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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 5 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Zlatna, 02.08.2006 |
| RMGC internal unique code | MMGA_0020 |
| Proposal | Alba's population must be very well informed on Project's issues, before the development of a referendum (idea accepted by the Alba County Prefecture and Council). |
| Solution | <p>We are certain that proper information on the Roşia Montană Project (RMP) will clarify many of the controversial aspects, and will create more project supporters.</p> <p>On the specific issue of a referendum, which is a choice open to local government authorities, we are confident that a referendum organized in Alba County would be favorable to us.</p> <p>Romanian laws do not stipulate the organization of referendum for industrial projects. Moreover, RMP is an issue that concerns the locals from Roşia Montană and the neighboring communities, included in the project impact area.</p> <p>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 Order of the Ministry of Waters and Environmental Protection no. 860/2002 regarding the Environmental Impact Assessment and the Issuance of Environmental Permit ("Order no. 860/2002") provides that <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 to supplement the report on the environmental impact assessment study with an appendix comprising solutions for solving of the indicated issues."</i> <p>As your allegation (i) does not identify nor indicate issues related to the project initiated by Roşia Montană Gold Corporation SA (RMGC) and undergoing the environment impact assessment procedure, (ii) refers to decisional capacities under the competence of certain public authorities, issues which RMGC is not in the position to answer, we mention that the project titleholder cannot and does not have the capacity to provide an answer or make any comments in this respect.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 9 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Alba Iulia, 31.07.2006 |
| RMGC internal unique code | MMGA_0044 |
| Proposal | <p>The documentation couldn't be consulted at the locations where it was made available and at other locations it was possible to consult it until 16.30h;</p> <p>Any interested party who wished to examine the Environmental Impact Assessment Study (EIA) Report had many means to do so.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>The documentation you refer to has been available at the following locations:</p> <ul style="list-style-type: none"> - The hardcopy of the EIA Report was available at 48 locations – town halls, environmental protection agencies, libraries, ministries, information centers of the Roşia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroşani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lupşa Town Hall, Roşia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roşia Montană Town Hall, Bistra Town Hall, Baia de Arieş Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Technical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babeş Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timișoara County Library, Bucharest Town Hall, Timișoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldiș' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roşia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours. - Also, the electronic copy of this study was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management - www.mmediu.ro; Sibiu Regional Environmental Protection Agency - www.ipmsb.ro; Alba Environmental Protection Agency - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.gabrielresources.com; www.povesteadevarata.ro and the Environmental Partnership for Mining - www.epmining.org. <p>Also, we have distributed more than 6,000 CDs and DVDs with the English and Romanian versions of the EIA Report.</p> |
| Solution | |

References:

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

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

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

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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 9 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Alba Iulia, 31.07.2006 |
| RMGC internal unique code | MMGA_0045 |
| Proposal | <p>The documentation couldn't be read in libraries because these facilities are closed during vacations, that is, during July and August;</p> <p>Any interested party who wished to examine the Environmental Impact Assessment (EIA) Report had many means to do so.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>The documentation you refer to has been available at the following locations:</p> <ul style="list-style-type: none"> - The hardcopy of the EIA Report was available at 48 locations – town halls, environmental protection agencies, libraries, ministries, information centers of the Roşia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroşani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lupşa Town Hall, Roşia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roşia Montană Town Hall, Bistra Town Hall, Baia de Arieş Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Technical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babeş Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timişoara County Library, Bucharest Town Hall, Timişoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldiş' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roşia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours; - Also, the electronic copy of this study was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management - www.mmediu.ro; Sibiu Regional Environmental Protection Agency - www.ipmsb.ro; Alba Environmental Protection Agency - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA (RMGC) and Gabriel Resources - www.gabrielresources.com; www.povesteadevarata.ro and the Environmental Partnership for Mining - www.epmining.org. <p>Also, we have distributed more than 6,000 CDs and DVDs with the English and Romanian versions of the EIA Report.</p> |
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References:

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

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

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

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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_0046 |
| Proposal | <p>Ministry of Environment and Water Management did not consult the stakeholders when it established the schedule for public debates;</p> <p>The planning for consultations did take place in accordance with the law.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>In accordance with the provisions of Order no. 860/2002, the public debates have been scheduled together with the Ministry of Environment and Water Management, on business days, but after working hours, in order to allow the interested public to participate, as follows:</p> <p>(i) "Article 41 - The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours;"</p> <p>(ii) "Article 27. - (1) Within 5 business days from the receipt of the report on the environmental impact assessment study and, as applicable, of the security report, <i>the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project.</i> (2) Under the guidance of the competent public authority, the project titleholder shall organize the public debate to present the report on the environmental impact assessment study, in accordance with the provisions of Articles 39-44."</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u><i>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</i></u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roșia Montană Gold Corporation SA's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.</p> |
| Solution | |

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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 9 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Alba Iulia, 31.07.2006 |
| RMGC internal unique code | MMGA_0047 |
| Proposal | <p>The locations have been selected by RMGC because some of them are mining localities;</p> <p>The 14 consultation sites across Romania spanned cities, towns and villages - mining or not - and it is entirely proper that some sites are in areas most likely to be affected by the project, and others not.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.</p> <p>In accordance with the provisions of Order no. 860/2002, the locations of the public debates have been planned together with the Ministry of Environment and Water Management.</p> |
| Solution | <p>"Article 27. - (1) Within 5 business days from the receipt of the report on the environmental impact assessment study and, as applicable, of the security report, the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project, at the project titleholder's expense; (2) Under the guidance of the competent public authority, the project titleholder shall organize the public debate to present the report on the environmental impact assessment study, in accordance with the provisions of Articles 39-44."</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.</p> |

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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 9 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Alba Iulia, 31.07.2006 |
| RMGC internal unique code | MMGA_0048 |

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| Proposal | The chairmen of the debates were not impartial. |
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A proper process guards against partiality, plus the process was carefully followed in the Roşia Montană Environmental Impact Assessment (EIA).

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

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

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

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

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 1 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Rosia Montana, 24.07.2006 |
| RMGC internal unique code | MMGA_0051 |
| Proposal | <p>The questioner makes the following remarks and comments: The registration of speakers was not made by the representatives of Ministry, but by a non-governmental organization.</p> <p>This claim is not true; a legal process governs the public consultation process for the Environmental Impact Assessment (EIA), and that process was fully followed.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.</p> |
| Solution | <p>The participants were enlisted to take the floor by the Ministry representatives, in accordance with the provisions of Article 42 of Order no. 860/2002: <i>Before the public debate meeting, the project titleholder and the competent public authority for environmental protection shall appoint a chairman and a secretary to enlist the participants.</i> The participants' comments shall be recorded in the minutes of the meeting. The minutes of the meeting shall be signed by the chairman, the secretary and, at the public's request, by one or more public representatives."</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u><i>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</i></u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.</p> |

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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 17 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Rosia Montana, 24.07.2006 |
| RMGC internal unique code | MMGA_0088 |
| Proposal | Why the Romanian Academy was not invited to the public debate? |
| Solution | <p>The Romanian Academy was invited to be part of the team that developed and prepared the impact assessment study, but it refused to participate In addition, a copy of the complete Environmental Impact Assessment Report in digital and printed format was sent to the Romanian Academy and placed in the Romanian Academy Library to enable all of the academy members the chance to read and review the EIA Report of the project.</p> <p>This is a public debate, one of the 14 meetings organized in Romania. Anyone who considers himself/herself to be a member of the interested public, as defined by the European Union and Romanian laws in force, is free to participate, including the Romanian Academy members or representatives.</p> |

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

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| Proposal | Why the European Parliament was not invited here, if they are opposing too? |
| Solution | <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.</p> <p>The public debates regarding the project were open to all legitimate stakeholders interested in the project, which means that, practically speaking, everyone could participate, including members of the European Parliament.</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.</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_0090 |

