style="list-style-type: none"> (i) the announcement regarding the public debate was posted within the legal term; (ii) the report to the environment impact assessment study was put at the public's disposal in multiple locations and in due time, and (iii) starting hours for of the public debate meetings were established outside the working hours. <p>Consequently, we consider that the public debate that took place in Cluj Napoca, as well as the other public debates held with the view of discussing the issues regarding the report on the environment impact assessment study related to the Roşia Montană Mining Project were organized in compliance with the applicable legal provisions.</p>

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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_0015
Proposal	<p>Is the decision taken by the Berlin International Congress on banning the use of cyanides to separate gold in open environment known?</p>
Solution	<p>The procedure to use cyanide for the separation of the gold in the open environment does not make the object of national or European legal regulations, which forbid the use of such technique.</p> <p>The subject of using the cyanide for the separation of gold in open environment was the subject of numerous debates initiated by the Department of "Environmental protection and natural resources" within the United Nations, including in Berlin, on November 22-26, 1999, where environmental legislations and norms were debated, international conventions inclusively, but from the analysis of the final report of the debates, titled "<i>Report on the international round table on mining and the environment</i>", please note that this procedure was not forbidden.</p> <p>Please consider that the Ministry of Environment and Waters Management, by the Hazardous Chemical Substances and Wastes Management Department requested, by the Guidelines sent to S.C. Roşia Montană Gold Corporation S.A. (RMGC), with a view to the performance of the Environmental Impact Assessment Report for the Roşia Montană Project, that this project "<u>must be in compliance with the provisions of the new CE Directive on the management of wastes in the extractive industry</u>".</p> <p>The Directive no. 21/2006/EC on the management of the wastes resulting from the extractive industry specifies only the need <u>to reduce the cyanide concentration</u> in the decantation ponds, due to its toxic and harmful effects, to the lowest degree possible, by using the best available techniques.</p> <p>Also, art. 13 paragraph 6 of the above mentioned Directive, establishes the maximum limits of the cyanide concentration allowed in the decantation ponds and their gradual reduction until 2018, <u>but does not forbid the use of cyanides in the process of extracting the gold.</u></p> <p>We underline that Directive no. 21/2006/EC has as deadline for adoption into the legislations of the EU member states, therefore in the Romanian legislation as well, the year 2008.</p>

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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_0017
Proposal	<p>What will happen with the mines that have been private properties of citizens even since the dualism of Austro Hungarian ruling, and nationalized in 1948 by the Communist dictatorship?</p>
Solution	<p>Regarding the issues that you approached, please note that S.C. Roşia Montană Gold Corporation S.A. (RMGC) is not in the position to provide an answer regarding certain issues, which go beyond the subjects tackled in the Environmental Impact Assessment Report.</p> <p>In this respect, please consider the following aspects:</p> <ul style="list-style-type: none"> (i) the activity of settling certain factual situations or relations <u>is the exclusive attribution/competence of state</u>; (ii) the retrocession of properties is performed exclusively in consideration of certain legal provisions which settle substantive rights issues, as well as procedural rights issues which must be considered; (iii) the competence of settling the claims submitted by interested persons is imperiously stipulated by law as being under the competence of the administrative authorities or, as the case may be, under the competence of law courts. <p>Nevertheless, considering the fact that RMGC expressed and is still expressing the availability to discuss any relevant issues regarding the proposed project, including the issues related to the participation shares, we make the following comments.</p> <p>According to art. 54 of the Rule for the enactment of art. 264 of the Mining Law from March 28, 1929 "the participation share gives the titleholder the right to participate to the indivisible assets of the association, it is an effect (title) with indefinite value, under an intangible form and preserves this form even when all the participation shares of the association are owned by a single individual."</p> <p>At the same time, the wording of art. 50 of the Mining Law from March 28, 1929 provides that the mining association based on participation shares had only the right of exploration and exploitation over the lands and not a property right, these lands being in their possession based on concession agreements.</p> <p>As regards the nature of the right granted by the participation share – a right of exploitation and not a property right - the provisions regarding the amending rules of Law 10/2001 on the legal status of the estates abusively requisitioned during the interval March 6, 1954 – December 22, 1989 („Law 10/2001”), republished and amended, are not applicable. According to art. 3 of Law 10/2001, the natural persons have the right to compensation in case they owned as property the estate abusively requisitioned or in case the property right belonged to some legal persons to which the entitled natural persons had the capacity of shareholders.</p> <p>Accordingly, for each of the situations provided by Law 10/2001, an essential condition for the determination of the right to compensation is to ground a property right, either by the very natural person, or by the legal person to which he participated as shareholder, over the asset requisitioned by the state, a condition which is not fulfilled by the participation share owners.</p> <p>Considering there will be specific regulations in this respect, RMGC will take all the necessary measures for the observation of the imperious legal provisions.</p>

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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_0034
Proposal	How the project meets the provisions of Government Emergency Order no. 244/2000?
Solution	<p>According to the provisions of art. 6 (1) of Government Emergency Ordinance no. 244/2000 on the safety of dams, "for new dams or in case of building interventions which change the base parameters of existent dams the holders (RMGC, in this case, our note) hereof have the obligation <u>to obtain from the Ministry of Waters and Environment Protection the safe operation agreement.</u>" The safe operation agreement refers to the classification on importance categories, to the adoption of design solutions, to location agreements and observance of norms in force, case that shall be subject to another analysis submitted for the approval of the Ministry of the Environment and Waters Management, different from the analysis for the issue of environmental permit that will ensure compliance with Government Emergency Ordinance no. 244/2000.</p> <p>At the same time during the operation stage, the dam's safety shall be analyzed and monitored according to the provisions of art. 1(3) of GEO no. 244/2000: "<i>the evaluation of the operation safety status and the check of observing the performance requirements regarding dam safety shall be made by experts and specialists accredited by the Ministry of Public Works, Transports and Housing and certified/empowered by the Ministry of Waters and Environment Protection</i>". In addition the coordination, guidance and the monitoring of the activity for safety assessment of the dams, whether existent, under construction and new, shall be carried out by the National Commission for Dam Safety and Other Hydrotechnical Works.</p> <p>All technical details on survey and monitoring, as provided in GEO no. 244/2000 and as requested through the Guidance sent by the Ministry of Environment and Waters Management on the completion of EIA ("details shall be given on ponds, including on the observance of provisions in GEO no. 244/2000 in this respect") during the construction, operation, closing and post-closing are provided in the EIA report [1]. We also remind the provisions in art. 5 of GEO no. 244/2000, stating that: "holders of dams under any title are directly liable to attain and maintain the operation safety hereof".</p> <p>References: [1] - Environmental Impact Assessment Report (EIA) Volume 25, Plan F – Tailings Facility Management Plan, section 4, page 41 and following pages</p>

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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_0035
Proposal	<p>An estimate of the financial guarantees necessary for the tailings management facility, according to the Governmental Decision 349/2005 and to the Waste Directive.</p> <p>We mention that the Government Decision no. 349/2005 regarding waste storage ("GD 349/2005"), by which the Directive no. 31/1999 regarding waste storage was enacted, is not applicable for the Roşia Montană Project.</p> <p>As regards the financial guarantee for the tailings management facility, the related frame regulation is the Directive no. 2006/21/EC on the management of waste from the extraction industries, which in the wording of art. 2 (4) expressly indicates the fact that waste resulting from the extraction industry and brought under regulation by the Directive no. 21/2006 are not under the incidence of the regulations of the Directive no. 31/1999, therefore they are not subject to the GD 349/2005.</p> <p>The estimation of the financial guarantee related to the tailings management facility will be performed after the transposition of the Directive 21 to the national legislation and according to the provisions of the normative transposition act.</p> <p>At the same time, separately from the comments above, please consider the fact that the financial guarantee for the environment rehabilitation is provided by (i) the Mining Law no. 85/2003 ("Law no. 85/2003"), (ii) the enactment Norms of Law no. 85/2003 and by (iii) Order no. 58/2004 for the approval of the technical Directives regarding the enactment and compliance with the rules indicated by the conformity program, the environment rehabilitation plan and the technical project, as well as for bringing under regulation the method for operating with the financial guarantee for the restoration of the environment affected by the mining activities ("Order no. 58/2004").</p>
Solution	<p>Pursuant to the above-mentioned normative acts, the financial guarantee for the environment rehabilitation is annual and final.</p> <p><i>(i) The annual financial guarantee for the environment rehabilitation</i> According to art. 131 of the Norms for the enactment of Law no. 85/2003 "the financial guarantee for the environment rehabilitation, as related to the exploitation licence, is established annually, during the first month of the related period, and is provided in the licence, so as to cover the environment rehabilitation works mentioned in the environment rehabilitation plan and in the technical design".</p> <p>According to art. 133 (1) of the Norms for the enactment of Law no. 85/2003, the financial guarantee for the environmental rehabilitation cannot be smaller than the value of the environment rehabilitation works for the respective year, thus the guarantee will cover the rehabilitation works in case the licence titleholder ceases the mining activity and does not perform the rehabilitation works.</p> <p><i>(ii) The final financial guarantee for the environmental rehabilitation</i> According to the provisions of art. 15 of Order no. 58/2004, the final financial guarantee for the environment rehabilitation is established annually and is calculated as a quota of the environment rehabilitation works value, according to the monitoring program of the environment post-closing elements, which is included in the technical dismantling program.</p>

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	2
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Roşia Montană, 24.07.2006
RMGC internal unique code	MMGA_0054
Proposal	<p>The questioner refers to the fact that there are people from Rosia Montana who do not want to sell their properties, the property is guaranteed by the state, the churches do not want to sell their properties, some of the people are stating that they will go to trial to international courts and the Romanian state has already started to loose more and more trials.</p> <p>What will Gold Corporation do when they will have to start the project and many international trials and disputes will be initiated and they won't be able to work?</p>
Solution	<p>When acquiring the private property territories necessary for the development of Roşia Montană Project, RMGC's approach is primarily based on the principle of a "willing seller-buyer". To this extent, RMGC provided fair compensation packages for the affected inhabitants of the impacted area, in full compliance with the World Bank policies in this field, as detailed in the Relocation and Resettlement Action Plan developed by RMGC, which may be found on the company's official website.</p> <p>Moreover, the design and location of Project's facilities was made so as the number of impacted persons is as small as possible.</p> <p>Regarding the methods for acquiring the lands contemplated by RMGC, these are in full compliance with the legal provisions, art. 6 of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Section I, no. 197/27.03.2003 expressly providing the means by which the titleholder obtains the right of use over the lands necessary to perform mining activities in the exploitation perimeter, namely: (i) <i>sale-purchase, for the price agreed upon by the parties</i>; (ii) <i>the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties</i>; (iii) <i>renting of the land for undetermined period, based on agreements between the parties</i>, (iv) <u>expropriation for cause of public utility, as per the law</u>; (v) <i>land concession</i>", etc.</p> <p>Also, art. 1 of Law no. 33/1994 on the expropriation for cause of public utility, published in the Romanian Official Gazette, Section I, no. 139/02.06.1994, provides that "<u>the expropriation of immovable, [...], can be made only for cause of public utility</u>", and art. 6 of the same law provides that "<u>there are causes of public utility: geological exploration and prospecting; extraction and processing of useful mineral substances</u>".</p> <p>In conclusion, the expropriation, made in accordance with the legal and constitutional provisions, represents one of the modalities of obtaining the right of use over the lands necessary for the development of a mining project, being expressly provided by art. 6 of the Mining Law no. 85/2003 and by art. 6 of Law no. 33/1994.</p> <p>As for the possible litigations, we underline that, according to the provisions of the Romanian law, they cannot have as effect the cessation of the works performed within the Roşia Montană Mining Project, unless there is a final decision of the court to this end.</p>

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MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Roşia Montană, 24.07.2006
RMGC internal unique code	MMGA_0055
Proposal	Who is going to pay then, after 7 years of promises?
	According to the provisions of art. 44 (1) of Order of Minister of Waters and Environmental Protection no. 860/2002 regarding approval of the Environmental Impact Assessment and the issuance of environmental agreement procedures ("Order no. 860/2002") " <i>during the public debate meeting the project titleholder [...], provides reasoned answers to the <u>justified proposals of the public</u>, which were received under a written form, previously to the respective hearing</i> ".
Solution	<p>Considering that the person attending the public consultations does not identify nor indicate issues related to the project initiated by RMGC and undergoing the environment impact assessment procedure, we appreciate that, due to the lack of specific information regarding the aroused responsibility, the titleholder of the project may not provide a practical answer to this question.</p> <p>Please note that the Romanian legislation contains general provisions, as well as specific norms regarding the various types of legal responsibility, following, in case of non-observance of the legal provisions, for such responsibility to be determined according to the precise content of the said provisions.</p>

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MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Roşia Montană, 24.07.2006
RMGC internal unique code	MMGA_0057
Proposal	<p>Alburnus Maior declares this meeting illegal and they will address themselves to Ministry of Environment and Water Management and to Court?</p> <p>As related to your allegation, please consider the following aspects:</p> <p>According to art. 44 (1) of the Order of the Minister of Waters and Environmental Protection no. 860/2002 regarding the environment impact assessment and the issuance of environmental permit procedures ("Order no. 860/2002") <i>"during the public debate meeting the project titleholder [...], provides reasoned answers to the <u>justified proposals of the public</u>, which were received under a written form, previously to the respective hearing"</i>;</p>
Solution	<p>At the same time, art. 44 (3) of Order no. 860/2002 provides that <i>"based on the results of the public debate, the relevant authority for the environmental protection <u>evaluates the reasoned proposals/comments of the public and requests to the titleholder the supplementation of the report on the environmental impact assessment study with an appendix comprising solutions for the solving of the indicated issues"</u></i>.</p> <p>Considering the legal wordings quoted above, as your allegation (i) does not identify nor indicate issues related to the project initiated by RMGC and undergoing the environment impact assessment procedure, (ii) refers to decisional capacities under the competence of certain public authorities, issues to which RMGC is not in the position to answer, we mention that the project titleholder cannot and does not have the capacity to provide an answer or make any comments in this respect.</p>

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MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Roşia Montană, 24.07.2006
RMGC internal unique code	MMGA_0058
Proposal	<p>The questioner protests because only 5 minutes have been granted for his speech: he wants to know why, because a public consultation may last even for 5 days.</p>
Solution	<p>With regards to your claims, please note that the public consultation method within the environment impact assessment procedure is provided by Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and the issuance of environmental agreement procedures ("Order no. 860/2002").</p> <p>Article 39 (1) of the Order no. 860/2002 provides that <i>"after performing the environment impact assessment and drafting the report on the environmental impact assessment study, the relevant environmental protection authority and the project titleholder inform the public, [...], within <u>at least 30 working days prior to the date of public debate meeting</u>, on the following aspects: (i) the location and the date of the public debate, (ii) the location and the date when the report on the environment impact assessment study is available for consultation and (iii) the address of the public authority for the environment protection where the grounded proposals of the public regarding the report on the environment impact assessment study are submitted"</i>;</p> <p>According to art. 41 of the Order no. 860/2002, the public debate meeting is held in the presence of the representatives of the relevant public authority for the environment protection, in the area where the project should be implemented and out of the working hours.</p> <p>The practical method for organizing public debate meetings was provided by the Ministry of Environment and Waters Management, according to the responsibilities of the environmental protection authority in this field based on the provisions of the Order no. 860/2002 and the relevant environmental protection legislation.</p> <p>At the same time we draw attention to the fact that, each public debate meeting was declared as closed only after each interested attendant could publicly state their point of view regarding the project or the comments related to the report on the environmental impact assessment study.</p>

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	20
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_0094
Proposal	The questioner asks the following question: Do RMGC's representatives believe that Ministry of Environment and Water Management will ensure that the procedures are followed and the project is assessed in a correct manner?
Solution	<p>According to the relevant legal provisions, the procedure of granting the environmental permits is coordinated by the environmental protection public authorities by ensuring the information and participation of all the other central or local public authorities that, as the case may be, may have specific competences and liabilities in the environmental protection field, authorities that form the Technical Analysis Committee.</p> <p>The procedure of environmental impact assessment is a transparent procedure in which the competent environmental authority, as well as the titleholder of the project should inform the stakeholders, including the Technical Analysis Committee and the public, on the aspects related to performing the stages mandatory for obtaining the environmental permit.</p> <p>As example, please see the following legal provisions:</p> <ul style="list-style-type: none"> (i) art. 12 of HD no. 918/2002, the competent environmental protection authority informs the public on every request of environmental approval for the projects subject to environmental impact assessment; (ii) art. 35 (2) of Order no. 860/2002, the public environmental protection authority identifies the interested public and discusses directly with them on the entire duration of the decision-making process regulated by GD no. 918/2002; (iii) art. 26 of Order no. 860/2002, the titleholder of the project informs the public on the following stages: (a) submission of the request for obtaining the environmental approval for the project, (b) decision of the screening stage, (c) public debate of the report to the environmental impact assessment study and on (iv) the decision of the analyzing stage of the report to the environmental impact assessment study; (iv) art. 15 (1) of GD no. 918/2002, the competent environmental protection authorities make public the decision on granting or rejecting the request of issuing the environmental approval. <p>In this context, any interested person may observe the compliance with all mandatory legal procedures, qualify the evaluation method and may object under the terms of law.</p> <p>In consideration of the above, we mention the fact that RMGC will do its best endeavors in order to fulfill in a timely and complete manner the obligations provided in this respect under the relevant legislation. Moreover, we specify that, neither RMGC, nor its representatives are able to evaluate the way in which the competent public authorities will analyze and assess the project.</p>

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	27
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_0108
Proposal	<p>Why isn't mentioned anywhere that the EU Waste Directive, transposed in our legislation as Governmental Decision no. 349/2005, does not allow construction of a waste dump (a tailings facility) at less than 1 Km away from an inhabited locality? How is this distance to Abrud to Gura Cornei going to be settled?</p>
Solution	<p>Please note that the Government Decision no. 349/2005 regarding waste storage ("GD 349/2005"), as well as the Directive 1999/31/EC regarding waste storage, are not applicable for the tailings management facility of the Project.</p> <p>Please consider that the activity of mining waste storage is separately provided by the Directive no. 2006/21/EC regarding the management of waste resulting from the mining industry ("Directive no. 21/2006").</p> <p>According to the provisions of art. 2 (1) of the Directive no. 21/2006 „<i>the herewith directive covers the management of waste resulting from the activities of prospecting, extraction, treatment and storage of the mineral resources as well as of the activities performed inside the pits</i>". At the same time, Directive 21/2006 distinctly provides, in art. 2 (4) the fact that extraction waste management (provided by the Directive 21/2006) are not subject to the Directive 1999/31/EC regarding the waste storage and consequently they are out of the applicability area of the GD 349/2005.</p> <p>Although until now the Directive no. 21/2006 has not been transposed in the internal legislation, RMGC drafted the report on the environmental impact assessment study by observing the mandatory requests and conditions provided by this regulation, thus complying with the Guidelines issued by the Ministry of Environment and Waters Management for the preparation of the environmental impact assessment study for the Roşia Montană Project, as per the provisions of Order of the Minister of Waters and Environment Protection no. 860/2002 regarding the environmental impact assessment and the issuance of environmental agreement procedures ("Order no. 860/2002").</p> <p>Moreover, please note that, irrespective of the moment when the Directive no. 21/2006 will be transposed in the internal legislation, RMGC will comply with the mandatory legal conditions applicable in the case of the Roşia Montană Project.</p>

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RMGC internal unique code	MMGA_0109
Proposal	How it is going to be settled the situation of those people who own land positions right in the middle of the future tailings facility, as it is her case who owns 1m of land?
Solution	<p>If the attendant to the public consultations makes the proof of the ownership right over the land plot with a surface of 1sq. m., located in the perimeter of the exploitation concession license having Roşia Montană Gold Corporation SA as a titleholder, the titleholder benefits, inclusively in regard of this land plot, of the legal means to obtain the right of use over the lands necessary to develop mining activities provided by art. 6 of the Mining Law no. 85/2003, published in the Romanian Official Gazette, Section I, no. 197/27.03.2003.</p> <p>The legal means to acquire the usage right over such lands are: „(i) <i>sale-purchase, for the price agreed upon by the parties</i>; (ii) <i>the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties</i>; (iii) <i>renting of the land for undetermined period of time, based on agreements concluded between the parties</i>; (iv) <i>expropriation for cause of public utility, as per the law</i>; (iv) <i>land concession</i>”, etc.</p>

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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_0110
Proposal	The questioner believes that Mrs. Sulfina Barbu may be publicly accused of undermining the national economy if she will sign the environmental permit for this project.
Solution	<p>According to the relevant legal provisions, the interested public may submit reasoned proposals on the environmental impact assessment. Art. 44 (3) of Order no. 860/2002 on the Environment Impact Assessment Procedure and the issuance of the environmental permit provides to this end that „<i>based on the results of the public debate, the relevant authority for the environmental protection evaluates the <u>reasoned proposals/comments of the public and requests the titleholder the supplementation of the report to the environmental impact assessment study with an annex containing solutions for the solving of the underlined issues</u></i>”.</p> <p>As the statement of the attendant to the public consultation (i) refers to the engagement of the criminal liability of a person, and (ii) does not identify or underline issues related to the project initiated by RMGC, which was subject to the environmental impact assessment, RMGC is not able to make an answer and has no capacity to comment to this end.</p> <p>As for the criminal liability of a person, we underline that it can be engaged as per the provisions of the Romanian criminal law, only to the extent that the existence of all constitutive elements of a crime is proved, in the case of a lawsuit settled by a final decision of the relevant Court.</p>

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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_0116
Proposal	How is the law observed as regards to the graves resettlement when according to Law 98/1994, resettlement of a graveyard is possible only after 30 years since the last burial?
Solution	<p>The relocation of the earthly remains and their reburial takes place after the discussions with the community and the church authorities, in compliance with the religious rituals and the applicable legal provisions.</p> <p>As for the applicable enactments, these are:</p> <ul style="list-style-type: none"> (i) Law no. 489/2006 on the religious freedom and the general regime of religious affairs, published in the Romanian Official Gazette, Section I, no. 11/08.01.2007; (ii) Law no. 98/1994 on the establishing and sanctioning of the misdemeanors to the hygiene and public health legal norms, published in the Romanian Official Gazette, Section I, no. 317/16.11.1994, as subsequently amended and supplemented ("Law no. 98/1994"); (iii) The hygiene norms and recommendations concerning the population's life environment, approved by Order no. 1028/2004, published in the Romanian Official Gazette, Section I, no. 140/03.07.1997, as subsequently amended and supplemented ("Hygiene Norms"); (iv) GD no. 955/2004 on the approval of the framework Rules for the organization and operation of the public services for the administration of the public and private domain of local interest, published in the Romanian Official Gazette, Section I, no. 660/22.07.2004; (v) Order no. 261/1982 on the approval of the standard Rules for the administration of graveyards and the crematories of the localities, published in the Official Gazette no. 67/11.03.1983; (vi) Rules for the administration of the church wealth, approved by the Decision of the Ministry of Religious Affairs no. 32-234/29.09.1950; (vii) Rules for the organization and operation of the parish and monastery graveyards within the eparchies of the Romanian Orthodox Church, approved by Decision of the Religious Affairs Department no. 16.285/31.12.1981. <p>As for the legal ground concerning the disestablishment and the change of destination of a graveyard, art. 154 of the Hygiene Norms provides: „<i>The disestablishment and the change of destination of a graveyard will be made only after 30 years since the last funeral and after the relocation of all bones. <u>The disestablishment of the graveyards prior to this term shall be made only with the approval of the county inspectorate of sanitary police and preventive medicine</u></i>".</p> <p>Consequently, the relocation of a graveyard prior to the expiry of the term of 30 years is possible, being allowed by the law after the obtaining of the approval from the inspectorate of sanitary police and preventive medicine. Only in the situation in which the change of destination of the land where the graveyard is located is made by breaching the legal provisions, respectively in the absence of such an approval, the sanctions for the offences provided by art.11 letter j) of Law no. 98/1994 become applicable.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	41
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_0138
Proposal	<p>How have the percentages of 80% for the investor and 19.8% for the Romanian state been established and who negotiated for Romania?</p> <p>The partnership between Gabriel Resources and Regia Autonomă a Cuprului Deva (currently, CNCAF Minvest SA) has been established based on Law no. 15/1990 on the reorganization of the state owned companies as autonomous directions and trade companies, published in the Official Gazette, Section I, no. 98/08.08.1990, as subsequently amended and supplemented. Art. 35 of this law provides the possibility of the public corporations to enter into partnerships with legal third parties, Romanian or foreign, for the purpose of setting up new trading companies.</p> <p>Roșia Montană Gold Corporation SA was set up in 1997, according to the legal provisions in force as at that time, the setting up being made by observing all the conditions imposed by Company Law no. 31/1990 and Trade Register Law no. 26/1990, in regard of the setting up of the joint stock companies with mixed capital.</p> <p>We underline that the Articles of Associations of Roșia Montană Gold Corporation SA, representing the result of the parties agreement in regard of the terms and conditions under which the partnership between the Romanian state and investor takes place represents a public document, being included in the category of documents which, as per Law no. 26/1990 on the Trade Register, are published in the Romanian Official Gazette and for which the Trade Register is obliged to issue, on the expense of the persons submitting a request, certified copies.</p>
Solution	<p>As for the agreement concerning the setting up of the joint venture together with Gabriel Resources Ltd., this has been expressed by the Ministry of Economy and Commerce, the conditions imposed by the setting up of the mixed company being the following: (i) ensuring of the jobs at the level existing upon the conclusion of the agreement concerning the setting up of the mixed company; (ii) the expenses incurred by the fulfillment of the exploration stage should be fully supported by Gabriel; (iii) the obtaining of the approval from the ANRM by the Copper Autonomous Direction Deva and (iv) the observance of all legal provisions in force concerning the setting up of the mixed companies with foreign partners. These conditions have been fully complied with as at the setting up of the company and during the development of its activity.</p> <p>Also, please note that establishing of the shareholders' quotas to the benefits and losses of Roșia Montană Gold Corporation SA has been made by considering their contribution quota to the company's share capital. The current percentage of 80% for Gabriel Resources Ltd. and of 19.31% for CNCAF Minvest SA resulted from the initial contribution and the subsequent contributions of the shareholders to the company's share capital, in consideration also of Gabriel Resources Ltd. advancing all expenses and costs related to the development-exploitation and permitting of the Roșia Montană Mining Project. The provisions of the Articles of Associations of Roșia Montană Gold Corporation SA on the necessary majority and quorum conditions for the decision-making process within the General Shareholders Meeting and the quotas to the benefits and losses of the company are undertaken from Law no. 31/1990, and no derogation exists in regard of this aspect.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	44
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_0146

Proposal	Who will be held liable for what may happen at Rosia Montana?
Solution	<p>According to the relevant legal provisions, the interested public may submit reasoned proposals on the environmental impact assessment. Art. 44 (3) of the Order no. 860/2002 on the Environment Impact Assessment Procedure and the issuance of the environmental approval provides to this end that „<i>based on the results of the public debate, the relevant authority for the environmental protection evaluates the <u>reasoned proposals/comments of the public and requests the titleholder the supplementation of the report to the environmental impact assessment study with an annex containing solutions for the solving of the underlined issues</u></i>”.</p> <p>As the statement of the attendant to the public consultations (i) refers to the existence of some so-called abuses and illegalities in regard of the Roșia Montană Project, without containing any specific indications on the alleged facts, and (ii) identifies and specifies no problems in regard of the project initiated by RMGC, subject to the environmental impact assessment procedure, RMGC is not in position to answer and has not the capacity to make any comments to this end.</p> <p>Nonetheless, considering RMGC has expressed its full availability to discuss any issues relevant for the proposed project, please note the following:</p> <p>According to the provisions of the Romanian law, the engagement of any form of liability and the sanctioning of the persons breaching the legal provisions can be made only by the state bodies and authorities with specific attributions in the field and under the conditions provided by law. Thus, the criminal liability of a person who is supposed to have breached the legal provisions may be engaged only to the extent that the existence of all constitutive elements of an offence or misdemeanor can be proved within a lawsuit settled by a final decision of the relevant Court.</p> <p>As for the initiation, promotion and development of the project proposed by RMGC, they can only be made with the observance of the applicable legal provisions. The environmental impact assessment procedure is a transparent procedure in which both the relevant environmental authority and the project's titleholder are obliged to inform the interested parties, including the Technical Analysis Committee and the public, regarding the aspects related to the fulfillment of the mandatory stages for the obtaining of the environmental approval.</p> <p>In this context, any interested person may monitor the fulfillment of the mandatory legal procedures, may qualify the evaluation modality and may submit objections, as per the law. Distinct from the above mentioned, we emphasize that RMGC shall take all necessary measures in order to strictly comply and fulfill in due time the obligations provided by the Romanian applicable legislation in relation to promoting, building and operation of Roșia Montană Project.</p> <p>Also, please note that as per the Romanian legal provisions, the engagement of any kind of liability and the sanctioning of the persons breaching the legal provisions can be made only by the state bodies and authorities with specific attributions in this field and in compliance with the conditions provided for by the law.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	48
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_0152
Proposal	If Ministry of Environment and Water Management will not order the things previously mentioned, the population or their legal inheritors reserve their right to claim these from the Ministry during that 15 years period after RMGC's departure.
Solution	<p>With respect to your request, please consider the following aspects:</p> <ul style="list-style-type: none"> (i) according to the relevant legal provisions, the public may submit reasoned proposals regarding the environmental impact assessment; (ii) art. 44 (1) of the Order no. 860/2002 regarding the environmental impact assessment and the issuance of environmental agreement procedures ("Order no. 860/2002") "<i>during the public debate meeting the project titleholder [...], provides grounded answers to the justified proposals of the public, which were received under a written form, previously to the respective hearing</i>"; (iii) art. 44 (3) of the Order no. 860/2002 "<i>based on the results of the public debate, the relevant authority for the environmental protection evaluates the reasoned proposals/comments of the public and requests the titleholder the supplementation of the report on the environmental impact assessment study with an appendix comprising solutions for the solving of the indicated issues</i>". <p>As your allegation (i) does not identify nor indicate issues related to the project initiated by RMGC and undergoing the environmental impact assessment procedure, (ii) refers to decisional capacities under the competence of certain public authorities, issues to which RMGC is not in the position to answer; please note that the project titleholder cannot and does not have the capacity to provide an answer or make any comments in this respect.</p>

