

ALBURNUS MAIOR
Rosia Montană
W O R K I N G F O R

Minister Sulfina Barbu
Ministry for the Environment and Water Management
Blvd. Libertatii Nr.12
Sector 5
Bucharest
Romania.

Rosia Montana, Romania
7. December 2006

Dear Madam Minister
Dear Mrs Sulfina Barbu,

Please find attached a contestation signed by 13 non-governmental organizations. It refers to the official minutes compiled and endorsed by representatives of Romanian environmental protection authorities during the public debates organized on Romania's territory on the Rosia Montana EIA report.

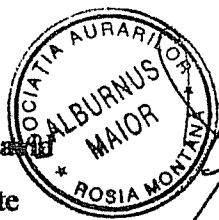
This letter is submitted to you as a petition according to Law 233/2002. Each undersigned anticipates a reply within the official deadline of 30 days after the petitions' registration at your office.

Yours sincerely,

Eugen Dănilă

Presedinte

Asociatia *Alburnus Maior*



Cc: APM Alba, APM Cluj, APM Hunedora, APM Arad, ARPM Cluj, ARPM Sibiu, ARPM Bucuresti, Garda Nationala de Mediu, Hegyi Gyula MEP, Anne Burrill si Stavros Dimas.

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Dear Madam Minister
Dear Mrs Sulfina Barbu,

Contestation

It is with deep concern that we, members of civil society, individuals and non-governmental organizations who participated in the public debates for the Rosia Montana EIA report, haven't taken notice that the Ministry for the Environment's official minutes of the respective public hearings are not according to the audio and audio-visual recordings of the debates and thus do not provide a true record of what took place.

Following an official request of information, a total of 16 official minutes were sent by the Ministry for the Environment to 'Alburnus Maior' and its partner organization the 'Independent Center for the Development of Environmental Resources' on 9.11.2006. 14 of them refer to public debates organized on Romanian territory between 24.07 – 25.08 2006. They are signed by representatives of Romanian environmental protection authorities, who are Romanian public servants. 2 of the official minutes refer to public debates organized on Hungarian territory between 28.08 – 29.08.2006. They are signed by representatives of the Hungarian environmental protection authorities. All 16 minutes can be accessed on http://www.rosiamontana.ro/EIA_MINUTES/.

The ministry for the Environment's official minutes of the public consultations organized on Romanian territory are not according to the audio and audio-visual recordings of the hearings and thus do not provide a true record of what took place. They are also different from the transcripts released by the project owner. The difference is so significant that the ministry's official minutes are a serious distortion of the discussions, questions, comments and issues raised by the participants during the public hearings. Reading the ministry's minutes it is impossible for a reader to follow a coherent line of argument. Unrelated but still interesting to note is that the discrepancy is particularly apparent in the discourses of people critical towards the Rosia Montana EIA report.

The ministry's minutes are clearly not according to the events' audio and audio-visual recordings. A comparative analysis of the ministry's minutes with the audio and audio-visual recordings of the same events gives rise to the following scenarios:

- questions raised were not written down (see for example [http://www.rosiamontana.ro/Transcripts/Annex1.Turda SoranaOlaru_engl.pdf](http://www.rosiamontana.ro/Transcripts/Annex1.Turda_SoranaOlaru_engl.pdf); under the name Sorana Olaru);
- comments were summarized beyond recognition (see for example [http://www.rosiamontana.ro/Transcripts/Annex2.Cluj SuzanaFuia_engl.pdf](http://www.rosiamontana.ro/Transcripts/Annex2.Cluj_SuzanaFuia_engl.pdf), under the name Suzana Fuia)
- comments were „shortened” in such manner that their essential part of it is missing (see for example [http://www.rosiamontana.ro/Transcripts/Annex3.Rosia LuminitaDejeu_engl.pdf](http://www.rosiamontana.ro/Transcripts/Annex3.Rosia_LuminitaDejeu_engl.pdf), under the name Luminita Dejeu or [http://www.rosiamontana.ro/Transcripts/Annex4.Rosia DanCraioveanu_engl.pdf](http://www.rosiamontana.ro/Transcripts/Annex4.Rosia_DanCraioveanu_engl.pdf), under the name Dan Craioveanu).

For a fast and immediate understanding of the discrepancies between the ministry's official minutes and the actual hearings, we allow ourselves to attach transcripts made from audio-recordings of the consultations for the above-mentioned contributions. Please compare them with the relevant paragraphs from the ministry's official minutes. The second example mentioned above (Suzana Fuia) contains a further element we consider relevant. The participant specifically asked for a written reply to her questions. However, these questions are not even taken down in the ministry's official minutes.

Whilst the above are examples to show the manner in which the ministry's minutes are different from the actual hearings, there exists a multitude of additional cases mainly falling into one of the above categories. Upon request we would be happy to submit these.

The above are grave errors; not at least if the list of questions, comments and issues raised by the interested public to which the project owner needs to reply in an Annex to the EIA report has been drawn up based on the ministry's official minutes rather than on transcripts of the hearings.

Just like any other similar proposal, the Rosia Montana EIA procedure is not a mere formality of approval. It is a procedure by which the public exercises its right to participate in decision-making by contributing with concerns, questions, and statements etc. Their input aims to help the authorities to reach a good and democratic decision. In comparison to the minutes compiled and endorsed by Hungarian environmental authorities, the minutes compiled and endorsed by Romanian environmental authorities show that no effort was made to adequately record the voices of the concerned public.

Last but not least, the officials from the Romanian Ministry for the Environment responsible for compiling and endorsing the minutes have essentially committed an act of injustice which may well meet the constitutive elements of forging official documents.

In light of the above, the undersigned request the Ministry for the Environment and Water Management:

- to confirm that the ministry's official minutes are not the source for drawing up the list of questions that resulted from the public hearings
- to publish the Ministry for the Environment's transcripts for all the public hearings for the Rosia Montana EIA report
- to publish a summary table of all written comments, questions and statements received by the Ministry for the Environment with regards to the Rosia Montana EIA report
- not to proceed with the sending of the list of questions to the project owner if indeed the ministry's official minutes have been the source for the questions resulting from the public hearings
- if the ministry's official minutes have been the source for the questions resulting from the public hearings and in the event that the list of questions has already been sent to the Rosia Montana project owner; to retrieve it and to make a new questionnaire; this time listing comments/questions/statements extracted from the public hearing's transcripts
- to sanction the officials responsible for compiling and endorsing the official minutes
- to name the officials and/or experts responsible for the drawing up of the list of questions to which the project owner has to reply to in an Annex of the EIA report

This letter is submitted to you as a petition according to Law 233/2002. Each undersigned anticipates a reply within the official deadline of 30 days after the petitions' registration at your office.

Yours truly,

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cc. EPA Alba, EPA Cluj, EPA Hunedora, EPA Arad, REPA Cluj, REPA Sibiu, NEPA Bucharest, National Environmental Guard, Hegyi Gyula MEP, Anne Burrill and Stavros Dimas.