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| Proposal | Why Alburnus Maior doesn't have room to sit at the table besides the Project's titleholder? |
| | <p>Rosia Montană Gold Corporation SA (RMGC) is committed to following the Environmental Impact Assessment (EIA) consultation process laws without exception.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.</p> <p>As far as your allegations are concerned, please note that:</p> <ul style="list-style-type: none"> (i) the applicable legislation does not stipulate any provisions establishing every detail of the participants' distribution and location in the meeting hall, <i>i.e.</i> the distribution and location of the project titleholder, competent authority and interested public; (ii) according to the provisions of Article 41 of Order no. 860/2002 "<i>The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours</i>"; (iii) the Alburnus Maior representatives participated in the public debates as interested public. <p>Considering the aforesaid, please take into account that the applicable legal provisions did not stipulate any restrictions related to the distribution in the hall of the public debate participants, and that the main objective of the Company was the best possible information of the public on RMGC's project, the examination of the problems raised by the public and the identification of valid solutions to any possible problems.</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<i>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</i>", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the</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_0126 |
| Proposal | Was anyone from European Parliament invited here for the debates? Why aren't any European individuals invited to express their opinions? |
| Solution | <p>The public debates regarding the project were open to all legitimate stakeholders interested in the project, which means that, practically speaking, everyone could participate, including members of the European Parliament. The Project and its preparation, as well as the Environmental Impact Assessment (EIA) process, are compliant with the Romanian and European Union laws and standards.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the EIA Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 87 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Campeni, 26.07.2006 |
| RMGC internal unique code | MMGA_0217 |
| Proposal | <p>Why wasn't any public debate organized in Baia Mare, taking into account the fact that Baia Mare faced these types of experiences. Probably the answer will be that Baia Mare is not an impact area, but Baia Mare has something to say on this issue.</p> |
| Solution | <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment Report documentation (EIA) for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.</p> <p>Order no. 860/2002 stipulates as follows: "Article 27. - (1) Within 5 business days from the receipt of the report on the environmental impact assessment study and, as applicable, of the security report, <i>the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project.</i>" "Article 41. – <i>The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.</i>"</p> <p>When organizing the public debates meetings, Roşia Montană Gold Corporation SA (RMGC), based on the consultation with the competent authorities, aimed at the best possible information of the public interested in this project, and when establishing the meeting locations, the company mainly took into consideration the settlements located inside the project impact area. Although Baia Mare is not included in the project impacted perimeter, the interested public from this area and from other locations could participate in any of the public debate meetings organized by RMGC.</p> <p>References: [1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006"). However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u><i>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</i></u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project. [2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.</p> |

| Domain | PCDP |
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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 106 |
| 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_0246 |
| Proposal | The questioner wants to receive a copy of debate's minute of proceedings. |
| Solution | <p>The questioner is directed to ask the Ministry of Environment and Water Management for minutes, as per Romanian law.</p> <p>According to the provisions of Article 35 of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the approval of the environmental impact assessment and environmental permitting procedure, the competent environmental authority has the following duties and/or obligations:</p> <p>"(4) The public authority for environmental protection <i>shall identify the interested public and have a direct dialogue with the latter, throughout the entire duration of the decision-making process, as stipulated by Government Decision no. 918/2002, as subsequently amended and supplemented, and by Government Emergency Ordinance no. 34/2002, approved with amendments by Law no. 645/2002.</i></p> <p>(5) The public authority for environmental protection <i>shall make available to the public, upon request, the relevant documents related to the project at issue, other than those provided by the project titleholder, as applicable.</i>"</p> <p>Moreover, please note that the minutes of the public debate meetings related to Roşia Montană Gold Corporation SA's (RMGC) project are posted on the website of the Ministry of Environment and Water Management, at the following address: www.mmediu.ro/dep_mediu/dezbateri_publice.htm.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 124 |
| 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_0280 |
| Proposal | The questioner makes the following comments and remarks: The debate is no longer a discussion with locals from Alba Iulia, but a way of creating a false image and a manipulation of the public opinion. I have heard from the audience several threats to some of the speakers, like: "think of what could happen after you exit this room, a car could run you down". |
| Solution | <p>Roşia Montană Gold Corporation SA (RMGC) does not condone any statements resembling the ones alleged in the question. The public debates concerning the environmental impact assessment study should discuss issues related to the technical details of the project and its potential impact. However, it is inevitable that the discussions became highly emotional, which can prevent from having a normal discussion on the purpose of these public consultations.</p> <p>From a procedural point of view, according to the provisions of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), the obligations of the project titleholder during the public debates are established in detail, obligations that RMGC has complied with:</p> <p>"Art. 44. - (1) During the public debate meeting, <i>the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public,</i> received in writing before the meeting."</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 176 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Brad, 04.08.2006 |
| RMGC internal unique code | MMGA_0354 |
| Proposal | The questioner makes the following comments and remarks:Those who have presented the project and the audience should have also listened to reason. |
| Solution | Indeed, it is precisely a logical and reasonable analysis that this project needs. We believe that our project is sufficiently well substantiated to stand any reasonable and logical examination. This is a guarantee supplied by the over 100 consultants, (certified) experts and Romanian and foreign specialists that have prepared the environmental impact assessment study. Also, a logical analysis of the economic benefits is required. The gold from the deposit is worthless from a financial point of view, unless it is processed, and its processing is very costly. |

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| Domain | PCDP |
| 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_0391 |

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| Proposal | The questioner wants to know, from MMGA, why wasn't the public consulted? |
| Solution | <p>With 14 public consultation hearings across Romania, we consider that we have informed and consulted the interested public, in accordance with the laws in force.</p> <p>Regarding your statement, please consider the following:</p> <ul style="list-style-type: none"> (i) According to Article 44 (1) of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002") <i>"during the public debate meeting, the project titleholder [...] shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting"</i>; (ii) Also, Article 44 (3) of Order no. 860/2002 stipulates that <i>"based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the report on the environmental impact assessment study, annex containing solutions to the problems raised by the public"</i>. <p>Considering the legal provisions quoted above, due to the fact that your statement (i) does not identify or signal any problems related to the project proposed by Roşia Montană Gold Corporation SA (RMGC) and subject to the environmental impact assessment procedure, (ii) refers to issues on which RMGC has no authority to comment, please note that the project titleholder may not and does not have the necessary capacity to provide an answer or make any comment in this respect.</p> |