Domain	LEGAL
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_0156
Proposal	<p>According to the provisions of Governmental Decision no. 95/2000 on the control of activities where hazardous substances are used (a decision transposing the Seveso Directive), RMGC had to submit together with the legal documentation necessary to secure the environmental permit, a notification on the types of hazardous substances that will be used, together with their quantities, storage, transport, etc. RMGC did not submit this notification and in this case as a penalty, the Territorial Environmental Agency and the Territorial Civil Protection Authority should have stopped its activity. Why Ministry of Environment did not take that measure?</p>
Solution	<p>We draw attention that, the enactment you refer to, namely GD no. 95/2000 rules the amendment of art. 9 (3) of Government Decision no. 3/2000 on establishing, organizing and operation of the Economic – Financial Coordination Council, not the control of the activities that involve dangerous substances.</p> <p>According to the provisions of art. 6 (1) Government Decision no. 95/2003 on the control of activities involving major accident hazards which involve dangerous substances (“GD no. 95/2003”) <i>“in order to observe the provisions of article 5, the titleholder of the activity shall present a notice simultaneously with the legal documents required for obtaining the environmental approval, environmental authorization and/or civil protection endorsement, as the case may be, documents delivered to the public territorial environmental protection authorities, namely territorial civil protection authorities”</i>.</p> <p>Please note the fact that RMGC observed the incident legal provisions in this respect and submitted such notice to the public environmental protection authority. In addition, according to the provisions of art. 8 (1) of GD no. 95/2003 (<i>“the titleholder of the activity which involves dangerous substances in quantities equal or more than the ones provided under annex no. 2, table 1 and 3, column 3, should draft and deliver to the public territorial environmental protection authority and to the territorial civil protection authority an exploitation security report on prevention of risks of major accidents”</i>), RMGC submitted simultaneously with the EIA report the security report, that may be analyzed on the Environmental Ministry site at the following address: http://www.mmediu.ro/dep_mediu/rosia_montana_securitate.htm</p> <p>In this context, as RMGC fulfilled the obligation of submitting the notice requested under the terms of article 6 (1) of GD no. 95/2003, as well as the security report, we mention that, a sanction similar to the one you suggested would not be reasoned.</p>

Domain	LEGAL
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_0250
Proposal	<p>The questioner wants to see that expenses related to company's propaganda and the ones necessary to secure several permits, and the fact that some people have been hired just to obtain several advantages for acquiring lands are made public.</p>
Solution	<p>Roşia Montană Gold Corporation SA benefits of no facilities in regard of the sale of the necessary lands for the development of the Roşia Montană Project.</p> <p>The company obtained and shall obtain the necessary lands for the development of the Project as per the legal provisions and by the means specified by art. 6 of the Mining Law no. 85/2003, published in the Romanian Official Gazette, Section I, no. 197/27.03.2003, respectively „(i) <i>sale-purchase, for the price agreed upon by the parties; (ii) the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties; (iii) lease on determined duration, based on agreements between the parties, (iv) expropriation for cause of public utility, as per the law; (v) land concession</i>”, etc.</p> <p>As for the expenses incurred by Roşia Montană Gold Corporation SA with the employees and the Project's permitting process, these are public information included in the financial statements submitted to the Trade Register Office and to the local bodies of the Ministry of Public Finance, as per the applicable legal provisions.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	108
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_0258
Proposal	<p>The questioner makes the following comments and remarks: The Church and the Romanian Academy are against the Project. It is possible that the Government would disregard their views?</p> <p>The Ministry of Environment and Waters Management (MEWM) is subordinated to the Romanian Government. Within the Ministry, there is the Technical Analysis Commission (TAC), which participates to the environmental impact assessment and environmental approval issuing procedure, for the investment projects related to the activities/installations with a significant impact on the environment, which are to be solved by the MEWM, as per art. 4 of the Order of Environment Minister no. 171/2005.</p> <p>According to art. 2 of Order no. 171/2005, CAT participates to the decision-making process regarding the issuance of the environmental approvals for the activities with a significant impact on the environment, being composed of the representatives of MEWM, the Ministry of Economy and Trade, the Ministry of European Integration, the Ministry of Health, the Ministry of Agriculture, Forests and Rural Development, the Ministry of Transport, Constructions and Tourism and the Ministry of Administration and Interior – General Inspectorate for emergency situations – civil protection and fire brigade. The CAT structure may be supplemented with representatives of other central public authorities, art. 2 (4) of the Order no. 171/2005, enumerating, <i>inter alia</i>, the Ministry of Culture and Religious Affairs and the Romanian Academy.</p> <p>Considering the legal provisions previously mentioned, to the extent the CAT meetings are attended by representatives of the Church or Romanian Academy, either as members or as professionals with consultative purposes, they will express their opinions, which shall be considered by the Government (through MEWM), upon the issuance of the environmental permit for the Roşia Montană Project.</p>
Solution	<p>Also, the Church and the Romanian Academy had the possibility to manifest their opinions and comments during the public consultations. Thus, according to art. 11 (3) of GD no. 981/2002¹ referring to establishing of the framework procedure for the environmental impact assessment and for the approval of the list of private or public projects subject to this procedure (“GD no. 918/2002”), which provides that <i>“the competent authority for the environmental protection, together with the authorities represented in CAT, analyzes the quality of the report to the environmental impact assessment study (inclusively of the annex containing the titleholder's answers to the comments and observations made by the public – our note), and decides to accept or that the report should be remade and to issue, respectively to reasonably reject the issuance of the environmental permit”</i>.</p> <p>In conclusion, as per the legal provisions, MEWM decides to issue the environmental permit for the Roşia Montană Project by consultations with CAT, to the activities of which the members of the Church and the Romanian Academy may participate, and based on the comments and opinions expressed by the interested public, the Church and the Romanian Academy having the legal right to be a part of it.</p> <p>Reference:</p> <p>[1] – Please note that GD no. 918/2002 was repealed by GD no. 1213/2006 on establishing the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Section I, no. 802/25.09.2006 („GD no. 1213/2006”). Nevertheless, considering the provisions of art. 29 of GD no. 1213/2006, which provides <i>„the projects submitted to a competent authority for the environmental protection, with a view to obtaining the environmental approval and that are subject to the environmental impact assessment procedure, prior to the entering into force of this Decision, are subject to the</i></p>

environmental impact assessment and environmental approval issuing procedure in force at the moment of such submission”, please be informed that, with respect to the RMGC project, the provisions of GD no. 918/2002 are still applicable.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	115
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_0267
Proposal	The questioner supports the Project and believes that the company representatives may be penalized if they won't observe the laws.
Solution	<p>The initiation, promoting and development of the project proposed by RMGC can be made only with the observance of the applicable legal provisions. The environmental impact assessment procedure is a transparent procedure in which both the relevant environmental authority and the project's titleholder are obliged to inform the interested parties, including the Technical Analysis Commission and the public, with regards to the aspects related to the fulfillment of the mandatory stages for obtaining the environmental permit.</p> <p>In this context, any interested person may monitor the fulfillment of the mandatory legal procedures, may qualify the evaluation modality and may submit objections, as per the law. Distinct from the above mentioned, we emphasize the fact that RMGC will take all necessary measures in order to strictly comply and fulfill in due time the obligations provided by the Romanian applicable legislation in relation to promoting, building and operation of the Roşia Montană Project.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	116
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_0269
Proposal	The questioner would like to learn if issues related to the technology transfer have been discussed during the negotiations undertaken to establish the percentage for Romania. Could the Processing Plant remain here, in our country?
	The entering of the technical outbuildings and annexes of the mining exploitation into State's property is not a subject of negotiations between the investors and the State, being a matter expressly regulated by the law.
Solution	Thus, art. 37(2) and art. 39(1) letter i) of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Section I, no. 197/27.03.2003, provided that both the perimeter and the technical annexes and dependencies of the exploitation, therefore including the treatment plant, <u>"enter the State's property, without any payment and free and clear of any encumbrances, regardless of their nature"</u> , within 3 months since the cessation of the concession of the mining activities in the exploitation perimeter.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	122
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_0274
Proposal	<p>The percentages that RMGC (80%) and the Romanian state (20%) hold do not represent a partnership, but a theft. The questioner considers that the percentage has to be changed, because businesses all around the world work with 51 for the owner and 49 for the business partner.</p> <p>According to the legal provisions applicable, the interested public may submit reasoned proposals concerning the environmental impact assessment, as art. 44 (3) of the Order no. 860/2002 on the environmental impact assessment and environmental permitting procedure provides to this end that „based on the results of the public debate, the relevant environmental authority <u>evaluates the public's grounded proposals/comments and requests the titleholder the supplementation of the report to the environmental impact assessment study</u> with an annex containing solutions for the settlement of the underlined issues”.</p> <p>As the attendant to the public consultations identifies and underlines no issues related to the project RMGC has initiated and submitted to the environmental impact assessment procedure, RMGC is not in position to answer and has no capacity to comment in this regard.</p> <p>Nevertheless, considering that RMGC manifested and still manifests its availability to discuss any relevant issues concerning the proposed project, we would make the following specifications:</p> <p>The partnership between Gabriel Resources and Regia Autonoma a Cuprului Deva (currently, CNCAF Minvest SA) has been established based on Law no. 15/1990 on the reorganization of the state owned companies as public corporations and trade companies, published in the Official Gazette, Section I, no. 98/08.08.1990, as subsequently amended and supplemented. Art. 35 of this law provides the possibility of the regies autonomous to enter into partnerships with legal third parties, Romanian or foreign, for the purpose of setting up new trading companies.</p>
Solution	<p>Roşia Montană Gold Corporation SA was set up in 1997, according to the legal provisions in force as at that time, the setting up being made by observing all the conditions imposed by company Law no. 31/1990 and Trade Register Law no. 26/1990, in regard of the setting up of the joint stock companies with mixed capital.</p> <p>We underline that the Articles of Associations of Roşia Montană Gold Corporation SA, representing the result of the parties agreement regarding the terms and conditions under which the partnership between the Romanian state and investor takes place represents a public document, being included in the category of documents which, as per Law no. 26/1990 on the Trade Register, are published in the Romanian Official Gazette and for which the Trade Register is obliged to issue, on the expense of the persons submitting a request, certified copies.</p> <p>We also specify that the establishing of the shareholders' quotas to the benefits and losses of Roşia Montană Gold Corporation SA has been made by considering their contribution quota to the company's share capital. The current percentage of 80% for Gabriel Resources Ltd. and of 19.31% for CNCAF Minvest SA resulted from the initial contribution and the subsequent contributions of the shareholders to the company's share capital, in consideration also of Gabriel Resources Ltd. advancing all expenses and costs related to the development-exploitation and permitting of the Roşia Montană Mining Project.</p> <p>The provisions of the Articles of Associations of Roşia Montană Gold Corporation SA on the necessary majority and quorum conditions for the decision-making process within the General Shareholders Meeting and the quotas to the benefits and losses of the company are taken from Law no. 31/1990, as no</p>

derogation exists in this regard.

Domain	LEGAL
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_0285
Proposal	<p>What will happen if a single local from Corna doesn't want to move, as there is no law governing forced resettlement of the locals who live there?</p>
Solution	<p>When acquiring the private property lands necessary for the development of Roşia Montană Project, RMGC's approach is primarily based on the principle of a "willing seller-buyer". To this extent, RMGC provided fair compensation packages for the affected inhabitants of the impacted area, in full compliance with the World Bank policies in this field, as detailed in the Relocation and Resettlement Action Plan developed by RMGC, which may be found on company's official website.</p> <p>Moreover, the design and location of Project's facilities was made so as the number of impacted persons is as small as possible.</p> <p>Regarding the methods for acquiring the lands contemplated by RMGC, these are in full compliance with the legal provisions, art. 6 of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Section I, no. 197/27.03.2003 expressly providing the means by which the titleholder obtains the right of use over the lands necessary for the development of mining activities in the exploitation perimeter, namely: (i) <i>sale-purchase, for the price agreed upon by the parties</i>; (ii) <i>the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties</i>; (iii) <i>renting of the land for an undetermined period, based on agreements between the parties</i>, (iv) <u>expropriation for cause of public utility, as per the law</u>; (v) <i>land concession</i>", etc.</p> <p>Also, art. 1 of Law no. 33/1994 on the expropriation for cause of public utility, published in the Romanian Official Gazette, Section I, no. 139/02.06.1994, provides that "<u>the expropriation of immovable, [...], can be made only for cause of public utility</u>", and art. 6 of the same law provides that "<u>there are causes of public utility: geological exploration and prospecting; extraction and processing of useful mineral substances</u>".</p> <p>In conclusion, the expropriation, made in accordance with the legal and constitutional provisions, represents one of the modalities of obtaining the right of use over the lands necessary for the development of a mining project, being expressly provided by art. 6 of the Mining Law no. 85/2003 and by art. 6 of Law no. 33/1994.</p>

Domain	LEGAL
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_0304
Proposal	<p>The questioner wants to know whether locals from Corna Valley, those who do not want to leave, are going to be expropriated or forcedly removed?</p>
Solution	<p>When acquiring the private property lands necessary for the development of Roşia Montană Project, RMGC's approach is primarily based on the principle of a "willing seller-buyer". To this extent, RMGC provided fair compensation packages for the affected inhabitants of the impacted area, in full compliance with the World Bank policies in this field, as detailed in the Relocation and Resettlement Action Plan developed by RMGC, which may be found on company's official website.</p> <p>Moreover, the design and location of Project's facilities was made so as the number of impacted persons is as small as possible.</p> <p>Regarding the methods for acquiring the lands contemplated by RMGC, these are in full compliance with the legal provisions, art. 6 of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Section I, no. 197/27.03.2003 expressly providing the means by which the titleholder obtains the right of use over the lands necessary for the development of the mining activities in the exploitation perimeter, namely: (i) <i>sale-purchase, for the price agreed upon by the parties</i>; (ii) <i>the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties</i>; (iii) <i>renting of the land for undetermined period, based on agreements between the parties</i>, (iv) <u>expropriation for cause of public utility, as per the law</u>; (v) <i>land concession</i>", etc.</p> <p>Also, art. 1 of Law no. 33/1994 on the expropriation for cause of public utility, published in the Romanian Official Gazette, Section I, no. 139/02.06.1994, provides that "<u>the expropriation of immovable, [...], can be made only for cause of public utility</u>", and art. 6 of the same law provides that "<u>there are causes of public utility: geological exploration and prospecting; extraction and processing of useful mineral substances</u>".</p> <p>In conclusion, the expropriation, made in accordance with the legal and constitutional provisions, represents one of the modalities of obtaining the right of use over the lands necessary for the development of a mining project, being expressly provided by art. 6 of the Mining Law no. 85/2003 and by art. 6 of Law no. 33/1994.</p>

Domain	LEGAL
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_0312
Proposal	The questioner refers to the sentence of the Court from Bucharest 1st district which was issued on the 12th of July 2006 concerning Mr. Paul Damian Cristian: the court of law remembers that he proposed for archaeological discharge an area, on the base of a report that includes only personal remarks.
Solution	<p>With respect to your allegations, please consider the following aspects:</p> <ul style="list-style-type: none"> (i) As per the provisions of art. 5 (2) of the Government Ordinance no. 43/2000 regarding the preservation of the archeological heritage and the declaration of certain archeological sites as national interest areas, as republished ("GO nr. 43/2000") <i>"the archeological discharge is the procedure which ascertains that a piece of land which was classified as archeological heritage can be rendered to current human activities"</i>; (ii) art. 2 (11) of the GO no. 43/2000 <i>"the assessment of the archeological survey results, as provided by the archeological report drafted according to the enforceable standards, is the major for determining the legal status for the preservation of archeological discoveries or, as the case may be, of the archeological discharge of the area"</i>; (iii) appendix 9 to the Order no. 2392 regarding the archeological Standards and Procedures, the report for the archeological excavation must comprise: (a) the introduction; (b) the initial goals of the survey; (c) the site history; (d) the presentation of the immediate results of the excavation; (e) the summary of the site archive and (f) the potential of the information and of the new information; (iv) art. 14 of the GO no. 43/2000 <i>"The National Archeology Commission, attached to the Ministry of Culture and Religious Affairs, acts <u>as an expert scientific body, with no legal personality, acting as consultant in the archeological heritage field</u>,"</i>; (v) art. 16 letter i) of the GO no. 43/2000 determines the National Archeology Commission as the authority which analyzes the archeological excavation report <i>"approves the assessment studies for defining, setting up and determining the preserved areas which include the archeological heritage"</i>. <p>Considering the above mentioned, we mention that the archeological report cannot include "only personal opinions", because the content, as well as its comments are evaluated and reviewed by the members of the National Archeology Commission, the Ministry of Culture and Religious Affairs will subsequently grant the archeological discharge certificate.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	152
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_0322
Proposal	Regarding the cemeteries, the questioner reads paragraph 11, letter j from Law 98/1994. He wants to know if RMGC is going to wait the legal term for cemeteries decommissioning or it will break the law and pay the penalty. After all, is RMGC going to do the same with other Romanian laws?
Solution	<p>The relocation of the earthly remains and their reburial takes place after the discussions with the community and with the church authorities, in compliance with the religious rituals and the applicable legal provisions.</p> <p>As for the applicable enactments, these are:</p> <ul style="list-style-type: none"> (i) Law no. 489/2006 on the religious freedom and the general regime of religious affairs, published in the Romanian Official Gazette, Section I, no. 11/08.01.2007; (ii) Law no. 98/1994 on establishing and sanctioning misdemeanors to the hygiene and public health legal norms, published in the Romanian Official Gazette, Section I, no. 317/16.11.1994, as subsequently amended and supplemented ("Law no. 98/1994"); (iii) The hygiene norms and recommendations concerning the population's life environment, approved by Order no. 1028/2004, published in the Romanian Official Gazette, Section I, no. 140/03.07.1997, as subsequently amended and supplemented ("Hygiene Norms"); (iv) GD no. 955/2004 on the approval of the framework Rules for the organization and operation of public services for the administration of the public and private domain of local interest, published in the Romanian Official Gazette, Section I, no. 660/22.07.2004; (v) Order no. 261/1982 on the approval of the standard Rules for the administration of graveyards and crematories of the localities, published in the Official Gazette no. 67/11.03.1983; (vi) Rules for the administration of the church wealth, approved by Decision of the Ministry of Religious Affairs no. 32-234/29.09.1950; (vii) Rules for the organization and operation of the parish and monastery graveyards within the eparchies of the Romanian Orthodox Church, approved by Decision of the Religious Affairs Department no. 16.285/31.12.1981. <p>As for the legal ground concerning the disestablishment and the change of destination of a graveyard, art. 154 of the Hygiene Norms provides: „<i>The disestablishment and the change of destination of a graveyard shall be made only after 30 years since the last funeral and after the relocation of all bones. <u>The disestablishment of the graveyards prior to this term shall be made only with the approval of the county inspectorate of sanitary police and preventive medicine</u></i>”.</p> <p>Consequently, the relocation of a graveyard prior to the expiry of the 30 years term is possible, being allowed by the law after the obtaining of the approval from the inspectorate of sanitary police and preventive medicine. Only in the situation in which the change of destination of the land where the graveyard is located is made by breaching the legal provisions, respectively in the absence of such an approval, the sanctions for the offences provided by art.11 letter j) of Law no. 98/1994 become applicable.</p> <p>Distinct from the above mentioned, please note that RMGC shall take all necessary measures in order to strictly comply and fulfill in due time the obligations provided by the Romanian applicable legislation in relation to promotion, building and operation of Roşia Montană Project.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	156
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_0333
Proposal	<p>The questioner wants to know if RMGC uses different legal practices in order to elude responsibilities regarding the financial support of all expenses for the mine closure.</p> <p>Please note that RMGC will comply with the legal provisions, which expressly provide the obligations of the project titleholder for the rehabilitation of the environment affected by the mining activities. The titleholder has these obligations while the mining activities are performed, as well as when the exploitation ceases. In this respect, please consider the following mandatory legal provisions:</p> <ul style="list-style-type: none"> (i) art. 3 (1) e of the Government Emergency Ordinance no. 195/2005 on the environment protection ("GEO nr. 195/2005") providing the principle according to which <i>"the contaminator pays"</i>; (ii) art. 39 (1) p of Law no. 85/2003 which provides that <i>"at the cessation of the concession the license titleholder is obliged to perform the preservation and/or mine closing works according to the activity cessation plan, including the monitoring of the post-closing environmental elements"</i>; (iii) art. 37 (3) of Law no. 85/2003 according to which <i>"the lessee or the directors are materially and financially liable until the rehabilitation of all the environment elements affected by the mining activities, according to the environment rehabilitation plan approved by the relevant authority"</i>; (iv) art. 37 (5) of Law no. 85/2003 which provides: <i>"The license titleholder is responsible, according to the extra-contractual civil liability rules, for the rehabilitation of the prejudice caused to other natural or legal persons, by his fault, by the mining activities performed until the expiry or remission date, even if such prejudice are ascertained after the cessation of the concession or administration"</i>.
Solution	<p>Separately from the issues mentioned above, please consider that RMGC is <u>also obliged to establish a financial guarantee for the environment rehabilitation</u>. According to the provisions of art. 3 (1) item 16 of the Mining Law no. 85/2003, the financial guarantee for the environment rehabilitation represents <i>"the obligation and liability of the natural or legal persons which perform mining activities according to an exploitation license or permit for ensuring the necessary financial stocks for the environment rehabilitation and which can be established as bank deposit, an irrevocable letter of good standing or other methods provided by law"</i>.</p> <p>By its value, the financial guarantee for the environment rehabilitation ensures the performance of the environment rehabilitation works in case of (i) activity cessation and in case (ii) of not performing the environment rehabilitation work. The environment rehabilitation guarantee is annual (guarantees development of the environmental rehabilitation activities undertaken by the titleholder through the environment rehabilitation technical project) and final (guarantees the execution of the environment rehabilitation works provided in the program for the cessation of the exploitation activity).</p> <p>Moreover, we mention that, during the project development, RMGC shall accomplish the obligations regarding the establishment and maintenance of the financial guarantee for the environment rehabilitation and shall do its best efforts for the accomplishment of any other obligations provided by the legal mandatory provisions.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	165
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_0347
Proposal	<p>If everybody present here were pro-investment, how would this influence European Committee in granting or not the environmental permit?</p> <p>With respect to your comment, please consider the following:</p> <p><i>1. The result of the public debates regarding the report on the environmental impact assessment study</i></p> <p>The reasoned and/or justified observations and comments of the public are taken into consideration for the entire duration of the environmental impact assessment procedure. During the meeting debating the report on the environmental impact assessment study, the relevant public authority for the environmental protection records the justified proposals of the public, evaluates them and <i>“requests the titleholder the supplementation of the report on the environmental impact assessment study with an appendix comprising solutions for the solving of the indicated issues”</i> (art. 44 (3) of the Order no. 860/2002).</p> <p>Nevertheless, we draw your attention to the fact that, the decision of granting the environmental approval is not made by the relevant authority exclusively based on the issues mentioned by the interested public during the public debate meeting held by the titleholder together with the relevant public authority for the environmental protection, but also by considering other relevant issues (mentioned with item 2 below), precisely/specifically provided by the relevant legal provisions.</p> <p><i>2. The competence of granting the environmental approval</i></p> <p>The relevant legislation expressly provides the competent authority to analyze the report on the environmental impact assessment study and to decide on granting the environmental approval. In this respect we mention the following legal provisions:</p> <p>(i) art. 48 of the Order no. 860/2002 on the environment impact assessment and the issuance of environmental permitting procedures (“Order no. 860/2002”) “the relevant public authority for the environmental protection issues, reviews and updates, as the case may be, the environmental permit”;</p> <p>(ii) art. 45 of the Order no. 860/2002 “pursuant to the examination of the report on the environmental impact assessment study, of the conclusions of the authorities involved in the evaluation, of the possibilities to accomplish the project and of the titleholder’s answers to the public’s reasoned proposals/comments, the competent authority for the environmental protection makes the decision of granting the environmental approval/environmental integrated approval, or it justifiably rejects the project on the respective location”.</p> <p>Consequently, we mention that the decision for issuing or rejecting the environmental approval is made by the Romanian relevant authorities based on certain objective criteria expressly provided under the legal provisions, issues which are not under the competence of the European Commission.</p>
Solution	

