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ECONOMIC COMMISSION
FOR EUROPE

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14 April 2009

Mr. Eugen David
President, Alburnus Maior
Berk Street No.361
517615, Rosia Montana
Romania

Fax: + 40 258 859 328

Dear Mr. David,

**Re: Communication to the Aarhus Convention Compliance Committee
concerning decision-making on Rosia Montana gold mine
(Ref. ACCC/C/2005/15)**

At its twenty-third meeting, the Compliance Committee took note of a letter from the Government of Romania dated 6 February 2009 in relation to communication ACCC/C/2005/15 (Romania) providing comments on your letter of 7 November 2008. The Government's letter was forwarded to you by e-mail on 13 February 2009.

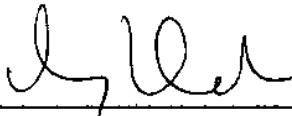
The letter from Alburnus Maior had informed the Committee about the planned revision of legislation on the environmental impact assessment (EIA) procedure which would have the effect of reducing public participation in the scoping stage of the procedure. The reply from the Party concerned maintained that the proposed legislation was not a normative act in force either at the time of the communication or at the present time. The Party concerned also assured the Committee that the concern expressed by the communicant would be taken into consideration in the final version of the Governmental Decision and that the public would have adequate opportunities to participate and to analyse and submit proposals/recommendations to the competent public authority. The Committee took note of this assurance and decided that no further action was required on its part at the present time on this issue.

The Compliance Committee also took note of a joint press release dated 19 March 2009 from your organization and the Independent Centre for the Development of Environmental Resources, stating that the Timisoara Court of Appeal had ruled that the Urbanistic Certificate 105/2007 had been suspended de jure. According to the press release, this decision was final and could not be appealed. It maintained that under Romanian law, the environmental licensing procedure for the Rosia Montana mine proposal could not recommence in the absence of a valid urbanistic certificate.

In light of this information, the Committee has agreed to conclude its consideration of communication ACCC/C/2005/15, i.e. to close the case, at its twenty-fourth meeting unless sufficient reasons to do otherwise come to light before then. It has mandated the secretariat to contact you giving an opportunity to comment on this proposed course of action. Please submit any such comments to the secretariat by 14 May 2009.

Should you have any questions with regard to the procedure, please do not hesitate to contact the secretariat.

Yours sincerely,



Jeremy Wates

Secretary

Convention on Access to Information, Public Participation in Decision-making
and Access to Justice in Environmental Matters

Cc: Ms. Angela Filipas, National Focal Point for the Aarhus Convention
Permanent Mission of Romania to the United Nations and other specialised
agencies in Geneva