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| Domain | PCDP |
| 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_0445 |
| Proposal | <p>The questioner believes that the time provided for every speech, for every participant, is too short, considering how large the EIA report is.</p> <p>Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").</p> <p>Article 39 (1) of Order no. 860/2002 stipulates that <i>"once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the report on the assessment study will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the report on the environmental impact assessment study should be transmitted to."</i></p> |
| Solution | <p>According to Article 41 of Order no. 860/2002, the public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.</p> <p>The method applied for the public debate meetings was set by the Ministry of Environment and Water Management, according to the duties held by the environmental protection authority in this field, based on the provisions of Order no. 860/2002 and of the relevant environmental protection legislation.</p> <p>The time limit set for each intervention from the public has been set considering the many public members who wish to address the forum, such as to allow as many people as possible to be heard.</p> <p>Also, we want to remind you that every public debate was declared closed only after each interested participant expressed his/her standpoint or comments on the environmental impact assessment report.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 232 |
| 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_0467 |
| Proposal | The questioner wants the answers here and now and not in writing because the public might have sent letters to the company or to Ministry and no meetings would have been organised. |
| Solution | <p>The public consultation hearings must balance the many people who wish to address the forum, in meetings which ran as long as 12 hours, with a time limit to questions and answers as well, to allow as many voices as possible to be heard.</p> <p>The analysis of Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure, indicates that there is no legal deadline for preparing the answers. There is only one legal provision regarding the preparation of the answers, under Article 44:</p> <p>"(1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, <i>shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting;</i></p> <p>(2) The competent authority for environmental protection shall record the justified proposals of the public, made during the meeting, using the form presented in Annex no. IV.1, which also includes the justified proposals received before the public meeting;</p> <p>(3) Based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the report on the environmental impact assessment study, annex containing solutions to the problems raised by the public, according to the form presented in Annex no. IV.2."</p> <p>To conclude, these answers will be prepared within the shortest possible time, starting from the moment when the request is transmitted from the public authority for environmental protection.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 236 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Cluj Napoca, 07.08.2006 |
| RMGC internal unique code | MMGA_0481 |
| Proposal | The questioner wants to know why he was asked the phone number when registering to take the floor and why didn't they insist on his addresses. |
| Solution | <p>Romanian law sets the standards for how the public must identify itself at the public consultation proceedings, both in terms of gaining entry to the meeting and standing to make a statement or pose a question.</p> <p>According to Article 40 of Order no. 860/2002 of the Minister of Waters and Environmental Protection, regarding the environmental impact assessment and environmental permitting procedure, the justified proposals made by the public must be recorded by the competent authority. Article 40 (2) of Order no. 860/2002 of the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure stipulates that the members of the public have the obligation to declare their name and address on a special form provided in Order no. 860/2002. Therefore, the telephone number and address were expressly requested to make sure that the public receive a written answer to their comments and questions related to the Environmental Impact Assessment Report.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 236 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Cluj Napoca, 07.08.2006 |
| RMGC internal unique code | MMGA_0482 |
| Proposal | The questioner wants to know why she was registered on the 52nd position and when she took the floor she had number 53? |
| Solution | Due to the fact that the number of persons who wanted to take the floor was very high, in order to allow everybody to enlist within the set enlisting time, the representatives of the Ministry of Environment and Water Management prepared several lists. Subsequently, these lists were merged and everybody that had enlisted could present their standpoints. |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 247 |
| 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_0499 |
| Proposal | <p>The questioner addresses the following remarks, comments and questions: The questioner draws the attention on the fact that he hasn't received a written answer to the questions he had formulated during the public meeting that took place at Rosia Montana, therefore he cannot meet the dead line for submitting the remarks to the head office of Ministry of Environment and Water Management. In this case, how can anyone say that this is a consultation?</p> <p>Rosia Montană Gold Corporation SA is, in the Environmental Impact Assessment (EIA) Report Annex, complying with the requirements to provide a written answer to the question.</p> <p>In accordance with Article 40 (1) of Order no. 860/2002 of the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), the public may submit justified proposals regarding the environmental assessment, prior to the date set for the public debate on the EIA Report, but not after that date. The last public consultation regarding the EIA was scheduled for August 25, in Arad, therefore this was the legal term to transmit comments on the EIA Report.</p> <p>The Ministry of Environment and Water management has set the deadlines, according to the law. For Hungary, the deadline has been extended by one month.</p> |
| Solution | <p>According to the provisions of Order no. 860/2002:</p> <p>"Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting;</p> <p>(2) The competent authority for environmental protection shall record the well grounded proposals of the public, made during the meeting, using the form presented in Annex no. IV.1, which also includes the well grounded proposals received before the public meeting;</p> <p>(3) Based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the EIA report, annex containing solutions to the problems raised by the public, according to the form presented in Annex no. IV.2."</p> |

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

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

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

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

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

References:

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

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

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 256 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Cluj Napoca, 07.08.2006 |
| RMGC internal unique code | MMGA_0536 |
| Proposal | <p>Why is the deadline for receiving the contestations the 25th of August 2006, while the public debate from Hungary is on the 28th of August? The questioner requests the extension of the dead line term for submitting the contestations.</p> |
| Solution | <p>The Hungary hearing referred to here was part of the Espoo process which followed the public consultation process in Romania.</p> <p>In accordance with Article 40 (1) of Order of the Minister of Waters and Environmental Protection no. 860/2002 for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), the public may submit justified proposals regarding the environmental assessment, prior to the date set for the public debate on the environmental impact assessment (EIA) report, but not after that date. The last public consultation regarding the EIA was scheduled for August 25, in Arad, therefore this was the legal term to transmit comments on the EIA Report.</p> <p>The public debates organized on another country's territory must comply with the provisions of the Espoo Convention, the EIA procedure carried out in Romania, in accordance with Order no. 860/2002, being a separate process.</p> <p>The Ministry of Environment and Water Management has set the deadlines, according to the law. For Hungary, this deadline has been extended by one month.</p> |

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

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

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

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

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

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

Solution

- a) the place and date of the public debate;
- b) the place and date when the report on the assessment study will be made available for consultation;
- c) address of the public authority for environmental protection that the justified proposals made by the public regarding the EIA report should be transmitted to.

(2) The announcement regarding the public debate shall also be posted on the web page of the competent authority for environmental protection and of the environmental protection authorities whose territorial jurisdiction includes interested public, in accordance with the provisions of paragraph (1)."

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

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

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

References:

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

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

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

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

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 316 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Turda, 09.08.2006 |
| RMGC internal unique code | MMGA_0658 |
| Proposal | <p>The questioner makes the following observations and comments: Why wasn't there any public consultation meeting on the mining of the deposit in Rosia Montana before the mining lease was granted to the company?</p> |
| Solution | <p>Mining licenses are obtained following the formalities and procedures expressly stipulated by the Mining Law and the rules for the enforcement thereof. Neither the former Mining Law no. 61/1998 and the Rules for the enforcement thereof, approved by Government Decision no. 639/1998, nor the Mining Law no. 85/2003 and the Rules for the enforcement thereof, approved by Government Decision no. 1208/2003 stipulate a public consultation stage as part of the process related to the issuance of a mining license. Concerning the Roşia Montană Mining License no. 47/1999 ("Roşia Montană Mining License"), please note that this was concluded on the grounds of, and in accordance with, the procedures stipulated by the former Mining Law no. 61/1998 in force on the license conclusion date, which was approved by Government Decision no. 458/10.06.1999 published in the <i>Official Gazette of Romania</i>, Part 1, no. 285/21.06.1999.</p> <p>In conclusion, the issuance of concession licenses is not included, according to the law, in the category of procedures requiring public participation in the decision-making process. Also, we want to emphasize that public participation occurs during the stage of environmental permitting for the mining project.</p> <p>Thus, public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to Roşia Montană Gold Corporation SA's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the Ratification of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, signed at Aarhus on June 25, 1998.</p> |

| Domain | PCDP |
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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 327 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Bistra, 14.08.2006 |
| RMGC internal unique code | MMGA_0677 |
| Proposal | <p>The questioner contests the public consultation meeting held in Bistra claiming that the inhabitants of Bistra were not present, but there were rather RMGC employees, who have most certainly been paid to support the project.</p> <p>The public consultation meeting was held while the inhabitants were busy carrying out agricultural activities or other activities and they couldn't take part in the debate.</p> |
| Solution | <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>The locals from Roşia Montană are interested in the evolution of this project, therefore they came to the meetings to manifest themselves as pro or con, as any other member of the public. The public debates have been scheduled together with the Ministry of Environment and Water Management, on business days, but after working hours, in order to allow the interested public to participate. Everyone was free to attend the public debates, irrespective of their domicile.</p> <p>According to the law, both the Ministry of Environment, and Roşia Montană Gold Corporation SA (RMGC) have used various methods to announce the public on the organization of this public debate: mass media announcements, posters, the information caravan (distributing brochures, leaflets, etc.) – that traveled to each town and village before the public consultations. However, effective public participation depends on each person's civic spirit and on their interest manifested in the Roşia Montană Project; it no longer depends on the company.</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the Ratification of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, signed at Aarhus on June 25, 1998.</p> |

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 348 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Bucuresti, 21.08.2006 |
| RMGC internal unique code | MMGA_0718 |
| Proposal | <p>The questioner makes the following remarks and comments: Some of the questions are answered on the spot, while for others a written answer will be provided. This is a correct measure, but it is not normal to prevent any citizen, any of the participants to the debate from hearing the answers to any of the questions asked here.</p> |
| Solution | <p>Roşia Montană Gold Corporation SA (RMGC) is, in the Environmental Impact Assessment (EIA) Annex, complying with the legal requirements to provide a written answer to all questions.</p> <p>The analysis of Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure, indicates that there is no legal deadline for preparing the answers. There is only one legal provision regarding the preparation of the answers, <i>i.e.</i>:</p> <p>"Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting.</p> <p>(2) The competent authority for environmental protection shall record the justified proposals of the public, made during the meeting, using the form presented in Annex no. IV.1, which also includes the justified proposals received before the public meeting.</p> <p>(3) Based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the environmental impact assessment report, annex containing solutions to the problems raised by the public, according to the form presented in Annex no. IV.2."</p> <p>In these cases, it all depends on the time allocated by the public authority to answer each question. To conclude, these answers will be prepared within the shortest possible time, starting from the moment when the request is transmitted to the public authority for environmental protection.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 368 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Bucuresti, 21.08.2006 |
| RMGC internal unique code | MMGA_0747 |
| Proposal | Concerning the public consultations, the questioner wants to know which legal provisions stipulate that the participants in the public consultations may not have a dialogue with the project titleholder? Which are the legal provisions stipulating the legal method for information supply by the company during the public consultations? |
| Solution | <p>There are many ways to have a dialogue with the project stakeholders, including the public consultation process and written submission of questions.</p> <p>The rules regarding the public consultation process are set by the Ministry of Waters and Environmental Protection, based on the duties assigned by the law, respectively by Order no. 860/2002 issued by the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").</p> <p>In accordance with the provisions of Order no. 860/2002: "Art. 42. – Before the public debate meeting, the project titleholder and the competent public authority for environmental protection shall appoint a chairman and a secretary to enlist the participants. The participants' comments shall be recorded in the minutes of the meeting. The minutes of the meeting shall be signed by the chairman, the secretary and, at the public's request, by one or more public representatives." "Art. 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting. (2) The competent authority for environmental protection shall record the justified proposals of the public, made during the meeting, using the form presented in Annex no. IV.1, which also includes the justified proposals received before the public meeting. (3) Based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the environmental impact assessment report, annex containing solutions to the problems raised by the public, according to the form presented in Annex no. IV.2."</p> |

