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## **Economic Commission for Europe**

Inland Transport Committee

**Working Party on Customs Questions affecting Transport**

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Item 3 (d) of the provisional agenda

**Activities of other organizations and countries of interest  
to the Working Party: World Customs Organization**

### **Report of the 13th meeting of the administrative committee for the Customs Convention on Containers, 1972**

**Transmitted by the World Customs Organization**



Administrative Committee for  
the Customs Convention on  
Containers, 1972

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13<sup>th</sup> Meeting  
-

Brussels, 14 May 2012.

**REPORT OF THE 13<sup>TH</sup> MEETING OF THE ADMINISTRATIVE COMMITTEE FOR  
THE CUSTOMS CONVENTION ON CONTAINERS, 1972**

**(14 - 15 MAY 2012)**

1. The Administrative Committee for the Customs Convention on Containers, 1972, held its 13<sup>th</sup> Session in Brussels on the 14 and 15 May 2012 under the Chairmanship of Mr. Andy Badrick (New Zealand).
2. The following Contracting Parties were represented: Bulgaria, Canada, China, Czech Republic, Greece, Kazakhstan, New Zealand, Russian Federation, Serbia, Spain, Switzerland, Saudi Arabia; Turkey and United States.
3. In addition, the following Members were represented by Observers: Angola, European Union, Islamic Republic of Iran, Malaysia, Senegal, Thailand and United Kingdom.
4. The following international organizations were represented by Observers:  
International Container Bureau (B.I.C.)  
UNECE  
World Shipping Council (WSC)
5. The list of delegates is reproduced at Annex I to this Report.

**I. OPENING OF THE MEETING**

6. Mr. Zhu Gaozhang, Director, Compliance and Facilitation Directorate, opened the meeting and welcomed Delegates and Observers.
7. He stated that he was particularly pleased to see representatives from industry and other international organizations present and was looking forward to a productive meeting. The Director reminded the Committee that the Container Convention is an UNECE Convention which the WCO administers on their behalf. It provides temporary admission

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facilities for containers as well as technical conditions for containers for transport under customs seal. This latter feature, in particular, gives the Convention an important role in contributing to the security of the supply chain which is indeed recognized in the SAFE Framework of Standards.

8. One of the principal items for consideration is the finalized Handbook to the Container Convention which dates from 1988. The updating has taken a long time and the meeting was rescheduled to allow final discussion to take place between Members of the virtual group. The finalized product represents a good collaborative effort between Customs, industry and the UNECE.

## **II. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

9. Ms. Aigner informed delegates that the Committee last met in November 2010. There was no meeting in 2011 owing to a lack of Secretariat resources. However, the Convention requires that the Committee be held not less frequently than every two years, so this is an obligation.
10. Mr. Royals then spoke of the operation of the Administrative Committee itself i.e. quorum for the meeting. The Committee was advised that in the absence of relevant provisions in the Container Convention itself, the Rules of Procedure of the Customs Co-operation Council shall be applicable. It was these Rules of Procedure that referred to a quorum. There were fourteen contracting parties present so a quorum was not reached. However, Annex 7, Article 6 of the Container Convention allowed the Committee to adopt proposals other than amendments to the present Convention, if a majority of those present agreed. The Committee proceeded on that basis.
11. Ms. Aigner then informed the Committee that the working languages for the meeting would be English and French, but as is normal, the final report would also be made available in Spanish and Russian as required by UNECE rules.
12. Ms. Aigner also informed delegates that the Customs Convention on Containers, 1972 requires the Committee to elect a Chairperson and Vice Chairperson.
13. On the proposal of the delegate of US Customs and Border Protection and seconded by the delegate of China Customs, Mr. Andy Badrick from New Zealand was unanimously elected Chairperson of the Committee. As the meeting was only for one day, the Committee agreed to waive the requirement to elect a Vice Chairperson.

## **III. ADOPTION OF THE AGENDA**

14. The Chairperson thanked the Committee for electing him and added his welcome to all the Delegates and Observers to the meeting. He also gave his opinion on the question on the need for quorum for this meeting. He felt there is a need for Members of this meeting to discuss how best to ensure there is better participation by Contracting Parties to future meetings thus ensuring there is quorum.
15. The draft agenda, as set out in Doc. PB0041, was then introduced. An additional item was added in respect of the quorum. And the Agenda was adopted.

