

EIA Chronology of the Rosia Montana mine proposal

In December 2004, Rosia Montana Gold Corporation (RMGC) submitted the so-called 'Project Presentation Report' (PPR) together with a request for an environmental accord for the Rosia Montana gold mine proposal to the environmental authorities. This officially launched the EIA procedure for the Rosia Montana gold mine proposal.

Prior to the inception of the EIA procedure, roughly 120 NGOs and individuals from all over the world officially registered at the regional environmental protection agency to be 'consulted parties' during the Rosia Montana EIA procedure. Click [here](#) to access this list. According to Romania's relevant legislation one does not need to have territorial affinity to be a party in an EIA procedure.

Shortly after the submission of the PPR, several announcements were published in the Romanian media and on the environmental authorities' websites. However the environmental authorities failed to notify any of the consulted parties.

Albeit this omission, roughly [seven thousand people](#) subsequently sent contestations/ comments/ observations on the PPR to the ministry for the Environment. This also included 'Alburnus Maior.' Click [here](#) if you want to read the contestation.

Given the size of the mining proposal and its potential transboundary impact, the Romanian environmental authorities notified potentially affected neighboring countries to participate in the EIA procedure as stipulated in the [ESPOO Convention](#) on a transboundary EIA. Of all countries notified, Hungary accepted the notification and thus became a party in the EIA procedure.

Thereafter, the Romanian authorities initiated the so-called scoping stage of the EIA procedure. Scoping is perhaps the most important stage of an EIA procedure, as it aims to point out the contents and extent of the environmental information to be submitted to the competent authority under the EIA procedure. In all forms of scoping, consultations with environmental authorities, other interested parties and the public forms an important part of the process. Consultations help ensure that all the impacts, issues concerns alternatives and mitigations which interested parties believe should be considered in the EIA are addressed. In light of the fact that the scoping stage was carried out in absence of any public consultations. 'Alburnus Maior' and 36 further NGOs and individuals submitted a contestation to the ministry for the Environment asking it to restart the scoping stage; this time ensuring public participation. Click [here](#) if you want to read the scoping stage contestation. The petition included a [list of well motivated questions](#) for the ministry to include in the official scoping list.

The ministry for the Environment ignored these questions and concerns. 'Alburnus Maior' subsequently initiated an official complaint at the Aarhus Compliance Committee. The case is ongoing; click [here](#) to access the complaint's chronology. By comparison, in Hungary the Hungarian ministry for the Environment invited the public to submit questions for the scoping list and included them in a [list](#) that comprises roughly 60 questions.

The result of the scoping procedure was a so-called scoping list. It comprises questions

and standards which the EIA report should address and meet. Click [here](#) if you want to access the scoping list submitted to RMGC.

In the presence of Stavros Dimas, the European Commissioner for the Environment, Romania's Minister for the Environment announced in April 2006 that the EIA procedure for the Rosia Montana gold mine proposal is suspended due to the suspension of RMGC's urbanistic certificate 68/ 20.08.2004. In April 2006, RMGC obtained a new urban certificate from the Alba County Council, No. 78/ 26.04.2006. The new act contains significant modifications in comparison with the previous urbanistic certificate and the PPR. The most important change is that no tailings pond and dam are proposed for construction. Several NGOs thus requested the ministry for the Environment to confirm that the new urbanistic certificate is incompatible with RMGC's request for an environmental accord and to therefore reject it. Click [here](#) to access the NGOs request. 'Alburnus Maior' and the 'Centre for Legal Resources' subsequently initiated a legal procedure to oblige the ministry for the Environment to reject RMGC's request for an environmental accord.

On 15 May 2006, RMGC submitted the Environmental Impact Assessment Study Report for the "Rosia Montana Project" to the Ministry for the Environment. The ministry accepted the report and on 5. June 2006 announced the inception of the Public Consultation Procedure.

Although the 'Save Rosia' campaign considers the EIA procedure for the Rosia Montana mine proposal to be illegal, it duly analyzed the EIA report. This resulted in the drafting of an initial [Contestation](#) which any interested person was able to send to Romania's Minister for the Environment until 25 August 2006.

On 6 August 2006 numerous Romanian NGOs and citizens wrote an [Open Letter](#) to their Minister for the Environment and the Minister for European Integration highlighting the fact that the consultations are not used to inform the public about the impact and risks associated with the mine development but instead are a disingenuous public relations approach organized by RMGC. This letter also included several [declarations](#) made by members of the interested public who tried to consult the EIA Report in the locations indicated on the ministry for the Environment's website at www.mmediu.ro and felt that there were several important shortcomings regarding the documentations' accessibility.

On 24 August 2006, Alburnus Maior released an [independent expert analysis](#) of the Rosia Montana EIA report. It was hand-delivered to Romania's Ministry for the Environment as Alburnus Maior's official contestation on the same day. Relevant field trips by the experts for the analysis and visits to Rosia Montana commenced in late May 2006, although it should be noted that a significant number of the expert authors have been visiting Rosia Montana on a regular basis since at least 2003. Whilst numerous contributions were made on a pro-bono basis, grants made by the Staples Trust/ and 's Open Society Foundation (see www.fsd.ro) covered for the remaining studies.

"[Watch your Back](#) ... How Romania's environmental authorities are illegally fast-tracking the licensing procedure for the Rosia Montana gold mine proposal" is the title of a communiqué released by Alburnus Maior on 12 October 2006. It shows how the relevant environmental authorities are taking decisions regarding the gold mine proposal without applying the legal procedures governing the granting of environmental permits. In a

[contestation](#) addressed to the relevant environmental authorities, 17 Romanian environmental NGOs show that these decisions are taken to avoid lengthy and costly consultations with the Romanian and Hungarian public and their authorities.