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 390 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Bucuresti, 21.08.2006 |
| RMGC internal unique code | MMGA_0821 |
| Proposal | <p>The questioner believes that the public consultations are a farce organized by RMGC and its representatives; the consultations were held during the week, when people are in the field to work the land.</p> <p>The scheduling of the public consultation hearings followed to the letter the Romanian law.</p> |
| Solution | <p>Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").</p> <p>Article 39 (1) of Order no. 860/2002 stipulates that <i>"once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the report on the assessment study will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the report on the environmental impact assessment study should be transmitted to."</i></p> <p>The public debates have been planned together with the Ministry of Environment and Water Management, and scheduled on business days, but after the working hours such as to allow the interested public to participate in these meetings, in accordance with the provisions of Order no. 860/2002: "Article 27. - (1) Within 5 business days from the receipt of the environmental impact assessment report and, as applicable, of the security report, the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project, at the project titleholder's expense. (2) Under the guidance of the competent public authority, the project titleholder shall organize the public debate to present the environmental impact assessment report, in accordance with the provisions of Articles 39-44."</p> <p>"Article 41. - The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours."</p> <p>The method applied for the public debate meetings was set by the Ministry of Environment and Water Management, according to the duties held by the environmental protection authority in this field, based on the provisions of Order no. 860/2002 and of the relevant environmental protection legislation.</p> <p>Also, we want to remind you that every public debate was declared closed only after each interested participant expressed his/her standpoint or comments on the environmental impact assessment report.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 392 |
| 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_0830 |
| Proposal | <p>What is the reason why the public meeting held in Bucharest was not organized on Sunday, but on Monday, when everybody goes to work?</p> |
| Solution | <p>The Bucharest meeting, as all public consultation hearings, was scheduled in full correspondence with Romanian law.</p> <p>Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").</p> <p>Article 39 (1) of Order no. 860/2002 stipulates that <i>"once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the environmental impact assessment report will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the report on the environmental impact assessment study should be transmitted to."</i></p> <p>According to Article 41 of Order no. 860/2002, the public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, <i>in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.</i></p> <p>The method applied for the public debate meetings was set by the Ministry of Environment and Water Management, according to the duties held by the environmental protection authority in this field, based on the provisions of Order no. 860/2002 and of the relevant environmental protection legislation. Thus, the public debates have been scheduled together with the Ministry of Environment and Water Management, on business days, but after the working hours, according to the law, such as to allow the interested public to participate.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 397 |
| 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_0843 |
| Proposal | The questioner complains about the fact that he was not allowed to speak democratically and that he was disturbed while talking to the audience. |
| Solution | <p>The rules establishing the details of the public consultation process are set out by the chairman of the meeting, representing the Ministry of Environment and Water Management, who decided that the speakers must take the floor according to their order of enrolment on the lists prepared by the representatives of the Ministry of Environment and Water Management, and that no dialogue was allowed between the public and the project titleholder.</p> <p>According to the applicable legal provisions, Order no. 860/2002 issued by the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure, the meeting held in the presence of the representatives of the Ministry of Environment and Water Management, who have also set the rules for the public consultation process:</p> <p>“Article 41. - The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.”</p> <p>“Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting.”</p> |

| Domain | PCDP |
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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 398 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Bucuresti, 21.08.2006 |
| RMGC internal unique code | MMGA_0856 |
| Proposal | <p>The speaker believes that the 5-minute time allocated to each person for taking the floor is insufficient when discussing such an important issue.</p> |
| Solution | <p>Rules for the public consultation hearings must balance the many people who wish to address the forum, in meetings that ran as long as 12 hours, with a time limit to allow as many people as possible to be heard. There was no limit on the length of the written questions submitted.</p> <p>Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").</p> <p>Article 39 (1) of Order no. 860/2002 stipulates that <i>"once the environmental impact assessment process is completed, and the report on the assessment study is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the environmental impact assessment report will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the report on the environmental impact assessment study should be transmitted to."</i></p> <p>According to Article 41 of Order no. 860/2002, the public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.</p> <p>The method applied for the public debate meetings was set by the Ministry of Environment and Water Management, according to the duties held by the environmental protection authority in this field, based on the provisions of Order no. 860/2002 and of the relevant environmental protection legislation.</p> <p>The rules related to the details of the public consultation process are set out by the chairman of the meeting, representing the Ministry of Environment and Water Management, who decided that the speakers must take the floor according to their order of enrolment on the lists prepared by the representatives of the Ministry of Environment and Water Management, that the maximum speech time was limited to 5 minutes and that no dialogue was allowed between the public and the project titleholder. Also, we want to remind you that every public debate was declared closed only after each interested participant expressed his/her standpoint or comments on the environmental impact assessment report.</p> |

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| Domain | PCDP |
| 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_0858 |
| Proposal | <p>The questioner makes the following comments: The discussion should have been a dialogue, instead of separate monologues. The questioner thinks that RMGC's seriousness is doubtful, since it answers only some of the questions.</p> |
| Solution | <p>The forum of the public consultation hearings follows Romanian law, not the preferences of any single party. All questions, as per the law, will receive written answers, as in the present case.</p> <p>The rules establishing the details of the public consultation process are set out by the chairman of the meeting, representing the Ministry of Environment and Water Management, who decided that the speakers must take the floor according to their order of enrolment on the lists prepared by the representatives of the Ministry of Environment and Water Management, that the maximum speech time was limited to 5 minutes and that no dialogue was allowed between the public and the project titleholder. Given the limited time available during the meetings, we tried to answer as many questions as possible at that moment, but we shall answer all questions in writing, after the public consultations.</p> <p>According to the laws in force, <i>i.e.</i> Order no. 860/2002 issued by the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure:</p> <p>"Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.”;</p> <p>"Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting.”.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 407 |
| 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_0875 |

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 414 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Bucuresti, 21.08.2006 |
| RMGC internal unique code | MMGA_0886 |
| Proposal | <p>This consultation is a mockery, the company has brought its own people to support the project, which is not normal.</p> <p>The presence of people who support a project is as valid as the presence of those opposing it in the public consultation context.</p> <p>This public debate is organized in accordance with the laws in force, <i>i.e.</i> Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"). The locations of the public debates and the ways of access to information on the environmental impact assessment report made available to the interested public have been established together with the regulatory authorities and according to the set dates.</p> |
| Solution | <p>The people from Roşia who wanted to participate in the debates, came to the meetings during their spare time, because they are interested in what people discuss about this project. We believe their interest is justified, since we are discussing their town and their future. Please note that their transportation was ensured by the local unions and NGOs.</p> <p>In accordance with Order no. 860/2002, the meeting is chaired by the representatives of the Ministry of Environment and Water Management, who also set out the rules related to these consultations. In this respect, Order no. 860/2002 stipulates as follows: "Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours." "Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting."</p> |

