

15<sup>th</sup> November, 2011

**MINUTES OF 16<sup>TH</sup> NTTFC MEETING  
HELD AT 10.30 HOURS ON 31<sup>ST</sup> OCTOBER 2011 AT  
CONFERENCE HALL, TDAP, KARACHI**

The meeting was chaired by Mr. Najeeb Khawer Awan, Sr. Joint Secretary (FT-II)/DG(TP) Ministry of Commerce.

2. The list of participants is attached as Annex I.
  
3. Meeting commenced with recitation from the Holy Quran by Mr. Javaid Mansoor, Executive Secretary, NTTFC. The Chairman welcomed the participants, and underscored the importance of trade facilitation in bringing down the cost of doing business. He regretted that, in the past, NTTFC meetings could not be held on regular basis. Sometimes these meetings were held with a gap of six months or more. He emphasised on the need of holding NTTFC meetings quarterly. After these introductory remarks, he requested the participants to introduce themselves.

**Item 1. Review of Minutes of 15<sup>th</sup> NTTFC Meeting**

4. Chairman stated that as the items included in the Minutes of the 15<sup>th</sup> NTTFC Meeting are covered by the agenda items. The Minutes of the 15<sup>th</sup> meeting will be considered approved after all agenda items have been reviewed.

**Item 2. Implementation of PaCCS and WeBOC of Pakistan Customs for clearance of cargo**

5. Mr. Wajid Ali, Additional Collector, MCC Port Qasim, representing FBR, stated that active negotiations with M/s Agility were started in March 2011 under directions of Finance Minister and so far 3 rounds of negotiations have been held between SBP and senior management of M/s Agility. The focus of negotiations is to agree on solution of the issue in a manner that is most suitable and favorable to Government of Pakistan. In the meanwhile, as an alternative, the indigenously developed Web Based One Customs (WeBOC) system has been launched at MCC Port Qasim including QICT. It includes the modules missing in PaCCS. An audit of WeBOC is being carried out to check that it fulfils all the requirements, before taking any decision regarding its application at other terminals.

6. Mr. Tariq Ragoonwala, President ICC Pakistan asked whether the market report that M/s Agility had taken the matter to International Centre for Settlement of Investment Disputes was correct. Mr. M. Daud Pirzada, Deputy Director PACCS, FBR confirmed this to be correct and stated that an arbitrator had been appointed.

7. Mr. Tariq Rangoonwala raised the issue of SRO 575 regarding import of refrigerated machinery items required for establishment of agro based industries and the related security requirements of Pakistan Customs. The representatives of FBR informed that SRO 575 had been superseded by SRO 727 and the system of mandatory security will be updated.

8. Mr. Faisal Mushtaq, General Secretary, Karachi Customs Agents Association stated that Container Terminal Operators were charging \$7.00 per container as scanning charges. Rs 5 to 7 billion had been collected against this head. A policy decision on administrative issues relating to utilization of this amount was required.

#### Decision

Action: FBR

*FBR may clarify the position on the issues raised.*

### **Item 3. Study to manage the auction and confiscatory regime for the abandoned imported cargo**

9. Executive Secretary NTTFC reported that after consultation by Sr. Technical Advisor UNCTAD with Additional Secretary Commerce-I the UNCTAD TTFP-2 team has carried out the required study to manage the auction and confiscatory regime for the abandoned imported cargo. The team has examined the related Customs procedures of India, Australia, Canada and USA. Taking these into consideration the team has put forward their suggestions for consideration of FBR.

10. The representative of KPT, PQA, PIA and private terminals pointed out that this had become a serious problem because of the abandoned cargo accumulated over many years consuming valuable storage space and resulting in huge financial losses to the organizations. Mr. Mahmood Ghaznavi, Vice Chairman All Pakistan Shipping Association stated that over 5,000 containers belonging to foreign shipping companies were held up in Karachi because of the abandoned cargo not being cleared. This was making foreign shipping companies hesitant to call at Pakistan ports. There should be system for the cargo to be de-stuffed and containers released. Mr. Tariq Rangoonwala suggested that in case of cargo not being auctioned at the reserve price it may be offered to the terminal or port where the cargo is lying for onward disposal. The committee was informed by some participants that the Chief Collector South was already holding meetings in this regard.

