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THE EUROPEAN UNION**

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ADD 7**

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**ELARG 119
ACCTR 18**

PUBLIC

NOTE

from :	Council Secretariat
to :	Delegations

No. prev. doc:	5550/05 + ADD 1-20 ELARG 2 ACCTR 24
No. Cion prop.:	13082/06 ADD 18 ELARG 98 ACCTR 2

Subject :	Draft Council Regulation adapting certain Regulations and decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania: Section 11 of the Annex
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Delegations will find in Annex section 11 of the Annex to the above-mentioned draft Council Regulation as it emerged from the Working Party on Enlargement and Countries Negotiating Accession to the EU. This text will now be submitted to the lawyer-linguists for legal-linguistic revision with a view to its subsequent submission to the Permanent Representatives' Committee and to Council for adoption.

11. COOPERATION IN THE FIELDS OF JUSTICE AND HOME AFFAIRS

A. JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS

1. 32000 R 1346: Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (OJ L 160, 30.6.2000, p. 1), as amended by:

- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 33),
- 32005 R 0603: Council Regulation (EC) No 603/2005 of 12.4.2005 (OJ L 100, 20.4.2005, p. 1),
- 32006 R 0694: Council Regulation (EC) No 694/2006 of 27.4.2006 (OJ L 121, 6.5.2006, p. 1).

(a) The following is added to Article 44(1):

"(x) the Convention between Socialist Republic of Romania and the Hellenic Republic on legal assistance in civil and criminal matters and its Protocol, signed at Bucharest on 19 October 1972;

(y) the Convention between Socialist Republic of Romania and the French Republic on legal assistance in civil and commercial matters, signed at Paris on 5 November 1974;

- (z) the Agreement between the People's Republic of Bulgaria and the Hellenic Republic on Legal Assistance in Civil and Criminal Matters, signed at Athens on 10 April 1976;
 - (aa) the Agreement between the People's Republic of Bulgaria and the Republic of Cyprus on Legal Assistance in Civil and Criminal Matters, signed at Nicosia on 29 April 1983;
 - (ab) the Agreement between the Government of the People's Republic of Bulgaria and the Government of the French Republic on Mutual Legal Assistance in Civil Matters, signed at Sofia on 18 January 1989;
 - (ac) the Treaty between Romania and the Czech Republic on judicial assistance in civil matters, signed at Bucharest on 11 July 1994;
 - (ad) the Treaty between Romania and Poland on legal assistance and legal relations in civil cases, signed at Bucharest on 15 May 1999"
- (b) In Annex A, the following is inserted between the entries for Belgium and the Czech Republic:

"БЪЛГАРИЯ

– Производство по несъстоятелност"

and, between the entries for Portugal and Slovenia:

"ROMÂNIA

– Procedura reorganizării judiciare și a falimentului"

- (c) In Annex B, the following is inserted between the entries for Belgium and the Czech Republic:

"БЪЛГАРИЯ

- Производство по несъстоятелност"

and, between the entries for Portugal and Slovenia:

"ROMÂNIA

- Faliment"

- (d) In Annex C, the following is inserted between the entries for Belgium and the Czech Republic:

"БЪЛГАРИЯ

- Назначен предварително временен синдик
- Временен синдик
- (Постоянен) синдик
- Служебен синдик"

and, between the entries for Portugal and Slovenia:

"ROMÂNIA

- Administrator (judiciar)
- Lichidator (judiciar)"

2. 32001 R 0044: Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12, 16.1.2001, p. 1), as amended by:

- 32002 R 1496: Commission Regulation (EC) No 1496/2002 of 21.8.2002 (OJ L 225, 22.8.2002, p. 13),
- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 33),
- 32004 R 1937: Commission Regulation (EC) No 1937/2004 of 9.11.2004 (OJ L 334, 10.11.2004, p. 3),
- 32004 R 2245: Commission Regulation (EC) No 2245/2004 of 27.12.2004 (OJ L 381, 28.12.2004, p. 10).