The environmental protection agency subsequently changed its [decision](#) regarding the licensing procedure for the Urbanistic Zonal Plan of the Rosia Montana Industrial Development Area; now requesting the application of the so-called Strategic Environmental Assessment (SEA). This procedure is as complex and lengthy as the EIA procedure for the Rosia Montana project; launched in December 2004. It will include consultations with neighboring potentially affected countries; as stipulated in the [SEA Directive](#) and the [Espoo Convention](#).

On 1 February 2007, Romania's ministry for the environment released the list to the Rosia Montana project owner that contains the comments and suggestions that resulted from the Rosia Montana public consultation procedure and written comments/suggestions sent by the public. The project owner will need to answer these questions in a Annex to the EIA report. Alburnus Maior and Greenpeace conducted an analysis which concludes that the list contains significant and serious logical, mathematical and procedural errors. Click [here](#) to find out what is wrong with the list.

On 1 March 2007 Romania's ministry for the Environment released the so-called [IGIE-Rosia Montana report](#). This report was compiled for an Ad Hoc Committee on Rosia Montana, which in return was set up by the Hungarian and Romanian ministries for the Environment. Both ministries also released a [common statement](#) to explain the role of the IGIE report in the overall Rosia Montana environmental licensing procedure. Alburnus Maior commissioned Dr. Robert Moran to conduct an independent expert assessment of the IGIE report. Click [here](#) to access this document.

In May 2007 the Ministry for the Environment published on their website – www.mmediu.ro – the answers given by Gabriel Resources to the concerns raised during the public consultation period. A total of 21425 people, organizations and municipalities from and abroad submitted comments, suggestions and contestations during this process. Gabriel Resources' replies are presented in the form of a so-called '[Annex to the EIA Report](#)' (Annex). After a careful analysis of the Annex, Alburnus Maior has published a [collection of replies and opinions](#) to it. These were submitted to the ministry for the Environment with a request to recommend the government to reject an environmental accord.

On 21 July 2007 the Cluj Tribunal [suspended](#) urbanistic certificate No. 78/ 26.04.2006 granted to RMGC by the Alba County Council to continue the EIA procedure. The suspension request which had been formulated by the Independent Centre for the Development of Environmental Resources (CIDRM), proved the urgency of the measure because of the irreversible damages that the administrative act would provoke. The suspension is valid until the final solution of the main court action introduced by CIDRM against the Alba County. CIDRM subsequently notified the ministry for the Environment about the courts decision in order for it to cease the EIA procedure while the suspension of the urbanistic certificate is active.

On 9th August 2007 CIDRM and Alburnus Maior again [notified](#) the ministry for the Environment; this time drawing to the serious irregularities apparent in the EIA

procedure. The NGOs requested the ministry for the Environment to put a halt to the environmental licensing procedure. The notification shows amongst others that the [new urbanistic certificate](#) (No.105/27.07.2007) obtained in early August 2007 by RMGC from the Alba County Council and submitted to the ministry for the Environment is invalid because it is affected by the same measures of its [preceeding urbanistic certificate](#) held by RMGC and suspended by the Cluj Tribunal.

On 13 September 2007 Romania's ministry for the Environment [announced](#) that the entire authorization procedure for the Rosia Montana mining proposal has been halted for an unlimited period due to the fact that the urbanistic certificate presented by RMGC is null from a legal point of view. The [reason](#) for considering that the urbanistic certificate is null is a recent change in Romania's Administrative Litigation Law which stipulates that an act similar to a previous annulled one is suspended until the courts have issued a final judgement. The EIA procedure can not continue in absence of a valid urbanistic certificate.

On 23 January 2008 the Alba Court of Appeal irrevocably judged that the July 2002 Rosia Montana Local Council decision which approved new urbanistic Plans is illegal. The plan has turned Rosia Montana into a mono-industrial area, exclusively reserved for Gabriel's proposal. The Alba Court of Appeal's decision will in future lead to the annulment of urbanistic certificate 68/2004 which was granted by the Alba County Council to RMGC and oblige the ministry for the Environment to return to the project owner the entire documentation together with the request to obtain an environmental accord. This means that in the event that RMGC does not abandon its project intention it will need to re-start and re-do the entire authorisation process for the project. This includes finding a modality to obtain a new mining license for the Rosia Montana perimeter. Judging by the time RMGC needed to get this far in the authorisation procedure, this may take as much as 10 years in time.

On 6 February 2008 Romania's Minister for the Environment, Attila Korodi and State Secretary Silviu Stoica declared that they had been taken to court by RMGC given that the company is unhappy about the institution's decision to interrupt the authorisation procedure for their mine proposal. According to the action registered at the Bucharest Court of Appeal RMGC wishes for the Rosia Montana EIA procedure to be taken up again and wants to obtain damages in the amount of 100000 Euro.

On 7 February 2008, Alburnus Maior and the 'Independent Centre for the Development of Environmental Resources' (ICDER) released a [communiqué](#) regarding RMGC's legal action against the Ministry for the Environment and announced that the two NGOs will intervene in the court case to support of the ministry's decision to halt the EIA procedure. During February 2008, numerous Romanian NGOs made statements declaring that they, too would intervene in the court case that will be judged by the Bucharest Court of Appeal. In an [open letter](#) to the Minister for the Environment dated 18 February 2007, 17 Romanian environmental NGOs announced their support for the ministry's decision to halt the EIA procedure and declared that they would continue to use all legal and civic means to ensure that the authorisation process for the Rosia Montana proposal fully respects all relevant legislation.

Save Rosia Montana !