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	172
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_0352
Proposal	The questioner agrees with the project as long as legal procedures are observed
Solution	<p>The development of the project proposed by RMGC can be made only by observing all the applicable legal provisions. The environmental impact assessment procedure is a transparent procedure in which both the relevant environmental authority and the titleholder are obliged to inform the interested parties, including the Technical Analysis Commission and the public, in regard to the aspects related to the fulfillment of the mandatory stages for the granting of the environmental permit.</p> <p>In this context, any interested person may monitor the fulfillment of the mandatory legal procedures, may qualify the evaluation modality and may submit objections, as per the law. Distinct from the above mentioned, we emphasize that RMGC will take all the necessary measures in order to comply and fulfill in due time the obligations provided by the applicable legislation.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	181
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Brad, 04.08.2006
RMGC internal unique code	MMGA_0356
Proposal	<p>The questioner wants to know whether such a project has ever followed the same procedure in other states. The questioner doesn't think that it is appropriate that people's fate from a specific area to be judged by others.</p>
Solution	<p>The environmental impact assessment procedure is regulated at the level of the European Union member states by the Directive 85/337/CE, as amended and supplemented by the Council Directive 97/11/CE and published in the Official Journal of the European Communities (OJEC) no. L 73 dated March 14, 1997. This directive establishes the principles, which the member states must consider when internally enforcing the regulations regarding the environment impact assessment procedure.</p> <p>We mention that, according to the provisions of art. 6 of the Directive 85/337/CE, the member states must inform, within a reasonable period of time, the interested public on the projects undergoing the environmental impact assessment procedure. The interested public, in the meaning of the provisions of art. 1 (2) of the Directive 85/337/CE, refers to <i>"the public affected or potentially affected or which has an interest in the evaluation process of the environmental decisions mentioned in the wording of art. 2 (2); according to this directive, the non-governmental organizations which promote the environmental protection and meet the requirements of the national legislation are included in the interested public"</i>.</p> <p>We draw attention on the fact that the notion of interested public, as defined by the wordings of the legal provisions applicable in the member states of the European Union, <u>does not make a distinction according to the territorial criteria, providing equal rights for any person potentially affected by the execution of a project.</u></p> <p>In addition, the consultation procedure of the interested public in the environmental impact assessment as provided by the internal legislation and observed by RMGC fully complies with the principles provided by the European legislation.</p> <p>For these reasons, the persons possibly affected, those directly or indirectly affected, as well as those potentially affected, independent of the area they come from, have been and are entitled to provide comments during the public debate stage, regarding the project initiated by RMGC.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	187
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_0361
Proposal	<p>The questioner makes reference to Mining Law nr. 85/2003, article 11, paragraph 1, which provides that Rosia Montana is excluded from the development of any kind of mining operations or explorations. The questioner wants to know if authorities and the company are familiar with this and with the provisions related to archaeological preservation where it is also stated, that Rosia Montana is actually excluded from the development of any kind of mining operation or exploration? If yes, why public debates are being organized?</p>
Solution	<p>The statement that art. 11 of the Mining Law no.85/2003, published in the Romanian Official Gazette, Section I, no. 197/27.03.2003, forbids the mining operations in Roşia Montană is incorrect. The Mining Law no. 85/2003 has a general applicability and makes no reference to the Roşia Montană Project or to other mining projects, as it has been mistakenly suggested. As per the art. 11 of the Mining Law, <i>“the performance of mining activities on the lands where historical monuments are located, [...] archaeological sites of special interest [...], as well as the creation of an easement right for mining activities on such lands is strictly forbidden. The exemptions from the provisions of art. 1 are established by Government decision, with the approval of the relevant authorities in the field and by establishing indemnification and other compensatory measures”</i>.</p> <p>Based on the Concession License for mining exploitation no. 47/1999, RMGC obtained the right to perform mining activities in the Roşia Montană perimeter, which includes areas upon which a protection regime has been instituted. If the interdiction established by art. 11 was absolute, the Mining Law would have provided the legal interdiction of creating mining perimeters in the locations where protection regimes have been created.</p> <p>Such an interdiction does not exist; moreover, the Government Ordinance no. 43/2000 on the protection of the archaeological patrimony and classification of some archaeological sites as areas of national interest, republished in the Official Gazette, Section I, no. 951/24.11.2006 („GO no. 43/2000”), as well as Law no. 422/2001 on the protection of historical monuments, republished in the Official Gazette, Section I, no. 938/20.11.2006 („Law no. 422/2001”), provide specific procedures for returning such lands to current human activities, by declassifying the historical monument and by granting the archaeological discharge. Such procedures represent the rule applicable in all situations in which development of activities requiring a construction authorization on lands subject to a protection regime is contemplated.</p> <p>The Mining Law no. 85/2003 does not forbid the use of such procedures, only allows that, in exceptional cases, the Government may be empowered, based on the Mining Law, to establish by decision the cases in which the performance of the mining activities would be possible without following the generally applicable legal procedures, as provided by GO no. 42/2000 and Law no. 422/2001. Such a Government decision is not necessary in case of the Roşia Montană Project, as RMGC complies with the provisions and procedures established by GO no. 43/2001 and Law no. 422/2001, for the archaeological discharge of the lands to be impacted by the mining activities, as these are to be returned to the current human activities, as per the law.</p> <p>Also, for the cultural patrimony values existing in the Roşia Montană perimeter and classified as per the law, the Project provides the creation of a protected area, where no mining activity shall be performed, as well as the preservation <i>in situ</i> of the historical monuments located outside this area, as detailed in the Cultural Heritage Management Plan - Plan M from the EIA Report.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	187
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_0362
Proposal	<p>Mining Law stipulates the fact that mining licenses may be acquired through contest. What contest has been organized for Rosia Montana, in order to allow Gabriel Resources to receive this license?</p>
Solution	<p>The concession license for exploitation in the Roşia Montană perimeter no. 47/1999 ("Roşia Montană License") was concluded on the grounds and according to the procedures specified by the former Mining Law no. 61/1998, in force at the time that the License was concluded.</p> <p>The Roşia Montană license was concluded between the National Agency for Mineral Resources ("NAMR"), on the one hand, and the National Company of Copper, Gold and Iron "Minvest" SA ("Minvest"), as titleholder and Euro Gold Resources SA (which later on changed its name to Roşia Montană Gold Corporation SA), as an affiliate, on the other hand. The Roşia Montană License was approved by the Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Section I, no. 285/21.06.1999.</p> <p>The transfer of the Roşia Montană License from Minvest to RMGC was made according to the provisions of art. 14(1) of the Mining Law no. 61/1998, being approved by NAMR Order no. 310/9.10.2000, published in the Romanian Official Gazette, Section I, no. 504/13.10.2000.</p> <p>As for the licenses concluded on the grounds and as per the procedures provided by the Mining Law no. 61/1998, the new Mining Law no. 85/2003 published in the Romanian Official Gazette, Section I, no. 197/27.03.2003 provides, at art. 60 (1), that: "<i>the provisions of the exploration and/or exploitation licenses approved by the Government remain valid for their entire period, under the conditions they were concluded</i>".</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	188
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_0363
Proposal	<p>The questioner states the following comments, remarks and questions:</p> <ul style="list-style-type: none"> - The company claimed that 68% of the overall profit will belong to the Romanian state, meaning 204t of gold out of 300t (or 204,000t out of 300,000t), and for silver - more than half (1,360,000t). The questioner wants to know if these quantities of metals, gold and silver will remain in Romania or NBR (National Bank of Romania) will have pre-emption rights for purchasing them.
Solution	<p>First, please note that the profit of the Romanian state, obtained from the development of the Roşia Montană Mining Project (taxes on the exploration and exploitation activity, mining royalties, taxes and duties paid to the state budget for the employees, taxes on land, profit tax, dividends, etc.) must not be mistaken for the mining production obtained by Roşia Montană Gold Corporation SA.</p> <p>As for the mining production, please note that the Mining Law no. 85/2003, published in the Romanian Official Gazette, Section I, no. 197/27.03.2003, which represents the framework regulation in the field of the mining activities performed in Romania, contains no provision with regards to a possible preference right of the National Bank of Romania, related to the purchase of metals.</p> <p>The provisions of the former Mining Law no. 61/1998, which provided the preemption right of the state to the purchase of the mineral resources production obtained, irrespective of its nature, "<i>at international prices and in compliance with the contractual terms</i>" are no longer in force, as the Mining Law no. 61/1998 was entirely repealed by the Mining Law no. 85/2003, which does not include such provisions.</p> <p>The National Bank of Romania has the legal right to purchase precious metals, when it deems necessary and as per the legal provisions in force, being also the only one capable to decide the volume of the gold reserves of the Romanian state, as per the provisions of art. 30 and 31 let. a) of the Law no. 312/2004 for the NBR Statute approval, which provide: "The NBR, observing the general rules regarding liquidity and external assets specific risk, <i>establishes and maintains international reserves, so as to be able to determine at any moment their size. Such reserve is cumulatively or selectively composed of: a) gold within the state thesaurus or deposited abroad; [...]. The National Bank of Romania monitors the maintaining of the gold reserve at a level it deems as being appropriate for the external transactions of the state</i>" respectively "<i>the NBR is authorized, under the conditions it establishes and modifies from time to time, to perform the following operations: to sell, buy and perform any other transactions with gold ingots and coins and other precious metals</i>".</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	193
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_0378

Proposal	Why does Ministry of Environment and Water Management oppose to a national referendum?
Solution	<p>With respect to your request, please consider the following aspects:</p> <ul style="list-style-type: none"> (i) as per the relevant legal provisions, the public may submit reasoned proposals regarding the environmental impact assessment; (ii) art. 44 (1) of the Order of the Ministry of Waters and Environment Protection no. 860/2002 regarding the environment impact assessment and the issuance of environmental agreements Procedures ("Order no. 860/2002") provides that "<i>during the public debate meeting the project titleholder [...], provides reasoned answers to the justified proposals of the public, which were received in a written form, prior to the respective hearing</i>"; (iii) according to art. 44 (3) of the Order no. 860/2002 "<i>based on the results of the public debate, the relevant authority for the environmental protection evaluates the reasoned proposals/comments of the public and requests the titleholder the supplementation of the report on the environmental impact assessment study with an appendix comprising solutions for the solving of the indicated issues</i>". <p>As your allegation (i) does not identify nor indicate issues related to the project initiated by RMGC and undergoing the environmental impact assessment procedure, (ii) refers to decisional capacities under the competence of certain public authorities, issues to which RMGC is not in the position to answer, please note that the project titleholder cannot and does not have the capacity to provide an answer or make any comments in this respect.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	196
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0386
Proposal	<p>TMF won't be completely lined, and this represents a breach of the directives on underground water protection as it has been transposed in Romanian legislation under Governmental Decision nr. 351/2005.</p> <p>We draw attention to the fact that the reference to the Government Decision no. 351/2005 on the approval of the Program for the gradual disposal of the exhaustions, emissions and effluence of particularly hazardous substances is incorrect, as this piece of legislation does not provide the criteria for building/operating the tailings management facilities.</p> <p>Currently, at the European Union level, <u>the storage activity of the waste resulting from the extraction industry is distinctly provided under regulation by the Directive no. 2006/21/CE</u> ("Directive nr. 2006/21/CE"), published in the Official Journal of the European Community no. L 102 dated 11.04.2006.</p> <p>According to the provisions of art. 2 (1) of the Directive no. 21/2006 „<i>the present directive covers the management of waste resulting from the activities of prospecting, extraction, treatment and storage of the mineral resources as well as of the activities performed in quarries</i>”.</p>
Solution	<p>At the same time, art. 2 (4) of the Directive no. 21/2006 expressly provides the fact that extraction waste is not subject to the Directive 1999/31/EC regarding the waste storage, which was transposed in the internal legislation by the GD 349/2005.</p> <p>Although until now the Directive no. 21/2006 has not been transposed in the internal legislation, we mention that RMGC drafted the report on the environmental impact assessment study by observing the mandatory requests and conditions provided by this regulation, thus complying with the Guidelines issued by the Ministry of Environment and Waters Management, as per the provisions of Order of the Minister of Waters and Environmental Protection no. 860/2002 regarding the environmental impact assessment and the issuance of environmental agreement Procedures ("Order no. 860/2002").</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	198
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_0398
Proposal	<p>Regarding the statement of the National Bank of Romania, Romania doesn't need gold, and if it does, Romania buys it from the London market; the questioner expresses his discontent concerning the fact that Romania gives the Romanian gold to foreigners in stead of mining it, as a result, it might obtain higher benefits.</p> <p>As per the relevant legal provisions, the interested public may submit reasoned proposals on the environmental impact assessment. Art. 44 (3) of the Order no. 860/2002 on the Environmental Impact Assessment Procedure and the issuance of the environmental permit provides to this end that „<i>based on the results of the public debate, the relevant authority for the environmental protection evaluates the <u>reasoned proposals/comments of the public and requests the titleholder the supplementation of the report to the environmental impact assessment study with an annex containing solutions for solving of the underlined issues</u></i>”.</p> <p>As the statement of the attendant to the public consultations (i) refers to a potential statement of the NBR representatives, and (ii) identifies and specifies no problems regarding the project initiated by RMGC, subject to the environmental impact assessment procedure, RMGC is not in position to answer and has not the capacity to answer or to make any comments in this regard.</p>
Solution	<p>Nonetheless, considering RMGC has expressed its full availability to discuss any issues relevant for the proposed project, please note the following:</p> <p>The National Bank of Romania has the legal right to purchase precious metals, when it deems necessary and as per the legal provisions in force, being also the only one able to decide the volume of the gold reserves of the Romanian state, as per the provisions of art. 30 and 31 let. a) of the Law no. 312/2004 for the NBR Statute approval, which provide: “The NBR, observing the general rules regarding liquidity and external assets specific risk, establishes and maintains international reserves, so as to be able to determine at any moment their size. Such reserve is cumulatively or selectively composed of: a) gold within state thesaurus or deposited abroad; [...]. The National Bank of Romania monitors the maintaining of the gold reserve at a level it deems as being appropriate for the external transactions of the state” respectively “the NBR is authorized, under the conditions it establishes and modifies periodically, to perform the following operations: to sell, buy and perform any other transactions with gold ingots and coins and other precious metals”.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	202
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_0405

Proposal	Will the metals' pre-emption right be observed? Will National Bank be allowed to buy and at what price?
	<p>Please note that the Mining Law no. 85/2003, published in the Romanian Official Gazette, Section I, no. 197/27.03.2003, which represents the framework regulation regarding the mining activities performed in Romania, contains no provision concerning a possible preference right of the National Bank of Romania in regard of the purchase of metals.</p> <p>The provisions of the former Mining Law no. 61/1998, which provided the state's preemption right for the purchase of the production of mineral resources obtained, irrespective of its nature, "<i>for international prices and according to contractual terms</i>" are no longer in force, as the Mining Law no. 61/1998 was integrally repealed by the Mining Law no. 85/2003, which does not contain such provisions.</p>
Solution	<p>The National Bank of Romania has the legal right to purchase precious metals, when it deems necessary and as per the legal provisions in force, being also the only one able to decide the volume of the gold reserves of the Romanian state, as per the provisions of art. 30 and 31 let. a) of the Law no. 312/2004 for the NBR Statute approval, which provide: "The NBR, observing the general rules regarding liquidity and external assets specific risk, <i>establishes and maintains international reserves, so as to be able to determine at any moment their size. Such reserve is cumulatively or selectively composed of: a) gold within the state thesaurus or deposited abroad; [...]. The National Bank of Romania monitors the maintaining of the gold reserve at a level it deems as being appropriate for the external transactions of the state</i>" respectively "<i>the NBR is authorized, under the conditions it establishes and modifies periodically, to perform the following operations: to sell, buy and perform any other transactions with gold ingots and coins and other precious metals</i>".</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	209
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_0415
Proposal	<p>The questioner states the following comments, remarks and questions: Will expropriations developed at Rosia Montana? There are locals who do not want to sell their properties; which is the solution for them; will their land be forcedly taken?</p>
Solution	<p>When acquiring the private property lands necessary for the development of the Roşia Montană Project, RMGC's approach is primarily based on the principle of a "willing seller-buyer". To this extent, RMGC provided fair compensation packages for the affected inhabitants of the impacted area, in full compliance with the World Bank policies in this field, as detailed in the Relocation and Resettlement Action Plan developed by RMGC, which may be found on company's official website.</p> <p>Moreover, the design and location of Project's facilities was made so as the number of impacted persons is as small as possible.</p> <p>With respect to the methods for acquiring the lands contemplated by RMGC, these are in full compliance with the legal provisions, art. 6 of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Section I, no. 197/27.03.2003 expressly providing the means by which the titleholder obtains the right of use over the lands necessary for the performance of the mining activities in the exploitation perimeter, namely: (i) <i>sale-purchase, for the price agreed upon by the parties</i>; (ii) <i>the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties</i>; (iii) <i>renting of the land for undetermined period, based on agreements between the parties</i>, (iv) <u>expropriation for cause of public utility, as per the law</u>; (v) <i>land concession</i>", etc.</p> <p>Also, art. 1 of Law no. 33/1994 on the expropriation for cause of public utility, published in the Romanian Official Gazette, Section I, no. 139/02.06.1994, provides that "<u>the expropriation of immovable, [...], can be made only for cause of public utility</u>", and art. 6 of the same law provides that "<u>there are causes of public utility: geological exploration and prospecting; extraction and processing of useful mineral substances</u>".</p> <p>In conclusion, the expropriation, made in accordance with the legal and constitutional provisions, represents one of the modalities of obtaining the right of use over the lands necessary for the development of a mining project, being expressly provided by art. 6 of the Mining Law no. 85/2003 and by art. 6 of Law no. 33/1994.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	209
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_0418

Proposal The questioner believes that if Ministry of Environment and Water Management grants the permit for this project based on this study, it's a proven fact that there are other interests.

Please note that the decision for issuing or rejecting the environmental permit is made by the relevant environment protection authority according to the following applicable legal provisions:

- (i) art. 11 (3) of the GD no. 981/2002 [¹ on establishing of the framework procedure for the environmental impact assessment and for the approval of the list of private or public projects subject to this procedure ("GD no. 918/2002") provides that *"the competent authority for the environmental protection, together with the authorities represented in the technical analyses commission, analyze the quality of the report on the environmental impact assessment study and decides on the approval or redrafting of the report, as well as on the issuance, namely the reasoned rejection of the environmental permit"*;
- (ii) art. 29 (5) of the Order of the Minister of Waters and Environment Protection no. 860/2002 on the environmental impact assessment and the issuance of environmental agreement procedures ("Order no. 860/2002") provides that *"pursuant to the examination of the final report on the environmental impact assessment study, of the appendix comprising the solutions for solving the public proposals/comments and of the conclusions of the involved authorities regarding the approval of this project, the competent public authority for the environmental protection records the opinions of the representatives in the technical analyses commission referring to the execution of the analyzed project on the respective location and decides, by consulting the technical analyses commission, on the issuing or on the grounded rejection of the environmental approval/environmental integrated approval"*;
- (iii) the provisions of Appendix no. 3 of the Minister of Waters and Environment Protection Order no. 863/2002 on the approval of the Guidelines applicable to the stages of the environmental assessment procedure ("Order no. 863/2002"), according to which the analysis of the report to the environmental impact assessment study is made based on a Check List. Please note that the Control List is drafted in accordance with the requirements of the Directive 85/337/CE² on the evaluation of the environmental impact for certain private and public projects, published in the Official Journal of the European Community no. L 175/05.07.1985, as subsequently amended and supplemented („Directive 85/337/CE"), amended by the Directive 97/11/EC on the evaluation of the effects of certain public and private projects on the environment, a directive adopted in the national legislation.

Solution

This Check List is used in order (a) to evaluate the quality of the report to the evaluation study, in order to take the decision of issuing the environmental approval and (b) to identify the need to improve the environmental impact assessment process. By using the criteria specified in the Control List, the competent environmental authority establishes whether the report to the evaluation study is appropriate, i.e. if the problems underlined during the stage of defining the domain have been fully dealt with and to the required extension degree.

Considering the above, we specify that the passing of a favorable decision for the issuance of the environmental permit in regard of the project proposed by the titleholder proves the fact that the EIA Report drafted and submitted by RMGC fulfills the legal mandatory conditions and requirements, as established by the relevant legislation and provides for sufficient guarantees in regard of the development of the mining activities.

References:

[1] - We mention the fact that the GD no. 918/2002 was repealed by the GD no. 1213/2006 on the establishing of the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Section I, no. 802 dated 25.09.2006 (“GD no. 1213/2006”).

Nevertheless, considering the provisions of art. 29 of the GD no. 1213/2006, which provides that *„The projects submitted to a competent authority for the environmental protection, with a view to obtain the environmental approval and which are subject to the environmental impact assessment procedure, prior enforcement of this Decision, are subject to environmental impact assessment and environmental approval issuing procedure in force at the moment of such submission”*, we should specify that, with regards to the RMGC project, the provisions of the GD no. 918/2002 are still applicable.

[2] - The Directive 85/337/CE was amended and supplemented by the Council Directive 97/11/CE, published in Official Journal of the European Communities (OJEC) no. L 73 dated March, 14 1997, and the Directive 2003/35/CE on the public participation regarding the drafting of certain plans and programs on the environment and the amendment, as regarding the public participation and the access to justice, of the Council Directives 85/337/CEE and 96/61/CE, published in the Official Journal of the European Union (OJEE) no. L 156 dated June 25, 2003.

Domain	LEGAL
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_0421
Proposal	<p>Under Law 5/2000 and Law 422/2001, Rosia Montana local authorities should have established and approve a Zonal Urbanism Plan for the Rosia Montana protected area. Which is the registration number of the approved plan, where and when it can be seen?</p> <p>According to the project, the proposed TMF won't be lined. According to Governmental Decision nr.351/2005, the waste facility should contain 8 artificial layers made of impermeable materials. Which are the concrete measures that RMGC will implement in order to comply with legislation in force and where all these can be seen in the project?</p> <p>The operator of the waste facility has to present in the documentation necessary to secure environmental permit a water management endorsement certificate issued by a relevant authority. Gold Corporation didn't receive or submit such an endorsement certificate. If it exists, which is the registration number, where it can be seen, and according to what schedule?</p> <p>According to the same law it is forbidden to construct a waste facility on a fractured rock bed as the one from Corna Valley, or on the drinking water protection area. Which is the registration number of the soil study and where can it be consulted?</p>
Solution	<p>1. The protected areas in Roșia Montană were the object of a first regulation which defined the statute of "protected areas", namely the Roșia Montană General Urbanism Plan, approved in 2002. At present, the Zonal Urbanism Plan for the protected area in Roșia Montană, which you refer to, is undergoing the drafting process.</p> <p>2. The Government Decision no. 351/2005, which you refer to, approves the Program for the gradual elimination of exhaustions, emissions and effluence of particularly hazardous substances and does not stipulate the criteria for building/ operating the tailings management facilities. Nevertheless, we inform you that RMGC took all the necessary measures for the observation of the mandatory legal provision also regarding the gradual disposal of the exhaustions, emissions and effluence of particularly hazardous substances.</p> <p>The municipal waste storage activity is governed by the Government Decision no. 349/2005, published in the Official Gazette Part I no. 394 dated 10/05/2005, a piece of legislation which transposes in the internal legislation the provisions of the Directive 1999/31/CE on the waste storage, published in the Official Journal of the European Community no. 182/1 dated 16.07.1999.</p> <p>Currently, at the European Union level, <u>the storage activity of the waste resulting from the extraction industry is distinctly regulated by the Directive no. 2006/21/CE</u> ("Directive nr. 2006/21/CE"), published in the Official Journal of the European Community no. L 102 dated 11.04.2006.</p> <p>RMGC drafted the report on the environmental impact assessment project by observing the mandatory requests and conditions provided in the Directive no. 2006/21/CE. Please be informed that, irrespective of the moment when the Directive no. 2006/21/CE will be transposed in the internal legislation, RMGC will comply with any mandatory legal condition for the mining activity with regards to the waste storage.</p> <p>3. According to the current in force environmental legislation, the amended Emergency Governmental Ordinance no. 195/2005, under art.11 (4): the environmental permit is issued together with the other regulatory documents issued by competent authorities in full compliance with the law. The water management permit is secured following the development of such a parallel procedure. This procedure has been recently initiated.</p> <p>4. Governmental Decision no. 349/2004 regarding the storage of wastes is not applicable for the</p>

construction of the tailings management facility which is a construction included in the category of hydrotechnical constructions that require compliance with the amended Emergency Governmental Ordinance no. 244/2000 regarding the safety of dams and the new Directive 2006/21/EC regarding management of wastes resulting from extractive industry. The details related to the hydrological and geotechnical features of Corna Valley have been described in the Hydrogeology Baseline Report and sent together with the EIA report to the regulatory authorities in May 2006, a report that may be consulted online on the following web pages: www.rmgc.ro; www.mmediu.ro.

Domain	LEGAL
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_0424
Proposal	<p>The report confirms the fact that Gold Corporation's representatives didn't find an insurance provider for the mining project, this being evidence of the fact that the project breaks the directive 35/2004 regarding the environmental liability on prevention and remediation of environmental damages. Which is the registration number of the contract concluded with project's insurer and where can be consulted?</p>
Solution	<p>The Directive no. 2004/35/CE on the liability for the environment pollution and the prevention and rehabilitation of ecological damage, published in the Official Journal of the European Community no. L143/56 ("Directive no. 35/2004") provides the general legal framework regarding the liability for the environment pollution.</p> <p>According to the provisions of art. 1 of the Directive no. 35/2004 <i>"the purpose of the present directive is to determine a general framework regarding the liability for the environment, according to the principle that the polluter pays, for the prevention and rehabilitation of the damage caused to the environment"</i>.</p> <p>The Directive no. 35/2004 determines as a principle, under the provisions of art. 14 (1), the fact that <i>"The Member States will take all the necessary measures for the development of the guarantee markets and financial instruments, through the economic and financial operators, including financial instruments in case of insolvency, with the view of ensuring for the operators the financial guarantees necessary for the obligations undertaken as per the directive"</i>.</p> <p>Moreover, according to the provisions of art. 19 (1) of the Directive no. 35/2004, the Member States will transpose the disposals of the Directive, in the internal legislation, until 31.04.2007. We mention the fact that, until now, the Directive no. 35/2004 has not been transposed in the internal legislation. Considering the above-mentioned issues, <u>please notice the fact that the project proposed by RMGC does not breach the Directive no. 35/2004, as there are no internal regulations to determine the substantive and procedural aspects regarding the establishment of such a guarantee.</u></p> <p>Nevertheless, considering that there will be specific legal provisions regarding the establishment of certain guarantees, RMGC will take all the necessary measures for the observance of all the legal provisions.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	213
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_0434
Proposal	<p>How are you going to respect, preserve and guarantee the private property of many citizens within the Rosia Montana area?</p>
Solution	<p>When acquiring the private property lands necessary for the development of Roşia Montană Project, RMGC's approach is primarily based on the principle of a "willing seller-buyer". To this extent, RMGC provided fair compensation packages for the affected inhabitants of the impacted area, in full compliance with the World Bank policies in this field, as detailed in the Relocation and Resettlement Action Plan developed by RMGC, which may be found on company's official website.</p> <p>Moreover, the design and location of Project's facilities was made so as the number of impacted persons is as small as possible.</p> <p>With regards to the constitutional provisions related to property, it should be noted that art. 44 of the Romanian Constitution which provides for the guaranteeing of ownership right also mentions that the limits and contents of such a right are provided by law. The Constitution also establishes the legal limits of such right, containing provisions related to expropriation and the conditions for performing it.</p> <p>Without detailing the guarantee of the ownership right in Romania, which is an obligation incumbent on the State, by specific legal means, it should be noted the acquisition of the rights over the lands necessary for the development of the Roşia Montană Mining Project is made in compliance with the general applicable legal provisions in field of ownership transfer (i.e, authenticated form, payment of all relevant taxes and fulfillment of all formalities for real estate publicity) and by the methods provided by art. 6 of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Section I, no. 197/27.03.2003 expressly providing the means by which the titleholder obtains the right of use over the lands necessary for the development of the mining activities in the exploitation perimeter, namely: (i) <i>sale-purchase, for the price agreed upon by the parties</i>; (ii) <i>the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties</i>; (iii) <i>renting of the land for an undetermined period, based on agreements between the parties</i>, (iv) <i>expropriation for cause of public utility, as per the law</i>; (v) <i>land concession</i>", etc.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	220
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0447

Proposal	The Impact study is unacceptable, as it is developed.
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	<p>Regarding your allegation, please note that the report on the environmental assessment study for the Roşia Montană Project was drafted by a team made of Romanian and foreign experts authorized by the Ministry of Environment and Water Management, with a solid and famous experience in the environmental protection field and complies with the relevant national legislation, as well as with the European regulations and the international standards in this field.</p> <p>At the same time, please note that the decision for issuing or rejecting the environmental permit is made by the relevant environmental protection authority according to the following applicable legal provisions:</p> <ul style="list-style-type: none"> (i) art. 11 (3) of GD no. 918/2002 [1] on the environmental impact assessment framework procedure and for the approval of private or public projects list subject to this procedure ("GD no. 918/2002") which provides that <i>"the competent authority for the environmental protection, together with the authorities represented in the technical analysis committee, analyze the quality of the report on the environmental impact assessment study, and decides on the approval or redrafting of the report, as well as on the issuance, respectively the justified rejection of the environmental permit"</i>; (ii) art. 29 (5) of the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and issuance of environmental permit procedure ("Order no. 860/2002") which provides that <i>"pursuant to the examination of the final report on the environmental impact assessment study, of the appendix comprising the solutions to the public proposals/comments and of the conclusions of the involved authorities regarding the approval of this project, the competent public authority for the environmental protection records the opinions of the representatives in the technical analyses committee regarding the execution of the analyzed project on the respective location and decides, by consulting the technical analyses committee, on the issuing or on the grounded rejection of the environmental permit/environmental integrated agreement"</i>; (iii) the provisions of Appendix no. 3 of the Order of the Minister of Waters and Environmental Protection no. 863/2002 for approval of the methodological guidelines applicable to the stages of environmental impact assessment framework procedure ("Order no. 863/2002"), according to which the analysis of the report to the environmental impact assessment study is made based on a Control List. We underline that the Control List is drafted according to the requirements of the Directive 85/337/CE [2] on the assessment of the effects of certain private and public projects on the environment, published in the Official Journal of the European Community no. L 175/05.07.1985, as subsequently amended and supplemented ("Directive 85/337/CE"), amended by Directive 97/11/EC on the assessment of the effects of certain public and private projects on the environment, which is transposed into the internal legislation. <p>This Control List is used in order (a) to evaluate the quality of the report on the evaluation study, in order to take the decision of issuing the environmental permit and (b) to identify the need to improve the environmental impact assessment process. By using the criteria specified in the Control List, the competent environmental authority establishes whether the report on the environmental impact assessment study is appropriate, i.e. if the problems underlined during the scoping stage have been fully dealt with and to the required extent.</p>
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Considering the aforesaid, we mention that a favorable decision for the issuance of the environmental

permit for the Roşia Montană Project may be passed after the examination of the report on the environmental impact assessment study, and by observing the legal mandatory conditions and requirements, as established by the relevant legislation.

