



MANAGEMENT
COMMITTEE
Revised Kyoto
Convention

PO0069E1a

-
12th Meeting

-
13 - 14 November 2013

Brussels, 13 November 2013.

**REPORT ON THE 12TH MEETING OF THE MANAGEMENT COMMITTEE ON
THE REVISED KYOTO CONVENTION**

I. OPENING OF THE MEETING

1. Mr. Gaozhang Zhu, Director of Compliance and Facilitation, opened the meeting by welcoming delegates to the 12th Meeting of the Management Committee on the Revised Kyoto Convention (RKC). He expressed his great satisfaction with the increase in the number of Contracting Parties, having risen from 84 to 91 following the accession of Gabon, Albania, Côte d'Ivoire, Cape Verde, Yemen, Armenia and Malawi.
2. He then added that the increase in Contracting Parties to the RKC showed that there was a genuine drive towards accession among Members, which suggested that the continued promotional efforts were producing results.
3. Furthermore, the Director said that the RKC had always been considered as the basis for modern Customs procedures and a firm foundation for a modern, efficient and effective Customs administration in the 21st Century. However, if the RKC was not implemented properly, Customs could be a barrier at the border. This was because nowadays, the international community was increasingly focused on non-tariff barriers. For instance, a study by the World Economic Forum showed that reducing supply chain barriers could increase GDP up to six times more than just removing all the tariffs alone. However, one of the key barriers identified was border administration. In that respect, accession to the RKC and its proper and systematic implementation were critical, not only for international trade, but also for Customs, as this demonstrated to the international community that Customs was actually implementing modern and fundamental principles for trade facilitation.
4. The Director recalled that the Management Committee on the Revised Kyoto Convention (RKC/MC) would discuss, among other issues, the inclusion of the revised Guidelines on Chapter 7 of the General Annex to the Revised Kyoto Convention related to ICT within the full RKC Guidelines document, the RKC Toolkit for Quality Implementation Assessment, as well as a report on the ongoing Economic Competitiveness Package (ECP).

5. He then said that the ECP was one of the key technical issues to be reported on during the meeting, as the RKC formed the core of the ECP. The Director added that the Policy Commission had tasked the PTC to review the ECP Toolkit and the WTO Trade Facilitation Toolkit, and to suggest improvements. This was also very important in the context of the WTO Trade Facilitation negotiations and the upcoming Bali Ministerial Meeting in December. Many were hoping that Trade Facilitation would be an "early harvest" of the Doha Development Agenda. If an agreement was reached in the WTO, the WCO would have a lot of work in the area of implementation, particularly in terms of technical assistance and capacity building.
6. Mr. Zhu concluded by inviting all delegates to be active in the discussions, to share their national experiences and to contribute to achieving a holistic approach to the topics being dealt with by the RKC/MC.

II. ELECTION OF CHAIRPERSON

7. The Deputy Director informed delegates that in accordance with Article 6, paragraph 7, the Management Committee was required to elect a Chairperson. She then called for nominations for the Chairperson.
8. Azerbaijan nominated Mr. Tejpal Singh (India). This proposal was seconded by Portugal. Mr. Tejpal Singh was elected unanimously.

III. ADOPTION OF THE AGENDA

Doc. PO0066

9. The Chairperson introduced this item before giving the floor to delegates for comments in this respect.
10. The Delegate of the European Union (EU) suggested launching reflections on the possible review of the RKC, taking into consideration the increase in the number of Contracting Parties to the RKC, the developments having taken place over recent years and bearing in mind the outcomes of the December 2012 Policy Commission. The first step in that respect would be collecting the views of Contracting Parties on this matter.
11. The Delegate of the Netherlands supported the EU and added that there was a need to review the RKC, as some of its provisions did not reflect and respond to the current situation in the Customs world. Additionally, the RKC was no longer up to date because its present text had been produced at the end of the 1990s, prior to the events of 9/11, before the SAFE Framework had been introduced and ahead of the development of the AEO concept. All these events and other facts were not sufficiently reflected in the RKC.
12. The Delegate of Norway asked the Secretariat to explain the process of reviewing the RKC, also questioning the additional workload of the Secretariat.
13. The Secretariat gave a detailed explanation of the role of the RKC/MC as stated in Article 6 of the Convention, and highlighted that this Committee was responsible for adapting the Convention to developments in international trade. Additionally, when preparing the Agenda for this meeting, based on the provisions of Article 6 of the RKC, the Secretariat invites Contracting Parties to submit any topic they wished to be

included in the Agenda and discussed during the meeting. Thus, Contracting Parties wishing to discuss the amendment or updating of the RKC are given the opportunity to propose the inclusion of this issue in the Agenda. In respect of this session, the Secretariat had not received any proposals to discuss the revision of the RKC.