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| Domain | PCDP |
| 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_0888 |
| Proposal | <p>The questioner makes the following comments and addresses the following questions: The questioner does not approve the manner in which the public meeting held in Bucharest was planned and organized and wants to know what is exactly the role of Mr. Aston in this story. Why did he monopolize most of the discussion? Why haven't the experts present in the hall take the floor, when questions related to specific domains have been asked?</p> <p>It is always possible to make subjective judgments on any public consultation hearings. That cannot be helped. It is also the reason the rules governing the public consultation process follow from Romanian law.</p> <p>According to Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), the rules related to the public consultation process are set out by the representatives of the Ministry of Environment and Water Management, not by the project titleholder. Mr. John Aston is the representative of the project titleholder in this public debate.</p> |
| Solution | <p>In accordance with Order no. 860/2002, the meeting is chaired by the representatives of the Ministry of Environment and Water Management, who also set out the rules regarding the process of these consultations. In this respect, Order no. 860/2002 stipulates as follows:</p> <p>"Article 41. - The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.";</p> <p>"Article 44. - (1) During the public debate meeting, <i>the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public,</i> received in writing before the meeting."</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 433 |
| 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_0927 |
| Proposal | <p>The questioner makes the following comments and observations: Dialogue involves the participation of both sides, or this fact was disregarded during the public debates.</p> <p>With 14 meetings across Romania, some of them lasting for 12 hours, vigorous exchange of ideas was achieved.</p> <p>According to Order no. 860/2002 issued by the Minister of Waters and Environmental Protection for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), the regulations establishing the details of the public consultation process are set out by the chairman of the meeting, representing the Ministry of Environment and Water Management, not by the project titleholder. It was the chairman who decided that the speakers must take the floor according to their order of enrolment on the lists prepared by the representatives of the Ministry of Environment and Water Management, that the maximum speech time was limited to 5 minutes and that no dialogue was allowed between the public and the project titleholder.</p> |
| Solution | <p>In accordance with Order no. 860/2002, the meeting is chaired by the representatives of the Ministry of Environment and Water Management, who also set out the rules related to these consultations. In this respect, Order no. 860/2002 stipulates as follows:</p> <p>"Article 41. - The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.";</p> <p><i>"Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting."</i></p> |

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

| Domain | PCDP |
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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 447 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Deva, 23.08.2006 |
| RMGC internal unique code | MMGA_0953 |
| Proposal | <p>Are citizens entitled by law to vote for the implementation of this project or not? The characteristic of a democracy is that problems of general interest are made public. And the proposed project is of great interest for the public. The consequences of the project will be passed on to our grandchildren and our grand- grandchildren. People should ask themselves a question: where will their vote go if they were able to take part in the public debate? He considers that both RMGC and MEWM should answer this question.</p> <p>Romanian law provides for the election of public officials who have the power to act in the public's behalf.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2,002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>Considering the applicable legal provisions, the interested public has the following rights related to the environmental impact assessment procedure:</p> |
| Solution | <p>(i) Article 11 (2) of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002"): <i>"the environmental impact assessment report shall be discussed by the public, whose pertinent comments shall be taken into consideration throughout the entire environmental impact assessment process;"</i></p> <p>(ii) Article 40 (1) of Order no. 860/2002 for the approval of the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"): <i>"the public may submit justified proposals regarding the environmental assessment, prior to the date set for the public debate on the environmental impact assessment report, but not after that date;"</i></p> <p>(iii) Article 44 (1) of Order no. 860/2000 <i>"during the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting;"</i></p> <p>(iv) Article 44 (3) of Order no. 860/2002: <i>"based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the environmental impact assessment report, annex containing solutions to the problems raised by the public, according to the form presented in Annex no. IV.2."</i></p> <p>Please note that the internal legislation ensures the compliance with the principles stipulated by the European Union legislation regarding public participation in the environmental impact assessment process, and allows the interested public to express their standpoints in relation to this type of project.</p> |

References:

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

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

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

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 455 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Deva, 23.08.2006 |
| RMGC internal unique code | MMGA_0965 |
| Proposal | <p>Why was there a 5 minutes time limit and why were the people who spoke in favour of the project allowed to speak more?</p> <p>Rules for the public consultation hearings must balance the many people who wish to address the forum, in meetings that ran as long as 12 hours, with a time limit to allow as many people as possible to be heard. There was no limit on the length of the written questions submitted.</p> <p>Regarding your complaint, please note that the public consultation method applied during the environmental impact assessment procedure is stipulated by Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002").</p> <p>Article 39 (1) of Order no. 860/2002 stipulates that <i>"once the environmental impact assessment process is completed, and the environmental impact assessment report is prepared, the competent authority for environmental protection and the project titleholder shall provide the following information to the public, [...] at least 30 business days prior to the date set for the public debate meeting: (i) the place and date of the public debate; (ii) the place and date when the environmental impact assessment report will be made available for consultation; (iii) address of the public authority for environmental protection, that the justified proposals made by the public regarding the environmental impact assessment report should be transmitted to."</i></p> |
| Solution | <p>The rules establishing the details of the public consultation process are set out by the chairman of the meeting, representing the Ministry of Environment and Water Management, not by the project titleholder. It was the chairman of the meeting who decided that the speakers must take the floor according to their order of enrolment on the lists prepared by the representatives of the Ministry of Environment and Water Management, that the maximum speech time was limited to 5 minutes and that no dialogue was allowed between the public and the project titleholder.</p> <p>According to Order no. 860/2002, the meeting is chaired by the representatives of the Ministry of Environment and Water Management:</p> <p>"Article 41. – The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours.";</p> <p>"Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting."</p> <p>Also, we want to remind you that every public debate was declared closed only after each interested participant expressed his/her standpoint or comments on the environmental impact assessment report.</p> |

| Domain | PCDP |
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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 462 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | Arad, 25.08.2006 |
| RMGC internal unique code | MMGA_0986 |
| Proposal | <p>The questioner makes the following comments and observations:He believes that the people taking part in the public debate should have been mostly from Arad, while many people present there and the people who expressed their wish to take the floor have been brought by the investors.</p> <p>With 14 public consultation hearings across Romania, an effort was made to include the interested public in the broadest possible sense.</p> <p>The environmental impact assessment procedure is regulated, at the level of the European Union Member States, by Directive 85/337/EC, amended and supplemented by Council Directive 97/11/CE and published in the <i>Official Journal of the European Communities</i> (JOCE) no. L 73 of March 14, 1997. This directive stipulates the principles that the Member States must take into consideration for the internal application of the regulations related to the environmental impact assessment procedure.</p> <p>Please note that, according to the provisions of Article 6 of Directive 85/337/CE, Member States have the obligation to ensure, within a reasonable term, the information of the public concerned on the projects forming the object of the environmental impact assessment procedure. According to the provisions of Article 1 (2) of Directive 85/337/EC, the public concerned means "<u>the public affected or potentially affected by, or holding an interest in the assessment of the environmental decisions mentioned under Article 2 (2); for the purpose hereof, non-governmental organizations promoting environmental protection and complying with the requirements stipulated by the national legislation shall be considered public concerned</u>".</p> |
| Solution | <p>We want to emphasize that the term of public concerned, as defined by the legal provisions applicable in the European Union (EU) Member States, <u>does not make any clear distinction depending on the territoriality, conferring equal rights to any person potentially impacted by a project implementation.</u></p> <p>Moreover, the procedure regarding the consultation of the public concerned during the environmental impact assessment process, established by the national legislation and followed by Roşia Montană Gold Corporation SA (RMGC), fully complies with the principles stipulated by the EU legislation.</p> <p>Considering the aforesaid, the potentially impacted persons, <i>i.e.</i> both the persons impacted directly and indirectly, and the potentially impacted persons irrespective of their place of origin, have been and still are entitled to make comments, during the public debate stage, on the project proposed by RMGC.</p> <p>Taking into consideration the legal provisions , both the Ministry of Environment, and RMGC have used various methods to announce the public from Arad about this public debate: announcements in the mass media, posters, the information caravan (distributing brochures, leaflets, etc.) – which has traveled to every town and village before the public consultations. However, effective public participation depends on each person's civic spirit and on their interest manifested in the Roşia Montană Project; it no longer depends on the company. In its turn, the community from Roşia Montană manifests its interest in this project participating in the debates and expressing its personal or group convictions: pro or con. Everyone has the right to participate in these public debates, and even to express their standpoint.</p> |

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

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5606, 5607, 5608, 5609, 5610, 32/D;5611/B, 36, 42, 43, 44, 45, 49, 51