References:

[1] We mention the fact that GD no. 918/2002 was repealed by GD no. 1213/2006 on the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Part I, no. 802 dated 25.09.2006 ("GD no. 1213/2006"). Nevertheless, considering the provisions of art. 29 of GD no. 1213/2006, which provides that *„the projects submitted to a competent authority for the environmental protection, with a view to obtaining the environmental permit and which are subject to the environmental impact assessment procedure, prior to the entering into force of this Decision, are subject to the environmental impact assessment and environmental permit issuing procedure in force at the moment of such submission”*, we should specify that, as regards the RMGC project, the provisions of GD no. 918/2002 are still applicable;

[2] The Directive 85/337/CE was amended and supplemented by the Council Directive 97/11/CE, published in Official Journal of the European Communities (OJEC) no. L 73 dated March, 14 1997, and the Directive 2003/35/CE providing for public participation in respect of the drawing up of certain plans and programs relating to the environment and amending with regard to public participation and access to justice, of the Council Directives 85/337/CEE and 96/61/CE, published in the Official Journal of the European Union (OJEE) no. L 156 dated June 25, 2003.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	221
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_0453
Proposal	The questioner wants to know how many percents from the project that has been presented during the public debates, will actually be achieved?
Solution	<p>Regarding your question, please note that, according to the provisions of art. 44 (1) of the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and issuance of environmental permit procedures ("Order no. 860/2002") "<i>during the public debate meeting the project titleholder describes the proposed project and the evaluation on the environmental impact study, answers to the questions of the public and provides grounded answers to the justified proposals of the public, which were received in writing, before the hearing</i>". We mention that the presentation made during the public debates was intended to ensure accurate and correct information of the public interested in the RMGC project.</p> <p>In this context, we draw your attention to the fact that, the practical opportunities implied by the development of such a project are real, and the titleholder's project intends to observe all the necessary measures stipulated by the relevant legal provisions, in order to be granted all the permits, approvals and authorizations as per the law, with the view to fully accomplishing this project, in the form presented during the public consultations.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	225
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_0458
Proposal	<p>The questioner states the fact that there are locals in Rosia Montana who won't leave their homes and the Constitution warrants people's property.</p> <p>When acquiring the private property lands necessary for the development of Roşia Montană Project, RMGC's approach is primarily based on the principle of a "willing seller-buyer". To this extent, RMGC provided fair compensation packages for the affected inhabitants of the impacted area, in full compliance with the World Bank policies in this field, as detailed in the Relocation and Resettlement Action Plan developed by RMGC, which may be found on company's official website.</p> <p>As regards the constitutional provisions related to property, it should be noted that art. 44 of the Romanian Constitution which provides for guaranteeing the ownership right, also mentions that the limits and contents of such a right are provided by law. The Constitution also establishes the legal limits of such right, containing provisions related to expropriation and the conditions thereof.</p>
Solution	<p>Without going into further detail regarding the issue of guaranteeing the ownership right in Romania, which is an obligation incumbent on the State, by specific legal means, it should be noted the acquisition of the rights over the lands necessary for Roşia Montană Mining Project development is made in compliance with the applicable general legal provisions in field of ownership transfer (i.e, authenticated form, payment of all relevant taxes and fulfillment of all formalities for real estate publicity) and by the methods provided by art. 6 of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Part I, no. 197/27.03.2003, namely: <i>"a) sale-purchase of the land and, as the case may be, of the constructions built thereon, for the price agreed upon by the parties; b) the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties; c) renting of the land for an unlimited period of time, based on agreements concluded between the parties, d) expropriation for cause of public utility, as per the law; e) land concession"</i>, etc.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	234
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_0475
Proposal	<p>The questioner wants some clarifications regarding the cemeteries situation, namely, what the company will do in the case of those three types of graves:</p> <p>(1) – the family members agree with the relocation of graves in compliance with the law; (2) – the family members do not agree with the relocation of graves; (3) – graves without any family members to be consulted;</p>
Solution	<p>Irrespective of a theoretical classification of the types of tombs made by the attendant to the public debates, Roşia Montană Gold Corporation applies the same principles as regards the relocation of the earthly remains located in the impact area of the Project and their re-burial.</p> <p>The relocation of the earthly remains and their reburial takes place after the discussions with the community and with the church authorities, in compliance with the religious rituals and the applicable legal provisions, i.e.:</p> <ul style="list-style-type: none"> (i) Law no. 489/2006 on the religious liberty and the general regime of religious affairs, published in the Romanian Official Gazette, Part I, no. 11/08.01.2007; (ii) Law no. 98/1994 on the establishing and sanctioning of the misdemeanors to the hygiene and public health legal norms, published in the Romanian Official Gazette, Part I, no. 317/16.11.1994, as subsequently amended and supplemented ("Law no. 98/1994"); (iii) The hygiene norms and recommendations concerning the population's living environment, approved by Order no. 1028/2004, published in the Romanian Official Gazette, Part I, no. 140/03.07.1997, as subsequently amended and supplemented ("Hygiene Norms"); (iv) GD no. 955/2004 on the approval of the framework regulations for the organization and operation of the public services for the administration of the public and private domain of local interest, published in the Romanian Official Gazette, Part I, no. 660/22.07.2004; (v) Order no. 261/1982 on the approval of the standard rules for the administration of graveyards and the crematories of the localities, published in the Official Gazette no. 67/11.03.1983; (vi) Rules for the administration of the church assets, approved by the Decision of the Minister of Religious Affairs no. 32-234/29.09.1950; (vii) Rules for the organization and operation of the parish and monastery graveyards within the eparchies of the Romanian Orthodox Church, approved by Decision of the Religious Affairs Department no. 16.285/31.12.1981. <p>In addition to the aforesaid, we underline that RMGC shall take all necessary measures in order to strictly comply with the obligations provided by the Romanian applicable legislation in relation to the promotion, construction and operation of the Roşia Montană Project and obtaining the necessary land for the mining activities development.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	236
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0480

Proposal	When will the written answer be sent, which is the legal deadline for receiving the answers?
Solution	<p>With respect to the deadline set for the titleholder of the project to answer the proposals and comments of the public, please note that, according to the provisions of art. 44 (3) of Order no. 860/2002 regarding the environmental impact assessment and the issuance of environmental permit procedure ("Order no. 860/2002") <i>"based on the results of the public debate, the relevant authority for the environmental protection evaluates the grounded proposals/comments of the public and requests the titleholder the supplementation of the report on the environmental impact assessment study with an appendix comprising solutions to the issues raised by the public, in the form presented in appendix no. IV.2"</i>.</p> <p>Please consider the fact that the relevant legal provisions do not mention of a certain deadline for the project titleholder to deliver the answers to the questions of the public.</p> <p>Nevertheless, RMGC will examine the questions addressed by the public during the environmental impact assessment procedure and will prepare the requested answers within a reasonable term.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	243
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_0490
Proposal	The questioner requests the Ministry of Environment and Waters Management to reject the environmental permit request submitted by the company.
	Regarding your request, please note that art. 44 (3) of the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and the issuance of environmental permit procedure ("Order no. 860/2002") provides that <i>"based on the results of the public debate, the relevant authority for the environmental protection evaluates the grounded proposals/comments of the public and requests the titleholder the supplementation of the report on the environmental impact assessment study with an appendix comprising solutions to the issues raised by the public"</i> .
Solution	Consequently, considering the fact that your proposal is just an allegation which does not indicate possible problems, nor provide additional information, please note that the decision on the issuance or refusal of the environmental permit cannot be made based only on a simple proposal, but according to certain objective criteria provided by art. 45 of Order no. 860/2002 and <u>only after examining</u> , <ul style="list-style-type: none"> (i) the report on the environmental impact assessment study; (ii) the conclusions of the parties involved in the assessment; (iii) the possibilities to implement the project; (iv) the titleholder's answers to the grounded proposals/comments of the public.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	248
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_0506
Proposal	<p>False statements are being made, such as the fact that the Rosia Montana project is a project of national interest and the Romanian Government gave the go ahead for its implementation.</p>
Solution	<p>We understand that your allegation refers to a possible favorable endorsement of the Government for the Roşia Montană Project, prior to a decision regarding the issuance of the environmental permit.</p> <p>Regarding these aspects, please note that the decision on the issuance of the environmental permit for the Roşia Montană Project will be made according to the applicable legal provisions and the mandatory stages and procedures provided by law.</p> <p>As regards the environmental impact assessment and the environmental permit issuance procedure, this implies, after the completion of the public consultations stage, according to the provisions of Emergency Ordinance no. 195 on the environmental protection ("GEO 195/2005"), of Government Decision no. 918/2002 [1] on the environmental impact assessment framework procedure and for the approval of private or public projects list subject to this procedure ("GD no. 918/2002") and of the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and issuance of environmental permit procedure ("Order no. 860/2002"), the following mandatory stages:</p> <p>(i) According to the provisions of art. 28 of Order 860/2002, "based on the results of the public debate: <i>"a) the environmental protection relevant authority evaluates the grounded proposals/comments of the public and requests the titleholder the supplementation of the report on the environmental impact assessment study with an appendix comprising solutions to the issues raised by the public [..]";</i></p> <p>(ii) According to the provisions of art. 29 of Order no. 860/2002, after receiving from the project titleholder the appendix to the report on the environmental impact assessment study, which comprises solutions to the public's proposals/comments, the environmental protection public authority: <i>"a) analyses the report on the environmental impact assessment study, the appendix comprising solutions to the public's proposals/comments, as well as the information and documents received from the titleholder, including the security report, as the case may be;</i> <i>b) calls the technical analysis committee;</i> <i>c) presents, to the technical analysis committee, the conclusions regarding the report on the environmental impact assessment study, the security report (as the case may be), the solutions to the public's proposals/comments and the proposal for the procedure continuation";</i></p> <p>(iii) The authorities involved in the technical analysis committee examine the report on the environmental impact assessment study and the appendix thereto, comprising the solutions to the public's proposals/comments, according to the same art. 29 of Order 860/2002. The stage of analysis of the report quality is performed according to the Order of the Minister of Waters and Environmental Protection no. 863/2002 for approval of the methodological guidelines applicable to the stages of environmental impact assessment framework procedure ("Order no. 863/2002"). According to the provisions of Appendix no. 3, item 3 of Order no. 863/2002, during the stage of analysis of the report on the environmental impact assessment study, the competent authority decides whether the report on the study is appropriate, i.e. <u>if the problems signaled during the scoping stage have been fully dealt with and to the required extent;</u></p> <p>(iv) according to the provisions of art. 45 of Order no. 860/2002 "<u>pursuant to the examination of</u></p>

the report on the environmental impact assessment study, of the conclusions of the parties involved in the evaluation, of the possibilities to accomplish the project and of the titleholder's answers to the public's grounded proposals/comments, the environmental protection competent authority makes the decision of issuing the environmental permit/environmental integrated agreement, or it rejects the project proposed for the respective site, presenting the reasons for such decision";

- (v) Pursuant to the decision of the relevant environmental protection authority, based on the provisions of art. 19 of GEO 195/2005, the environmental permit is granted by Government decision, considering the legal provisions quoted above: "*The environmental permit and the environmental approval/integrated approval for the mining activities using dangerous substances in the processing and concentration procedure, for production capacities exceeding 5 million tons/year and/or if the area where the activity takes place exceeds 1.000 ha, is granted by Government decision, at the proposal of the central public environmental protection authority.*"

References:

[1] GD no. 918/2002 was repealed by GD no. 1213/2006 on the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Part I, no. 802 dated 25.09.2006 ("GD no. 1213/2006").

Nevertheless, considering the provisions of art. 29 of GD no. 1213/2006, which provides that "*the projects submitted to a competent authority for the environmental protection, with a view to obtaining the environmental permit and which are subject to the environmental impact assessment procedure, prior to the entering into force of this Decision, are subject to the environmental impact assessment and environmental permit issuing procedure in force at the moment of such submission*", we should specify that, as regards the RMGC project, the provisions of GD no. 918/2002 are still applicable.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	253
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_0521
Proposal	<p>The questioner wants to know how many experts are needed before the negative environmental impact of this project is acknowledged.</p>
Solution	<p>As per the provisions of art. 11 (1) of the Government Decision no. 918/2002 [1] on establishing the framework-procedure for the environmental impact assessment and for the approval of the list of public and private projects subject to this procedure ("GD no. 918/2002"), <i>"the environmental impact assessment study shall be performed based on the guidelines provided by art. 8 (1), <u>through specialized economic agents, whether natural or legal persons independent of the project titleholder and certified in compliance with the law</u>"</i>.</p> <p>In addition to the above mentioned, please note that no legal provision determines a minimum or maximum number of experts for the accomplishment of such study. The environmental impact assessment is performed in accordance with the Guidelines issued by the relevant environmental authority, which describes the environmental issues to be considered and their extension degree, and it cannot be determined depending on the number of experts involved in the drafting of such a report.</p> <p>Furthermore, according to the Appendix no. 2, part II, item 1 of the Order no. 863/2002 of the Ministry of Waters and Environment Protection on the approval of the guidance applicable to the stages of the framework-procedure in the study of the environmental impact assessment ("Order no.863/2002"), a document drafted by considering a corresponding methodological guide drafted by a group of experts at the request of the European Commission, the report to the study of the environmental impact assessment must provide <i>"information on the certified author of the study for the environmental impact assessment and of the report to this study: name and address (of the natural or legal person), name, phone and fax number of the contact person"</i>.</p> <p>In case one is interested in an estimation of the number of experts involved in the drafting of the report on the environmental impact assessment study, as submitted by RMGC, one must consider "Chapter 1 – General information" from the report drafted and submitted by RMGC.</p> <p>Reference:</p> <p>[1] Please note that the GD no. 918/2002 was repealed by the GD no. 1213/2006 on establishing the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Section I, no. 802 dated 25.09.2006 ("GD no. 1213/2006"). Nevertheless, considering the provisions of art. 29 of the GD no. 1213/2006, which provides that <i>"<u>The projects submitted to a competent environment protection authority, with a view to obtaining the environmental approval and which are subject to the environmental impact assessment procedure, prior to the entering into force of this Decision, are subject to the environmental impact assessment and environmental approval issuing procedure in force at the moment of such submission</u>"</i>, we should emphasize that, with regards to the RMGC project, the provisions of the GD no. 918/2002 are still applicable.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	254
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0522
Proposal	<p>The questioner makes the following comment: The questioner emphasizes the fact that he has seen hundreds of mines, tens, hundreds of EIAs and he has elaborated himself such assessments and considers strange the fact that the information regarding the project, included in the EIA, was provided by the company.</p> <p>Considering the fact that your allegation does not provide enough details in order to determine the precise issues which you refer to, we will argue the information in the project, as well as the information regarding the project. In this respect, please consider the following mandatory legal provisions:</p> <ul style="list-style-type: none"> ➤ <u>the information in the project</u> <ul style="list-style-type: none"> (i) Appendix no. 3 of the Minister of Waters and Environment Protection Order no. 863/2002 on the approval of the methodological norms applicable to the stages of the framework procedure for the environmental impact assessment study ("Order no. 863/2002") provides that <i>"the relevant environmental protection authority examines the information regarding the environmental effects of the project, as provided by the titleholder in the report on the assessment study"</i>; (ii) art. 5 (1) of the Minister of Waters and Environment Protection Order no. 978/2003 on the Regulation for the certification of natural and legal persons drafting environmental impact studies and environmental balances ("Order no. 978/2003") provides that <i>"the titleholder of the activity is responsible for the accuracy of the information submitted for performing the environmental impact assessment"</i>; (iii) art. 5 (2) of the Directive 85/337/CE [1] on the environmental impact assessment for certain public or private projects, published in the Official Journal of the European Community no. L 175/05.07.1985, amended and supplemented ("Directive 85/337/CE") transposed in the national legislation, expressly provides the obligation of a project titleholder to provide the necessary information for performing the environmental impact assessment.
Solution	<ul style="list-style-type: none"> ➤ <u>the information regarding the project</u> <ul style="list-style-type: none"> (i) art. 10 of the Government Decision no. 918/2002 [2] establishing the framework procedure for the environmental impact assessment and the approval of the list of private or public projects subject to this procedure ("GD no. 918/2002"): <p><i>"the information provided by the project titleholder according to the provisions of art. 9 (1) must include the following: (a) the description of the project, including information on the location, technical implemented solutions and the size of the project; (b) the description of the provisions to avoid, mitigate and, if possible, remedy the negative effects on the environment; (c) necessary information for the detection and evaluation of the major effects which the project might have on the environment; (d) the general presentation of the alternatives examined by the project titleholder, by indicating the reasons for that choice, as related to the effects on the environment; (e) the summary of the information provided at letters (a) - (d)".</i></p> (ii) art. 36 of Order no. 860/2002 on the environmental impact assessment and the environmental permitting Procedure ("Order no. 860/2002") <p><i>"the project titleholder informs the public on the following issues: (a) the submission of the environmental approval application for the project; (b) the decision of the classification stage of the project; (c) the public debate of the report on the environmental impact assessment study, and on (d) the decision of the examination stage regarding the quality of the report on the environmental impact assessment study."</i></p>

References:

[1] The Directive 85/337/CE was amended and supplemented by the Council Directive 97/11/CE, published in Official Journal of the European Communities (OJEC) no. L 73 dated March, 14 1997, and the Directive 2003/35/CE on the public participation regarding the drafting of certain plans and programs on the environment and the amendment, regarding the public participation and the access to justice, of the Council Directives 85/337/CEE and 96/61/CE, published in the Official Journal of the European Union (OJEE) no. L 156 dated June 25, 2003.

[2] Please note that the GD no. 918/2002 was repealed by the GD no. 1213/2006 on establishing the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Section I, no. 802 dated 25.09.2006 ("GD no. 1213/2006").

Nevertheless, considering the provisions of art. 29 of the GD no. 1213/2006, which provides that *„The projects submitted to a competent authority for the environmental protection, with a view to obtaining the environmental approval and which are subject to the environmental impact assessment procedure, prior to enforcement of this Decision, are subject to the environmental impact assessment and environmental approval issuing procedure in force at the moment of such submission”*, we should specify that, as regarding the RMGC project, the provisions of the GD no. 918/2002 are still applicable.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	254
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0524
Proposal	<p>The Alburnus Maior Association was asked to elaborate a report on the Rosia Montana project. The report elaborated by the Association will be unbiased and it will be made available to the public.</p>
Solution	<p>To the extent that through your allegation you request the preparation of a report regarding the RMGC project, please note that, according to the provisions of art. 11 (1) of Government Emergency Ordinance no. 195/2005 on environmental protection ("GEO no. 195/2005") <i>"it is mandatory to request and obtain the environmental approval for public and private projects or for modifying and extending the existing activities, including for decommissioning projects, that may have significant impact on environment"</i>.</p> <p>The titleholder of the project prepares a report to the environmental impact assessment to be presented to the interested public that may draft reasoned/justified proposals in this respect.</p> <p>The analysis of the report of the environmental impact assessment shall be performed by the competent public environmental protection authorities together with the Technical Analysis Committee based on the possibilities of applying/enforcing the project and the evaluation of the grounded proposals of public (art. 2 and art. 45 of Order no. 860/2002 on Environmental Impact Assessment and issuance of environmental permit procedures "Order no. 860/2002").</p> <p>Having in view that (i) the relevant legal procedures exhaustively determine the competence of the authorities entitled to perform an objective analysis of the report on the environmental impact assessment, and (ii) the interested public's right to object on the report is granted by law and observed by RMGC, we consider that the alternative suggested by you represents a derogation from the mandatory legal provisions, derogations that may be accepted by the Company only in case the legal framework, shall provide for the obligation of the titleholder to proceed in accordance with your suggestion.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	254
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0529
Proposal	At this moment, the study does not allow the environment authorities to reach a conclusion.
	<p>With respect to your allegation, please note that the report to the environmental impact assessment study for the Roşia Montană project was drafted by a team of Romanian and foreign experts authorized by the Ministry of Environment and Water Management, with a solid and well-known experience in the environment protection field and it complies with the relevant national legislation, as well as with the European regulations and the international standards in this field.</p> <p>At the same time, the report to the environmental impact assessment study observed the requirements and conditions imposed to the titleholder by the authorities involved in the environmental impact assessment based on the Guidelines provided by the Ministry of Environment and Water Management according to the provisions of art. 8 of the GD 918/2002¹ on establishing the framework-procedure for the environmental impact assessment and for the approval of the list of public and private projects subject to this procedure ("GD no. 918/2002"), according to which, during the defining stage of the environmental impact assessment <i>"the relevant environmental protection authority prepares and provides the titleholder of the project with the Guidelines on the environmental issues which must be approached in the impact assessment and on their extension degree"</i>.</p> <p>Moreover, please consider the fact that the purpose of the screening stage is, in the end, for the final report to the assessment study to comply with the Guidelines requirements, determined based on the characteristics of each project, as well as with the legal provisions which describe procedure of the environmental impact assessment.</p>
Solution	<p>Moreover, in accordance with the provisions of Appendix 3, item 3, of the Minister of Waters and Environment Protection no. 863/2002 on the approval of the methodological guidance applicable to the stages of the framework-procedure in the study of the environmental impact assessment ("Order no. 863/2002"), during the examination stage of the report on the impact assessment study, the relevant authority decides if the report on the assessment study is adequate, namely <u>if the issues indicated in the in the screening stage were entirely described and to the required extension degree.</u></p> <p>Please consider the fact that, according to the provisions of</p> <ul style="list-style-type: none"> (i) art. 8 (4) of the GD no. 918/2002, the relevant environmental protection authority may require additional information to those originally required within the Guidelines; (ii) art. 29 (4) of the Minister of Waters and Environment Protection no. 860/2002 on the environment impact assessment and the environmental approval issuance Procedure ("Order nr. 860/2002") <i>"the public authorities participating in the technical analyses commission are entitled to request the to the titleholder of the project, on a grounded basis, to amend or to review the report to the environmental impact assessment study."</i> <p>Consequently, given the fact that (i), while drafting the report to the environmental impact assessment study, RMGC observed the requirements of the Guidelines provided by the relevant authority, as well as the applicable legal provisions, (ii) the RMGC project was not yet examined by the relevant authorities, and (iii) the relevant legislation provides for the possibility of the environmental protection authorities to require additional information, we consider your allegation as premature, at this moment,</p>

References:

[1] – Please note that the GD no. 918/2002 was repealed by the GD no. 1213/2006 on establishing the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Section I, no. 802 dated 25.09.2006 (“GD no. 1213/2006”).

Nevertheless, considering the provisions of art. 29 of the GD no. 1213/2006, which provides that *„The projects submitted to a competent authority for the environmental protection, with a view to obtaining the environmental approval and which are subject to the environmental impact assessment procedure, prior enforcement of this Decision, are subject to the environmental impact assessment and environmental approval issuing procedure in force at the moment of such submission”*, please note that, with respect to the RMGC project, the provisions of the GD no. 918/2002 are still applicable.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	262
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_0547
Proposal	The speaker points out the fact that he wanted to develop a project in the area, but he was not allowed to because the Rosia Montana area was declared as a mono-industrial area.
Solution	<p>With respect to your comments, please note that there are mandatory legal provisions, which restrict the development of other projects than those regarding the exploitation and processing of natural resources in the areas where they are identified.</p> <p>In this respect, we mention the following legal provisions:</p> <ul style="list-style-type: none"> (i) art. 41 (2) of the Mining Law no. 85/2003 <i>"the county councils and the local councils will amend and/or update the existing land facility plans and the general urbanism plans, so as to facilitate all the necessary operations for the development of the mining activities granted into concession"</i>; (ii) art. 6 (1) of the Government Decision no. 525/1996 for the approval of the General Urbanism Regulation („GD no. 525/1996”) <i>"authorizing the execution of the definitive constructions, other than the industrial ones, necessary for the exploitation and processing of resources in the areas delimited in accordance to the law, which contain identified underground resources, is forbidden"</i>; (iii) art. 4.4. of the Local Urbanism Regulation of the Roşia Montană Village related to the General Urbanism Plan from 2002, <i>"authorizing the execution of the definitive constructions, other than the industrial ones, necessary for the exploitation and processing of resources in the areas outlined in accordance with the law, which contain identified underground resources, is forbidden"</i>; <p>Consequently, please consider that the legal provisions previously mentioned are mandatory and applicable to any similar project, developed by legal public or private entities.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	276
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_0588
Proposal	The representatives of Alburnus Maior will seize the Prosecutor's Office because, according to article 98, paragraph 2, point 8 of the Law on the Environment: "presentation of false information and conclusions in the environmental assessments and in the environmental impact assessments represents a crime that is punished by imprisonment (3 months-3 years) or by criminal fine".
Solution	With respect to your allegations, please note the following aspects: (i) the legal provisions you refer to are part of the Government Emergency Ordinance no. 195/2005 on environmental protection ("GEO no. 195/2005"); (ii) the quotation of the legal provisions is partial and incomplete and does not observe the special requirements of the standard criminal offence which it refers to (the abovementioned action is considered criminal offence only in case it was capable of jeopardizing life, human, animal or vegetal health), (iii) according to the provisions of art. 99 (1) of GEO no. 195/2005 "the ascertaining and investigation of criminal offences is made <i>ex officio</i> by the criminal prosecution bodies, in accordance with the competences granted under the law" and the fact that (iv) in compliance with art. 225 (1) of the Criminal Procedure Code, regarding the notification at the request of the competent body: „when the law requires that the initiation of the criminal prosecution may not take place without a special notification, such notification must be made in writing and signed by the competent body”.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	281
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_0607
Proposal	<p>Does the Rosia Montana project serve for money laundry? Does this company represent the White Collars' mafia which generate all over the world damages much higher than any other organized crime activity?</p> <p>According to the provisions of art. 23 of Law nr. 656/2002 on the prevention and sanctioning of money laundering and combating and prevention measures against financing terrorism acts ("Law no. 656/2002"):</p> <p><i>"The following shall constitute an offence of money laundering and shall be sanctioned with imprisonment from 3 to 12 years: (i) the exchange or transfer of values, knowing that they derive from the perpetration of offence, for the purpose of concealing or dissimulating their illicit origin, as well as for the purpose of hiding or favoring the person who perpetrated the offence that the money derives from to elude the investigation, prosecution or sentence execution; (ii) hiding or dissimulating the real nature of the origin, belonging, disposition, or circulation of the property or rights over the goods, knowing that these goods result from the perpetration of offence; (iii) the acquirement, possession or use of goods, knowing that they result from the perpetration of offence".</i></p> <p>Please consider the fact that, the financial statements of a company provides an accurate image of the financial standing, of the financial performance and of the other information regarding the activity performed by that company during a financial year.</p>
Solution	<p>Roşia Montană Gold Corporation S.A. is a company whose financial statements are subject to the legal obligation for financial auditing; therefore the company performs the internal audit, as well as the financial audit. Moreover, the internal audit rules used by the company comply with the international standards, and also with the Toronto, Canada Exchange rules, which range among the most severe rules in the field. Please note that, according to the legal provisions, RMGC approved and submitted the financial statements to the Trade Register Office, as well as to the Ministry of Public Finance, therefore any interested person may require and/or check the accuracy of the above-mentioned.</p> <p>Moreover, we mention the fact that the Roşia Montană Mining Project is developed by RMGC with full transparency, as the company promotes a policy of openness and accurate and exhaustive information of the public regarding the proposed project, at the same time observing the legal incumbent provisions.</p> <p>As a consequence, the association of RMGC with illegal activities, of economic or other nature, is incorrect and ungrounded.</p>

Domain	LEGAL
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_0612

Proposal	The questioner considers that the property right needs to be observed.
Solution	<p>According to the relevant legal provisions, the interested public may submit justified proposals regarding the environmental impact assessment. Art. 44 (3) of Order no. 860/2002 on the environmental impact assessment and the issuance of the environmental permit procedure stipulates to this end that "based on the results of the public debate, the relevant authority for the environmental protection evaluates the grounded proposals/comments of the public and requests the titleholder the supplementation of the report to the environmental impact assessment study with an annex containing solutions to the issues raised by the public".</p> <p>As the statement of the attendant to the public consultations identifies and specifies no problems in regard of the project initiated by RMGC, subject to the environmental impact assessment procedure, RMGC is not in a position to answer and does not have the capacity to make any comments to this end.</p> <p>Nonetheless, considering that RMGC has expressed its full availability to discuss any issues relevant for the proposed project, please note that:</p> <p>When acquiring the private property land necessary for the development of Roşia Montană Project, RMGC's approach is primarily based on the principle of a "willing seller-buyer". To this end, RMGC provided fair compensation packages for the affected inhabitants of the impacted area, in full compliance with the World Bank policies in this field, as detailed in the Relocation and Resettlement Action Plan developed by RMGC, which may be found on the company's official website.</p> <p>Moreover, the design and location of the Project's facilities were established such as to maintain the number impacted persons as small as possible.</p> <p>As regards the methods for the acquisition of the land contemplated by RMGC, these are in full compliance with the legal provisions, art. 6 of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Part I, no. 197/27.03.2003 expressly providing the means by which the titleholder obtains the right of use over the land necessary for the performance of the mining activities in the mining perimeter, namely: "(i) sale-purchase of the land and, as the case may be, of the constructions built thereon, for the price agreed upon by the parties; (ii) the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties; (iii) renting of the land for an unlimited period of time, based on agreements concluded between the parties, (iv) expropriation for cause of public utility, as per the law; (v) land concession", etc.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	320
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_0670
Proposal	<p>If the Romanian Government cancelled this project, for political reasons, how much should it pay the company as compensations according to the contract that has probably been signed between the two parties?</p>
Solution	<p>Please note that the decision to issue or reject the issuance of the environmental permit is made by the Ministry of Environment and Water Management ("MEWM"), considering the compliance with certain legal requirements and conditions regarding the project submitted for analysis, and not as a result of a political decision. To this end, the legal provisions applicable are the following:</p> <ul style="list-style-type: none"> (i) art. 11 (3) of GD no. 918/2002 [1] on the environmental impact assessment framework procedure and for the approval of private or public projects list subject to this procedure ("GD no. 918/2002") which provides that <i>"the competent authority for the environmental protection, together with the authorities represented in the technical analysis committee, analyze the quality of the report on the environmental impact assessment study, and decides on the approval or redrafting of the report, as well as on the issuance, respectively the justified rejection of the environmental permit"</i>; (ii) art. 29 (5) of the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and issuance of environmental permit procedures ("Order no. 860/2002") which provides that <i>"pursuant to the examination of the final report on the environmental impact assessment study, of the appendix comprising the solutions to the public proposals/comments and of the conclusions of the involved authorities regarding the approval of this project, the competent public authority for the environmental protection records the opinions of the representatives in the technical analyses committee regarding the execution of the analyzed project on the respective location and decides, by consulting the technical analyses committee, on the issuing or on the grounded rejection of the environmental permit/environmental integrated agreement"</i>; (iii) the provisions of Appendix no. 3 of the Order of the Minister of Waters and Environmental Protection no. 863/2002 for approval of the methodological guidelines applicable to the stages of environmental impact assessment framework procedure ("Order no. 863/2002"), according to which the analysis of the report to the environmental impact assessment study is made based on a Control List. We underline that the Control List is drafted according to the requirements of the Directive 85/337/CE [2] on the assessment of the effects of certain private and public projects on the environment, published in the Official Journal of the European Community no. L 175/05.07.1985, as subsequently amended and supplemented ("Directive 85/337/CE"), amended by Directive 97/11/EC on the assessment of the effects of certain public and private projects on the environment, which is transposed into the internal legislation. This Control List is used in order (a) to evaluate the quality of the report on the evaluation study, in order to take the decision of issuing the environmental permit and (b) to identify the need to improve the environmental impact assessment process. By using the criteria specified in the Control List, the competent environmental authority establishes whether the report on the environmental impact assessment study is appropriate, i.e. if the problems underlined during the scoping stage have been fully dealt with and to the required extent degree. <p>Considering the aforesaid, we mention that a favorable decision for the issuance of the environmental permit for the project proposed by the titleholder demonstrates the fact that the EIA Report prepared and submitted by RMGC meets the mandatory legal conditions and requirements, as established by the relevant national legislation and provides for sufficient guarantees regarding the development of the mining activities.</p> <p>Also, art. 45 of Order no. 860/2002 on the environmental impact assessment and issuance of</p>

environmental permit procedure stipulates that “*after the examination of the report on the environmental impact assessment study, of the conclusions of the authorities involved in the evaluation, of the possibilities to implement the project and the titleholder’s answers to the public’s grounded proposals/comments, the competent authority for the environmental protection makes the decision regarding the issuance of the environmental permit/integrated environmental agreement or it rejects the project proposed for the respective location, presenting the reasons for such decision*”. Thus, the decision of issuing the environmental permit is made based on the EIA report and the answers of the titleholder to the public’s comments/proposals, the political component having, as per the law, no role in the decision-making process. Moreover, once the environmental permit is issued, art. 51 of Order no. 860/2002 stipulates that such permit may be cancelled only in case the titleholder fails to observe its provisions.