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#### **IV. UPDATING OF THE HANDBOOK: FINAL VERSION**

##### Background

16. The Secretariat reminded the Committee that the updating of the Container Convention Handbook had last been carried out in 1988. Therefore, in 2004, the 7<sup>th</sup> Meeting of the Administrative Committee had agreed to thoroughly update it in order to reflect changes in the Customs environment and in international trade.
17. Furthermore, the Secretariat recalled that to carry out this task, a Virtual Group had been formed and comprised the Customs Administrations of Australia, the United States, Canada and New Zealand, as well as the International Container Bureau (BIC), UNECE, ISO and IRU. The Group had been composed to strike a good balance between Customs, the private sector and UNECE. Since the beginning of the work, the Virtual Group had made a lot of progress on updating the Handbook and this had been reported in several meetings of the Administrative Committee, although this task had been interrupted in 2008 due to lack of Secretariat resources, but was now finally complete.
18. Turning to the principal changes made to the Handbook, the Secretariat stated that the updated text of the actual Convention was now included in the Handbook which took into account the two amendments that had been made to the Container Convention over recent years concerning the identification of containers using ISO Standard 6346 and provisions concerning sliding sheets.
19. Among other matters, the Secretariat provided information on the new section that had been incorporated in the Handbook, which included issues such a link to the SAFE Framework of Standards (FoS) regarding the seal container integrity programme as a baseline for container security, and container security technology to reflect current and future changes. It also reported on some minor editorial amendments that had to be made to the draft document.

##### Discussion

20. Referring to the outdated photo of a container on the cover page of the Handbook, the Representative of the World Shipping Council suggested that it be changed, given that an old image of a container would not best reflect the work that had been done in respect of updating the Handbook.
21. The Delegate of the European Union (EU) proposed that the approval of the Handbook on the Customs Convention on Containers, 1972 be deferred, basing its argument on the fact that there was a need for to make a further amendment in respect of ISO 6346.
22. The Secretariat suggested a compromise proposal that they would in any case be writing to all Contracting Parties on the issue of the amendment required in respect of ISO 6346. Further amendments would be made to the Handbook to reflect future revisions to the amendment in respect of ISO 6346.
23. The Delegate of the EU agreed to the Secretariat's proposal, subject to the inclusion of a footnote stating that the legal text of the Convention was under review, as well as recommendation for contracting parties. It was agreed that the footnote was to be added to Annex 1 of the Container Convention reproduced in the Container Handbook which will read. "The text of paragraph 1 is currently under review. In the interim it is

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recommended that Contracting Parties continue to grant temporary admission facilities for containers that meet the definition but may not be marked in accordance with ISO 6346 (Report of the 13<sup>th</sup> Meeting of the Administrative Committee for the Customs Convention on Containers, 1972.)”

### Conclusion

24. The Administrative Committee approved the revised Handbook on the Customs Convention on Containers, 1972, subject to some minor editorial amendments to the text, the use of a more appropriate cover photo and taking account of the concerns of the EU (refer to Item VII for the agreed text of the footnote).

## **V. ISO STANDARD 1496 AND THE CONTAINER CONVENTION**

### Background

25. Introducing this item, the Secretariat said that in November 2006 the Observer for the International Container Bureau (B.I.C.) informed the meeting that the Convention for Safe Containers (CSC) included a technical annex which laid down regulations for the safety of container operations that equated to ISO Standard 1496 on container strength and testing. This fact had given rise to a common procedure for the authorities: if a container was found to be designed and built in accordance with ISO 1496, it automatically qualified for approval under the CSC.
26. B.I.C suggested that a similar approach could be envisaged for Annex 4 to the Container Convention (Approval for transport under Customs seal). Thus, if a freight container had been designed, built and tested in accordance with ISO standard 1496; it would automatically be approved for the carriage of goods under Customs seal.
27. Since that time there has been much discussion in both the Container Convention Committee and the UNECE’s WP 30 Committee (the WCO administers the Customs Convention on Containers, 1972 on behalf of the UNECE and the TIR and Container Conventions share a common Annex in respect of the approval of containers for carriage under customs seal.)
28. The issue was most recently discussed again at the WP 30 meeting in February 2012; where B.I.C made a presentation, which focused, in particular, on the possible relationship between ISO Standard 1496 and Annex 4 of the Customs Convention on Containers, 1972 as well as Annex 7 of the TIR Convention, 1975. WP.30 was of the opinion that although it seems, at first glance, that ISO Standard 1496 also covers the Customs security aspects addressed in the technical annexes of both Conventions, further analysis is required in order to assess whether, indeed, containers certified in accordance with ISO Standard 1496 could automatically be considered as approved under the Container Convention or TIR Convention.
29. In addition the Secretariat said that a number of issues have emerged in ongoing discussions which should be borne in mind when discussing this issue.
- The possible discrepancy between the technical nature of ISO Standard 1496 and the aspects of Customs security as stipulated in Annex 4 to the Container Convention and Annex 7 of the TIR Convention