11. Mr. Tariq Rangoonwala stated that a co-bond system for perishable commodities needed to be established and proposed that UNCTAD team may be requested for a study on co-bond system for perishable commodities. He was requested to forward a detailed paper clarifying the Terms of Reference for the proposed study.

#### Decision

- i. *Executive Secretary NTTFC may circulate the report of UNCTAD team to Chairman, FBR, Member Customs and Chief Collector South for necessary action to resolve the issue.*

Action:  
Executive  
Secretary  
NTTFC and  
concerned  
members of  
NTTFC

- ii. *The report of UNCTAD team may also be provided to interested member of NTTFC.*
- iii. *The concerned members of NTTFC may forward their proposals for resolution of the auctions related issues to Executive Secretary NTTFC for taking these up with the Chief Collector South.*
- iv. *Mr. Tariq Rangoonwala may forward to Executive Secretary NTTFC the Terms of Reference for the proposed study on co-bond system for perishable commodities so that UNCTAD team may be asked to carry out the required study.*

#### **Item 4. Explosives Laws and Rules**

12. Mian Rauf Ali, Inspector of Explosives, Department of Explosives stated that the rules under the Explosives Act and Petroleum Act were applicable to the tanks used for storage of ethanol. The rules under these Acts were being applied for licensing and inspection of such tanks. Mr. Tariq Rangoonwala explained that previously molasses were exported from Pakistan and a large number of tanks were built by industrialists at Karachi Port and Port Qasim for storage of molasses. Now molasses are being converted into ethanol for value addition and ethanol is being exported. Tanks previously built for storage of molasses have to be utilized for storage of ethanol as huge investment is involved in them. At present permission has been granted to some, while the same is being denied to others. A uniform policy needs to be adopted to facilitate use of these tanks. Inspector of Explosives had no satisfactory response to this.

#### Decision

Action: Ministry  
of Commerce

*The matter may be taken up by the Ministry of Commerce at senior level with the Secretary, Ministry of Industry and Production*

#### **Item 5. ECO Transit Transport Framework Agreement (TTFA)**

13. Syed Imtiaz Hussain, Divisional Marketing Manager, Pakistan Railways informed that the first Islamabad - Tehran – Istanbul train was started from Islamabad. Subsequently the train was run from Lahore. However it has not been possible to maintain originally intended regular monthly schedule because of various reasons, such as inadequate availability of regular cargo, held up containers in Iran, non-resolution of certain issues with the Governments of Iran and Turkey and non-availability of locomotives with Pakistan Railways. Responding to why train could not be operated from Karachi, Syed Imtiaz Hussain stated that Karachi exporters had shown no interest, as they could get the cargo delivered quicker and cheaper by sea. It was also pointed out that for economic operation of the train, efficient management of container logistics was essential.

14. Mr. Moin Ahmed Malik, former Chairman PIFFA and Mr. Tariq Rangoonwala stated that some investors had shown interest in investment in Railways, but they needed some basic information such as the Track Condition Report, which needs to be made available to the interested investors. It was also pointed out that, as the trade with India is being liberalized, the Khokhrapar border crossing should also be opened for cargo and necessary infrastructure established there.

Action: Ministry  
of Railways

### Decision

*Ministry of Railways may adopt necessary measures to facilitate trade with neighboring countries by efficient rail transport at competitive rates.*