Reference:

[1] - We mention the fact that the GD no. 918/2002 was repealed by GD no. 1213/2006 on the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Part I, no. 802 dated 25.09.2006 (“GD no. 1213/2006”). Nevertheless, considering the provisions of art. 29 of GD no. 1213/2006, which provides that „the projects submitted to a competent authority for the environmental protection, with a view to obtaining the environmental permit and which are subject to the environmental impact assessment procedure, prior to the entering into force of this Decision, are subject to the environmental impact assessment and environmental permit issuing procedure in force at the moment of such submission”, we should specify that, as regards the RMGC project, the provisions of GD no. 918/2002 are still applicable.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	336
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Baia de Aries, 15.08.2006
RMGC internal unique code	MMGA_0686
Proposal	<p>The Romanian state charges 5 million ROL/km² for any land lease. This means that it will make profit out of this land lease. The questioner wants to be told why this project is perceived as a unique alternative since there are people in Rosia Montana who wanted to lease parts of that deposit, but their requests have been repeatedly rejected.</p>
Solution	<p>RMGC is the titleholder of the Mining License for the Roşia Montană perimeter no. 47/1999 ("License no. 47/1999"), approved by Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Part I, no. 285/21.06.1999. According to the provisions of art. 18 (1) of the Mining Law no. 85/2003, which reiterates the provisions of art. 10 (1) of the former Mining Law no. 61/1998, "<i>the mining operations are carried out based on <u>an exclusive license</u></i>", thus the concession of the mining activity in the Roşia Montană perimeter to other legal persons, during the validity term of License no. 47/1999, would breach the legal provisions of the Mining Law.</p> <p>We also mention that RMGC pays the annual tax for the concession of the mining activity, as provided by art. 44 of the Mining Law no. 85/2003.</p> <p>As regards the project being considered as "sole alternative", please note the Report on the Environmental Impact Assessment Study, which made the object of the public consultation, contains an entire chapter, namely Chapter 5 – "Assessment of the Alternatives", <u>where the alternatives for the development of the area, in case the project would not be approved, are largely discussed</u>. This chapter is prepared in accordance with the provisions of Order no. 860/2002 on the environmental impact assessment and issuance of environmental permit procedure – Annex no. 2, Methodological Guidelines on the scoping stage and preparation of the report on the environmental impact assessment study – Part II (Structure of the report on the environmental impact assessment study).</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	336
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Baia de Aries, 15.08.2006
RMGC internal unique code	MMGA_0687
Proposal	<p>Why aren't people allowed to mine this deposit by hand-made methods which would not imply the use of harmful substances. Moreover, jobs would be created this way. The technology is available and it can be bought by those who want it.</p>
Solution	<p>RMGC is the titleholder of the Mining License for the Roşia Montană perimeter no. 47/1999 ("License no. 47/1999"), approved by Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Part I, no. 285/21.06.1999. According to the provisions of art. 18 (1) of the Mining Law no. 85/2003, which reiterates the provisions of art. 10 (1) of the former Mining Law no. 61/1998, "<i>the mining operations are carried out based on <u>an exclusive license</u></i>", thus the concession of the mining activity in the Roşia Montană perimeter to other legal persons, during the validity term of License no. 47/1999, would breach the legal provisions of the Mining Law.</p> <p>Also, regarding the classic exploitation of the deposits, please note that the mining activities in Romania may be performed only according to the legal provisions and to the conditions provided by the law. Thus, according to art. 4 (1) and art. 13 of the Mining Law no. 85/2003 "<i>The mineral resources are enhanced by mining activities which are given into concession to Romanian or foreign <u>legal persons</u> by the relevant authority, in accordance herewith. The mining activities are carried out by legal persons <u>registered, as per the law, and specialized and authorized for the performance of such activities</u> or organized for this purpose</i>".</p> <p>Consequently, the mining licenses for the mineral resources existing within a certain perimeter may be granted only to legal persons, provided that they meet the certification conditions and fulfill the procedures provided by the law.</p>

Domain	LEGAL
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_0703

Proposal Does the company's environmental protection commitment stipulate that it will protect the people, animals and all the elements existing in the area impacted by the project?

Government Emergency Ordinance no. 195/2005 on environmental protection ("GEO nr. 195/2005") stipulates regulations having the nature of principles, regarding the right of any person to a healthy and well-balanced environment.

One of the methods for the implementation of these principles is the obligation of undergoing the environmental impact assessment procedure in order to develop the projects provided by Government Decision no. 918/2002 [1] on the environmental impact assessment framework procedure and for the approval of private or public projects list subject to this procedure ("GD no. 918/2002"), a procedure also performed in relation to RMGC's project.

Appendix no. 2 item 9 of the Order of the Minister of Waters and Environmental Protection no. 863/2002 for approval of the methodological guidelines applicable to the stages of environmental impact assessment framework procedure ("Order no. 863/2002") stipulates that the report on the environmental impact assessment study must comprise a non-technical summary which mentions, among others, the following:

- (i) identification and description of the impact area;
- (ii) impact mitigation measures, by environment components; and also
- (iii) conclusions on the life quality/life standard and on the social conditions in the impacted communities.

Solution

Consequently, please consider that the report on the environmental impact assessment study submitted by RMGC was intended to determine the possible impact of the proposed activities on (i) the demographic characteristics, (ii) living conditions within the area, (iii) economical conditions, but also to identify the optimum solutions for the mitigation and diminishing of the possible impact on each environment component, on the population, the fauna and the flora from the impact area.

References:

[1] - We mention the fact that GD no. 918/2002 was repealed by GD no. 1213/2006 on the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Part I, no. 802 dated 25.09.2006 ("GD no. 1213/2006").

Nevertheless, considering the provisions of art. 29 of GD no. 1213/2006, which provides that *„the projects submitted to a competent authority for the environmental protection, with a view to obtaining the environmental permit and which are subject to the environmental impact assessment procedure, prior to the entering into force of this Decision, are subject to the environmental impact assessment and environmental permit issuing procedure in force at the moment of such submission”*, we should specify that, as regards the RMGC project, the provisions of GD no. 918/2002 are still applicable.

Domain	LEGAL
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_0704
Proposal	<p>The community must be granted access to the agreements concluded between the company and the Romanian Government. What are the conditions imposed on the company?</p>
Solution	<p>The partnership between Gabriel Resources and Regia Autonomă a Cuprului Deva (currently, CNCAF Minvest SA) has been established based on Law no. 15/1990 on the reorganization of state owned companies as public corporations and companies, published in the Official Gazette, Part I, no. 98/08.08.1990, as subsequently amended and supplemented. Art. 35 of this law stipulates the possibility of the public corporations to enter partnerships with Romanian or foreign legal third parties, for the purpose of setting up new companies.</p> <p>Roșia Montană Gold Corporation SA was set up in 1997, according to the legal provisions in force as at that time, the setting up being made in compliance with all the conditions imposed by Companies Law no. 31/1990 and Trade Register Law no. 26/1990, regarding the setting up of joint ventures.</p> <p>Please note that the Articles of Incorporation of Roșia Montană Gold Corporation SA, representing the result of the agreement on the terms and conditions under which the partnership between the Romanian State and the investor takes place, represents a document open for public access, being included in the category of documents which, as per Trade Register Law no. 26/1990, are published in the Romanian Official Gazette and for which the Trade Register has the obligation to issue certified copies, on the expense of the persons submitting a request in this sense.</p> <p>Also, please note that the shareholders' participation in the profit and loss of Roșia Montană Gold Corporation SA has been established considering their contribution to the company's share capital. The current percentage of 80% for Gabriel Resources Ltd. and of 19.31% for CNCAF Minvest SA resulted from the initial contribution and the subsequent contributions of the shareholders to the company's share capital, as Gabriel Resources Ltd. paid for all expenses and costs related to the development-exploitation and authorization of the Roșia Montană Mining Project.</p> <p>The provisions of the Articles of Incorporation of Roșia Montană Gold Corporation SA on the necessary majority and quorum conditions for the decision-making process within the General Meeting of the Shareholders and the participation in the company's profit and loss are taken from Law no. 31/1990, and no derogation exists in regard of this aspect.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	370
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_0752
Proposal	<p>How was the distribution of shares of 80% for RMGC and only 19.3% for the Romanian state made? Who participated in the negotiations held with the Canadian company? This question has never been answered. With which government and personalities has the company negotiated?</p> <p>The partnership between Gabriel Resources and Regia Autonomă a Cuprului Deva (currently, CNCAF Minvest SA) has been established based on Law no. 15/1990 on the reorganization of the state owned companies as autonomous directions and trade companies, published in the Official Gazette, Section I, no. 98/08.08.1990, as subsequently amended and supplemented. Art. 35 of this law provides the possibility of the regies autonomous to enter into partnerships with legal third parties, Romanian or foreign, for the purpose of setting up new trading companies.</p> <p>Roșia Montană Gold Corporation SA was set up in 1997, according to the legal provisions in force as at that time, the setting up being made by observing all the conditions imposed by Company Law no. 31/1990 and Trade Register Law no. 26/1990, in regard of the setting up of the joint stock companies with mixed capital.</p> <p>We underline that the Articles of Associations of Roșia Montană Gold Corporation SA, representing the result of the parties agreement in regard of the terms and conditions under which the partnership between the Romanian state and investor takes place represents a public document, being included in the category of documents which, as per Law no. 26/1990 on the Trade Register, are published in the Romanian Official Gazette and for which the Trade Register is obliged to issue, on the expense of the persons submitting a request, certified copies.</p>
Solution	<p>As for the agreement concerning the setting up of the mixed company together with Gabriel Resources Ltd., this has been expressed by the Ministry of Industry and Trade, the conditions imposed by the setting up of the mixed company being the following: (i) ensuring of the jobs at the level existing upon the conclusion of the agreement concerning the setting up of the mixed company; (ii) the expenses incurred by the fulfillment of the exploration stage should be fully supported by Gabriel; (iii) the obtaining of the approval from the ANRM by the Copper Autonomous Direction Deva and (iv) the observance of all legal provisions in force concerning the setting up of the mixed companies with foreign partners. These conditions have been fully complied with as at the setting up of the company and during the development of its activity.</p> <p>We also specify that the establishing of the shareholders' quotas to the benefits and losses of Roșia Montană Gold Corporation SA has been made by considering their contribution quota to the company's share capital. The current percentage of 80% for Gabriel Resources Ltd. and of 19.31% for CNCAF Minvest SA resulted from the initial contribution and the subsequent contributions of the shareholders to the company's share capital, in consideration also of Gabriel Resources Ltd. advancing all expenses and costs related to the development-exploitation and permitting of the Roșia Montană Mining Project. The provisions of the Articles of Associations of Roșia Montană Gold Corporation SA on the necessary majority and quorum conditions for the decision-making process within the General Shareholders Meeting and the quotas to the benefits and losses of the company are taken from Law no. 31/1990, and no derogation exists in regard of this aspect.</p>

Domain	LEGAL
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_0763
Proposal	The speaker says he has filed a criminal complaint with the Public Prosecutor's Office attached to the High Court of Cassation and Justice, and that he will file a complaint with the Abuse Investigation Committee.
Solution	<p>According to the applicable legal provisions, the interest public may submit grounded proposals concerning the environmental impact assessment, art. 44 (3) of the Order no. 860/2002 on the environmental impact assessment and environmental approval issuing Procedure providing to this end that <i>„based on the results of the public debate, the relevant authority for environmental protection <u>evaluates the grounded proposals/comments of the public and requests the titleholder the supplementation of the report to the environmental impact assessment study with an annex that contains solutions for the settlement of the issues that have been underlined</u>”</i>.</p> <p>As the statement of the attendant to the public debates (i) refers to the engagement of the criminal liability of some person, without making any specific indications tot he object of the complaint mentioned by the speaker, and (ii) identifies and underlines no problems related to the projected initiated by RMGC, which is subject to the environmental impact assessment procedure, RMGC is not in position to answer and has no capacity to make any comments to this end.</p>

Domain	LEGAL
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_0774
Proposal	<p>An objective analysis of the environmental impact assessment study clearly indicates that the project is not a work of public interest for the Romanian state. Who undertakes the risks related to this project?</p>
Solution	<p>As your allegations refer to two distinct issues, namely (i) the examination of the report on the environmental impact assessment study and (ii) assuming the risks related to the project initiated by RMGC, please consider the following aspects:</p> <p><u>(i) the examination of the report on the environmental impact assessment study</u> According to the provisions of art. 11 (3) of the Government Decision no. 918/2002 on establishing the framework procedure for the environmental impact assessment and the approval of the list of private or public projects subject to this procedure ("GD no. 918/2002") [1] <i>“the competent authority for the environmental protection, together with the authorities represented in the technical analyses commission, analyze the quality of the report on the environmental impact assessment study, and decide on the approval or redrafting of the report, as well as on the issuance, respectively the justified rejection of the environmental approval”</i>;</p> <p>Considering (a) your allegations regarding the project initiated by RMGC and (b) the fact that until the present moment the report on the environmental impact assessment study has not been submitted for the final analysis to the relevant environmental authorities, we consider that your request cannot imply an answer from RMGC, as it is an assertion which does not indicate possible problems and/or grounded observations regarding the report on the environmental impact assessment study.</p> <p><u>(ii) assuming the risks related to the project initiated by RMGC</u> As regards the issue of assuming the risks related to the project, please consider the fact that the titleholder of the project is responsible for the activities performed during the construction – operation period, as well as after the cessation of the mining activities.</p> <p>Therefore, according to the provisions of art. 39 (1) of the Mining Law no. 85/2003 ("Law no. 85/2003"), the titleholder of a license has the following obligations: (i) to maintain, for the entire duration of the exploitation, the financial guarantee for the environment rehabilitation, (ii) to execute and accomplish the environment rehabilitation works in the areas affected by the mining activities, (iii) to bear all the expenses/costs related to the technology transfer and the professional training.</p> <p>Moreover, according to the provisions of art. 37 (5) of Law no. 85/2003 <i>“the titleholder of a license is responsible, according to the rules of extra-contractual civil liability, for the rehabilitation of the prejudice caused, by his fault, to other natural or legal persons, by the mining activities performed until the expiry or remission date, even if such prejudice are ascertained after the cessation of the concession or of the administration”</i>.</p> <p>Nevertheless, according to the principle that <i>“the polluter pays”</i> provided by the Government Emergency Ordinance no. 195/2005 on the environment protection ("GEO no. 195/2005") <u>the liability for possible damage or pollution to the environment belongs to the titleholder of a licence, the entity which caused the pollution or the damage of the environment elements.</u></p> <p>Having in view the above, we consider that the risks, as well as the liability related to the performing of mining activities belong to the project titleholder.</p> <p>Reference:</p>

[1] - We mention that the GD no. 918/2002 was repealed by the GD no. 1213/2006 on the establishing of the framework procedure for the environmental impact assessment for certain private and public projects, published in the Official Gazette, Section I, no. 802 dated 25.09.2006 ("GD no. 1213/2006"). Nevertheless, considering the provisions of art. 29 of the GD no. 1213/2006, which provides that *„The projects submitted to a competent environment protection authority, with a view to obtaining the environmental approval and which are subject to the environmental impact assessment procedure, prior to the entering into force of this Decision, are subject to the environmental impact assessment and environmental approval issuing procedure in force at the moment of such submission”*, we should specify that, as regarding the RMGC project, the provisions of the GD no. 918/2002 are still applicable.

Domain	LEGAL
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_0809
Proposal	<p>The questioner makes the following comments and addresses the following questions:When overlapping the project boundaries with the mining licence, we notice that, in the Bunta area, several dozens hectares are not covered by the mining license. The Mine Law is very strict in this respect: the project may be developed only within the perimeter covered by the license. Therefore, this should be rectified within the shortest time possible, in order to continue the procedures related to the analysis of this project.</p>
Solution	<p>Mention should be made the mining activities developed by RMGC as titleholder of the licenses are and will be performed "<i>within perimeters authorized for this purpose by the competent authority</i>" (according to art. 4(3) of the Mining Law no. 85/2003).</p> <p>In this respect, RMGC is the titleholder of both the Exploitation concession license in Roşia Montană perimeter no. 47/1999 ("Roşia Montană License"), approved by GD no. 458/10.06.1999, and of Exploration concession license in Bucium Complex perimeter no. 218/1999 ("Bucium License"), approved by NAMR Order no. 60/17.05.1999, having similar resources as those making the object of Roşia Montană License and including Bunta area. Mention should be made the titleholder has the legal right to directly obtain an exploitation license for Bucium perimeter, according to art. 17(1), 18(2) let. a) and 20 of the Mining Law no. 85/2003.</p> <p>We underline that, according to legal provisions, the authorization of the mining activities, falls under the competency of the National Agency for Mineral Resources, being a stage subsequent to the issuance of the environmental approval for Roşia Montană Project, currently subject to environmental impact assessment procedure.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	399
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_0859
Proposal	<p>The questioner wants an answer to the following question: who negotiated the shares of the Romanian state and of the company?</p> <p>The partnership between Gabriel Resources and Regia Autonomă a Cuprului Deva (currently, CNCAF Minvest SA) has been established based on Law no. 15/1990 on the reorganization of the state owned companies as autonomous directions and trade companies, published in the Official Gazette, Section I, no. 98/08.08.1990, as subsequently amended and supplemented. Art. 35 of this law provides the possibility of the regies autonomous to enter into partnerships with legal third parties, Romanian or foreign, for the purpose of setting up new trading companies.</p> <p>Roșia Montană Gold Corporation SA was set up in 1997, according to the legal provisions in force as at that time, the setting up being made by observing all the conditions imposed by Company Law no. 31/1990 and Trade Register Law no. 26/1990, in regard of the setting up of the joint stock companies with mixed capital.</p> <p>We underline that the Articles of Associations of Roșia Montană Gold Corporation SA, representing the result of the parties agreement in regard of the terms and conditions under which the partnership between the Romanian state and investor takes place represents a public document, being included in the category of documents which, as per Law no. 26/1990 on the Trade Register, are published in the Romanian Official Gazette and for which the Trade Register is obliged to issue, on the expense of the persons submitting a request, certified copies.</p>
Solution	<p>As for the agreement concerning the setting up of the mixed company together with Gabriel Resources Ltd., this has been expressed by the Ministry of Industry and Trade, the conditions imposed by the setting up of the mixed company being the following: (i) ensuring of the jobs at the level existing upon the conclusion of the agreement concerning the setting up of the mixed company; (ii) the expenses incurred by the fulfillment of the exploration stage should be fully supported by Gabriel; (iii) the obtaining of the approval from the ANRM by the Copper Autonomous Direction Deva and (iv) the observance of all legal provisions in force concerning the setting up of the mixed companies with foreign partners. These conditions have been fully complied with as at the setting up of the company and during the development of its activity.</p> <p>We also specify that the establishing of the shareholders' quotas to the benefits and losses of Roșia Montană Gold Corporation SA has been made by considering their contribution quota to the company's share capital. The current percentage of 80% for Gabriel Resources Ltd. and of 19.31% for CNCAF Minvest SA resulted from the initial contribution and the subsequent contributions of the shareholders to the company's share capital, in consideration also of Gabriel Resources Ltd. advancing all expenses and costs related to the development-exploitation and permitting of the Roșia Montană Mining Project. The provisions of the Articles of Associations of Roșia Montană Gold Corporation SA on the necessary majority and quorum conditions for the decision-making process within the General Shareholders Meeting and the quotas to the benefits and losses of the company are taken from Law no. 31/1990, and no derogation exists in regard of this aspect.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	400
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_0865
Proposal	<p>The project breaches a series of conventions and other European legislation requirements. In Germany, such project would be unconceivable, and in Bulgaria and Armenia such projects have been rejected.</p> <p>We consider that in the absence of exact specifications of the enactments claimed to be broken, the titleholder of the project may not provide a practical answer for this generic statement</p> <p>In accordance with the provisions of art. 44(3) of Order no. 860/2002 on the environmental impact assessment and the issuance of environmental agreement procedures ("Order no. 860/2002"), RMGC prepares <i>"an assessment of the <u>public motivated proposals</u>, including solutions to the notified problems, to be submitted to the relevant public environmental protection authority, according to the form presented in annex no. IV.2."</i></p> <p>Although your statement is in no way grounded and/or supported, the only authority competent to analyze such breaches of European legislation transposed in Romania is the environment authority. In this respect, we mention the provisions of art. 45 of Order no. 860/2002 <i>"subsequent to the examination of the report on the environmental impact study, of conclusions of the parties involved in the assessment, of the possibilities to apply the project and of the <u>motivated evaluation of public proposals, the relevant public environmental protection authority makes the decisions on granting the environmental approval/integrated environmental approval or the motivated refusal of the project on the respective location"</u></i>.</p> <p>Please consider that your request must be addressed to the relevant authority and not to Roşia Montană Gold Corporation SA, which has no capacity to make any statements for and on behalf of a public institution or of a public and/or private law entity.</p>
Solution	<p>As regards the second statement, on the rejection of such project in other countries, please consider the provisions in art. 2 (31) of GEO no.195/2005 on environment protection, approved with amendments by Law no. 265/2006, which define "environmental impact assessment" as <i>"a process with the purpose to identify, describe and establish, <u>depending on each specific case</u> and in accordance with the enforceable legislation, <u>a project direct, synergetic, cumulative, main and secondary effects on health and environment"</u></i>.</p> <p>Each project submitted to the environment impact assessment has its own features and therefore the assessment is made for each specific case. Starting with the project classification within the environmental impact assessment based on art. 6 (5) of GD no. 918/2002 [1], <i>"the relevant authority for environment protection shall decide on the need for environmental assessment by examining <u>all projects, case by case</u> [...]"</i></p> <p>In addition to the above please consider that the environmental impact assessment is currently in progress for the mining projects in Bulgaria and Armenia and until an approval or rejection decision, as the case may be, is adopted by the relevant authorities in the respective state we may not disclose other information.</p> <p>Reference: [1] - We mention that GD no.918/2002 was abrogated by GD no.1213/2006 on the framework-procedure for environmental impact assessment for certain public and private projects, published in the Official Gazette, part I no.802 of 25/09/2006 ("GD no. 1213/2006"). However, considering the provisions of art. 29 in GD no. 1213/2006 specifying that "The project submitted to a relevant environment protection authority in order to obtain the environment approval and subject to the environmental impact assessment prior to this decision coming into force, shall be</p>

subject to the procedure for environmental impact assessment and issue of environment approval in force upon the submitting of the request” we mention that as regards RMGC project the provisions of GD no.918/2002 are still incident.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	417
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_0889
Proposal	The questioner wants to know if the provisions of Law no. 422/ 2001 regarding the historic monuments protection area are going to be complied with. How are these provisions going to be applied, exactly? The questioner wants concrete data, not propaganda.
Solution	<p>The practical measures contemplated by RMGC for the protection and preservation of the cultural patrimony are provided within section 4.9. – Cultural and ethnical conditions, cultural patrimony, of the report to the environmental impact assessment study.</p> <p>Among these, we provide as examples the following commitments undertaken by RMGC, which:</p> <ul style="list-style-type: none"> (i) will take all the necessary measures to ensure that the development of the Project will not affect sites, movable patrimony assets or areas with a patrimony value, unless a preliminary survey for the prevention of any irreversible loss is performed; (ii) will bear all the expenses related to the proper preservation and storage of the movable patrimony archeological assets; (iii) will ensure the preservation of the funeral monument in Tăul Găuri and the necessary funds for its <i>in situ</i> restoration; (iv) will monitor and finance, for the entire existence of the mine, any repair works which might be necessary in case of damage and degradation induced by vibrations on any historical monument; (v) will support the restoration works and will ensure the public access either in the Cătălina Monulești Gallery, or in the Roman galleries in the Păru Carpeni mining sector; (vi) will draft and implement a special protocol on the archeological surveillance during the removal of the vegetal soil and the construction works.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	419
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_0891

Proposal	Why haven't the properties of the moti (locals) been retroceded?
	<p>Regarding the issues approached by you, we mention the fact that RMGC is not in the position to provide an answer regarding certain issues, which go beyond the subjects approached in the report on the environment impact assessment study.</p> <p>In this respect, please consider the following aspects:</p> <ul style="list-style-type: none"> (i) the activity of settling certain factual situations or relations <u>is the exclusive competence of state</u>; (ii) the retrocession of properties is exclusively executed based on certain legal provisions which settle substantive rights issues, as well as procedural rights issues which must be considered; (iii) the competence for settling the claims submitted by the interested persons is mandatory provided by law as being under the competence of the administrative authorities or, as the case may be, under the competence of the law courts. <p>Nevertheless, considering the fact that RMGC expressed and is still expressing the availability to discuss any relevant issues regarding the proposed project, including the issues related to the participation shares, we make the following comments.</p> <p>According to art. 54 of the Rule for the enactment of art. 264 of the Mining Law from March 28, 1929 "the participation share gives the titleholder the right to participate to the indivisible assets of the association, it is an effect (title) with indefinite value, under an intangible form and preserves this form even when all the participation shares of the association are owned by a single individual."</p> <p>Solution</p> <p>At the same time, the wording of art. 50 of the Mining Law from March 28, 1929 provides that the mining association based on participation shares had only the right of exploration and exploitation over the lands and not a property right, these lands being in their possession based on concession agreements.</p> <p>As regards the nature of the right granted by the participation share – a right of exploitation and not a property right - the provisions regarding the amending rules of Law 10/2001 on the legal status of the estates abusively requisitioned during the interval March 6, 1954 – December 22, 1989 („Law 10/2001”), republished and amended, are not applicable. According to art. 3 of Law 10/2001, the natural persons have the right to compensation in case they owned as property the estate abusively requisitioned or in case the property right belonged to some legal persons to which the entitled natural persons had the capacity of shareholders.</p> <p>Accordingly, for each of the situations provided by Law 10/2001, an essential condition for the determination of the right to compensation is to ground a property right, either by the very natural person, or by the legal person to which he participated as shareholder, over the asset requisitioned by the state, a condition which is not fulfilled by the participation share owners.</p> <p>Considering there are specific regulations in this respect, RMGC will take all the necessary measures for the observation of the mandatory legal provisions.</p>