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- The issue of costs to obtain access to ISO 1496
- The fact that not all technical authorities competent for the approval of containers under TIR or the Container Convention may have access to or sufficient knowledge of ISO 1496 when checking for conformity
- The fact that ISO 1496 is a living standard which is reviewed every 5 years. Including a reference to a flexible standard decided by third parties into a rigid legal instrument may lead to complications in the future

Discussion

30. B.I C made a presentation on a possible link between ISO 1496/1 and the Container Convention which focused on provisions around door opening (chapter 5.7 of ISO 1496/1 ) and sealing location on containers (amendment 5 of ISO 1496/1) which they felt would be of greatest relevance to enhancing Container Security if incorporated into the Container Convention. The detailed presentation is available on the Members' website.
31. The Chairperson reminded delegates that the issue in hand was to decide whether to continue with this comparison or to maintain the status quo.
32. The Observer of the World Shipping Council felt that it would be appropriate to incorporate the totality of ISO 1496 into the Container Convention as business did not want Customs administrations imposing supplementary norms arbitrarily.
33. The Observer of the UNECE considered that it would not be sufficient to consider door opening being protected; there were other aspects such as there being no holes allowed in the outer walls of the container. These issues needed to be addressed before ISO 1496 could be considered for inclusion.
34. The Observer of the WSC re-iterated that it would be more logical to include the totality of ISO1496 in the Convention.
35. The Secretariat acknowledged the usefulness of the ISO provisions in respect of door opening and sealing location, which were already included as examples in the revised container Convention Handbook. However, they had been expecting a more detailed provision by provision comparison of Annex 4 and ISO 1496 in order to provide Customs with greater certainty on the suitability for Customs purposes
36. The Delegate of the EU considered that ISO 1496 did not equate with Annex 4 of the Container Convention and did not serve a useful purpose. The Delegate also confirmed that they spoke on behalf of those Members states of the EU that were Contracting Parties to the Container Convention.

Conclusion

37. The Meeting agreed to maintain the status quo, i.e. not to amend the Container Convention to include the provisions of ISO 1496.

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## **VI. DRAFT CCC RECOMMENDATION CONCERNING THE CUSTOMS TREATMENT OF CONTAINER SECURITY DEVICES (CSDS) AND ELECTRONIC SEALS (E-SEALS)**

### Background

38. The Secretariat gave a detailed presentation on Doc PB0044, explaining that at the 12<sup>th</sup> Meeting of the Administrative Committee of the Customs Convention on Containers delegates had agreed that it would be premature to draft a Recommendation at that time.
39. The Committee, furthermore, agreed to request the guidance of the PTC on the usefulness of drafting a CCC Recommendation concerning the Customs treatment of container security devices and electronic seals. This, request was submitted in March 2011.
40. Moreover, the Secretariat emphasized that in the first half of 2011, the Secretariat undertook a limited survey of WCO Members who were known to be using CSDs and e seals, based on earlier work by a private entity. The results of this survey, which are attached to the Doc PB0044, had shown that although only six countries responded to the survey there was a wide disparity of treatment in cases where the CSDs/e-seals were consigned separately, ranging from a simple oral declaration in certain cases to a written declaration and payment of duties and taxes.
41. The Secretariat considered that it would be worthwhile to pursue further the possibility of drafting a CCC Recommendation in order to simplify and harmonize the Customs procedural treatment of CSDs and similar equipment. However, if the Committee wished to pursue this issue some questions would need to be addressed such as what would be the scope of such a Recommendation and, how best to take it forward?
42. As a way forward the Secretariat suggested that one possibility would be to constitute a virtual group of interested parties to draft a Recommendation and submit it to the PTC in autumn 2012.