### **Item 6. Logistics Service Providers Regulatory Authority Bill, 2011**

15. Syed Irtiqa Ahmed Zaidi, project Director TTFU informed that after holding 5 meetings of the Committee on Harmonization of Scale of Charges a consensus was reached on introducing the Logistics Services Providers Regulatory Authority Bill, 2011 in the Parliament. Ministry of Commerce had also got the Bill examined by a legal expert. The draft Bill has been circulated for comments of members of NTTFC before submitting the summary for the Cabinet to obtain approval in principle for getting the draft Bill vetted by the Ministry of Law and Justice. Mr. Babar Badat, Director NTTFC, Mr. Asim Saeed Khan, Chairman PIFFA, Capt. Javed Iqbal, Chairman PSAA and Capt. Aftab Siddiqui, Executive Director (Commercial) PNSC stated that as the Bill was related to regulation of logistics service providers the members of the Authority should be only the Government officials and representatives of service providers. Mr. Tanvir Ahmed Sufi, representing Lahore Chamber of Commerce & Industry stated that representation of service receivers was essential in the Board to ensure that their concerns were addressed. Many other members pointed out that the circulated document was based on the consensus arrived after intense discussions during the five meetings chaired by the Secretary Commerce and Secretary Ports and Shipping and it should be adopted for submission to the Cabinet for approval.

### Decision

Action: PD  
TTFU,  
Ministry of  
Commerce

*Draft Logistics Service Providers Regulatory Authority Bill, 2011 is approved by the NTTFC meeting for submission of the Summary to the Cabinet for its approval.*

### **Item 7. WTO Trade Facilitation Agreement (TFA)**

16. The Capital Based Working Group on Trade Facilitation (WGTF) has so far held 10 meetings and formed Pakistan Position on the Consolidate Draft Negotiating Text (CDNT) of WTO. UNCTAD TTFP-2 team has carried out a study of the eighth revision of CDNT and prepared the report to assess the challenges to Pakistan presented by the WTO Trade Facilitation Agreement. Executive Secretary NTTFC explained that the study had found that the actions necessary to demonstrate compliance against a number of measures would simply either require 'fine tuning' the currently implemented measures with the text of the TFA or involve 'institutionalizing' current practice and procedures by the publication of regulatory or legislative support as a basis for these practices. For a small range of measures, a more substantive work program will be necessary to achieve compliance. Even for these measures it is estimated that with the appropriate level of will and commitment, implementation is achievable within three to five years.

Action: SrTA  
UNCTAD

17. It is intended that SrTA UNCTAD will discuss the report of this study with the private sector in major chambers of commerce & industry to suitably revise and update the National Trade Facilitation Strategy. Project Director (TTFU) and Executive Secretary NTTFC, as members of WGTF will accompany SrTA UNCTAD to make the deliberations more effective and fruitful.

#### **Item 8. Transport Legislation**

18. Executive Secretary NTTFC reported that during the last six months a few meetings on transport legislation have been held by the respective Standing Committees in the National Assembly. The present status is reported below. The subject needs to be taken up by the Minister/Secretary of the respective ministries with the Chairmen of the corresponding NA Standing Committee to expedite consideration and approval of the Bills.

1. Carriage of Goods by Road Bill, 2010

19. The Bill was included in the agenda of the meeting of National Assembly Standing Committee on Communications held on 27 May 2011. However, because of the time taken by the other item on the agenda, this item could not be taken up.

2. Carriage of Goods by Sea Bill, 2010

3. Sea Carriage Shipping Documents Bill, 2010

20. The Bills have been discussed in four meeting of the National Assembly Standing Committee on Ports & Shipping. However, because of the resistance put up by some representatives of trading community, no decision has been taken so far.

4. Carriage by Air Bill, 2010

21. The Bill was passed by the National Assembly on 11 May 2011. It was passed by the Senate Standing Committee on Defence on 28<sup>th</sup> October. It has to be signed by the President for the act to come into force.

5. Marine Insurance Bill, 2010

22. The Bill was included in the agenda of the meeting of National Assembly Standing Committee on Commerce held on 27 April 2011. However, because of the time taken by the other item on the agenda, this item could not be taken up.

#### **Item 9. Afghanistan - Pakistan Transit Trade Agreement (APTTA), 2010**

23. Project Director TTFU informed that, after exchange of documents of ratification on 12<sup>th</sup> January 2011, APTTA was to come into force on 12 February 2011. However, because of the issues relating to the requirement of insurance guarantee for cargo and bank guarantee for vehicles, safe transportation of goods and installation of biometric system at the border crossings implementation of the agreement got delayed. Two meetings of APTTCA had been held to resolve the issues. Officially the APTTA has come into force since 12<sup>th</sup> June 2011. However, certain implementation issues are still being resolved by FBR.