Domain	LEGAL
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_0910
Proposal	<p>The environmental permit is issued based on the mining license, which does not reflect the project currently proposed. Rosia Montana Gold Corporation holds licence no. 47/1999, transferred from the state-owned company MINVEST. This agreement stipulates a production capacity of 400,000 tons per year, while Rosia Montana Gold Corporation officially proposes, in its project, 13 million tons per year.</p> <p>The concession license for exploitation in the Roşia Montană perimeter no. 47/1999 ("the Roşia Montană License") was concluded based on and according to the procedures provided by the former Mining Law no. 61/1998, in force as at the conclusion of the License. The Roşia Montană license was approved by the Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Section I, no. 285/21.06.1999.</p> <p>We specify that the Roşia Montană license has a period of 20 years, with the possibility of being extended, according to the Mining Law. As per the legal provisions, <u>the object of the Roşia Montană License is the exploitation of the mineral resources in the perimeter Roşia Montană</u> and not the activity of CNCAF Minvest SA, which is a company affiliated to the license.</p>
Solution	<p>Pursuant to the exploration-development activities of RMGC, the resources and reserves existing in the Roşia Montană perimeter have been identified in detail. The mining project proposed by RMGC considers the exploitation of these resources and reserves discovered pursuant to the ensemble of studies and activities for the identification of the deposits, the quality and quantity evaluation, as well as by determining the technical and economical conditions for capitalization. The new mining exploitation is planned and designed by observing the international standards and shall involve the use of the best available techniques for the proper operation, the environmental protection and mitigation of the impact.</p> <p>According to the legal provisions, RMGC follows the entire permitting procedure for the new mining exploitations, the public debate of the Report to the Environmental Impact Assessment Study being a compulsory stage within this permitting process.</p>

Domain	LEGAL
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_0962
Proposal	<p>Why was the subject of the "cuxa certificates" or property titles been avoided? What will happen with these certificates and what does the company plan to do to solve this problem? Agricultural lands and forests have been given back and normally these property titles should also have been given back.</p> <p>Regarding the issues approached by you, we mention the fact that RMGC is not in the position to provide an answer regarding certain issues, which go beyond the subjects approached in the report on the environment impact assessment study.</p> <p>In this respect, please consider the following aspects:</p> <ul style="list-style-type: none"> (i) the activity of settling certain factual situations or relations <u>is the exclusive competence of state</u>; (ii) the retrocession of properties is exclusively executed based on certain legal provisions which settle substantive rights issues, as well as procedural rights issues which must be considered; (iii) the competence for settling the claims submitted by the interested persons is mandatory provided by law as being under the competence of the administrative authorities or, as the case may be, under the competence of the law courts. <p>Nevertheless, considering the fact that RMGC expressed and is still expressing the availability to discuss any relevant issues regarding the proposed project, including the issues related to the participation shares, we make the following comments.</p> <p>According to art. 54 of the Rule for the enactment of art. 264 of the Mining Law from March 28, 1929 "the participation share gives the titleholder the right to participate to the indivisible assets of the association, it is an effect (title) with indefinite value, under an intangible form and preserves this form even when all the participation shares of the association are owned by a single individual."</p> <p>At the same time, the wording of art. 50 of the Mining Law from March 28, 1929 provides that the mining association based on participation shares had only the right of exploration and exploitation over the lands and not a property right, these lands being in their possession based on concession agreements.</p> <p>As regards the nature of the right granted by the participation share – a right of exploitation and not a property right - the provisions regarding the amending rules of Law 10/2001 on the legal status of the estates abusively requisitioned during the interval March 6, 1954 – December 22, 1989 („Law 10/2001”), republished and amended, are not applicable. According to art. 3 of Law 10/2001, the natural persons have the right to compensation in case they owned as property the estate abusively requisitioned or in case the property right belonged to some legal persons to which the entitled natural persons had the capacity of shareholders.</p> <p>Accordingly, for each of the situations provided by Law 10/2001, an essential condition for the determination of the right to compensation is to ground a property right, either by the very natural person, or by the legal person to which he participated as shareholder, over the asset requisitioned by the state, a condition which is not fulfilled by the participation share owners.</p> <p>Considering there are specific regulations in this respect, RMGC will take all the necessary measures for the observation of the mandatory legal provisions.</p>
Solution	

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	482
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_1014
Proposal	<p>The questioner wants to know whether the European Union will have a say in the project after Romania's accession to the EU.</p> <p>The provisions of art. 174 of EC Treaty expressly establish the competences of the European Union institutions on environment protection and the intervention hereof in promoting measures at European level to settle the eventual environmental issues. The Council of the European Union adopts by co-decision, based on art.251 of CE Treaty, and subsequent to the consultation of the Economic and Social Committee and of the Committee of Regions, legislative actions or measures for the observance of environment principles: preservation, protection and improvement of environment quality, health protection etc.</p> <p>The European Union intervention aims at the <u>observance by each member state of the community provisions and principles</u> and not the observance hereof for each separate private project, as follows:</p> <p>(i) Under art.226 of the EC Treaty the European Commission controls the application of community law norms in the Member States and if following a complaint or referring to the matter itself it notes that <u>a state breached these norms</u> shall send a notice for conformation to the Government of the respective state, subsequent to the latter objective presentation of the observations. If this approach fails or if it does not follow the term for conformation granted by the Commission, the latter shall notify the European Court of Justice;</p> <p>(ii) Under art.193 of the Treaty of Amsterdam, upon request of a quarter of its members the European Parliament may create a temporary investigation commission <u>for the examination of notifications regarding breaches or wrongful application of community law</u>, with no infringement of attributions granted hereby to other institutions / entities. In this respect the Parliament shall use the second appeal for annulment/or the action to have the infringement established, except for the case when these deeds are examined by a court of law and as long as this procedure is not concluded.</p>
Solution	<p>Please consider that Romanian legislation relevant in the area expressly establishes the relevant body: (i) to analyse the report of the environmental impact assessment; (ii) to decide on the issue of the environment approval and (iii) to ensure the monitoring of observing the conditions imposed in the environment approval, as follows:</p> <p>(i) art. 48 of Order no. 860/2002 on the procedure for environmental impact assessment and issue of environment approval ("Order no. 860/2002") <u>"the relevant public authority for environment protection shall issue, review and update, as the case may be, the environment approval"</u>;</p> <p>(ii) art. 45 of Order no.860/2002 " <u>subsequent to the examination of the report on the environmental impact study, of conclusions of the parties involved in the assessment, of the possibilities to apply the project and of the motivated evaluation of public proposals, the relevant environment protection public authority makes the decisions on the issue of the environment approval/integrated environment approval or the motivated refusal of the project on the respective location"</u>;</p> <p>(iii) art. 53(3) of Order no. 860/2002 <u>"upon the end of the execution works the relevant public authority for environment protection shall make an expert control to check the observance of all conditions set through the integrated environment agreement / approval"</u>.</p> <p>Consequently, we specify that the decision to issue the environment approval, as well as the monitoring of applying the conditions hereof is taken based on objective criteria, expressly provided within the legal provisions, only by relevant Romanian authorities for environment protection and not by any European Union institution.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	11
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No.108246/12.07.2006 and No.74113/AF/14.07.2006
RMGC internal unique code	MMGA_1043
Proposal	<p>Comments on RMGC's compliance with the provisions of Law 85/2003, namely:- the fact that the company does not hold an exploitation licence in accordance with the abovementioned regulatory act;</p> <p>According to the provisions of art. 44 (3) of the Order no. 860/2002 on the environmental impact assessment and environmental approval issuing Procedure ("the Order no. 860/2002"), RMGC prepares <i>"an evaluation of the public's grounded reasons, containing <u>solutions for the solving of the underlined problems, which shall be submitted to the competent authority for environmental protection, as per the form presented in the annex no. IV.2"</u></i>.</p> <p>We consider that in the absence of specific provisions of the legal provisions allegedly breached, we cannot make an answer in view of this affirmation.</p> <p>Nonetheless, considering RMGC has expressed its full availability to discuss any issues relevant for the proposed project, please note the following:</p>
Solution	<p>The Concession License for exploitation in the Roşia Montană perimeter no. 47/1999 was concluded on the ground and as per the provisions provided by the former Mining Law no. 61/1998, being approved by the Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Section I, no. 285/21.06.1999.</p> <p>As for the licenses concluded on the ground of the Mining Law no. 61/1998, the new Mining Law no. 85/2003, published in the Romanian Official Gazette, Section I, no. 197/27.03.2003, as subsequently amended and supplemented, provides at art. 60 (1), that <i>"<u>the provisions of the exploration and/or exploitation licenses, approved by the Government, remain valid for their entire existence, under the conditions they have been concluded</u>"</i>.</p> <p>In conclusion, Roşia Montană Gold Corporation is the titleholder of a license that complies with the provisions of the Mining Law no. 85/2003, according to the specific provisions of art. 60 (1) of this law.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	159, 188, 189, 191, 192, 193, 194, 202, 203, 205, 221, 230, 232, 233, 234, 242, 243, 245, 246, 259, 260, 270, 271, 283, 284, 285, 287, 336, 337, 459, 544, 870, 902, 903, 904, 1527, 1778, 1779, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1864, 10/D;5465/B, 15/D;5470/B, 16/D;5471/B, 17/D;5472/B, 18/D;5473/B, 5599, 5600, 5601, 5602, 5603, 5604, 5605
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 108794/02.08.2006 and No. 74346/02.08.2006, No. 108853/03.08.2006 and No. 74388/04.08.2006, No. 108852/03.08.2006 and No. 74389/04.08.2006, No. 108854/03.08.2006 and No. 74391/04.08.2006, No. 108856/03.08.2006 and No. 74392/04.08.2006, No. 108857/03.08.2006 and No. 74393/04.08.2006, No. 108858/03.08.2006 and No. 74394/04.08.2006, No. 108863/03.08.2006 and No. 74402/04.08.2006, No. 108864/03.08.2006 and No. 74403/04.08.2006, No. 108866/03.08.2006 and No. 7440504.08.2006, No. 108882/03.08.2006 and No. 74421/04.08.2006, No. 108959/04.08.2006 and No. 74435/07.08.2006, No. 108959/04.08.2006 and No. 74437/07.08.2006, No. 108957/04.08.2006 and No. 74438/07.08.2006, No. 108956/04.08.2006 and No. 74439/07.08.2006, No. 108949/04.08.2006 and No. 74447/07.08.2006, No. 108947/04.08.2006 and No. 74448/07.08.2006, No. 108944/04.08.2006 and No. 74450/07.08.2006, No. 1089493/04.08.2006 and No. 74451/07.08.2006, No. 108928/04.08.2006 and No. 74465/07.08.2006, No. 109005/07.08.2006 and No. 74477/08.08.2006, No. 109015/07.08.2006 and No. 74487/08.08.2006, No. 109016/07.08.2006 and No. 74488/08.08.2006, No. 109029/07.08.2006 and No. 74500/08.08.2006, No. 109030/07.08.2006 and No. 74501/08.08.2006, No. 109031/07.08.2006 and No. 74502/08.08.2006, No. 109032/07.08.2006 and No. 74504/08.08.2006, No. 109106/09.08.2006 and No. 74551/09.08.2006, No. 109104/09.08.2006 and No. 74552/09.08.2006, No. 109318/15.08.2006 and No. 74705/16.08.2006, No. 113012/25.08.2006 and No. 165220/12.09.2006, No. 109827/21.08.2006 and No. 75146/22.08.2006, No. 110072/22.08.2006 and No. 75179/23.08.2006, No. 110071/22.08.2006 and No. 75180/23.08.2006, FR.No. and No. 75181/23.08.2006, No. 111046/25.08.2006, No. 110754/25.08.2006 and No. 76073/05.09.2006, No. 110753/25.08.2006 and No. 7607405.09.2006, No. 110982/25.08.2006 and No. 165076/07.09.2006, No. 110981/25.08.2006 and No. 165077/07.09.2006, No. 110980/25.08.2006 and No. 165078/07.09.2006, No. 110979/25.08.2006 and No. 165079/07.09.2006, No. 110978/25.08.2006 and No. 165080/07.09.2006, No. 110977/25.08.2006 and No. 165081/07.09.2006, No. 110976/25.08.2006 and No. 165082/07.09.2006, No. 110975/25.08.2006 and No. 165083/07.09.2006, No. 110974/25.08.2006 and No. 165084/07.09.2006, No. 110939/25.08.2006, No. 114722/31.08.2006, No. 114730/31.08.2006, No. 114729/31.08.2006, No. 114728/31.08.2006, No. 114734/08.09.2006, No. 112999/25.08.2006, No. 113000/25.08.2006, No. 112929/25.08.2006, No. 112988/25.08.2006, No. 112954/25.08.2006, No. 112953/25.08.2006, No. 112877/25.08.2006
RMGC internal unique code	MMGA_1074
Proposal	Rosia Montana Gold Corporation does not comply with the provisions of art. 11 of The Mining Law no. 85/2003.SEE CONTENT CONTESTATION TYPE 3
Solution	<p>The statement RMGC does not fulfill the provisions of art. 11 of the Mining Law no.85/2003, published in the Romanian Official Gazette, Section I, no. 197/27.03.2003 is incorrect. The Mining Law no. 85/2003 has a general applicability and makes no reference to the Roşia Montană Project or to other mining projects, as it has been mistakenly suggested. According to art. 11 of the Mining Law, <i>“the performance of mining activities on the lands where historical monuments are located, [...] archaeological sites of special interest [...], as well as the creation of an easement right for mining activities on such lands is strictly forbidden. The exemptions from the provisions of art. 1 are established by Government decision, with the approval of the relevant authorities in the field and by establishing indemnification and other compensatory measures”</i>.</p> <p>Based on the Concession License for mining exploitation no. 47/1999, RMGC obtained the right to perform mining activities in the Roşia Montană perimeter, which includes areas upon which a protection regime has been instituted. In case the interdiction established by art. 11 would have been absolute, the</p>

Mining Law would have provided the legal interdiction of creating mining perimeters in the locations where there have been created protection regimes.

Such an interdiction does not exist; moreover, the Government Ordinance no. 43/2000 on the protection of the archaeological patrimony and declaring of some archaeological sites as national interest areas, republished in the Official Gazette, Section I, no. 951/24.11.2006 („GO no. 43/2000”), as well as Law n o. 422/2001 on the protection of the historical monuments, republished in the Official Gazette, Section I, no. 938/20.11.2006 („Law no. 422/2001”), provide specific procedures for the returning of such lands to current human activities, by declassifying the historical monument and by granting the archaeological clearance. Such procedures represent the rule applicable in all situations in which there is contemplated the performing of works requiring a construction authorization on lands subject to a protection regime.

The Mining Law no. 85/2003 does not forbid the use of such procedures, only allows that, in exceptional cases, the Government may be empowered, based on the Mining Law, to establish by decision the cases in which the performance of the mining activities would be possible without following the legal procedures generally applicable, as provided by GO no. 42/2000 and Law no. 422/2001. Such a Government decision is not necessary in case of the Roşia Montană Project, as RMGC observes the provisions and procedures established by GO no. 43/2001 and Law no. 422/2001, for the archaeological clearance of the lands to be affected by the mining activities, as these are to be returned to the current human activities, as per the law.

Also, for the cultural patrimony values existing in the Roşia Montană perimeter and classified as per the law, the Project provides the creation of a protected area, within which no mining activity shall be performed, as well as the preservation *in situ* of the historical monuments located outside this area, as detailed in the Cultural Heritage Management Plan - Plan M from the EIA Report.

Domain	LEGAL
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_1086
Proposal	<p>How was it possible that the mining licence no.47/1999 stipulate a licence holder and a licence holder affiliate -the titleholder Minvest for mine exploitation works and the affiliate licence holder RMGC for exploration activities?</p>
Solution	<p>As the question targets two distinct aspects, respectively (i) the existence of a titleholder and of an affiliate to the exploitation license and (ii) the performance of the exploitation and exploration activities within the perimeter of the same exploitation license, please note the following:</p> <p>(1) The concession license for exploitation in the Roşia Montană perimeter no. 47/1999 ("Roşia Montană License") was concluded on the ground and as per the procedures provided by the former Mining Law no. 61/1998, in force as at the conclusion of the License. The Roşia Montană License was concluded between the National Agency for Mineral Resources ("NAMR"), on the one side and the National Company of Copper, Gold and Iron "Minvest" SA ("Minvest"), as titleholder and Euro Gold Resources SA (later on to change its name into Roşia Montană Gold Corporation SA), as affiliate, on the other side. Roşia Montană License was approved by Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Section I, no. 285/21.06.1999.</p> <p>The transfer of the Roşia Montană License from Minvest to RMGC was made as per the provisions of art. 14 (1) of the Mining Law no. 61/1998, which provides that <i>"the titleholder of a license may transfer to another legal person the rights obtained and the obligations undertaken, only with the written approval of the competent authority"</i>. The approval of the transfer was made by NAMR Order no. 310/9.10.2000, published in the Romanian Official Gazette, Section I, no. 504/13.10.2000. Art. 2 of the above mentioned enactment provides that: <i>"CNCAF Minvest SA shall remain an affiliate company, under the conditions established by the license"</i>. We underline that no legal provision forbids the existence of an affiliate to an exploitation license held by a titleholder. Moreover, the very provisions of art. 15 of the former Mining Law no. 61/1998 expressly provide that: <i>"within the limits of an exploitation perimeter, the relevant authority may grant to some legal persons, other than the license titleholder, the right of exploitation and/or exploration for some mineral resources, under the conditions of law, with the titleholder's approval"</i></p> <p>(2) As for the possibility of the titleholder to perform, based on an exploitation license, mining activities of exploration-development, and the affiliate to perform exploitation mining activities, please note the following:</p> <ul style="list-style-type: none"> (i) According to art. 3 paragraph 31 of the former Mining Law no. 61/1998 (definition also contained in the Law no. 85/2003) the titleholder is <i>"any legal or natural person, Romanian or foreign, that may <u>perform mining activities</u> based on a license or a permit"</i>. The mining activities include both the exploitation and the exploration; (ii) Art. 30 of GD no. 1208/2003 on the approval of the Norms for the enforcement of the Mining Law no. 85/2003 provides that, based on the exploitation license, the following works may be performed: <i>"construction and mounting of the installation, equipment and other specific utilities necessary for the extraction, processing, transport and provisional storing of the mining products, of the sterile and residual products, surface and/or underground works for the extraction of the mineral resources/reserves, their processing and delivery in specific forms, <u>as well as research works in order to increase the knowledge degree in regard of the mineral resources/reserves"</u></i>; (iii) The exploration activity, as defined by art. 3 paragraph 12 of the Mining Law no. 85/2003, includes <i>"the ensemble of studies and activities for the identification of deposits, the quantity and quality evaluation thereof, as well as the determination of the technical and economical conditions of capitalization"</i>.

As a conclusion, according to the above mentioned provisions, it results that both exploitation and exploration activities can be performed based on an exploitation license.

Domain	LEGAL
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_1087
Proposal	<p>Starting from 2000, when the licence transfer was made, the exploitation licence holder was entitled to develop exploration activities while Minvest, the licence holder affiliate was entitled to carry out exploitation works. What article of the Mine Law no. 61/1998 allows such a thing, as Article 14 does not say anything about a double licence, with a licence holder and a licence holder affiliate?</p>
Solution	<p>As the question targets two distinct aspects, respectively (i) the existence of a titleholder and of an affiliate to the exploitation license and (ii) the performance of the exploitation and exploration activities within the perimeter of the same exploitation license, please note the following:</p> <p>(1) The concession license for exploitation in the Roşia Montană perimeter no. (47/1999) ("Roşia Montană License") was concluded on the ground and as per the procedures provided by the former Mining Law no. (61/1998), in force as at the conclusion of the License. The Roşia Montană License was concluded between the National Agency for Mineral Resources ("NAMR"), on the one side and the National Company of Copper, Gold and Iron "Minvest" SA ("Minvest"), as titleholder and Euro Gold Resources SA (later on to change its name into Roşia Montană Gold Corporation SA), as affiliate, on the other side. Roşia Montană License was approved by Government Decision no. (458/10.06.1999), published in the Romanian Official Gazette, Section I, no. (285/21.06.1999).</p> <p>The transfer of the Roşia Montană License from Minvest to RMGC was made as per the provisions of art. 14 (1) of the Mining Law no. 61/1998, which provides that <i>"the titleholder of a license may transfer to another legal person the rights obtained and the obligations undertaken, only with the written approval of the competent authority"</i>. The approval of the transfer was made by NAMR Order no. (310/9.10.2000), published in the Romanian Official Gazette, Section I, no. (504/13.10.2000). Art. (2) of the above mentioned enactment provides that: <i>"CNCAF Minvest SA shall remain an affiliate company, under the conditions established by the license"</i>. We underline that no legal provision forbids the existence of an affiliate to an exploitation license held by a titleholder. Moreover, the very provisions of art. (15) of the former Mining Law no. (61/1998) expressly provide that: <i>"within the limits of an exploitation perimeter, the relevant authority may grant to some legal persons, other than the license titleholder, the right of exploitation and/or exploration for some mineral resources, under the conditions of law, with the titleholder's approval"</i></p> <p>(2) As for the possibility of the titleholder to perform, based on an exploitation license, mining activities of exploration-development, and the affiliate to perform exploitation mining activities, please note the following:</p> <ul style="list-style-type: none"> (i) According to art. (3) paragraph 31 of the former Mining Law no. (61/1998) (definition also contained in the Law no. 85/2003) the titleholder is <i>"any legal or natural person, Romanian or foreign, that may <u>perform mining activities</u> based on a license or a permit"</i>. The mining activities include both the exploitation and the exploration.; (ii) Art. (30) of GD no. (1208/2003) on the approval of the Norms for the enforcement of the Mining Law no. (85/2003) provides that, based on the exploitation license, the following works may be performed: <i>"construction and mounting of the installation, equipment and other specific utilities necessary for the extraction, processing, transport and provisional storing of the mining products, of the sterile and residual products, surface and/or underground works for the extraction of the mineral resources/reserves, their processing and delivery in specific forms, <u>as well as research works in order to increase the knowledge degree in regard of the mineral resources/reserves"</u></i>; (iii) The exploration activity, as defined by art. (3) paragraph 12 of the Mining Law no. (85/2003), includes <i>"the ensemble of studies and activities for the identification of deposits, the quantity and quality evaluation thereof, as well as the determination of the technical and</i>

economical conditions of capitalization”.

As a conclusion, according to the above mentioned provisions, it results that both exploitation and exploration activities can be performed based on an exploitation license.

Domain	LEGAL
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_1088

Proposal	What was the initial footprint set out in the licence, when it was issued in 1999?
Solution	<p>The provisions of art. (5) paragraph (4) of the Mining Law no. (85/2003), regulate with imperative character the obligation of confidentiality in regard of the information concerning the mining activities, mentioning that „<i>the competent authority, the titleholders of licenses/permits, as well as other public authorities ... have the obligation to maintain the confidentiality on data and information [...] they become aware of during the performance of their duties, through the entire period of the mining activities, in the conditions provided by the law</i>”.</p> <p>Pursuant to the provisions under 10th paragraph of the Order no. (202/14.11.2003) regarding the approval of the list including classified information of National Agency for Mineral Resources (NAMR), issued based on the Law no. (182/2002) regarding classified information, the following items are considered to be classified information: “the license granted for administrating or mining [perimeters] and its accompanying documentation.” We would like to state that the leashed perimeter represents an annex of the license and is an integral part of it.</p> <p>Pursuant to the provisions of art. (39) of Law no. (182/2002) regarding classified information, “<u><i>breaching norms governing protection of classified information attracts disciplinary, contravention, civil, or penal penalties, as it is the case</i></u>”.</p> <p>To conclude, it is mandatory to observe confidentiality issues both for the competent authority and for the titleholder. This is both based on the license and the confidentiality agreements concluded between S.C Roşia Montană Gold Corporation S.A (RMGC) and NAMR pursuant to the provisions of art. (12) of Governmental Decision no. (1208/2003) regarding the endorsement of the application norms of the Mining Law no. (85/2003), and consequently this information regarding the initial perimeter of the license cannot be disclosed.</p>

Domain	LEGAL
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_1089
Proposal	Which of the two Laws -the Mine Law no. 61 and the Mine Law no.85 allowed the modification of the footprint stipulated in licence 47?
Solution	<p>As a general aspect, we mention that all regulatory deeds regarding the operations related to the Concession Exploitation License for Roşia Montană perimeter no. (47/1999) were concluded and issued in consideration of the legal competences of the National Agency for Mineral Resources and with the observance of the relevant legal provisions.</p> <p>In this respect, the National Agency for Mineral Resources has the legal power to negotiate and establish the provisions and conditions of the licenses, according to art. 55 (1), letter a) of Mining Law no. (85/2003) (art. 40 (1) letter b) of the Former Mining Law no. (61/1998) and of GD no. (756/2003) on the organization and operation of the National Agency for Mineral Resources, which provides that <i>"The National Agency for Mineral Resources has the following main competences: negotiates and establishes, together with the other conceding party of the public domain of state, as the case may be, the provisions and conditions of oil agreements, of mining permits and licenses, executes such licenses and permits and regulates the performance of the oil operations and of the mining activities by norms, regulations and technical guidelines granted for the application of enforceable enactments"</i>.</p>

Domain	LEGAL
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_1090
Proposal	How can it be explained that the footprint set out in the exploitation licence 47 for the current exploitation does not currently comprise the existing preparation plant and the existing crusher (EIA report, Vol. 9, Exhibit 2.2)?
Solution	<p>With respect to the project initiated by S.C Roşia Montană Gold Corporation S.A (RMGC) and subject to the procedure of environmental impact assessment, the location of the treatment plant intended to be built by RMGC for the operation of Roşia Montană Project, in which the crushers are also located (as provided in Schedule (2.3). and (2.10) of the EIA Report, vol. 9) is situated within the perimeter of Roşia Montană License.</p> <p>In this respect, please note that Schedule (2.2) of the EIA Report, vol. (9), referred to in your question, comprises the "Current Status", and the mentioned facilities and assemblies are not subject of the mining project initiated by RMGC as a titleholder and submitted to the procedure of obtaining the environmental approval. According to the legal provisions, <u>the project initiated by the titleholder</u> is subject to the procedure of environmental impact assessment. Consequently, please note the following:</p> <ul style="list-style-type: none"> (i) art. (2) of GEO no. (195/2005) on the environmental protection defines the environmental approval as "<i>the technical – judicial act which provides the conditions for developing the project, from environmental impact point of view; the environmental approval represents the decision of the competent environmental protection authority which allows the titleholder's project to develop the project from environmental protection point of view</i>"; (ii) art. 44 (3) and 45 of Order no. (860/2002) on the environmental impact assessment and the issuance of environmental agreements procedures, art. (10) of GD no. (918/2002) on establishing the framework procedure for the environmental impact assessment and the approval of the list of private or public projects subject to this procedure, as well as the Methodological Guidance of the screening stage and of completion of the report to the assessment study – Part II (the structure of the report to the environmental impact assessment study) approved by Order no. (860/2002) establish the information that the titleholder should provide and the procedures to be followed in relation to the project initiated by the titleholder on the said location and subject to the environmental impact assessment procedure.