No. 109217/14.08.2006andNo. 74619/14.08.2006, No. 110476/25.08.2006, No. 110475/25.08.2006, No. 110474/25.08.2006, No. 110473/25.08.2006, No. 110472/25.08.2006, No. 110471/25.08.2006, No. 110470/25.08.2006, No. 110469/25.08.2006, No. 110468/25.08.2006, No. 110467/25.08.2006, No. 110466/25.08.2006, No. 110465/25.08.2006, No. 110464/25.08.2006, No. 110463/25.08.2006, No. 110462/25.08.2006, No. 110461/25.08.2006, No. 110460/25.08.2006, No. 110459/25.08.2006, No. 110458/25.08.2006, No. 110457/25.08.2006, No. 110456/25.08.2006, No. 110455/25.08.2006, No. 110454/25.08.2006, No. 110453/25.08.2006, No. 110452/25.08.2006, No. 110451/25.08.2006, No. 110450/25.08.2006, No. 110449/25.08.2006, No. 110448/25.08.2006, No. 110447/25.08.2006, No. 110446/25.08.2006, No. 110445/25.08.2006, No. 110444/25.08.2006, No. 110443/25.08.2006, No. 110442/25.08.2006, No. 110332/25.08.2006, No. 110333/25.08.2006, No. 110334/25.08.2006, No. 110335/25.08.2006, No. 110336/25.08.2006, No. 110437/25.08.2006, No. 110438/25.08.2006, No. 110439/25.08.2006, No. 110440/25.08.2006andNo. 75391/28.08.2006, No. 110441/25.08.2006, No. 110442/25.08.2006, No. 110443/25.08.2006, No. 110444/25.08.2006, No. 110476/25.08.2006, No. 110445/25.08.2006, No. 110447/25.08.2006, No. 110448/25.08.2006, No. 109894/22.08.2006, No. 109895/22.08.2006, No. 109896/22.08.2006, No. 109897/22.08.2006andNo. 75550/29.08.2006, No. 109898/22.08.2006, No. 109914/22.08.2006, No. 109920/22.08.2006, No. 109921/22.08.2006, No. 109922/22.08.2006, No. 109923/22.08.2006, No. 109924/22.08.2006, No. 109925/22.08.2006, No. 10992622.08.2006, No. 75580/29.08.2006, No. 110437/25.08.2006, No. 110312/24.08.2006, No. 110272/24.08.2006, No. 110271/24.08.2006, No. 110270/24.08.2006, No. 110269/24.08.2006, No. 110268/24.08.2006, No. 110267/24.08.2006, No. 110266/24.08.2006, No. 110265/24.08.2006, No. 110264/24.08.2006, No. 110263/24.08.2006, No. 110619/25.08.2006, No. 110618/25.08.2006, No. 110617/25.08.2006, No. 110616/25.08.2006, No. 110615/25.08.2006, No. 110614/25.08.2006, No. 110613/25.08.2006, No. 110612/25.08.2006, No. 110611/25.08.2006, No. 110610/25.08.2006, No. 110609/25.08.2006, No. 110608/25.08.2006, No. 110606/25.08.2006, No. 110605/25.08.2006, No. 110604/25.08.2006, No. 110603/25.08.2006, No. 110602/25.08.2006, No. 110601/25.08.2006, No. 110600/25.08.2006, No. 110598/25.08.2006, No. 110597/25.08.2006, No. 110596/25.08.2006, No. 110595/25.08.2006, No. 110594/25.08.2006, No. 110593/25.08.2006, No. 110592/25.08.2006, No. 110814/25.08.2006, No. 110813/25.08.2006, No. 110812/25.08.2006, No. 110799/25.08.2006, No. 110798/25.08.2006, No. 110797/25.08.2006, No. 110796/25.08.2006, No. 110795/25.08.2006, No. 110591/25.08.2006, No. 110590/25.08.2006, No. 110589/25.08.2006, No. 110588/25.08.2006, No. 110587/25.08.2006, No. 110586/25.08.2006, No. 110585/25.08.2006, No. 110584/25.08.2006, No. 110583/25.08.2006, No. 110582/25.08.2006, No. 110262/25.08.2006, No. 110261/25.08.2006, No. 110521/25.08.2006, No. 110520/25.08.2006, No. 110519/25.08.2006, No. 110518/25.08.2006, No. 110517/25.08.2006, No. 110516/25.08.2006, No. 110515/25.08.2006, No. 110510/25.08.2006, No. 110509/25.08.2006, No. 110507/25.08.2006, No. 110506/25.08.2006, No. 110505/25.08.2006, No. 110503/25.08.2006, No. 110502/25.08.2006, No. 110501/25.08.2006, No. 110500/25.08.2006, No. 110499/25.08.2006, No. 110666/25.08.2006, No. 110665/25.08.2006, No. 110664/25.08.2006, No. 110661/25.08.2006, No. 110660/25.08.2006, No. 110659/25.08.2006, No. 110658/25.08.2006, No. 110657/25.08.2006, No. 110656/25.08.2006, No. 110655/25.08.2006, No. 110654/25.08.2006, No. 110653/25.08.2006, No. 110652/25.08.2006, No. 110651/25.08.2006, No. 110650/25.08.2006, No. 110649/25.08.2006, No. 110648/25.08.2006, No. 110647/25.08.2006, No. 110646/25.08.2006, No. 110645/25.08.2006, No. 110639/25.08.2006, No. 110637/25.08.2006, No. 110634/25.08.2006, No. 110629/25.08.2006, No. 110628/25.08.2006, No. 110622/25.08.2006, No. 110621/25.08.2006, No. 110620/25.08.2006, No. 111064/25.08.2006, No. 111060/25.08.2006, No. 111042/25.08.2006, No. 111041/25.08.2006, No.

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



111106/25.08.2006, No. 111353/25.08.2006, No. 114726/31.08.2006, No. 114727/31.08.2006, No. 114731/31.08.2006, No. 114736/15.09.2006, No. 114274/28.08.2006, No. 114717/28.08.2006, No. 114723/31.08.2006, No. 114275/28.08.2006, No. 114278/28.08.2006, No. 114277/28.08.2006, No. 114276/28.08.2006, No. 109583/18.08.2006, No. 112960/25.08.2006, No. 112959/25.08.2006, No. 112943/25.08.2006, No. 112945/25.08.2006, No. 115103/13.10.2006, No. 116056/11.12.2006, No. 169324/06.11.2006, No. 169323/06.11.2006, No. 169322/06.11.2006, No. 169321/06.11.2006, No. 114373/169078/10.10.2006, No. 114903/05.10.2006

RMGC internal unique code

MMGA_1053

Proposal

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

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

Solution

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

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 1262 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 110435/22.08.2006 |
| RMGC internal unique code | MMGA_1148 |
| Proposal | <p>The questioner does not agree with the development of the Roşia Montana project and makes the following observations and comments: The public has not been consulted and has not been offered any information on the project during the screening stage;</p> |
| Solution | <p>Roşia Montană Gold Corporation SA (RMGC) has made an effort to have the broadest possible public consultation process during all the stages of the Roşia Montană Project.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>According to the provisions of Article 16 of Order no. 860/2002, <i>„public's information on the decision regarding the project scoping stage shall occur within 10 business days from the issuance of such decision by the competent environmental protection authority, and within 10 business days from the receipt thereof, by the project titleholder, in accordance with the provisions of Chapter 3. Within 5 business days from the publication of the decision regarding the framing stage by the competent environmental protection authority, the public has the right to submit to the competent environmental protection authority justified proposals for the purpose of reconsidering the decision made following the framing stage.”</i></p> <p>The best practices in this field stipulate that the public consultations must be organized before these public meetings. Although Romanian legislation does not stipulate such consultations for the scoping stage, so far, RMGC has implemented an extensive public consultations program, including: 1,262 individual meetings and interviews, distribution of questionnaires, with 500 responses received, 18 focus groups, and 65 public debates. Also, the company has discussed with the central authorities, non-governmental organizations and the potentially affected interested public. The feedback from the interested public has been used to prepare the management plan and the Independent EIA, as well as to design partnerships and development programs.</p> <p>References: [1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006"). However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that <i>“The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application”</i>, please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's</p> |

project.