Action:  
Ministry of  
Communications;  
Ministry of  
Ports &  
Shipping;  
Ministry of  
Commerce

24. The brief forwarded by FBR stated that FBR is proactively dealing with various issues that have delayed implementation of the agreement, and various rounds of negotiations have been held with Afghan Customs and Afghan Government officials to resolve the related issues. Accordingly, FBR is in active contact with insurance companies, banks, clearing agents, bonded carriers and various GoP's regulatory authorities to find appropriate solutions for effective implementation of APTTA, 2010.

#### **Item 10. Bilateral Road Transport Agreements**

25. The representative of Ministry of Communications could not attend because of some important commitments in Islamabad. The latest status of the agreements explained in the brief forwarded by Ministry of Communications is indicated below.

##### 1. Agreement between Pakistan and Iran

26. The Governments of Pakistan has ratified the Bilateral Road Transport Agreement. The Instrument of Ratification signed by the President has been forwarded to the Ministry of Foreign Affairs for informing the Iranian side with request to expedite their ratification process to enable operational zing the Agreement. However, the Iranian Parliament has not yet approved the ratification. The matter has been raised in the meetings of Pak-Iran Joint Commission of Road Transportation held in Islamabad on 6-7 June 2011 and Pak-Iran JEC Meeting held in Islamabad on 7-8 September 2011. Iranians have assured to expedite the ratification process.

##### 2. Agreement between Pakistan and Turkey

27. Both the Governments of Pakistan and Turkey have completed the ratification process of the agreement. The agreement will enter into implementation phase subsequent to availability of transit access through Iran and finalization of operational details and permit issuance mechanism by the concerned authorities of Pakistan and Turkey. A meeting of concerned authorities of Pakistan and Turkey is being tied up through diplomatic channels and is likely to be convened in near future.

##### 3. Agreement between Pakistan and Uzbekistan

28. Instruments of Ratification were exchange between the Governments of Pakistan and Uzbekistan on 17 March 2011. It is planned to convene an Inter-Ministerial Meeting shortly in the Ministry of Communications to discuss and finalize the procedural protocols prepared in consultation with NTTFC prior to sharing these with Uzbek side.

##### 4. Agreement between Pakistan and Kyrgyz Republic

29. The Agreement was signed on 11 December 1994. No follow up action was taken to operationalize the Agreement as the other Agreements with the transit countries had not come into force. Although APTTA has come into force, there is need for an agreement with the Government of Tajikistan to enter and cross this country for further entrance into Kyrgyzstan. Ministry of Communications has already forwarded through Ministry of Foreign Affairs a draft Transit Transport Agreement to Government of

Tajikistan for its consideration. A summary for seeking approval of the Cabinet for ratification of Pak-Kyrgyz Agreement is under submission.

5. Agreement between Pakistan and Kazakhstan

30. The Agreement was signed on 12 March 1995. No follow up action was taken to operationalize the Agreement as the Agreements with the transit countries had not come into force. With coming into force of APTTA and the Agreement with Uzbekistan the transit route to Kazakhstan has become available. A Summary for seeking approval of the Cabinet for ratification of the Pak-Kazak Agreement is under submission.

6. Agreements on Transit Transport between the Governments of Pakistan and Tajikistan and the Governments of Pakistan and Turkmenistan

Action: Ministry of Communications

31. The Draft Agreements were forwarded by the Ministry of Communications through the Ministry of Foreign Affairs to respective Governments for their consideration. Comments of the Government of Turkmenistan and counter-draft from the Government of Tajikistan have been received. An Inter-Ministerial meeting is being convened in the Ministry of Communications to finalize the response of the Government of Pakistan. Subsequently the matter would be taken up with the respective Governments for finalization of the Agreements.

**Item 11. Accession to International Convention**

1. TIR Convention

Action: Project Director TTFU

32. Chairman informed that because of certain reservations of the Ministry of Foreign Affairs a Summary previously submitted to the Cabinet for approval of accession to TIR Convention was withdrawn at the request of Ministry of Foreign Affairs in June 2009. Recently Ministry of Commerce has again taken up the matter with MoFA explaining all aspects related to accession to TIR Convention. Summary in this regard will be forwarded to the Cabinet after obtaining Concurrence of the Ministry of Foreign Affairs.