(a) The following is added to Article 69:

- "– the Convention between Bulgaria and Belgium on certain Judicial Matters, signed at Sofia on 2 July 1930,
- the Agreement between the People's Republic of Bulgaria and the Federative People's Republic of Yugoslavia on Mutual Legal Assistance, signed at Sofia on 23 March 1956, still in force between Bulgaria and Slovenia,

- the Treaty between the People's Republic of Romania and the People's Republic of Hungary on Legal Assistance in Civil, Family and Criminal Matters, signed at Bucharest on 7 October 1958;
- the Treaty between the People's Republic of Romania and the Czechoslovak Republic on Legal Assistance in Civil, Family and Criminal Matters, signed at Prague on 25 October 1958, still in force between Romania and Slovakia,
- the Agreement between the People's Republic of Bulgaria and the Romanian People's Republic on Legal Assistance in Civil, Family and Criminal Matters, signed at Sofia on 3 December 1958,
- the Treaty between the People's Republic of Romania and the Federal People's Republic of Yugoslavia on Legal Assistance, signed at Belgrade on 18 October 1960 and its Protocol, still in force between Romania and Slovenia,
- the Agreement between the People's Republic of Bulgaria and the Polish People's Republic on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, signed at Warsaw on 4 December 1961,
- the Convention between the Socialist Republic of Romania and the Republic of Austria on Legal Assistance in Civil and Family law and the Validity and Service of Documents and its annexed Protocol, signed at Vienna on 17 November 1965,
- the Agreement between the People's Republic of Bulgaria and the Hungarian People's Republic on Legal Assistance in Civil, Family and Criminal Matters, signed at Sofia on 16 May 1966,

- the Convention between the Socialist Republic of Romania and the Hellenic Republic on Legal Assistance in Civil and Criminal Matters and its Protocol, signed at Bucharest on 19 October 1972,
- the Convention between the Socialist Republic of Romania and the Italian Republic on Judicial Assistance in Civil and Criminal Matters, signed at Bucharest on 11 November 1972,
- the Convention between the Socialist Republic of Romania and the French Republic on Legal Assistance in Civil and Commercial Matters, signed at Paris on 5 November 1974,
- the Convention between the Socialist Republic of Romania and the Kingdom of Belgium on Legal Assistance in Civil and Commercial Matters, signed at Bucharest on 30 October 1975,
- the Agreement between the People's Republic of Bulgaria and the Hellenic Republic on Legal Assistance in Civil and Criminal Matters, signed at Athens on 10 April 1976,
- the Agreement between the People's Republic of Bulgaria and the Czechoslovak Socialist Republic on Legal Assistance and Settlement of Relations in Civil, Family and Criminal Matters, signed at Sofia on 25 November 1976,
- the Convention between the Socialist Republic of Romania and the United Kingdom of Great Britain and Northern Ireland on Legal Assistance in Civil and Commercial Matters, signed at London on 15 June 1978,
- the Additional Protocol to the Convention between the Socialist Republic of Romania and the Kingdom of Belgium on Legal Assistance Civil and Commercial Matters, signed at Bucharest on 30 October 1979,

- the Convention between the Socialist Republic of Romania and the Kingdom of Belgium on Recognition and Enforcement of Decisions in Alimony Obligations, signed at Bucharest on 30 October 1979,
- the Convention between the Socialist Republic of Romania and the Kingdom of Belgium on Recognition and Enforcement of Divorce Decisions, signed at Bucharest on 6 November 1980,
- the Agreement between the People's Republic of Bulgaria and the Republic of Cyprus on Legal Assistance in Civil and Criminal Matters, signed at Nicosia on 29 April 1983,
- the Agreement between the Government of the People's Republic of Bulgaria and the Government of the French Republic on Mutual Legal Assistance in Civil Matters, signed at Sofia on 18 January 1989,
- the Agreement between the People's Republic of Bulgaria and the Italian Republic on Legal Assistance and Enforcement of Decisions in Civil Matters, signed at Rome on 18 May 1990,
- the Agreement between the Republic of Bulgaria and the Kingdom of Spain on Mutual Legal Assistance in Civil Matters, signed at Sofia on 23 May 1993,
- the Treaty between Romania and the Czech Republic on Judicial Assistance in Civil Matters, signed at Bucharest on 11 July 1994,
- the Convention between Romania and the Kingdom of Spain on Jurisdiction, Recognition and Enforcement of Decisions in Civil and Commercial Matters, signed at Bucharest on 17 November 1997,

- the Convention between Romania and the Kingdom of Spain – complementary to the Hague Convention relating to civil procedure law (Hague, 1 March 1954), signed at Bucharest on 17 November 1997,
- the Treaty between Romania and the Republic of Poland on Legal Assistance and Legal Relations in Civil Cases, signed at Bucharest on 15 May 1999"

(b) In Annex I, the following is inserted between the entries for Belgium and the Czech Republic:

"– in Bulgaria: Article 4(1), of the International Private Law Code,"

and, between the entries for Portugal and Slovenia:

"– in Romania: Articles 148-157 of Law No. 105/1992 on Private International Law Relations,"

(c) In Annex II, the following is inserted between the entries for Belgium and the Czech Republic:

"– in Bulgaria, the *"Софийски градски съд"*

and, between the entries for Portugal and Slovenia:

"– in Romania, the *"Tribunal"*,"

- (d) In Annex III, the following is inserted between the entries for Belgium and the Czech Republic:

"— in Bulgaria, the "*Апелативен съд - София*"

and, between the entries for Portugal and Slovenia:

"— in Romania, the "*Curte de Apel*". "

- (e) In Annex IV, the following is inserted between the entries for Belgium and the Czech Republic:

"— in Bulgaria, "*обжалване пред Върховния касационен съд*"

and, between the entries for Portugal and Slovenia:

"— in Romania, a "contestatie in anulare" or a "revizuire". "

B. VISA POLICY

1. 31995 R 1683: Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1), as amended by:

- 32002 R 0334: Council Regulation (EC) No 334/2002 of 18.2.2002 (OJ L 53, 23.2.2002, p. 7),
- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 33).

In the Annex, point 3 is replaced by the following:

"3. The logo consisting of a letter or letters indicating the issuing Member State (or "BNL" in the case of the Benelux countries, namely Belgium, Luxembourg and the Netherlands) with a latent image effect shall appear in this space. This logo shall appear light when held flat and dark when turned by 90°. The following logos shall be used: A for Austria, BG for Bulgaria, BNL for Benelux, CY for Cyprus, CZE for the Czech Republic, D for Germany, DK for Denmark, E for Spain, EST for Estonia, F for France, FIN for Finland, GR for Greece, H for Hungary, I for Italy, IRL for Ireland, LT for Lithuania, LVA for Latvia, M for Malta, P for Portugal, PL for Poland, ROU for Romania, S for Sweden, SK for Slovakia, SVN for Slovenia, UK for the United Kingdom."

2. 41999 D 0013: the definitive version of the Common Consular Instructions (SCH/Com-ex (99)) 13 (OJ L 239, 22.9.2000, p. 317), as adopted by Decision of the Executive Committee of 28 April 1999, have since been amended by the acts listed below. A revised version of the Common Consular Instructions containing those amendments and including other amendments made pursuant to the provisions of Council Regulation (EC) No 789/2001 of 24 April 2001 (OJ L 116, 26.4.2001, p. 2), has been published in OJ C 326, 22.12.2005, p. 1.

- 32001 D 0329: Council Decision 2001/329/EC of 24.4.2001 (OJ L 116, 26.4.2001, p. 32),
- 32001 D 0420: Council Decision 2001/420/EC of 28.5.2001 (OJ L 150, 6.6.2001, p. 47),
- 32001 R 0539: Council Regulation (EC) No 539/2001 of 15.3.2001 (OJ L 81, 21.3.2001, p. 1),
- 32001 R 1091: Council Regulation (EC) No 1091/2001 of 28.5.2001 (OJ L 150, 6.6.2001, p. 4),
- 32001 R 2414: Council Regulation (EC) No 2414/2001 of 7.12.2001 (OJ L 327, 12.12.2001, p. 1),
- 32002 D 0044: Council Decision 2002/44/EC of 20.12.2001 (OJ L 20, 23.1.2002, p. 5),
- 32002 R 0334: Council Regulation (EC) No 334/2002 of 18.2.2002 (OJ L 53, 23.2.2002, p. 7),
- 32002 D 0352: Council Decision 2002/352/EC of 25.4.2002 (OJ L 123, 9.5.2002, p. 47),
- 32002 D 0354: Council Decision 2002/354/EC of 25.4.2002 (OJ L 123, 9.5.2002, p. 50),
- 32002 D 0585: Council Decision 2002/585/EC of 12.7.2002 (OJ L 187, 16.7.2002, p. 44),
- 32002 D 0586: Council Decision 2002/586/EC of 12.7.2002 (OJ L 187, 16.7.2002, p. 48),
- 32002 D 0587: Council Decision 2002/587/EC of 12.7.2002 (OJ L 187, 16.7.2002, p. 50),
- 32003 R 0693: Council Regulation (EC) No 693/2003 of 14.4.2003 (OJ L 99, 17.4.2003, p. 8),

- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties – Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 33),
- 32003 D 0454: Council Decision 2003/454/EC of 13.6.2003 (OJ L 152, 20.6.2003, p. 82),
- 32003 D 0585: Council Decision 2003/585/EC of 28.7.2003 (OJ L 198, 6.8.2003, p. 13),
- 32003 D 0586: Council Decision 2003/586/EC of 28.7.2003 (OJ L 198, 6.8.2003, p. 15),
- 32004 D 0014: Council Decision 2004/14/EC of 22.12.2003 (OJ L 5, 9.1.2004, p. 74),
- 32004 D 0015: Council Decision 2004/15/EC of 22.12.2003 (OJ L 5, 9.1.2004, p. 76),
- 32004 D 0016: Council Decision 2004/16/EC of 22.12.2003 (OJ L 5, 9.1.2004, p. 78),
- 32004 D 0017: Council Decision 2004/17/EC of 22.12.2003 (OJ L 5, 9.1.2004, p. 79),
- 32006 D 0440: Council Decision No. 2006/440/EC of 1.6.2006 (OJ L 175, 29.6.2006, p. 77).

The following adaptations are made to the Common Consular Instructions:

- (a) In Annex 1, part II, the following entries are deleted:

"BULGARIA",

"ROMANIA"

- (b) In Annex 2, the following entry is deleted from Schedule A:

"Romania"

(c) In Annex 2, the following entries are inserted in Schedule A:

"

	BG	RO
Albania	DS ²	D
Algeria		D
Angola		
Antigua and Barbuda		
Armenia	D	DS
Azerbaijan	DS	DS
Bahamas		
Barbados		
Belarus		DS
Benin		
Bosnia and Herzegovina	DS	DS
Botswana		
Burkina Faso		
Cambodia		
Cape Verde		
Central Africa		DS
Chad		
People's Republic of China	DS ³	DS
Colombia		DS
Congo		DS
Côte d'Ivoire		
Cuba		
Dominica		
Dominican Republic		
Ecuador		
Egypt		
Fiji		

Former Yugoslav Republic of Macedonia	DS ³	DS
Gabon		
Gambia		
Ghana		DS
Guinea		DS
Guyana		
Georgia	D ²	DS
India		
Iran	DS ³	D
Jamaica		
Jordan		D
Kazakhstan		DS
Kenya		
Kuwait		
Kyrgyzstan		DS
Laos		
Lesotho		
Malawi		
Maldives		
Morocco	DS	DS
Mauritania		DS
Moldova	DS	DS
Mongolia	DS	DS
Mozambique		
Namibia		
Niger		
North Korea	DS ²	
Pakistan		DS
Peru	DS	DS
Philippines		DS
Russian Federation	DS ²	DS

Samoa		
São Tomé and Príncipe		DS
Senegal		DS
Serbia and Montenegro	DS ³	
Seychelles		
Sierra Leone		DS
South Africa	DS	DS
Swaziland		
Tajikistan		DS
Tanzania		DS
Thailand		DS
Togo		
Trinidad and Tobago		
Tunisia		DS
Turkey	DS ^{2 3}	DS
Turkmenistan		DS
Uganda		
Ukraine	DS	DS
Uzbekistan		D
Vietnam	DS	DS
Yemen		
Zambia		D
Zimbabwe		

- (2) Holders of diplomatic and/or service passports who are accredited as members of the diplomatic or consular staff in the territory of Bulgaria shall be subject to visa requirements for their first entry, but shall be exempt from these requirements during the remainder of their assignment.
- (3) Holders of diplomatic and/or service passports who are not accredited as members of the diplomatic or consular staff in the territory of Bulgaria shall be exempt from visa requirement for a maximum period of thirty (30) days."

(d) In Annex 2, the following entries are inserted in Schedule B:

"

	BG	RO
Australia	X	
Chile		
Israel		
Mexico		
United States of America	X	

"

(e) In Part I of Annex 3, the footnote relating to Iran is replaced by the following:

"For Bulgaria, Germany and Cyprus:

the following persons shall be exempt from the ATV requirement:

- holders of diplomatic and service passports.

For Poland:

the following persons shall be exempt from the ATV requirement:

- holders of diplomatic passports."