### Discussion

43. The Observers of the United Kingdom, European Union and, B.I.C supported the suggestion to form a virtual group. Additionally, the United Kingdom provided some suggestions on how the Recommendation could be drafted and underlined the urgency of this issue. The Observer of the EU felt that a definition of CSDs and e-seals should be drawn up.

### Conclusion

44. The Committee agreed with the creation of the virtual group which will draft a CCC Recommendation concerning the Customs treatment of container security devices and electronic seals to submit to the Autumn PTC. Other interested Members were encouraged to join the virtual group. The Secretariat would send an invitation to Contracting parties and Observers in the near future.

## **VII. AMENDMENT TO THE CONTAINER CONVENTION IN RESPECT OF THE MARKING OF CONTAINERS USING ISO STANDARD 6346**

### Background

45. The Secretariat introduced the issues in doc PB0045. At the 9<sup>th</sup> Meeting of this Committee in November 2006 an amendment to Annex 1 of the Container Convention was accepted concerning the marking of containers using ISO Standard 6346. Based on a proposal by the International Container Bureau (B.I.C), who indicated that this Standard was almost universally used for the identification of containers, the amendment was formally proposed to the Committee by Switzerland as a Contracting Party and it came into force on 20 July 2008.
46. In addition, the Convention on Temporary Admission (Istanbul Convention) contains identical provisions to those in Annex 1 of the Container Convention (in annex B3, Appendix II) in respect of the marking of containers. Given the need for a harmonized approach in both Conventions, an identical amendment was made to the Istanbul Convention which came into force on 16 January 2011.
47. At the Istanbul/ATA Administrative Committee meeting held from 22 -23 March 2012, the European Union, a Contracting Party to the Istanbul Convention, raised the issue that the amendment in legal terms implied that any container which fitted the definition of 'container' (In the Container Convention Article 1 (c) and Article 1c of Annex B3 in the Istanbul Convention.) would have to be marked in accordance with ISO 6346.
48. This causes a problem since ISO 6346 is intended to apply to maritime containers registered with B.I.C. In other sectors, for example in the air mode, IATA has its own system for marking Unit Load Devices (ULDs).
49. The potential result could be that non-maritime containers, not marked in accordance with ISO 6346 but fitting the definition of 'container', such as ULDs could be denied temporary admission. The Secretariat has not so far heard of actual cases where this has happened, but appropriate amendments need to be made to both Conventions to regularize the situation.
50. Following the Istanbul Committee, the European Union submitted a position paper to the Secretariat which was reproduced at Annex 2 to document PB0045. In this paper the EU proposes amendments to the Appendix II of the Annex B3 of the Istanbul Convention and the equivalent provision can be found in Annex 1 of the Customs Convention on Containers, 1972.
51. Clearly both Conventions must be amended to address the legal anomaly that has become apparent, and that process will take some time. The Secretariat proposed an interim course of action that can be found in doc PB0045.

### Discussion

52. The EU highlighted the two potential problems in respect of the marking of container using ISO standard 6346 i.e. what to do with containers that are not maritime containers e.g. IATA Unit Load Devices (ULD) and maritime containers which were used for the first time before a certain year. He further indicated the impact on containers not marked in accordance with 6346 would be that they cannot longer enjoy the benefits of temporary admission.

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53. The representative of B.I.C agreed that containers using IATA's system differ from the maritime container. He went on to provide examples of incidents that had occurred with containers not in compliance with ISO1496. Hence they have been making changes in relation to the text as required by this Committee as well as IMO's Convention on Safe Containers. He also added they have been very busy in registering companies who in the past have not registered their code.
54. The representative of WSC was of the opinion that two ocean carriers should not have to follow two different markings/standards. Where ISO standards are in place, these markings should be followed. The only containers that are not marked using 6346 markings are last voyage containers. He also suggested that instead of amending the Convention itself as proposed by the EU, an Opinion of the Committee should be drawn up to clarify that 6346 markings are only for maritime containers.