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 1262 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 110435/22.08.2006 |
| RMGC internal unique code | MMGA_1150 |
| Proposal | Relevant information for the project is not made available for public consultation; |
| Solution | <p>Any interested party who wished to examine the Environmental Impact Assessment (EIA) had many means to do so. The EIA Report study was made available to the public for consultation purposes, in accordance the provisions of the Aarhus Convention on access to environmental information and of Romanian laws in force, namely Ministerial Order no. 860/2002, Article 37, letter c. We consider that those who wanted to consult the documentation had several possibilities:</p> <ul style="list-style-type: none"> - The hardcopy of the EIA Report was available at 48 locations – town halls, environmental protection agencies, libraries, ministries, information centers of the Roşia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroşani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Luşă Town Hall, Roşia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roşia Montană Town Hall, Bistra Town Hall, Baia de Arieş Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Technical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babes Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timișoara County Library, Bucharest Town Hall, Timișoara Western University Library, Petroşani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldiș' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roşia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours; - Also, the electronic copy of this report was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management - www.mmediu.ro; Sibiu Regional Environmental Protection Agency - www.ipmsb.ro; Alba Environmental Protection Agency - www.apm-alba.ro; the web pages of Roşia Montană Gold Corporation SA and Gabriel Resources - www.gabrielresources.com; www.povesteadevarata.ro and the Environmental Partnership for Mining - www.epmining.org; - Also, we have distributed more than 6,000 CDs and DVDs with the English and Romanian versions of the EIA Report. |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 1354, 1355 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 110302/24.08.2006, No. 110301/24.08.2006 |
| RMGC internal unique code | MMGA_1166 |
| Proposal | <p>The EIA procedure and the permitting procedure did not comply with the existing legislation with regard to the public participation;</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>Regarding your statement, please consider the following:</p> <ul style="list-style-type: none"> (i) according to the relevant legal provisions, the court of law is the only authority having the competence to establish the lawfulness of the public debates process; (ii) according to Article 44 (1) of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), <i>"during the public debate meeting, the project titleholder [...] shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting"</i>; |
| Solution | <p>Also, Article 44 (3) of Order no. 860/2002 stipulates that <i>"based on the public meeting outcome, the competent authority for environmental protection shall assess the justified proposals/comments of the public and request the project titleholder to attach an annex to the environmental impact assessment report, annex containing solutions to the problems raised by the public"</i>.</p> <p>Considering the legal provisions quoted above, due to the fact that your statement (i) does not identify or signal any problems related to the project proposed by Roşia Montană Gold Corporation SA (RMGC) and subject to the environmental impact assessment procedure, (ii) refers to issues on which RMGC has no authority to comment, please note that the project titleholder may not and does not have the necessary capacity to provide an answer or make any comment in this respect.</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that <i>"The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application"</i>, please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.</p> |

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

| Domain | PCDP |
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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 1723, 1870, 1871, 1872, 1873, 2613, 3123, 3124, 3125, 3126, 3127, 3233 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 110779/25.08.2006, No. 110933/25.08.2006, No. 110932/25.08.2006, No. 110931/25.08.2006, No. 110930/25.08.2006, No. 112385/25.08.2006, No. 112880/25.08.2006, No. 112875/25.08.2006, No. 112868/25.08.2006, No. 112873/25.08.2006, No. 112874/25.08.2006, No. 111448/25.08.2006 |
| RMGC internal unique code | MMGA_1218 |

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

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

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

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

References:

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

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

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

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

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RMGC internal unique code MMGA_1299

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

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

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

Solution

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

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 3262 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 111343/25.08.2006 |
| RMGC internal unique code | MMGA_1441 |
| Proposal | <p>The questioner does not agree to the Rosia Montana project implementation formulating the following questions and comments: Why the MMGA and Romanian Government did not perform a public consultation in the manner in which this is performing right now, before the granting of the gold ore deposit from Rosia Montana?</p> |
| Solution | <p>Mining licenses are obtained following the formalities and procedures expressly stipulated by the Mining Law and the rules for the enforcement thereof. Neither the former Mining Law no. 61/1998 and the Rules for the enforcement thereof, approved by Government Decision no. 639/1998, nor the Mining Law no. 85/2003 and the Rules for the enforcement thereof, approved by Government Decision no. 1208/2003 stipulate a public consultation stage as part of the process related to the issuance of a mining license.</p> <p>Concerning the Roșia Montană Mining License no. 47/1999 ("Roșia Montană Mining License"), please note that this was concluded on the grounds of and in accordance with the procedures stipulated by the former Mining Law no. 61/1998 in force on the license conclusion date, which was approved by Government Decision no. 458/10.06.1999 published in the <i>Official Gazette of Romania</i>, Part 1, no. 285/21.06.1999.</p> <p>Also, we want to emphasize that public participation occurs during the stage of environmental permitting for the mining project. Thus, public consultation and information during the environmental impact assessment procedure, including the publication of the documentation, were compliant with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the environmental impact assessment framework procedure and the approval of the list of public or private projects forming the object of this procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection regarding the environmental impact assessment and environmental permitting procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on environmental impact assessment of the effects of certain public and private projects on the environment.</p> <p>References:</p> <p>[1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 regarding the environmental impact assessment framework procedure for certain public and private projects, published in the Official Gazette, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006").</p> <p>However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</u>", please note that the provisions of Government Decision no. 918/2002 are still applicable to S.C. Roșia Montană Gold Corporation SA's project.</p> <p>[2] The Aarhus Convention was ratified in Romania by Law no. 86/2000 for the ratification of the Convention on access to information, public participation in decision making and access to justice in environmental matters, signed at Aarhus on June 25, 1998.</p> |

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 3262 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 111343/25.08.2006 |
| RMGC internal unique code | MMGA_1445 |

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| Proposal | Why the MMGA's representative sits down at the same table together with the representatives of the firm contested by us? |
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| Solution | <p>The organization of the public consultation hearings is in accord with Romanian law.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>As far as your allegations are concerned, please note that the applicable legislation does not stipulate any provisions establishing every detail of the participants', distribution and location in the meeting hall, <i>i.e.</i> the distribution and location of the project titleholder, competent authority and interested public;</p> <p>According to the relevant legal provisions, the meeting is chaired by the representatives of the Ministry of Environment and Water Management, who have also set out the rules related to the consultation process: "Article 41. - The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours." "Article 44. - (1) During the public debate meeting, the project titleholder shall describe the proposed project and the assessment made in the environmental impact assessment study, shall answer the public's questions and shall respond with arguments to the justified proposals coming from the public, received in writing before the meeting."</p> <p>Considering the aforesaid, please take into account that the applicable legal provisions did not stipulate any restrictions related to the distribution in the hall of the public debate participants, and that the main objective of the Company was the best possible information of the public on Roşia Montană Gold Corporation SA's (RMGC) project, the examination of the problems raised by the public and the identification of valid solutions to any possible problems.</p> <p>References: [1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006"). However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that "<u>The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application</u>",</p> |
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please note that the provisions of Government Decision no. 918/2002 are still applicable to RMGC's project.