2. Customs Conventions

33. To facilitate transit traffic to the landlocked Central Asian Republics and Afghanistan it is necessary to accede to certain international conventions to provide the necessary regulatory framework. A Working Group chaired by Chief (International Customs) is reviewing the following Customs Conventions for accession by Pakistan:

- Customs Convention on Temporary Importation of Commercial Road Vehicles (1956)
- Customs Convention on Containers (1972)
- International Convention on the Harmonization of Frontier Control of Goods (1982)

34. FBR reported in its brief that all the concerned ministries have agreed to accession to these conventions. However, Ministry of Foreign Affairs has shown its reservations. FBR has got approval of Ministry of Law, justice and Parliamentary Affairs for accession to these conventions. The fourth meeting of related working group will be convened shortly to discuss the future course of action. On receiving clearance of MOFA, FBR will move the summary to the Federal Cabinet for approval of accession to these conventions.

35. Project Director (TTFU) stated that the Chairman FBR may discuss the matter with the Secretary Foreign Affairs in the same manner as Secretary Commerce has done for TIR Convention to get the reservations of MoFA removed for the summary to be submitted to the Federal Cabinet. The Chairman endorsed this proposal and emphasised the need of personal intervention at high level to resolve the outstanding issues to avoid further delays.

#### Decision

Action: Chief  
(International  
Customs),  
FBR.

*Chairman FBR may take up the matter with the Secretary Foreign Affairs to get the MOFA reservations removed.*

#### 3. Convention on International Carriage by Rail (COTIF)

Action:  
Ministry of  
Railways

36. To operationalize the Pakistan – Iran – Turkey train service it is necessary that Pakistan should accede to the COTIF. Ministry of Railways has obtained approval of the Cabinet to accede to COTIF. Executive Secretary NTTFC stated that he had been informed by the Director Operations, Pakistan Railways that it is planning to hold a workshop in which the officials of the Intergovernmental Organisation for International Carriage by Rail will explain the implementation mechanism of COTIF. Pakistan will accede to COTIF when it is ready with the implementation requirements.

#### 4. Convention on International Carriage by Road (CMR)

Action: Ministry  
of  
Communications

37. With the Government of Pakistan entering in Road Transport Agreements with a number of neighbouring countries it has become necessary that Pakistan should also accede to the Convention on International Carriage by Road (CMR). Ministry of Communications has informed that the process for accession to CMR would be initiated once the Carriage of Goods by Road Bill. 2010 is approved by the Parliament.

#### 5. The Hague Visby Rules as amended by SDR Protocol, 1979

Action:  
DGP&S,  
Ministry of  
Ports &  
Shipping

38. The Carriage of Goods by Sea Bill, 2011 under consideration of the National Assembly Standing Committee on Ports & Shipping is based on International Convention for the Unification of Certain Rule of Law relating to Bills of Lading signed at Brussels on 25<sup>th</sup> August, 1924, as amended by the Protocol signed at Brussels on the 23<sup>rd</sup> February, 1968, and further amended by the Protocol signed at Brussels on the 21<sup>st</sup> December, 1979; generally known as The Hague Visby Rules as amended by SDR Protocol, 1979. For the legislation to have international applicability it is necessary that Pakistan should accede to The Hague Visby rules as amended by SDR Protocol, 1979. Mr. Asif Haroon, Director Shipping DGP&S informed that the summary for submission to the Federal Cabinet is under preparation.

**Item 12. IT enablement and electronic linkage of Department of Plant Protection (DPP) and Animal Quarantine Department (AQD) with Pakistan Customs**

39. Pakistan Customs has computerized its systems and developed links with concerned organizations from where it has to receive information. To enable DPP and AQD to prepare their documents electronically, and communicate online on real-time basis with Pakistan Customs, PRAL has developed the required IT system for the web based linkage with Pakistan Customs. The system has been approved by PPD and AQD. Training of the personnel AQD and PPD for implementation of the system has been carried out. However, the system is not being implemented. Mr. Abdul Majid Khan, Quarantine Officer, Animal Quarantine Department and Dr. Sahibzada Amanullah Khan, Entomologist (Quarantine), Department of Plant Protection stated that the implementation was getting delayed because of these departments getting transferred from one ministry to another, and they not receiving the staff and hardware resource for implementation. After remaining for 6 months in the Ministry of Commerce these departments had now been transferred to the newly created Ministry of Food Security. The requirement of resources was being pursued with the Ministry of Food Security.

