

The Government of Romania
Ministry of Environment and Climate Change
Secretary of State Cabinet

Reg no. 10.539/MF/25.02.2014

To: Ministry of Foreign Affairs
To the attention of: Mr. Răzvan - Horațiu RADU, Government Agent for
Court of Justice of the European Union
Concerning: Request of information from the European Commission regarding the application of art. 4 (7) and art. 4 (8) of the Water Framework Directive for the Roșia Montană Project

Dear Sir, Undersecretary of State,

Following the meeting with representatives of the European Commission's Infringement Unit, which took place on February 14th, 2014 we are sending you the information requested by the European Commission regarding the application of art. 4 (7) and art. 4 (8) of the Water Framework Directive for the Roșia Montană Project:

According to the provisions of the Water Law no. 107/1996, as subsequently amended and supplemented, the provisions of Directive 2000/60 / EC establishing a framework for Community policy on water (the Water Framework Directive) were transposed into Romanian legislation, the responsibility for its implementation lies with the "Apele Romane" National Administration. In this respect, any project to be executed on water or related to water must obtain a water management permit, issued on the basis of a documentation elaborated according to the legal norms, by the National Administration "Apele Române". This permit sets out all the conditions related to the use and protection of waters, including those relating to the achievement and / or observance of the objectives of the Water Directive and eventual application of the exceptions provided in Art. 4 (7), in the conditions of art. 4 (8). Up to now, no documentation has been submitted to the Romanian Waters Administration for issuing the water management permit for the Roșia Montană Project.

The subject of applying art. 4 (7) and art. 4 (8) of the Water Framework Directive was also discussed at the meetings of the Technical Analysis Committee (CAT) set up for the Roșia Montană mining project. The authorities requested additional information to allow detailed analysis of the application of Art. 4 (7) and 4 (8), but this information has not yet been received.

To the extent that the Roșia Montană project will remain with the technical solution submitted to the Technical Analysis Committee, we consider that for the issuance of the water management opinion it is necessary to analyze the compliance with the conditions for the application of Art. 4 (7) and art. 4 (8).

Sincerely,

STATE SECRETARY
Mihail Fâcă