14. The Delegate of Spain suggested that the discussion on the possible revision of the RKC to take place in the next RKC/MC, This would give the Secretariat enough time to prepare a document reflecting the need to update the RKC. That document would be drafted based on a questionnaire to be sent to Contracting Parties, in which they could indicate which provisions of the Convention should be reviewed.
15. The Chairperson, referring to the role of Contracting Parties for managing the Convention, suggested that the Netherlands and the EU draft the proposed document on the review of the RKC during the intersession.
16. The Delegate of the Netherlands agreed with the idea of drafting a questionnaire, but suggested that a Correspondence Drafting Group be formed, comprising other Contracting Parties. The EU, the United States, South Africa, Japan, Swaziland and Norway volunteered to join the Correspondence Drafting Group.
17. The RKC/MC adopted the Agenda as set out in Doc. PO0066.

IV. TOOL KIT FOR RKC QUALITY IMPLEMENTATION ASSESSMENT

18. The Chairperson introduced this item before giving the floor to the Secretariat for further details in this respect.
19. The WCO Secretariat gave a detailed presentation on Doc. PO067, which described the tool kit for assessing the implementation of the RKC. The Secretariat recalled that in December 2012 the Policy Commission had welcomed the large number of Contracting Parties and acknowledged the need for an approach aimed at ensuring that those Members which were Contracting Parties to the RKC were in fact applying its provisions. In particular, the Policy Commission had noted the availability of a range of options for this purpose, from self-assessment by the Members concerned, to peer review and the conduct of compliance checks by the Secretariat. The Secretariat had been tasked with developing a tool kit for use by RKC Contracting Parties to assess their level of compliance with the provisions of the Convention, and above all their level of implementation of those provisions.
20. The Secretariat indicated, in particular, that this tool kit had been developed above all as a follow-on to the RKC promotion activities, the aim being to support not only the Members that were in the process of acceding to the RKC, but also those that had already done so.
21. The Secretariat added that the tool kit had been presented to the Permanent Technical Committee (PTC), which had reported on it to the Policy Commission and the Council in June 2013. The tool kit had been circulated to all the RKC Contracting Parties, and to the other Members of the WCO; it was also available on the WCO website.
22. After the Secretariat's presentation on the tool kit for quality implementation assessment, the Chairperson opened the matter for discussion. He recommended that participants comment specifically on the "implementation indicator" column, so as to enable the RKC Management Committee to improve the toolkit, bearing in mind that it was to be regarded as a living document to be added to by Contracting Parties on an

ongoing basis. The Chairperson then invited the delegates to make their contributions to the discussion.

23. Several delegates took the floor to express their appreciation of this working tool which had been developed by the Secretariat to assist WCO Members with the RKC implementation process, and to make specific comments on this subject.
24. The Delegate of Tunisia wanted to know, in particular, whether the tool kit was intended for use by Contracting Parties only, and the Secretariat seized this opportunity to make it clear that the tool kit was aimed at all WCO Members. The Secretariat urged Members that were not RKC Contracting Parties to use the tool kit also, as a means of making effective preparations for implementation as soon as the accession process had been completed.
25. The Delegates of Serbia and Swaziland said that their Administrations were ready to use the tool kit. The Delegate of Swaziland emphasized the need to promote this tool more widely, as it did not appear to be well known in a number of administrations, including her own which was currently in the middle of the process of reviewing its legislation to make it consistent with the provisions of the RKC.
26. The Delegate of Togo took the floor to inform the RKC Management Committee that his Administration had just completed the process of revising its national Customs Code; the proposed new version of the Code, which was to replace the current Code dating back to the 1960's, was based on the provisions of the RKC. The draft, which had been validated by the Government, would soon be presented to the National Assembly for adoption. This process had been accelerated following a recent technical assistance mission to Togo by the WCO Secretariat. The delegate acknowledged that Secretariat support was essential in order to raise the awareness of political authorities.
27. The Delegate of Namibia said that his country, which had been a Contracting Party to the RKC since 2006, was currently in the process of revising its national legislation to meet the standards laid down by the RKC, although his Administration was not yet fully using the tool kit developed by the WCO Secretariat.
28. The Delegate of Japan stressed the importance of using the tool kit in RKC-related capacity building activities.
29. The Chairperson summed up the interventions, and sought delegates' views on the idea of recommending to the Policy Commission that the use of the tool kit be discussed at its next session. In particular, he would like the Commission to recommend that the regional Vice-Chairs promote this tool more widely as a means of assisting WCO Members with the implementation of the RKC.
30. Generally speaking, the discussions and the interventions by delegates confirmed that the tool kit needed to be a flexible document, and that it was very important. Finally, the RKC Management Committee decided to recommend that Contracting Parties make use of the tool kit in its current form, and adapt it gradually on the basis of practical experience acquired with its use. The Secretariat was, of course, available to support Members wishing to use the tool kit.