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 8/D;5463/B |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 114735/15.09.2006 |
| RMGC internal unique code | MMGA_1464 |
| Proposal | <p>The questioners do not agree to the gold and silver mining operation proposal for Rosia Montana and formulate the following remarks and comments: Difficulties regarding the documentations consulting;</p> |
| Solution | <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>For public information purposes, we have distributed more than 6,000 CDs and DVDs containing the EIA Report in the English and Romanian languages.</p> <p>The hardcopy of the EIA Study Report was available at 48 locations – town halls, environmental protection agencies, libraries, ministries, information centers of the Roșia Montană Project: Zlatna Town Hall, Deva Environmental Protection Agency, Arad Environmental Protection Agency, Arad Town Hall, Petroșani University Library, Turda Town Hall, Abrud Town Hall, Abrud Information Center, Câmpeni Town Hall, Lușța Town Hall, Roșia Montană Information Center, Bucium Information Center, Bucium Town Hall, Deva Town Hall, Deva County Library, Brad Town Hall, Roșia Montană Town Hall, Bistra Town Hall, Baia de Arieș Town Hall, Alba Iulia Town Hall, Alba Iulia Environmental Protection Agency, Alba County Prefecture, Alba County Council, Alba Iulia '1 Decembrie 1918' University Library, Baia Mare North University Library, Romanian Academy Library, Baia Mare 'Petre Dulfu' County Library, Sibiu 'Lucian Blaga' University Library, Alba Iulia Information Center, Cluj Environmental Protection Local Agency, Cluj Environmental Protection Regional Agency, Cluj Town Hall, Cluj Technical University Library, Arad County Library, Cluj County Prefecture, Cluj 'Babes Bolyai' University Library, Bucharest Information Center, Bucharest Economic Studies Academy Library, Bucharest Central University Library, Bucharest National Library, Timișoara County Library, Bucharest Town Hall, Timișoara Western University Library, Petroșani University Library, Bucharest Ministry of Environment and Water Management, Arad 'Vasile Goldiș' University, Arad 'Aurel Vlaicu' University, Bucharest Environmental Protection National Agency, Sibiu Environmental Protection Agency, Roșia Montană Environmental Information Center. According to the law, public institutions had the obligation to allow public access to this documentation during the working hours.</p> <p>Also, the electronic copy of this study was made available on several web pages, such as: the web page of the Ministry of Environment and Water Management - www.mmediu.ro; Sibiu Regional Environmental Protection Agency - www.ipmsb.ro; Alba Environmental Protection Agency - www.apm-alba.ro; the web pages of Roșia Montană Gold Corporation S.A. (RMGC) and Gabriel Resources - www.gabrielresources.com; www.povesteadevarata.ro and the Environmental Partnership for Mining - www.epmining.org.</p> |
| References: | |

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

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

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

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| Domain | PCDP |
| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 60 |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 114557/14.09.2006 |
| RMGC internal unique code | MMGA_1510 |
| Proposal | <p>Why was a public debate not programmed also in Baia Mare, where the river Tisa was polluted by a similar case of cyanide utilization for gold extraction, with enormous damages for Romanian State which is still in dispute with Hungary which asks substantial compensations for polluting?</p> |
| Solution | <p>While Romanian law calls for one public consultation meeting, in the case of the Roşia Montană Project, 14 meetings were held, with a focus on the lower Arieş and Mureş basin areas and adjacent communities.</p> <p>Public consultation and information during the environmental impact assessment procedure, including the publication of the Environmental Impact Assessment (EIA) Report documentation for consultation purposes, have been made in compliance with the provisions of (i) Articles 11 (2), 12 and 15 of Government Decision no. 918/2002 regarding the Environmental Impact Assessment Framework Procedure and the Approval of the List of Public or Private Projects Forming the Object of This Procedure ("Government Decision no. 918/2002")[1], (ii) Chapter 3 regarding the public information and participation in the environmental impact assessment procedure of Order no. 860/2002 of the Minister of Waters and Environmental Protection Regarding the Environmental Impact Assessment and Environmental Permitting Procedure ("Order no. 860/2002"), and of the principles established by the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters[2], and also of the provisions of Directive 85/337/EEC on Environmental Impact Assessment of the Effects of Certain Public and Private Projects on the Environment.</p> <p>S.C. Roşia Montană Gold Corporation S.A. (RMGC), together with the Ministry of Environment and Water Management, have mutually agreed upon the program and locations of the public consultations.</p> <p>Order no. 860/2002 stipulates as follows: "Article 27. - (1) Within 5 business days from the receipt of the environmental impact assessment report and, as applicable, of the safety report, the public authorities for environmental protection, in agreement with the project titleholder, shall establish and announce in the mass media the opportunities for public participation in the decision-making process related to the project." "Article 41. - The public debate meeting shall take place in the presence of the representatives of the competent authority for environmental protection, in the most convenient way for the public, on the territory where the project is intended to be implemented, and after the working hours."</p> <p>When organizing the public debates meetings, RMGC, based on the consultation with the competent authorities, aimed at the best possible information of the public interested in this project, and when establishing the meeting locations, the company mainly took into consideration the settlements located inside the project impact area. Although Baia Mare is not included in the impact perimeter, the interested public from this area and from other locations could participate in any of the public debate meetings organized by the project titleholder.</p> <p>References: [1] Please note that Government Decision no. 918/2002 was abrogated by Government Decision no. 1213/2006 Regarding the Environmental Impact Assessment Framework Procedure for Certain Public and Private Projects, published in the <i>Official Gazette</i>, Part 1, no. 802 of 25/09/2006 ("Government Decision no. 1213/2006"). However, considering the provisions of Article 29 of Government Decision no. 1213/2006, stipulating that <u>"The projects transmitted to a competent environmental protection authority for the issuance of the environmental permit and forming the object of the environmental impact assessment, prior to the coming into force hereof, shall be subject to the environmental impact assessment procedure in force at the time of application"</u>,</p> |

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

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

| Domain | PCDP |
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| MMDD's item no. for the question which includes the observation identified by the RMGC internal code | 259, 260, 265, 269, 270, 271, 283, 284, 285, 287, 301, 325, 330, 335, 381, 385, 412, 417, 419, 423, 431, 434, 892, 1781, 1787, 1831, 1832, 1835, 1838, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3236, 3237, 3238, 3240, 3241, 3610, 3611, 3612, 3613, 3614, 1/D;5456/B |
| MMDD's identification no. for the question which includes the observation identified by the RMGC internal code | No. 108928/04.08.2006andNo. 74465/07.08.2006, No. 109005/07.08.2006andNo. 74477/08.08.2006, No. 109008/07.08.2006andNo. 74482/08.08.2006, No. 109014/07.08.2006andNo. 74486/08.08.2006, No. 109015/07.08.2006andNo. 74487/08.08.2006, No. 109016/07.08.2006andNo. 74488/08.08.2006, No. 109029/07.08.2006andNo. 74500/08.08.2006, No. 109030/07.08.2006andNo. 74501/08.08.2006, No. 109031/07.08.2006andNo. 74502/08.08.2006, No. 109032/07.08.2006andNo. 74504/08.08.2006, No. 109048/07.08.2006andNo. 74518/08.08.2006, No. 109116/09.08.2006andNo. 74540/09.08.2006, No. 109112/09.08.2006andNo. 74545/09.08.2006, No. 109106/09.08.2006andNo. 74550/09.08.2006, No. 109218/14.08.2006andNo. 74620/14.08.2006, No. 109222/14.08.2006andNo. 74625/15.08.2006, No. 109249/14.08.2006andNo. 74657/15.08.2006, No. 109254/14.08.2006andNo. 74662/15.08.2006, No. 109256/14.08.2006andNo. 74664/15.08.2006, No. 109260/14.08.2006andNo. 74668/15.08.2006, No. 109268/14.08.2006andNo. 74676/15.08.2006, No. 109271/14.08.2006andNo. 74679/15.08.2006, No. 110082/22.08.2006andNo. 75169/23.08.2006, No. 110751/25.08.2006andNo. 7607605.09.2006, No. 110745/25.08.2006andNo. 76082/05.09.2006, No. 110972/25.08.2006andNo. 165086/07.09.2006, No. 110971/25.08.2006andNo. 165087/07.09.2006, No. 110968/25.08.2006andNo. 165090/07.09.2006, No. 110965/25.08.2006, No. 112876/25.08.2006, No. 112156/25.08.2006, No. 112157/25.08.2006, No. 112127/25.08.2006, No. 112128/25.08.2006, No. 112882/25.08.2006, No. 112961/25.08.2006, 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, No. 111449/25.08.2006, No. 111068/25.08.2006, No. 111350/25.08.2006, No. 111294/25.08.2006, No. 111163/25.08.2006, No. 111096/25.08.2006, No. 111091/25.08.2006, No. 111130/25.08.2006, No. 111092/25.08.2006, No. 111421/25.08.2006, No. 114734/08.09.2006 |
| RMGC internal unique code | MMGA_1552 |
| Proposal | - there is no safety report available for the public disclosure and competent authorities assessment, in accordance with the legislation in force. |
| Solution | This claim is not true. The safety report was submitted together with the Environmental Impact Assessment (EIA) Report on May 18 th , 2006 and was available for public consultation at the locations where the EIA Report was submitted, both as hardcopy and in electronic form. The electronic copy of the report could be accessed both on the web page of the Ministry of Environment and Water Management, and on www.povesteaadevarata.ro . |