(f) In Part II of Annex 3, the following entries are inserted in the list:

"

	BG	RO
Albania		
Angola	X	
Armenia		
Azerbaijan		
Burkina Faso		
Cameroon		
Congo		
Côte d'Ivoire		
Cuba		
Egypt		
Ethiopia		X
Gambia		
Guinea		
Guinea Bissau		
Haiti		
India		X
Jordan		
Lebanon		
Liberia	X	
Libya		
Mali		
North Korea		
Northern Marianas		

	BG	RO
Philippines		
Rwanda		
Senegal		
Sierra Leone		
Sudan	X	
Syria		
Togo		
Turkey		
Vietnam		

"

(g) In Annex 7, the following is inserted between the entries for Belgium and the Czech Republic:

"BULGARIA

According to the Aliens Act and its implementing Regulation, an alien wishing to enter for a short-term stay or to transit through the Republic of Bulgaria shall provide proof of possession of:

- sufficient financial means for daily subsistence in the Republic of Bulgaria - a minimum amount of 50 BGN per day or its equivalent in other currency;
- sufficient financial means for departure from the Republic of Bulgaria;

in cash, non-cash means of payment (e.g. credit card, cheque, etc.), tourist voucher or other credible proof. "

and, between the entries for Portugal and Slovenia:

"ROMANIA

Government Emergency Ordinance No. 194/2002 on the Regime of Aliens in Romania contains the following relevant provisions:

Article 6

"Entry on the Romanian territory may be permitted to aliens complying with the following conditions:

[...]

- c) they shall present, under the restrictions of this Emergency Ordinance, the documents that justify the purpose and conditions of their stay and which prove the existence of appropriate means both for their support during the interval of their stay, and for the return to the state of origin or for the transit to another state where there is the certainty that they shall be allowed to enter;

[...]."

Article 29(2)

"Cash in convertible currency, travellers cheques, cheque books over a foreign exchange bank account, credit cards with a statement of account dated no more than 2 days before the request of visa or any other method proving the existence of adequate financial resources may be accepted as a proof of financial means".

Article 35

"For obtaining the short-term visa at the Romanian diplomatic missions and consular offices, besides other conditions stipulated by law, aliens shall present proof of financial means of an amount of EUR 100/day or the equivalent value in convertible currency for the entire period of stay.

The fulfilment of this condition is required for the following types of short-term visa:

Tourism;

Visit;

Business;

Cultural, scientific, humanitarian activities, short-term medical treatment or other activities which do not infringe Romanian legislation."

(h) In the Annex to Annex 8, point 3 is replaced by the following:

"3. The logo consisting of a letter or letters indicating the issuing Member State (or "BNL" in the case of the Benelux countries, namely Belgium, Luxembourg and the Netherlands) with a latent image effect shall appear in this space. This logo shall appear light when held flat and dark when turned by 90°. The following logos shall be used: A for Austria, BG for Bulgaria, BNL for Benelux, CY for Cyprus, CZE for the Czech Republic, D for Germany, DK for Denmark, E for Spain, EST for Estonia, F for France, FIN for Finland, GR for Greece, H for Hungary, I for Italy, IRL for Ireland, LT for Lithuania, LVA for Latvia, M for Malta, P for Portugal, PL for Poland, ROU for Romania, S for Sweden, SK for Slovakia, SVN for Slovenia, UK for the United Kingdom."

3. 32001 R 0539: Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1), as amended by:
- 32001 R 2414: Council Regulation (EC) No 2414/2001 of 7.12.2001 (OJ L 327, 12.12.2001, p. 1),
 - 32003 R 0453: Council Regulation (EC) No 453/2003 of 6.3.2003 (OJ L 69, 13.3.2003, p. 10),
 - 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 33),
 - 32005 R 0851: Council Regulation (EC) No 851/2005 of 2.6.2005 amending Regulation (EC) No 539/2001 (OJ L 141, 4.6.2005, p. 3).

In Annex II(1), the following entries are deleted:

"Bulgaria",

"Romania".

C. MISCELLANEOUS

41994 D 0028: Decision of the Executive Committee of 22 December 1994 on the certificate provided for in Article 75 to carry narcotic drugs and psychotropic substances (SCH/Com-ex (94) 28 rev.) (OJ L 239, 22.9.2000, p. 463), as amended by:

- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 33).

In Annex II, the following is inserted between the entries for Belgium and the Czech Republic:

"BULGARIA:

Ministry of Health
5, Sveta Nedelia Square
Sofia 1000
Tel: + 359 2 930 11 52
Fax: + 359 2 981 18 33"

and, between the entries for Portugal and Slovenia:

"ROMANIA

General Pharmaceutical Directorate
Ministry of Health
Strada Cristian Popisteanu nr. 1-3
Bucharest Sector 3
Tel : +40 21 307 25 49
Fax: +40 21 307 25 48".