Decision

Action: DPP  
& AQD.

*Vigorous action may be taken to get the required resources sanctioned by the Ministry of Food Security and the system implemented at the earliest.*

40. The Import Policy Order 2008, Appendix B, Part-1 listed only a few plants, plant products, animals and animal products as subject to phytosanitary and sanitary requirements, and did not cover all the items that have to be subjected to such inspection under Pakistan Plant Quarantine Act, 1976 and Pakistan Animal Quarantine (Import and Export of Animals and Animal Products) Act, 1985. Because of this many hazardous items get cleared at container terminals through PaCCS of Pakistan Customs without inspection. To safeguard against import of infected or contagious items necessary amendments have been made in the Import Policy Order, 2009. FBR and Pakistan Customs have been requested to implement the Import Policy order 2009 for clearing these goods through PaCCS, but the required action had not been taken. Mr. M. Daud Pirzada, Deputy Director PACCS (Project) FBR stated that the Import Policy Order 2009 was being fully implemented. On being pointed out that the items covered by the 'respective headings' stated in the Import Policy Order were not being addressed, he stated that they required the tariff lines to be identified by the Ministry of Commerce in the Import Policy Order.

Decision

Action: Trade  
Policy Wing,  
Ministry of  
Commerce

*Ministry of Commerce Trade Policy Wing may include all the tariff lines required to be inspected according to the requirements of Animal Quarantine Department and Department of Plant Protection in the Appendix B, Part-1 of the Import Policy Order to enable compliance with the requirements of the respective Laws and Rules.*

**Item 13. Electronic linkage between SBP and Pakistan Customs for on-line exchange of data of exports and imports statistics**

41. Some time back meetings were arranged between the Exchange Policy Department of SBP and PRAL for developing electronic linkage between SBP and Pakistan Customs to ensure timely exchange of data of exports and imports values between Pakistan Customs, SBP and commercial banks. However, with the change in management of the Exchange Policy Department of SBP, the meetings were discontinued. Syed Imran Haider, Joint Director Information Systems Department, SBP stated the SBP had already prepared some software for the purpose and there was need for coordination meeting with PRAL to determine compatibility of their software with the software of PRAL and develop necessary linkage between SBP and Pakistan Customs.

Action:  
Executive  
Secretary  
NTTFC, Joint  
Director ISD,  
SBP and PD  
(Customs)  
PRAL

**Decision**

*Executive Secretary NTTFC will coordinate to organize joint meetings of concerned officials of SBP and PRAL to enable earliest establishment of the required linkage.*

**Item 14. Any Other Business**

42. Sardar M. Humayun Khan, Manager Increased Trade at Pakistan Borders, USAID Trade Project briefly informed the status of activities under the USAID Project as follows.

- Work is in progress on development of a trade portal to be located under TDAP.
- Work is in progress with Pakistan and Afghan Customs for exchange of Temporary Admission Documents through EDI.
- Trade project is coordinating with Pakistan Customs regarding installation of tracking devices for Afghan transit cargo. It has been suggested that a panel of 3 companies may be selected to promote competition.
- Work is in progress on harmonization of procedures between Pakistan and Afghan Customs.
- Support is being provided for development of infrastructure at border posts of Chaman and Torkham by providing generators for electric supply, computers and weighbridges.

43. General Secretary, Karachi Customs Agents Association stated that due to greater time involved getting clearance under WeBOC it had been agreed by Port Qasim Authority and QICT to increase the waiting time from 5 to 7 days. No notification to this effect had been issued so far. Representatives of PQA and QICT assured that the decision would be implemented soon.