Domain	LEGAL
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_1091
Proposal	Is it legal that the industrial zone footprint exceed the boundaries of the exploitation licence 47 and extend to the footprint of the Bucium exploitation licence? (the EIA report, Vol. 9, Exhibit 2.2)?
Solution	<p>Mention should be made the mining activities developed by S.C Roşia Montană Gold Corporation S.A (RMGC) as titleholder of the licenses are and will be performed "<i>within perimeters authorized for this purpose by the competent authority</i>" (according to art. 4(3) of the Mining Law no. 85/2003).</p> <p>In this respect, RMGC is the titleholder of both the Exploitation concession license in Roşia Montană perimeter no. (47/1999) ("Roşia Montană License"), approved by GD no. (458/10.06.1999), and of Exploration concession license in Bucium Complex perimeter no. (218/1999) ("Bucium License"), approved by NAMR Order no. (60/17.05.1999), having similar resources as those making the object of Roşia Montană License. Mention should be made the titleholder has the legal right to directly obtain an exploitation license for Bucium perimeter, according to art. 17(1), 18(2) let. a) and 20 of the Mining Law no. (85/2003).</p> <p>We underline that, according to legal provisions, the authorization of the mining activities, including those pertaining to the industrial area within Roşia Montană Project, falls under the competency of the National Agency for Mineral Resources, being a stage subsequent to the issuance of the environmental approval for Roşia Montană Project, currently subject to environmental impact assessment procedure.</p>

Domain	LEGAL
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_1092
Proposal	<p>Under what mining licence will mine operations be carried out at the four mines proposed in the project, in case it will be permitted? How will it be obtained? (under what article of the Mine Law no.85?)</p>
Solution	<p>The concession license for exploitation in the Roşia Montană perimeter no. (47/1999) ("the Roşia Montană License") was concluded based on and according to the procedures provided by the former Mining Law no. (61/1998), in force as at the conclusion of the License. The Roşia Montană license was approved by the Government Decision no. (458/10.06.1999), published in the Romanian Official Gazette, Section I, no. (285/21.06.1999).</p> <p>We specify that the Roşia Montană license has a period of 20 years, with the possibility of being extended, according to the Mining Law. As per the legal provisions, <u>the object of the Roşia Montană License is the exploitation of the mineral resources in the perimeter Roşia Montană</u> and not the activity of CNCAF Minvest SA, which is a company affiliated to the license.</p> <p>Pursuant to the exploration-development activities of S.C Roşia Montană Gold Corporation S.A (RMGC), the resources and reserves existing in the Roşia Montană perimeter have been identified in detail. The mining project proposed by RMGC considers the exploitation of these resources and reserves discovered pursuant to the ensemble of studies and activities for the identification of the deposits, the quality and quantity evaluation, as well as by determining the technical and economical conditions for capitalization. The new mining exploitation is planned and designed by observing the international standards and shall involve the use of the best available techniques for the proper operation, the environmental protection and mitigation of the impact.</p> <p>According to the legal provisions, RMGC follows the entire permitting procedure for the new mining exploitations, the public debate of the Report to the Environmental Impact Assessment Study being a compulsory stage within this permitting process.</p> <p>In conclusion, there is no need for obtaining a new mining license, as RMGC is the titleholder of a concession license for the exploitation of the Roşia Montană perimeter.</p>

Domain	LEGAL
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_1095
Proposal	<p>What happens with the mining licence 47 if the mine exploitation it has been issued for closes down? (the questioner mentions t an article to the Law no.85). Will it be cancelled? When will this happen?</p>
Solution	<p>The exploitation concession license for the Roşia Montană perimeter no. 47/1999 (the "Roşia Montană License") has been concluded on the ground of and according to the provisions of the former Mining Law no. 61/1998, in force as at the conclusion of the License. The Roşia Montană License has been concluded between the National Agency for Mineral Resources ("ANRM"), on the one side, and the National Company of Copper, Gold and Iron "Minvest" SA ("Minvest"), in capacity of titleholder and Euro Gold Resources SA (which later on changed its name into Roşia Montană Gold Corporation SA), in capacity of affiliate, on the other. The Roşia Montană License has been approved by Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Section I, no. 285/21.06.1999.</p> <p>The transfer of the Roşia Montană License from Minvest to RMGC has been performed as per the provisions of art. 14 (1) of the Mining Law no. 61/1998 "<i>the titleholder of a license may transfer the rights obtained and the undertaken obligations to another legal person, only with the written approval of the competent authority</i>", being thus approved by ANRM Order no. 310/9.10.2000, published in the Romanian Official Gazette, Section I, no. 504/13.10.2000. Paragraph (2) of the above mentioned enactment specifies "<i>CNCAF "Minvest" SA shall remain an affiliated company, under the conditions established in the license</i>".</p> <p>We underline the Roşia Montană License has a period of 20 years, with the possibility of extension, according to the Mining Law. As per the legal provisions, <u>the object of the Roşia Montană License is the exploitation of the mineral resources within the Roşia Montană perimeter</u>, and not the activity performed by CNCAF Minvest SA, which was interrupted in May 2006. Within the perimeter of the license there are still performed mine closing activities, pursuant to the cessation of the production activity of the affiliate CNCAF Minvest SA, and exploitation-development activities by the RMGC titleholder, currently undergoing the authorization stage, which will allow the extraction and processing of the mineral resources by the titleholder of the Roşia Montană License.</p> <p>In conclusion, Roşia Montană Gold Corporation SA is the titleholder of a valid exploitation license, within the perimeter of which mining activities are performed, and the cessation of the production activity of the CNCAF Minvest SA affiliate does not represent one of the causes expressly and limitatively provided by law which would lead to the annulment of the Roşia Montană License.</p>

Domain	LEGAL
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_1096
Proposal	<p>How will it be possible for RMGC to continue exploration activities after May the 15th 2006, when the exploitation for which the licence has been issued closes down?</p>
Solution	<p>The exploitation concession license for the Roşia Montană perimeter no. 47/1999 (the "Roşia Montană License") has been concluded on the ground of and according to the provisions of the former Mining Law no. 61/1998, in force as at the conclusion of the License. The Roşia Montană License has been concluded between the National Agency for Mineral Resources ("ANRM"), on the one side, and the National Company of Copper, Gold and Iron "Minvest" SA ("Minvest"), in capacity of titleholder and Euro Gold Resources SA (which later on changed its name into Roşia Montană Gold Corporation SA), in capacity of affiliate, on the other. The Roşia Montană License has been approved by Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Section I, no. 285/21.06.1999.</p> <p>The transfer of the Roşia Montană License from Minvest to RMGC has been performed as per the provisions of art. 14 (1) of the Mining Law no. 61/1998 "<i>the titleholder of a license may transfer the rights obtained and the undertaken obligations to another legal person, only with the written approval of the competent authority</i>", being thus approved by ANRM Order no. 310/9.10.2000, published in the Romanian Official Gazette, Section I, no. 504/13.10.2000. Paragraph (2) of the above mentioned enactment specifies "<i>CNCAF "Minvest" SA shall remain an affiliated company, under the conditions established in the license</i>".</p> <p>We underline the Roşia Montană License has a period of 20 years, with the possibility of extension, according to the Mining Law. As per the legal provisions, <u>the object of the Roşia Montană License is the exploitation of the mineral resources within the Roşia Montană perimeter</u>, and not the activity performed by CNCAF Minvest SA, which was interrupted in May 2006. Within the perimeter of the license there are still performed mine closing activities, pursuant to the cessation of the production activity of the affiliate CNCAF Minvest SA, and exploitation-development activities by the RMGC titleholder, currently undergoing the authorization stage, which will allow the extraction and processing of the mineral resources by the titleholder of the Roşia Montană License.</p> <p>In conclusion, Roşia Montană Gold Corporation SA is the titleholder of a valid exploitation license, within the perimeter of which mining activities are performed, and the cessation of the production activity of the CNCAF Minvest SA affiliate does not represent one of the causes expressly and limitatively provided by law which would lead to the annulment of the Roşia Montană License.</p>

Domain	LEGAL
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_1099
Proposal	<p>If your answer will be that, under the licence issued, RMGC was in charge of exploration activities and that exploitation operations were carried out by Minvest, I will ask you another question: for what reasons was the transfer made?</p> <p>The exploitation concession license for the Roşia Montană perimeter no. 47/1999 (the "Roşia Montană License") has been concluded on the ground of and according to the provisions of the former Mining Law no. 61/1998, in force as at the conclusion of the License. The Roşia Montană License has been concluded between the National Agency for Mineral Resources ("ANRM"), on the one side, and the National Company of Copper, Gold and Iron "Minvest" SA ("Minvest"), in capacity of titleholder and Euro Gold Resources SA (which later on changed its name into Roşia Montană Gold Corporation SA), in capacity of affiliate, on the other. The Roşia Montană License has been approved by Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Section I, no. 285/21.06.1999.</p> <p>The transfer of the Roşia Montană License from Minvest to RMGC has been performed as per the provisions of art. 14 (1) of the Mining Law no. 61/1998 "<i>the titleholder of a license may transfer the rights obtained and the undertaken obligations to another legal person, only with the written approval of the competent authority</i>", being thus approved by ANRM Order no. 310/9.10.2000, published in the Romanian Official Gazette, Section I, no. 504/13.10.2000. Paragraph (2) of the above mentioned enactment specifies "<i>CNCAF "Minvest" SA shall remain an affiliated company, under the conditions established in the license</i>".</p>
Solution	<p>We underline the Roşia Montană License has a period of 20 years, with the possibility of extension, according to the Mining Law. As per the legal provisions, <u>the object of the Roşia Montană License is the exploitation of the mineral resources within the Roşia Montană perimeter</u>, and not the activity performed by CNCAF Minvest SA.</p> <p>Pursuant to the exploration-development activities of RMGC, the resources and reserves existing in the Roşia Montană perimeter have been identified in detail. The mining project proposed by RMGC considers the exploitation of these resources and reserves discovered pursuant to the ensemble of studies and activities for the identification of the deposits, the quality and quantity evaluation, as well as by determining the technical and economical conditions for capitalization. The new mining exploitation is planned and designed by observing the international standards and shall involve the use of the best available techniques for the proper operation, the environmental protection and mitigation of the impact.</p> <p>According to the legal provisions, RMGC follows the entire permitting procedure for the new mining exploitations, the public debate of the Report to the Environmental Impact Assessment Study being a compulsory stage within this permitting process.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	308
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 74537/09.08.2006
RMGC internal unique code	MMGA_1117
Proposal	<p>The environment permit application was made under a mining licence which does not reflect RMGC's proposed mining project.</p> <p>The exploitation concession license for the Roşia Montană perimeter no. 47/1999 (the "Roşia Montană License") has been concluded on the ground of and according to the provisions of the former Mining Law no. 61/1998, in force as at the conclusion of the License. The Roşia Montană License has been approved by Government Decision no. 458/10.06.1999, published in the Romanian Official Gazette, Section I, no. 285/21.06.1999.</p> <p>We underline the Roşia Montană License has a period of 20 years, with the possibility of extension, according to the Mining Law. As per the legal provisions, <u>the object of the Roşia Montană License is the exploitation of the mineral resources within the Roşia Montană perimeter</u>, and not the activity performed by CNCAF Minvest SA, which is a company affiliated to the license.</p>
Solution	<p>Pursuant to the exploration-development activities of RMGC, the resources and reserves existing in the Roşia Montană perimeter have been identified in detail. The mining project proposed by RMGC considers the exploitation of these resources and reserves discovered pursuant to the ensemble of studies and activities for the identification of the deposits, the quality and quantity evaluation, as well as by determining the technical and economical conditions for capitalization. The new mining exploitation is planned and designed by observing the international standards and shall involve the use of the best available techniques for the proper operation, the environmental protection and mitigation of the impact.</p> <p>According to the legal provisions, RMGC follows the entire permitting procedure for the new mining exploitations, the public debate of the Report to the Environmental Impact Assessment Study being a compulsory stage within this permitting process.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1262
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110435/22.08.2006
RMGC internal unique code	MMGA_1149

Proposal	<p>The provisions of the European legislation, transposed in the Romanian law, have not been complied with;</p> <p>In accordance with provisions in art. 44(3) of Order no.860/2002 on the procedure for environmental impact assessment and the issue of environment approval ("Order no. 860/2002"), RMGC prepares "an assessment of the <u>public motivated proposals</u>, including solutions to the notified problems, to be submitted to the relevant environment protection public authority, according to the form presented in annex no. IV.2"</p> <p>We believe that in the absence of an exact reference to those laws, which are claimed to be breached by the Report on Environmental Impact Assessment Study, the Project's titleholder is not in position to formulate an answer to this general claim.</p>
Solution	<p>Although your statement is in no way grounded and/or supported, the only authority able to analyze such breaches of European legislation transposed in Romania is the environment authority. In this respect, we mention the provisions of art. 45 of Order no.860/2002 on the procedure for environmental impact assessment and the issue of environment approval ("Order no.860/2002") "<u>subsequent to the examination of the report on the environmental impact study, of conclusions of the parties involved in the assessment, of the possibilities to apply the project and of the motivated evaluation of public proposals, the relevant environment protection public authority makes the decisions on the issue of the environment approval/integrated environment approval or the motivated refusal of the project on the respective location</u>".</p> <p>Please consider that your request must be addressed to the relevant authority and not to Roşia Montană Gold Corporation SA, which has no capacity to speak for and on behalf of a public institution or of a public and/or private law entity.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1350, 1351, 1360
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110351/24.08.2006, No. 110350/24.08.2006, No. 110273/24.08.2006
RMGC internal unique code	MMGA_1159
Proposal	<p>The EIA documentation should be accompanied by a study on legal issues, drawn up in an absolutely independent manner and audited by a competent third party;</p>
Solution	<p>Based on the provisions of art. 11 (1) of Government Decision no. 918/2002 [1] on the setting of the framework-procedure for environmental impact assessment and for the approval or the list of public and private projects subject to this procedure ("GD no. 918/2002"), <i>"the environmental impact assessment study shall be made based on the guidance provided at art. 8 (1), <u>through specialized economic agents, whether natural or legal persons independent of the project holder and certified under the law</u>"</i>.</p> <p>In accordance with the Order no. 978/2003 of the Ministry of Agriculture, Forests, Waters and Environment for the approval of the Regulation for the certification of natural and legal persons drafting environmental impact studies and environmental balances, art. 3 expressly mentions <i>"for the authorization in the environmental area in accordance with the law on environment protection ("LPM") only the assessment of the environmental impact [...] <u>made by certified parties shall be considered by the romanian environmental authorities.</u>"</i></p> <p>Furthermore, under Annex no. 2, part II, item 1 of Order no.863/2002 of the Ministry of Waters and Environment Protection on the approval of the methodological guidances applicable to the steps of the framework-procedure in the study for environmental impact assessment ("Order no.863/2002"), document drafted for the consideration of a corresponding methodological guide made by a group of experts on the request of the European Commission, the report to the study for environmental impact assessment must provide <i>"information on the certified author of the study for the environmental impact assessment and of the report to this study: name and address (of the natural or legal person), name, phone and fax number of the contact person"</i>.</p> <p>The Ministry of the Environment and Waters Management has the capacity, based on the legal competences hereof, to decide whether it is necessary to supplement the report for the study on the environmental impact assessment.</p> <p>References:</p> <p>[1] We mention that GD no.918/2002 was abrogated by GD no.1213/2006 of in the setting of the framework-procedure for environmental impact assessment for certain public and private projects, published in the Official Gazette, part I no.802 of 25/09/2006 ("GD no. 1213/2006"). However, considering the provisions of art. 29 in GD no. 1213/2006 specifying that <i>"<u>The project submitted to a relevant environment protection authority in order to obtain the environment approval and subject to the environmental impact assessment prior to this decision coming into force, shall be subject to the procedure for environmental impact assessment and issue of environment approval in force upon the submitting of the request</u>"</i> we mention that as regards RMGC project the provisions of GD no.918/2002 are still incident.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1354, 1355
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No.110302/24.08.2006, No.110301/24.08.2006
RMGC internal unique code	MMGA_1165
Proposal	<p>The questioner does not agree with the development of the Rosia Montana project and makes the following observations and comments: The EIA report shows the project's lack of compliance with national legislation;</p>
Solution	<p>In accordance with provisions in art. 44(3) of Ministerial Order no.860/2002 on the procedure for environmental impact assessment and the issue of environment approval ("Order no. 860/2002"), RMGC prepares "an assessment of the <i>public motivated proposals</i>, including solutions to the notified problems, to be submitted to the relevant environment protection public authority, according to the form presented in annex no. IV.2."</p> <p>We believe that in the absence of an exact reference to those laws, which are claimed to be breached by the Report on Environmental Impact Assessment Study, the Project's titleholder is not in position to formulate an answer to this general claim.</p> <p>Although your statement is in no way grounded and/or supported, the only authority able to analyze such breaches of European legislation transposed in Romania is the environment authority. In this respect, we mention the provisions of art. 45 of Ministerial Order no.860/2002 on the procedure for environmental impact assessment and the issue of environment approval ("Order no.860/2002") "subsequent to the examination of the report on the environmental impact study, of conclusions of the parties involved in the assessment, of the possibilities to apply the project and of the motivated evaluation of public proposals, the relevant environment protection public authority makes the decisions on the issue of the environment approval/integrated environment approval or the motivated refusal of the project on the respective location".</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1354, 1355
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No.110302/24.08.2006, No.110301/24.08.2006
RMGC internal unique code	MMGA_1167

Proposal	The EIA report does not comply with the existing legislation.
Solution	<p>In accordance with provisions in art. 44(3) of Ministerial Order no.860/2002 on the procedure for environmental impact assessment and the issue of environment approval ("Order no. 860/2002"), RMGC prepares "an assessment of the <u>public motivated proposals</u>, including solutions to the notified problems, to be submitted to the relevant environment protection public authority, according to the form presented in annex no. IV.2."</p> <p>We believe that in the absence of an exact reference to those laws, which are claimed to be breached by the Report on Environmental Impact Assessment Study, the Project's titleholder is not in position to formulate an answer to this general claim.</p> <p>Although your statement is in no way grounded and/or supported, the only authority able to analyze such breaches of European legislation transposed in Romania is the environment authority. In this respect, we mention the provisions of art. 45 of Ministerial Order no.860/2002 on the procedure for environmental impact assessment and the issue of environment approval ("Order no.860/2002") "<u>subsequent to the examination of the report on the environmental impact study, of conclusions of the parties involved in the assessment, of the possibilities to apply the project and of the motivated evaluation of public proposals, the relevant environment protection public authority makes the decisions on the issue of the environment approval/integrated environment approval or the motivated refusal of the project on the respective location</u>".</p>

Domain		LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		1356, 1357
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No.110300/24.08.2006, No.110302/24.08.2006
RMGC internal unique code		MMGA_1187
Proposal	Is the project eligible?	
	The project eligibility is objectively considered by the relevant environment authorizations, based on the applicable legal provisions.	
Solution	<p>Thus, based on art. 45 of Order no. 860/2002 of the Ministry of Waters and Environment Protection on the procedure for environmental impact assessment and the issue of environment approval ("Order no. 860/2002") <i>"subsequent to the examination of the report on the environmental impact study, of conclusions of the parties involved in the assessment, of the possibilities to apply the project and of the holder's answers to the motivated proposals/comments of the public, <u>the relevant environment protection public authority makes the decisions on the issue of the environment approval [...]</u>"</i>.</p> <p>Since the request of the environmental approval is mandatory for new investment projects and for any changes or expansions that may significantly affect the environment, art. 49(1) of Order no. 860/2002 expressly provides that: <i>"the environmental approval <u>shall be issued only if the project provides the elimination of negative consequences on the environment, according to the applicable provisions in the technical norms and regulations in force.</u>"</i></p> <p>Since the project observes all legal provisions and this shall be objectively considered by the environment authorities, there is no reason for the project not to be eligible.</p>	

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1479
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No.110644/25.08.2006
RMGC internal unique code	MMGA_1198
Proposal	<p>The questioner asks the Government to investigate the legal character of the urbanism certificates issued for RMGC;</p> <p>In accordance with provisions in art. 44(3) of Order no.860/2002 on the procedure for environmental impact assessment and the issue of environment approval ("Order no. 860/2002"), Roşia Montană Gold Corporation SA (RMGC) prepares "<i>an assessment of the <u>public motivated proposals</u>, including solutions to the notified problems, to be submitted to the relevant environment protection public authority, according to the form presented in annex no. IV.2 .</i>".</p>
Solution	<p>We consider that project holder is not in a position to answer request addressed to state authorities, whether for good reasons or not.</p> <p>We mention that the enactments that set and regulate the procedure for environmental impact assessment, respectively the order no.860/2002 of the Ministry of Waters and Environment Protection on the procedure for environmental impact assessment and the issue of environment approval does not condition this process on the existence of a urbanism certificate. Under art. 44 and following of Law no.350/2001 on territorial management and urbanism, the urbanism plan represents an urbanism documentation "<i>regulating the use of land plots and the conditions to build there upon</i>".</p>

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

14, 15, 16, 17, 21, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,
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Proposal The public/ONGs wish to consult the contracts and agreements between Company and Romanian State;
 SEE THE CONTENT OF THE TYPE 1 CONTESTATION
 Also, the questioner sends a letter and two points of view of some independent specialists

The partnership between Gabriel Resources and Regia Autonomă a Cuprului Deva (currently, CNCAF Minvest SA) has been established based on Law no. 15/1990 on the reorganization of the state owned companies as autonomous directions and trade companies, published in the Official Gazette, Section I, no. 98/08.08.1990, as subsequently amended and supplemented. Art. 35 of this law provides the possibility of the regies autonomous to enter into partnerships with legal third parties, Romanian or foreign, for the purpose of setting up new trading companies.

Solution Roşia Montană Gold Corporation SA was set up in 1997, according to the legal provisions in force as at that time, the setting up being made by observing all the conditions imposed by Company Law no. 31/1990 and Trade Register Law no. 26/1990, in regard of the setting up of the joint stock companies with mixed capital.

We underline that the Articles of Associations of Roşia Montană Gold Corporation SA, representing the result of the parties agreement in regard of the terms and conditions under which the partnership between the Romanian state and investor takes place represents a public document, being included in the

category of documents which, as per Law no. 26/1990 on the Trade Register, are published in the Romanian Official Gazette and for which the Trade Register is obliged to issue, on the expense of the persons submitting a request, certified copies.

As for the agreement concerning the setting up of the mixed company together with Gabriel Resources Ltd., this has been expressed by the Ministry of Industry and Trade, the conditions imposed by the setting up of the mixed company being the following: (i) ensuring of the jobs at the level existing upon the conclusion of the agreement concerning the setting up of the mixed company; (ii) the expenses incurred by the fulfillment of the exploration stage should be fully supported by Gabriel; (iii) the obtaining of the approval from the ANRM by the Copper Autonomous Direction Deva and (iv) the observance of all legal provisions in force concerning the setting up of the mixed companies with foreign partners. These conditions have been fully complied with as at the setting up of the company and during the development of its activity.

We also specify that the establishing of the shareholders' quotas to the benefits and losses of Roșia Montană Gold Corporation SA has been made by considering their contribution quota to the company's share capital. The current percentage of 80% for Gabriel Resources Ltd. and of 19.31% for CNCAF Minvest SA resulted from the initial contribution and the subsequent contributions of the shareholders to the company's share capital, in consideration also of Gabriel Resources Ltd. advancing all expenses and costs related to the development-exploitation and permitting of the Roșia Montană Mining Project.

The provisions of the Articles of Associations of Roșia Montană Gold Corporation SA on the necessary majority and quorum conditions for the decision-making process within the General Shareholders Meeting and the quotas to the benefits and losses of the company are taken from Law no. 31/1990, and no derogation exists in regard of this aspect.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3020
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No.112893/25.08.2006
RMGC internal unique code	MMGA_1305

Proposal	The project does not correspond with the EU directives and norms for the environment protection
	<p>According to the provisions of art. 44(3) of the Order no. 860/2002 on the environmental impact assessment and environmental approval issuance procedure („Order no. 860/2002”), Roşia Montană Gold Corporation SA (RMGC) prepares „an evaluation of the <u>public's grounded proposals</u>, containing solutions for the settlement of the underlined problems, which shall be submitted to the relevant public authority for environmental protection, according to the form presented in annex no. IV.2”.</p> <p>We consider that in the absence of some specific details of the provisions of the enactments allegedly breached by the report to the environmental impact assessment study, we cannot answer such affirmation.</p>
Solution	<p>Though your statement is not grounded and/or supported in any way, the only authority empowered to analyze such breaches of the European legislation is the environmental authority. To this end, we specify the provisions of art. 45 of the Order no. 860/2002 on the environmental impact assessment and environmental approval issuance procedure (“Order no. 860/2002”), which provide: “<u>after the examination of the report to the environmental impact assessment study, of the conclusions of the parties involved in the evaluation, of the possibilities to fulfill the project and the grounded evaluation of the public's proposals, the public authority competent in regard of the environmental protection shall take the decision concerning the issuing of the environmental approval/integrated environmental approval or the grounded rejection of the project on the respective location</u>”.</p>

Domain	LEGAL
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_1326

Proposal	There is no concordance with some EU directives
Solution	<p>According to the provisions of art. 44(3) of the Order no. 860/2002 on the environmental impact assessment and environmental approval issuance procedure („Order no. 860/2002”), Roşia Montană Gold Corporation SA (RMGC) prepares „an evaluation of the <u>public's grounded proposals</u>, containing solutions for the settlement of the underlined problems, which shall be submitted to the relevant public authority for environmental protection, according to the form presented in anenx no. IV.2”.</p> <p>We consider that, as no exact specification is made in regard of the enactments allegedly breached by the report to the environmental impact assessment study, the project's titleholder cannot answer in regard of this affirmation of a generic character.</p> <p>Though your statement is not grounded and/or supported in any way, the only authority empowered to analyze such breaches of the European legislation is the environmental authority. To this end, we specify the provisions of art. 45 of the Order no. 860/2002 on the environmental impact assessment and environmental approval issuance procedure (“Order no. 860/2002”), which provide: “after the examination of the report to the environmental impact assessment study, of the conclusions of the parties involved in the evaluation, of the possibilities to fulfill the project and <u>the grounded evaluation of the public's proposals, the public authority competent in regard of the environmental protection shall take the decision concerning the issuing of the environmental approval/integrated environmental approval or the grounded rejection of the project on the respective location”.</u></p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3029
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No.111761/25.08.2006
RMGC internal unique code	MMGA_1336
Proposal	The questioner request the MMGA not to emit the environment permit for the Rosia Montana project formulating the following remarks and comments: The processing with cyanide is not allowed in EU;
Solution	The affirmation is mistaken, as no provision of the European legislation in force does not forbid the use of cyanides. Moreover, we draw your attention to the fact that the Ministry of Environment and Waters Management, by the Wastes Management and Hazardous Chemical Substances Direction, has requested, within the Guidelines sent to the project's titleholder, with a view to the performance of the environmental impact assessment, as per the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and environmental approval issuance Procedure, that this project " <i>must be in compliance with the provisions of the new CE Directive on the management of the wastes in the extractive industry</i> ". To this end, the very preamble of the Directive no. 21/2006/EC on the management of the wastes resulting from the extractive industry provides the need to <u>reduce the concentration of cyanide</u> in the decantation ponds, due to its toxic and harmful effects, to the lowest degree possible, by using the best techniques. According to art. 13 paragraph 6 of the above mentioned Directive, there are established the maximum limits of the cyanide concentration allowed in the decantation ponds and their periodical reduction until 2018, <u>but its use is not forbidden</u> . Also, we mention that the term for this enactment to be adopted in the legislation of the member states, therefore in the Romanian legislation as well, until 2008.

Domain	LEGAL
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>

110412/24.08.2006, No 110415/24.08.2006, No 110416/24.08.2006, No 110417/24.08.2006, No 110418/24.08.2006, No 110419/24.08.2006, No 110420/24.08.2006, No 110421/24.08.2006, No 110422/24.08.2006, No 110423/24.08.2006, No 110424/24.08.2006, No 110425/24.08.2006, No 110426/24.08.2006, No 110427/24.08.2006, No 110428/24.08.2006, No 110429/24.08.2006, No 110430/24.08.2006, No 110431/24.08.2006, No 110432/24.08.2006, No 110433/24.08.2006, No 110434/24.08.2006, No 110923/25.08.2006, No 110918/25.08.2006, No 110917/25.08.2006, No 110916/25.08.2006, No 110914/25.08.2006, No 110913/25.08.2006, No 110912/25.08.2006, No 110911/25.08.2006, No 110910/25.08.2006, No 110909/25.08.2006, No 110908/25.08.2006, No 110884/25.08.2006, No 110883/25.08.2006, No 110881/25.08.2006, No 110880/25.08.2006, No 110879/25.08.2006, No 110878/25.08.2006, No 110877/25.08.2006, No 110876/25.08.2006, No 111341/25.08.2006, No 111340/25.08.2006, No 111339/25.08.2006, No 111338/25.08.2006, No 111337/25.08.2006, No 111336/25.08.2006, No 111333/25.08.2006, No 111332/25.08.2006, No 111331/25.08.2006, No 111330/25.08.2006, No 111328/25.08.2006, No 111329/25.08.2006, No 111327/25.08.2006, No 111326/25.08.2006, No 111325/25.08.2006, No 111324/25.08.2006, No 111323/25.08.2006, No 111322/25.08.2006, No 111321/25.08.2006, No 111320/25.08.2006, No 112997/25.08.2006, No 110872/25.08.2006, No 110873/25.08.2006, No 110874/25.08.2006, No 110870/25.08.2006, No 110865/25.08.2006, No 111786/25.08.2006, No 112950/25.08.2006, No 112951/25.08.2006, No 111365/25.08.2006, No 111299/25.08.2006, No 111366/25.08.2006, No 111147/25.08.2006, No 111158/25.08.2006, No 111157/25.08.2006, No 111156/25.08.2006, No 111155/25.08.2006, No 111154/25.08.2006, No 111153/25.08.2006, No 111152/25.08.2006, No 111151/25.08.2006, No 111150/25.08.2006, No 111193/25.08.2006, No 111192/25.08.2006, No 111191/25.08.2006, No 111190/25.08.2006, No 111189/25.08.2006, No 111188/25.08.2006, No 111186/25.08.2006, No 111185/25.08.2006, No 111184/25.08.2006, No 111183/25.08.2006, No 111182/25.08.2006, No 111181/25.08.2006, No 111180/25.08.2006, No 111179/25.08.2006, No 111178/25.08.2006, No 111177/25.08.2006, No 111176/25.08.2006, No 111175/25.08.2006, No 111174/25.08.2006, No 111173/25.08.2006, No 111172/25.08.2006, No 111171/25.08.2006, No 111170/25.08.2006, No 111169/25.08.2006, No 111168/25.08.2006, No 111166/25.08.2006, No 111162/25.08.2006, No 111161/25.08.2006, No 111160/25.08.2006, No 111159/25.08.2006, No 111364/25.08.2006, No 111363/25.08.2006, No 111362/25.08.2006, No 111361/25.08.2006, No 111359/25.08.2006, No 111352/25.08.2006, No 111360/25.08.2006, No 111351/25.08.2006, No 111309/25.08.2006, No 111308/25.08.2006, No 111307/25.08.2006, No 111306/25.08.2006, No 111305/25.08.2006, No 111304/25.08.2006, No 111303/25.08.2006, No 111302/25.08.2006, No 111301/25.08.2006, No 111300/25.08.2006, No 111298/25.08.2006, No 111297/25.08.2006, No 111296/25.08.2006, No 111295/25.08.2006, No 111293/25.08.2006, No 111292/25.08.2006, No 111291/25.08.2006, No 111290/25.08.2006, No 111289/25.08.2006, No 111288/25.08.2006, No 111287/25.08.2006, No 111286/25.08.2006, No 111317/25.08.2006, No 111316/25.08.2006, No 111149/25.08.2006

RMGC internal unique code

MMGA_1349

Proposal

The data provided by EIA report infringe the standards of environment protection SEE THE CONTENT OF THE TYPE 2 CONTESTATION

Solution

According to the provisions of art. 44 (3) of the Order of Ministry of Water and Environment Protection No. 860/2002 on the environmental impact assessment and environmental approval issuance procedure („Order No. 860/2002”), the project titleholder prepares „an evaluation of the public’s grounded proposals, containing solutions for the settlement of the underlined problems, which shall be submitted to the relevant public

authority for environmental protection, according to the form presented in anenx No. IV.2”.