#### Conclusion

55. The Committee heard from several delegates regarding their views on the marking of containers using ISO standard 6346 and the EU's proposal.
56. The Committee agreed that Secretariat would write to Contracting Parties of both the Container and Istanbul Conventions, informing them of the issue and recommending that in the interim they continue to grant temporary admission facilities for containers that meet the definition, but may not be marked in accordance with ISO 6346.
57. It was agreed that a virtual group of interested Members (EU, Switzerland, B.I.C., WSC) will work to finalize a suitable text for both the Conventions. The text would include a deadline to allow operators time to achieve compliance with ISO 6346 or to use brand new containers already in compliance with ISO 6346. Other interested Members were encouraged to join the virtual group. The Secretariat would send an invitation to Contracting parties and Observers in the near future.
58. In the course of 2013, the virtual group will introduce these texts through both the Container Convention and Istanbul Convention Committees.
59. Lastly, the Committee agreed to the footnote that was to be added to Annex 1 of the Container Convention reproduced in the Container Handbook which will read "The text of paragraph 1 is currently under review". In the interim it is recommended that Contracting Parties continue to grant temporary admission facilities for containers that meet the definition but may not be marked in accordance with ISO 6346 (Report of the 13<sup>th</sup> Meeting of the Administrative Committee for the Customs Convention on Containers, 1972.)"

### **VIII. INTEGRATION OF THE CHECKING OF CONTAINER PREFIX REGISTRATIONS INTO CUSTOMS RISK ASSESSMENT SYSTEMS**

60. The Observer of B.I.C. made a brief presentation on the implementation of an interface between the BIC data base of registered container prefixes and the French customs risk assessment system. The test period had proved successful and B.I.C indicated they would be ready to implement this interface to any Customs service interested without charge. Further details could be obtained from Mr Bernard Geoffray [bge@bic-code.org](mailto:bge@bic-code.org)

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61. The Meeting took note of the presentation.

### **IX. OTHER BUSINESS**

#### **- ISO STANDARD 17712 – INTERIM RECOMMENDATIONS FOR APPLICATION**

62. The Administrative Committee was informed that the WCO Secretariat had received a communication from ISO Technical Committee 104 concerning the recent development in the implementation of ISO 17712 (high security mechanical seals) which is also mentioned in the SAFE Framework.
63. ISO reviews periodically its standards and the latest TC 104 revision included tests to detect tampering. The standard now requires compliant seals to pass three tests of tamper evidence which should be administered by an accredited third party testing laboratory. However, when the revised standard came into force the accredited laboratories refused to do the testing. As a result the seals that will be available for purchase will not be and cannot be in compliance with the current tamper evident requirement in the standard. In line with the problems encountered, the TC 104 had developed draft amendments to the standard with a view to having an official amendment to the ISO mechanical seal standard approved later this year.
64. TC 104 has produced interim recommendations in respect of tamper testing until the official amendment to the ISO standard is published. Members who have any questions regarding the issue can write to the Secretariat.

#### **- QUORUM AND FUTURE MEETINGS**

65. The Chairperson opened the floor for further discussion on the need to ensure there is better participation by Contracting Parties to ensure there is quorum.
66. Canada proposed that future meetings of the Administrative Committee should take place either in the same week as the SAFE Working Group (SWG) or the Permanent Technical Committee (PTC) to garner greater participation from Contracting Parties and be more cost effective. The WSC suggested that if future meetings of the Committee were to be held in the week of the SWG they should not clash with the Private Sector Consultative Group Meeting (PSCG).
67. The Observer of the EU was of the opinion that the group may want to reflect on the possibility of amending the procedural rules of the Convention, i.e., so that a quorum is not needed to take decisions.
68. The Secretariat welcomed the proposals and felt that both options (SWG or PTC) were worth exploring and the options will be discussed internally, based on comments made in the meeting, and taking concerns raised into consideration.

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**X. ADOPTION OF DRAFT REPORT**

69. The Contracting Parties adopted the Report of the 13<sup>th</sup> Meeting of the Administrative Committee for the Customs Convention on Containers, 1972.

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**13<sup>th</sup> Meeting of the Administrative Committee for the Customs Convention on Containers, 1972****13ème reunion du Comité de gestion de la Convention douanière relative aux conteneurs, 1972**

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