Action:  
PQA and  
QICT

Action: NLC

44. Mr. Mohammad Sohail Nazir, representing Insurance Association of Pakistan stated that there were no sheds at Wagah border crossing, which resulted in damage to vegetable imports and huge insurance claims. Col. M. Masood Kharal, Deputy Director NLC stated that work on construction of sheds was in progress and these will soon be in place.

Action:  
Executive  
Secretary  
NTTFC

45. Members requested that meetings of NTTFC may be held more frequently. Chairman assured that efforts will be made to do so.

46. There being no other business the meeting concluded with thanks to the Chair and the participants.

31-Oct-2011

## List of participants of 16<sup>th</sup> Meeting of National Trade & Transport Facilitation Committee

Sr. No.	Name	Designation	Organization	Telephone / Fax / eMail
1	Mr. Najeeb Khawer Awan	Senior Joint Secretary (FT-II)/DG(TP)	Ministry of Commerce	
2	Syed Irtiga Ahmed Zaidi	Project Director (TTFP-II)	Ministry of Commerce	0300-5350063 051-9205208 <a href="mailto:irtiga.z@gmail.com">irtiga.z@gmail.com</a>
3	Syed Tanwir Hussain Bukhari	Project Director NTCMU	Planning Commission	051-9207571 051-2821151 <a href="mailto:stanwirbukhair@yahoo.com">stanwirbukhair@yahoo.com</a>
4	Mr. Amjad Ahmed	Deputy Secretary	Economic Affairs Division	0300-9106873 <a href="mailto:Amjadahmad65@yahoo.com">Amjadahmad65@yahoo.com</a>
5	Syed Imran Haider	Joint Director	State Bank of Pakistan	0300-9217380 021-99217380 <a href="mailto:Imran.haider@sbp.org.pk">Imran.haider@sbp.org.pk</a>
6	Mr. M. Azam Khan	Cargo Terminal Manager	Pakistan International Airlines	021-99044914 <a href="mailto:khifipk@piac.aero">khifipk@piac.aero</a> 0333-2335617
7	Mr. Sohail Shamsdin	Asst. Traffic Manager	Karachi Port Trust	021-99214002 0300-8584643 <a href="mailto:Sohail.shams@hotmail.com">Sohail.shams@hotmail.com</a>
8	Mr. Ali Mardan Abbasi	Deputy Traffic Manager	Karachi Port Trust	0332-8597830 021-99214329-30 <a href="mailto:Ali-mardan@hotmail.com">Ali-mardan@hotmail.com</a>
9	Mr. Zafarullah Rind	Manager (MrT)	Port Qasim Authority	0307-2351561 021-99272111-4340
10	Mr. Asif Haroon	Director of Shipping	Directorate General of Ports & Shipping	021-99204190
11	Mr. Muhammad Rizwan	General Manager	Q.I.C.T.	0300-8249263 111-786-888
12	Capt. S. Arif Sayeed	C.O.O.	Q.I.C.T.	0301-8262405 111-786-888
13	Sardar M. Humayun Khan	Manager Increased Trade at Pakistan Border	Pakistan Trade Project	0300-9427822 <a href="mailto:shumayun@usaidpakistantrade.org">shumayun@usaidpakistantrade.org</a>