We consider that, as no exact specification is made in regard of the enactments allegedly breached by the report to the environmental impact assessment study (EIA), the project’s titleholder cannot answer in regard of this affirmation of a generic character.

Though your statement is not grounded and/or supported in any way, the only authority empowered to analyze such breaches of the European legislation is the environmental authority. To this end, we specify the provisions of art. 45 of the Order No. 860/2002 on the environmental impact assessment and environmental approval issuance procedure (“Order No. 860/2002”), which provide: *“after the examination of the report to the environmental impact assessment study, of the conclusions of the parties involved in the evaluation, of the possibilities to fulfill the project and the grounded evaluation of the public’s proposals, the public authority competent in regard of the environmental protection shall take the decision concerning the issuing of the environmental approval/integrated environmental approval or the grounded rejection of the project on the respective location”.*

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3113
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No 112981/25.08.2006
RMGC internal unique code	MMGA_1377
Proposal	The gold processing method by cyanidation infringes both the Directive 80/68/EEC regarding the underground water protection and Convention from Berlin which avoids the cyanide utilization at the mining operation within the EU territory
Solution	<p>The affirmations concerning the breach of the provisions related to the interdiction of the cyanide in the mining exploitations are false. According to art. 1, the purpose of the Directive no. 88/68/EEC on the protection of the underground waters against the pollution caused by certain hazardous substances is to <i>"limit the introduction into the underground waters of the substances classified in annex II [among which there is item 8, cyanides – emphasis added], so that the pollution with such substances be avoided"</i>. To the same end, art. 5 (2) of the same enactment provides: <i>"the member states must take <u>the measures they deem appropriate so that they limit any indirect discharge of the substances in the list II in the soil</u>"</i>.</p> <p>As for the "Berlin Convention", we underline that it makes no object of a provision of the Romanian legislation. Also, please note that the Ministry of Environment and Waters Management, by the Wastes Management and Hazardous Chemical Substances Direction, has requested, within the Guidelines sent to the project's titleholder, with a view to the performance of the environmental impact assessment, as per the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and environmental approval issuance Procedure, that this project <i>"<u>must be in compliance with the provisions of the new CE Directive on the management of the wastes in the extractive industry</u>"</i>.</p> <p>The very preamble of the Directive no. 21/2006/EC on the management of the wastes resulting from the extractive industry provides the <u>need to reduce the concentration of cyanide</u> in the decantation ponds, due to its toxic and harmful effects, to the lowest degree possible, by using the best techniques. According to art. 13 paragraph 6 of the above mentioned Directive, there are established the maximum limits of the cyanide concentration allowed in the decantation ponds and their periodical reduction until 2018.</p> <p>In conclusion, out of the analysis of the above mentioned texts, we note a reduction or limitation of the cyanide quantity is wanted, but its use is not forbidden.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3115
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No 112129/25.08.2006
RMGC internal unique code	MMGA_1387
Proposal	The project can not offer feasible solutions for the environment problems as long as the processing is performed with cyanide, this method being forbidden all over the world
Solution	<p>The affirmation is incorrect, as the cyanide method is not forbidden. Please note that, by the Guidelines sent by the Ministry of Environment and Waters Management to the project's titleholder, with a view to the evaluation of the environmental impact, according to the provisions of the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and environmental approval issuance Procedure, it has been recommended that "<i>the management plan for the cyanide and the acid waters provided in the memoir <u>must be in compliance with the provisions of the new CE Directive on the management of wastes in the extractive industry</u></i>".</p> <p>The very preamble of the Directive no. 21/2006/EC on the management of the wastes resulting from the extractive industry provides the <u>need to reduce the concentration of cyanide</u> in the decantation ponds to the lowest degree possible, by using the best techniques. According to art. 13 paragraph 6 of the above mentioned Directive, there are established the maximum limits of the cyanide concentration allowed in the decantation ponds and their periodical reduction until 2018, <u>but its use is not forbidden</u>. Also, we underline that this enactment has to be adopted in the national legislations of the member states, therefore in the Romanian legislation as well, until 2008.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3234
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No 111435/25.08.2006
RMGC internal unique code	MMGA_1418
Proposal	<p>The impact study elaborated by RMGC does not take into account the Romanian legislation and some provisions of the EC.</p> <p>According to the provisions of art. 44 (3) of the Order of Ministry of Water and Environmental Protection no. 860/2002 on the environmental impact assessment and environmental approval issuance procedure („Order no. 860/2002”), RMGC prepares „an evaluation of the <u>public's grounded proposals</u>, containing solutions for the settlement of the underlined problems, which shall be submitted to the relevant public authority for environmental protection, according to the form presented in annex no. IV.2”.</p> <p>We consider that in the absence of some specific details of the provisions of the enactments allegedly breached by the report to the environmental impact assessment study, the project's titleholder cannot answer such affirmation.</p>
Solution	<p>Though your statement is not grounded and/or supported in any way, the only authority empowered to analyze such breaches of the European legislation is the environmental authority. To this end, we specify the provisions of art. 45 of the Order no. 860/2002 on the environmental impact assessment and environmental approval issuance procedure (“Order no. 860/2002”), which provide: “<u>after the examination of the report to the environmental impact assessment study, of the conclusions of the parties involved in the evaluation, of the possibilities to fulfill the project and the grounded evaluation of the public's proposals, the public authority competent in regard of the environmental protection shall take the decision concerning the issuing of the environmental approval/integrated environmental approval or the grounded rejection of the project on the respective location</u>”.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3251
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No 111109/25.08.2006
RMGC internal unique code	MMGA_1436
Proposal	<p>Are there guarantors that the technical elements presented in the environment impact report will be observed exactly by the main implied corporations?</p>
Solution	<p>Considering the legal provisions, art. 48 of the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and environmental approval issuance Procedure ("Order no. 860/2002"), the relevant public authority for the environmental protection takes the decision of issuing the environmental approval "only if the project provides for the elimination of the negative consequences upon the environment, in line with the applicable provisions of the technical norms and regulations in force." The environmental approval represents the technical-legal document whereby the project's fulfillment conditions are established, from the environmental protection's point of view. Consequently, the mining project cannot be developed in other technical conditions than those for which the environmental approval has been obtained.</p> <p>We specify the fact that the applicable legislation establishes punctually the obligations incumbent on the project titleholder, with regard to the observance of the technical elements object of the environmental impact assessment report and pursuant to the analysis of which the environmental approval has been issued, representing real guarantees for thier observance, as follows:</p> <ul style="list-style-type: none"> (i) art 51 (1) of the Order no. 860/2002 provides that "<i>The environmental approval is suspended for the failure to observe its provisions, after a prior notice, with term, which is maintained until the causes are removed, but no more than 6 months</i>"; (ii) according to art. 51(2) of the Order no. 860/2002 "<i>The relevant public authority for the environmental protection orders, after the expiry of the suspension term, the annulment of the environmental approval and the cessation of the project's execution</i>"; (iii) the provisions of art. 96(3) item 1 of the Government Emergency Ordinance no.195/2005 on the environmental protection, approved, with amendments, by Law no. 256/2006, provides for the sanctioning of the legal persons failing to observe the obligation "<i>of operating without observing the provisions of the environmental approvals for the activities which are the object of the regulation procedures, from an environmental protection point of view</i>". <p>Also, besides the guarantees specified above, it is to be noted that the very evaluation report to the environmental impact assessment study contains monitoring mechanisms of the technical elements, as per the control list of the Order no. 860/2002 "<i>depending on the project's type, the monitoring shall be made both during the construction and the operation stage, respectively during the closing, environmental recovery and post-closing stages</i>".</p> <p>As a supplementation to the above, there also exist the guarantees calculated and created according to the provisions of the Mining Law no. 85/2003, as follows: (i) the financial guarantee covering the annual value for the environmental recovery, and (ii) the financial guarantee for the post-closing environmental final recovery. In conclusion, the development of the project RMGC proposes cannot be made otherwise than observing the technical conditions and the obligations imposed by the environmental approval.</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_1452

Proposal

The proposed waste deposits will be not constructed in conformity with the Romanian legislation in force (at least 1000 m towards the inhabited areas);

Please consider that the provisions of annex no. 2 to the Government Decision no. 349/2005 on the storing of the wastes, for the verification of the location, regarding „*the positioning in report to the existing or planned populated areas, the protection distance to the warehouse body must be of at least 1,000 meters for the non-dangerous and dangerous wastes deposits*”, do not apply in case of the mining wastes.

Solution

The Ministry of Environment and Waters Management, by the Hazardous Chemical Substances and Wastes Management Direction, requested the project titleholder, by the Guidelines sent with a view to the performance of the evaluation of the environmental impact, according to the provisions of the Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environmental impact assessment and environmental approval issuance Procedure, that this project “*must be in compliance with the provisions of the new CE Directive on the management of the wastes from the extractive industry*”.

To this end, we underline that the Directive no. 2006/21/EC referring to the management of the wastes from the extractive industry provides, at art. 2 (4), that the wastes falling under this directive are exempted from the provisions of the Directive 1999/31/EC on the wastes storing, implemented in the national legislation by GD no. 349/2995. Consequently, the provisions of the Directive 1999/31/EC do not apply to the Roşia Montană project and therefore, neither the provisions of GD no. 349/2005 are applicable. The Directive on the extractive wastes contains provisions and conditions specific in regard of the storing of this type of wastes, and which are applied with priority in report to the regulations already in existence on wastes storing.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	48
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 115234/20.10.2006
RMGC internal unique code	MMGA_1492
Proposal	The applying of the cyanidation process is interdicted by the Romanian legislation.
Solution	<p>The statement is incorrect, as no provision of the Romanian legislation in force forbids the use of cyanides. The Order no. 197/2003 for the approval of the Methodological Norms for the execution of the specialized cadastral works in the mining field even provides for this process at the chapter preparations stipulated in Annex 11 A "<i>exploring and/or exploitation means in case of concession</i>", with a view to the filling of the form regarding the mining activities that are to be performed.</p> <p>The Terms of Reference issued by the Ministry of Environemnt and Water Management for the performance of the environmental impact assessment, according to the provisions of Order of the Minister of Waters and Environmental Protection no. 860/2002 on the environment impact assessment and the issuance of environmental permit, recommended that "<i>the management plan for the cyanide and the acid waters provided by the Terms of Reference must be in compliance with the provisions of the new CE Directive on the management of the wastes from the extractive industry</i>".</p> <p>Please note that the preamble of the Directive no. 21/2006/EC on the management of the wastes resulting from the mining industry provides the <u>need to mitigate the concentration of cyanide</u> in the decantation ponds, due to its toxic and harmful effects, to the lowest degree possible, by using the best techniques. According to art. 13 paragraph 6 of the above mentioned Directive, the maximum limits of the cyanide concentration allowed in the decantation ponds are established as well as their periodical reduction until 2018, <u>but its use is not forbidden</u>. Also, please note that the deadline for this enactment to be adopted in the legislation of the member states, therefore in the Romanian legislation as well, is the year 2008.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	59
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 114672/21.09.2006
RMGC internal unique code	MMGA_1505
Proposal	<p>The questioner does not agree to the Rosia Montana project implementation formulating the following remarks and comments: The nonobservance of the provisions from the Constitution in force which warrant the property right in Romania and the abusive annulment through law of the rights of the owners of mines from Rosia Montana;</p>
Solution	<p>Regarding your allegation, we mention that, during the development of the Roşia Montană Project, SC Rosia Montana Gold Corporation SA (RMGC) will take all the necessary measures for the observation of all the mandatory legal provisions applicable to this project.</p> <p>At the same time, as regarding your request, please consider the following aspects:</p> <ul style="list-style-type: none"> (i) according to the relevant legal provisions, the public may submit grounded proposals regarding the environmental impact assessment; (ii) art. 44 (1) of the Minister of Waters and Environment Protection Order no. 860/2002 on the environment impact assessment and the issuance of environmental agreement Procedures ("Order no. 860/2002") provides that <i>"during the public debate meeting the project titleholder [...], provides grounded answers to the justified proposals of the public, which were received under a written form, previously to the respective hearing"</i>; (iii) according to art. 44 (3) of the Order no. 860/2002 <i>"based on the results of the public debate, the relevant authority for the environmental protection evaluates the grounded proposals/comments of the public and requests the titleholder the supplementation of the report on the environmental impact assessment study with an appendix comprising solutions for solving the indicated issues."</i> <p>As your allegation (i) does not identify nor indicate issues related to the project initiated by RMGC and undergoing the environment impact assessment procedure, (ii) refers to decisional capacities under the competence of certain public authorities, issues to which RMGC is not in the position to answer, we mention that the project titleholder cannot and does not have the capacity to provide an answer or make any comments in this respect.</p> <p>Nevertheless, taking into account the fact that RMGC expressed and is still expressing its availability to discuss any relevant issues regarding the proposed project, considering that your comment refers to the issue of the participation shares, we make the following comments.</p> <p>According to art. 54 of the Rule for the enactment of art. 264 of the Mining Law from March 28, 1929 "the participation share gives the titleholder the right to participate to the indivisible assets of the association, it is an effect (title) with undefined value, in an intangible form and preserves this form even when all the participation shares of the association are owned by a single individual."</p> <p>At the same time, the wording of art. 50 of the Mining Law from March 28, 1929 provides that the mining association based on participation shares had only the right of exploration and exploitation over the lands and not a property right, these lands being in their possession based on concession agreements.</p> <p>As regards the nature of the right granted by the participation share – a right of exploitation and not a property right - the provisions regarding the amending rules of Law 10/2001 on the legal status of the estates abusively requisitioned during the interval March 6, 1954 – December 22, 1989 („Law 10/2001”), republished and amended, are not applicable. According to art. 3 of Law 10/2001, the natural persons have the right to compensation in case they owned as property the estate abusively requisitioned or in</p>

case **the property right** belonged to some legal persons to which the entitled natural persons had the capacity of shareholders.

Accordingly, for each of the situations provided by Law 10/2001, an essential condition for the determination of the right to compensation is to ground a property right, either by the very natural person, or by the legal person to which he participated as shareholder, over the asset requisitioned by the state, a condition which is not fulfilled by the participation share owners.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	749
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109706/21.08.2006 and No. 75023/21.08.2006
RMGC internal unique code	MMGA_1528
Proposal	<p>the Report doesn't make any mention related to who the attester and the insurer of the mining Project are.</p> <p>(i) According to the legal provisions, <u>the titleholder of the exploitation license</u> is obliged to create a financial guarantee for the environmental recovery. To this end, please consider that the financial guarantee for the environmental recovery is regulated by (i) the Mining Law no. 85/2003 ("Law no. 85/2003"), (ii) the Norms of enforcement of Law no. 85/2003 and by (iii) Order no. 58/2004 for the approval of the Technical Instructions on the enforcement and monitoring of the measures established by the conformation program, the environmental recovery plan and the technical project, as well as the regulation of the manner to operate with the financial guarantee for the recovery of the environment affected by mining activities ("Order no. 58/2004"). The financial guarantee for the environmental recovery is annual and final.</p> <p><u>Annual financial guarantee for environmental recovery</u> According to art. 131 of the Norms of enforcement of Law no. 85/2003, "<i>the financial guarantee for the environmental recovery, in case of the exploitation license, is created annually, in the first month of the period it refers to, and it is established within the license, so that it covers environmental recovery works specified in the environmental recovery plan and in the technical project</i>".</p> <p>According to art. 133 (1) of the Norms of enforcement of Law no. 85/2003, the financial guarantee for the environmental recovery cannot be under the value of the environmental recovery works related to the respective year, so that the guarantee cover the rehabilitation works, in case the license's titleholder ceases the mining activity and does not fulfill the rehabilitation activities.</p>
Solution	<p><u>Final financial guarantee for environmental recovery</u> According to the provisions of art. 15 of Order no. 58/2004, the final financial guarantee for environmental recovery is created annually and computed as a quota of the value of the environmental recovery works, according to the monitoring program for the post-closing environmental factors, which is included in the clearing technical program.</p> <p>Also, please note that the provisions of GD no. 349/2005 on the wastes storing, whereby the Directive no. 31/1999 for the storing of the wastes does not apply to the Roşia Montană Project, and consequently RMGC is not obliged to create financial guarantees for wastes warehouses. This conclusion is drawn from the framework regulation in this matter, the Directive no. 2006/21/EC referring to the management of the wastes from the extractive industries, which, in the content of art. 2 (4), provides expressly the fact that the wastes resulting from the extractive industry and which are regulated in the content of the Directive no. 21/2006 do not fall under the regulations of the Directive no. 31/1999.</p> <p>(ii) As for the insurance, please note that the provisions of art. 81 (2) of the former environmental law no. 137/1995, according to which "in case of activities with major risk, the insurance for damages is mandatory", have been abrogated by GEO no. 195/2005, and that no legal provision applicable requires the creation of an insurance.</p> <p>The Directive no. 2004/35/CE on the liability for the environmental pollution and prevention and remedying of the damages to the environment, published in the Official Journal of the European Community no. L143/56 ("Directive no. 35/2004"), establishes the general regulating framework in the</p>

field of the liability for the pollution of the environment.

According to the provisions of art. 1 of the Directive no. 35/2004 *“the purpose of this directive is to establish a general framework in the field of liability for the environment, based on the principle the polluter pays, of preventing and remedying the damages caused to the environment”*.

The Directive no. 35/2004 establishes at principle level, in the content of the provisions of art. 14 (1), the fact that *“The Member States shall take all necessary measures for the development of the markets and financial instruments of guaranteeing, through the means of the economic and financial operators, inclusively financial mechanisms in case of insolvency, for the purpose of insuring the operators with the financial guarantees necessary for the obligations undertaken by the directive”*.

Moreover, according to the provisions of art. 19 (1) of the Directive no. 35/2004, the Member States will implement in the internal legislation the provisions of the Directive until 31.04.2007. We underline that, up to now, the Directive no. 35/2004 was not adopted by our legislation. Considering the above mentioned, please note that the project RMGC proposes does not breach the Directive no. 35/2004, as there are no internal regulations with a normative character which should establish the material and procedural aspects concerning the creation of such a guarantee/insurance.

Nevertheless, to the extent there will be specific legal provisions in regard of the creation of guarantees, RMGC shall take all necessary measures to fulfill the legal obligations incumbent on it.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	749
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109706/21.08.2006 and No. 75023/21.08.2006
RMGC internal unique code	MMGA_1531
Proposal	<p>RMGC doesn't do any mentions related to which Romanian legislation allows a private company to do expropriations in Romania.</p>
Solution	<p>When acquiring the private property lands necessary for the development of Roşia Montană Project, RMGC's approach is primarily based on the principle of a "willing seller-buyer basis". To this extent, RMGC provided fair compensation packages for the affected inhabitants of the impacted area, in full compliance with the World Bank policies in this field, as detailed in the Relocation and Resettlement Action Plan developed by RMGC, which may be found on company's official website.</p> <p>Moreover, the design and location of Project's facilities was made so as the number of impacted persons is as small as possible.</p> <p>As regards to the methods for acquiring the lands contemplated by RMGC, these are in full compliance with the legal provisions, art. 6 of the Mining Law no. 85/2003 published in the Romanian Official Gazette, Section I, no. 197/27.03.2003 expressly providing the means by which the titleholder obtains the right of use over the lands necessary for the performance of the mining activities in the exploitation perimeter, namely: (i) <i>sale-purchase, for the price agreed upon by the parties</i>; (ii) <i>the land exchange, with the relocation of the affected owner and the reconstruction of the buildings on the newly granted land, on the expense of the titleholder benefiting of the cleared land, as per the convention between the parties</i>; (iii) <i>renting of the land for undetermined period, based on agreements between the parties</i>, (iv) <u><i>expropriation for cause of public utility, as per the law</i></u>; (v) <i>land concession</i>", etc.</p> <p>Also, art. 1 of Law no. 33/1994 on the expropriation for cause of public utility, published in the Romanian Official Gazette, Section I, no. 139/02.06.1994, provides that "<u><i>the expropriation of immovable, [...], can be made only for cause of public utility</i></u>", and art. 6 of the same law provides that "<u><i>there are causes of public utility: geological exploration and prospecting; extraction and processing of useful mineral substances</i></u>".</p> <p>In conclusion, the expropriation, made in accordance with the legal and constitutional provisions, represents one of the modalities of obtaining the right of use over the lands necessary for the development of a mining project, being expressly provided by art. 6 of the Mining Law no. 85/2003 and by art. 6 of Law no. 33/1994.</p>

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	876
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109881/21.08.2006 and No. 75152/22.08.2006
RMGC internal unique code	MMGA_1550
Proposal	<p>The Questioners ask RMGC, should the Rosia Montana Project is implemented, to deposit a financial guarantee (in Euro) enough to cover the value of the properties, evaluated at European standards, plus moral damages, into an account available to MEWM and them.</p>
Solution	<p>The obligations to create guarantees for the titleholders of exploitation licenses are expressly provided by the Mining Law, detailed generally hereinafter, and the applicant requirements exceeds the framework of these provisions, as well as the object of such guarantees. To the extent there will be specific legal provisions on the creation of some guarantees, SC Rosia Montana Gold Corporation (RMGC) shall take all necessary measures to fulfill the legal obligations incumbent on it.</p> <p>According to the provisions of art. 10 (2) of the Mining Law no. 61/1998, <u>the titleholder of the exploitation license</u> is obliged to create “<i>the environmental recovery plan, accompanied by a bank guarantee, based on the value of the development plan of the environmental impact study, computed on the basis of the enforcement norms, as per this law</i>”. The same obligation of the titleholder is provided by art. 20 (4) of the Mining Law no. 85/2003 “<i>The exploitation licence’s titleholder creates a <u>financial guarantee</u> for the environmental recovery, as per the technical instructions issued by the relevant authority</i>”. The financial guarantee for the environmental recovery is (i) annual and (ii) final, as follows:</p> <p><u>(i) Annual financial guarantee for environmental recovery</u></p> <p>According to art. 131 of the Norms of enforcement of Law no. 85/2003, “<i>the financial guarantee for the environmental recovery, in case of the exploitation license, is created annually, in the first month of the period it refers to, and it is established within the license, so that it cover environmental recovery works specified in the environmental recovery plan and in the technical project</i>”.</p> <p>According to art. 133 (1) of the Norms of enforcement of Law no. 85/2003, the financial guarantee for the environmental recovery cannot be under the value of the environmental recovery works related to the respective year, so that the guarantee cover the rehabilitation works, in case the license’s titleholder ceases the mining activity and does not fulfill the rehabilitation activities.</p> <p><u>(ii) Final financial guarantee for environmental recovery</u></p> <p>According to the provisions of art. 15 of Order no. 58/2004, the final financial guarantee for the environmental recovery is created annually and computed as a quota of the value of the environmental recovery works, according to the monitoring program for the post-closing environmental factors, which is included in the clearing technical program.</p> <p>In addition to the above, please note that the provisions of art. 81 (2) of the former environmental law no. 137/1995, according to which “<i>in case of activities with major risk, <u>the insurance for damages is mandatory</u></i>”, have been abrogated by GEO no. 195/2005, and that no legal provision applicable requires the creation of an insurance.</p> <p>In addition, the Directive no. 2004/35/CE on the liability for the environmental pollution and prevention and remedying of the damages to the environment provides, at art. 1 “<i>general framework in the field of liability for the environment, based on the principle the polluter pays, of preventing and remedying the damages caused to the environment</i>”. There is established, only at principle level in the content of the provisions of art. 14 (1), the fact that “<i>The Member States shall take all necessary measures for the development of the markets and financial instruments of guaranteeing, through the means of the economic and financial operators, inclusively financial mechanisms in case of insolvency, for the purpose of insuring the operators with the financial</i></p>

guarantees necessary for the obligations undertaken by the directive”.

We underline that, up to now, the Directive no. 35/2004 was not adopted by our legislation (the member states have a term to adopt the provisions of this Directive until 31.04.2007). Considering the above mentioned, please note that the project RMGC proposes does not breach the Directive no. 35/2004, as there are no internal regulations with a normative character which should establish the material and procedural aspects concerning the creation of such a guarantee/insurance.

Domain	LEGAL
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 111319/25.08.2006, No. 111318/25.08.2006, No. 111315/25.08.2006, No. 111314/25.08.2006, No. 111313/25.08.2006, No. 111312/25.08.2006, No. 111311/25.08.2006, No. 111310/25.08.2006
RMGC internal unique code	MMGA_1567
Proposal	S.C Rosia Montana Gold Corporation S.A doesn't fulfill the requirements provided by Article 11 of Mines Law 85/2003. PLEASE SEE CONTESTATION FORM 2
Solution	<p>The statement that SC Rosia Montana Gold Corporation (RMGC) does not fulfill the provisions of art. 11 of the Mining Law no.85/2003, published in the Romanian Official Gazette, Section I, no. 197/27.03.2003, is incorrect. The Mining Law no. 85/2003 has a general applicability and makes no reference to the Roşia Montană Project or to other mining projects, as it has been mistakenly suggested. According to art. 11 of the Mining Law, <i>“the performance of mining activities on the lands where historical monuments are located, [...] archaeological sites of special interest [...], as well as the creation of an easement right for mining activities on such lands is strictly forbidden. The exemptions from the provisions of art. 1 are established by Government decision, with the approval of the relevant authorities in the field and by establishing indemnification and other compensatory measures”</i>.</p> <p>Based on the Concession License for mining exploitation no. 47/1999, RMGC obtained the right to perform mining activities in the Roşia Montană perimeter, which includes areas upon which a protection regime has been instituted. In case the interdiction established by art. 11 would have been absolute, the Mining Law would have provided the legal interdiction of creating mining perimeters in the locations where there have been created protection regimes.</p> <p>Such an interdiction does not exist; moreover, the Government Ordinance no. 43/2000 on the protection of the archaeological patrimony and declaring of some archaeological sites as national interest areas, republished in the Official Gazette, Section I, no. 951/24.11.2006 („GO no. 43/2000”), as well as Law n o. 422/2001 on the protection of the historical monuments, republished in the Official Gazette, Section I, no. 938/20.11.2006 („Law no. 422/2001”), provide specific procedures for the returning of such lands to current human activities, by declassifying the historical monument and by granting the archaeological clearance. Such procedures represent the rule applicable in all situations in which there is contemplated the performing of works requiring a construction authorization on lands subject to a protection regime.</p> <p>The Mining Law no. 85/2003 does not forbid the use of such procedures, only allows that, in exceptional cases, the Government may be empowered, based on the Mining Law, to establish by decision the cases in which the performance of the mining activities would be possible without following the legal procedures generally applicable, as provided by GO no. 42/2000 and Law no. 422/2001. Such a Government decision is not necessary in case of the Roşia Montană Project, as RMGC observes the provisions and procedures established by GO no. 43/2001 and Law no. 422/2001, for the archaeological clearance of the lands to be affected by he mining activities, as these are to be returned to the current human activities, as per the law.</p> <p>Also, for the cultural patrimony values existing in the Roşia Montană perimeter and classified as per the law, the Project provides the creation of a protected area, within which no mining activity shall be performed, as well as the preservation <i>in situ</i> of the historical monuments located outside this area, as detailed in the Cultural Heritage Management Plan - Plan M of the EIA Report.</p>