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Sr. No.	Name	Designation	Organization	Telephone / Fax / eMail
14	Mr. Tariq M. A. Rangoonwala	Chairman	ICC- Pakistan	0300-8224283
				<a href="mailto:iccpak@cyber.net.pk">iccpak@cyber.net.pk</a>
15	Mr. Asim Saeed Khan	Chairman	PIFFA	0300-8229141
				021-35657696-7 <a href="mailto:piffa@piffapk.com">piffa@piffapk.com</a>
16	Mr. Moin Ahmed Malik	EC Member	PIFFA	0300-8230190
				<a href="mailto:Mmalik@agilitylogistics.com">Mmalik@agilitylogistics.com</a>
17	Mr. Tanvir Ahmed Sufi	Representative Director	Lahore Chamber of Comm. Sufi Group of Companies	0300-8451533
				<a href="mailto:sufitanvir@hotmail.com">sufitanvir@hotmail.com</a>
18	Mr. Babar Badat	Director M.D.	NTTFC Transfreight Corp.	0300-8225222
				<a href="mailto:babarb@transfreight.com.pk">babarb@transfreight.com.pk</a>
19	Mr. Aslam Sadruddin	Representative Head of Centralized Ops.	Pakistan Banking Council United Bank Ltd.	0321-8249077
				111-825-444 – 4903 <a href="mailto:Aslam.sadruddin@ubl.com.pk">Aslam.sadruddin@ubl.com.pk</a>
20	Mr. M. Daud Pirzada	Deputy Director	PACCS (Project) F.B.R.	0333-2111765
				<a href="mailto:mdaudp@gmail.com">mdaudp@gmail.com</a>
21	Col. M. Masood Kharal	Deputy Director	NLC	0321-5244452
				021-99263077 <a href="mailto:Mmk1967@yahoo.com">Mmk1967@yahoo.com</a>
22	Mr. Wajid ali	Additional Collector	F.B.R.	0302-8220041
				021-99272357 <a href="mailto:Aliwajid08@gmail.com">Aliwajid08@gmail.com</a>
23	Mr. Faisal Mushtaq	General Secretary	Karachi Customs Agents Association	0333-2177271
				021-32310989 <a href="mailto:gs@kcaa.pk">gs@kcaa.pk</a>
24	Capt. Javed Iqbal	Chairman	Pakistan Ship's Agents Association	0333-3443111
				021-32850836 <a href="mailto:psaa@cyber.net.pk">psaa@cyber.net.pk</a>
25	Capt. Aftab Siddiqui	Executive Director (Commercial)	P.N.S.C.	0301-8296340
				021-99203974 <a href="mailto:asiddiqi@pnsc.com.pk">asiddiqi@pnsc.com.pk</a>
26	Mr. Mahmood Ghaznavi	Vice Chairman	All Pakistan Shipping Association	0321-2209333
				021-32851354 <a href="mailto:mahmood@easterngroups.com">mahmood@easterngroups.com</a>

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Sr. No.	Name	Designation	Organization	Telephone / Fax / eMail
27	Mian Rauf Ali	Inspector of Explosives	Department of Explosives	0300-6956915
				021-34982101
28	Mr. Mohammad Sohail Nazir	Chairman: Marine Insurance Committee	Insurance Association of Pakistan	0301-8246522
				021-32311646
				<a href="mailto:Sohail.nazir@efuinsurance.com">Sohail.nazir@efuinsurance.com</a>
29	Dr. Abdul Majid Khan	Quarantine Officer	Animal Quarantine Department	0300-3832367
				021-34392793
				<a href="mailto:Amkhan1@hotmail.com">Amkhan1@hotmail.com</a>
30	Syed Imtiaz Hussain	Divisional Marketing Manager	Pakistan Railways	0333-6581312
				<a href="mailto:Imtiaz646@yahoo.com">Imtiaz646@yahoo.com</a>
31	Mr. Omer Bin Ahsan	Business Consultant	Pakistan Revenue Automation Ltd.	0321-3774109
				<a href="mailto:Omer.ahsan@pral.com.pk">Omer.ahsan@pral.com.pk</a>
32	Dr. Sahibzada Aminullah	Entomologist (Quarantine)	Department of Plant Protection	0345-2066255
				021-99248072
				<a href="mailto:quarantine@plantprotection.gov.pk">quarantine@plantprotection.gov.pk</a>
33	Mr. Riaz Ahmed	Secretary	APSA	0300-2488611
				021-32417933 – 372
				<a href="mailto:Secretary@apsa.org.pk">Secretary@apsa.org.pk</a>
34	Mr. Razak A. Malkana	General Manager	PHDEC	0321-4456233
				<a href="mailto:rmalkana@phdec.org.pk">rmalkana@phdec.org.pk</a>
35	Mr. Javaid Mansoor	Executive Secretary	NTTFC	021-35242570
				<a href="mailto:nttfc@cyber.net.pk">nttfc@cyber.net.pk</a>
36	Mr. Waheed Alam	Deputy Secretary	NTTFC	021-35242568
				<a href="mailto:Waheed.alam@nttfc.org">Waheed.alam@nttfc.org</a>