Conclusion

31. The RKC Management Committee approved the RKC tool kit as presented by the Secretariat, and recommended that Contracting Parties use this new tool to achieve improved implementation of the RKC. The Management Committee recommended that RKC Contracting Parties share best practices with each other.
32. Finally, the Management Committee recommended that the Policy Commission ask the Vice-Chairs to ensure that the tool kit was promoted more widely in all of the WCO regions.

V. WORK TO UPDATE THE ICT GUIDELINES**Background****Doc. PO0068**

33. The Chairperson recalled that the Information Management Sub-Committee (IMSC) was tasked with the production of updates to the Guidelines on Information and Communication Technology (Kyoto ICT Guidelines). These are guidelines to Chapter 7 of the General Annex to the Revised Kyoto Convention. A periodic review helps in ensuring that the Guidelines contain the latest information on best practices concerning the use of ICT in Customs.
34. The Secretariat explained the process followed in producing the update. The proposed draft was endorsed by the Information Management Sub-Committee (IMSC) and the Permanent Technical Committee (PTC). The Secretariat informed the RKC/MC that it had recently received a document from the Swiss Administration containing suggestions regarding the text of the Guidelines. Based on these suggestions, the Secretariat introduced proposals for amending the text of the Guidelines mainly in Chapter 11 concerning ICT Security. The Secretariat briefly described these proposals to the Committee. The Chairperson invited the views of RKC/MC on the proposed amendments.

Summary of discussion

35. Delegates welcomed the Swiss contribution and agreed that the proposed changes appeared reasonable. However, it was noted that due to the late receipt of the Swiss proposals, Members did not have the opportunity to examine them in detail. It was suggested that the IMSC, being the technical body responsible for these Guidelines, should have the opportunity to examine these suggestions.
36. The Delegate from the Netherlands suggested the inclusion of information about Passenger Name Record (PNR) in Section 6.9 which deals with Advance Passenger Information (API). The Secretariat confirmed that the current text of the Guidelines did not contain references to PNR applications except in Appendix 19 dealing with the WCO Recommendation concerning the use of API and PNR for efficient and effective Customs Control. The RKC/MC agreed to include suitable references to PNR applications in Section 6.9.

Conclusion

37. The Committee welcomed the changes proposed by Switzerland and the suggestions regarding PNR by the Netherlands. The Committee agreed with the proposal to update the Kyoto ICT Guidelines subject to the latest changes presented to the Committee being approved by the IMSC in its forthcoming session.

VI. PRESENTATIONS FROM MEMBERS ON :

- **their accession procedures and their national practices for the implementation of the RKC**

- **Presentation by Côte d'Ivoire**

38. The Delegate of Côte d'Ivoire gave a presentation on his country's accession procedures and national practices for the implementation of the RKC. The presentation focused on the national legal requirements for the accession to international conventions, the ratification of the Protocol of Amendment and the way forward after acceding to the RKC.

Summary of discussion

39. The Delegate of Cote d'Ivoire mentioned that they used the WTO self assessment method in the process of accession to the RKC, and the Delegate of Swaziland questioned why they used that method rather than the WCO self assessment tool for accession to the RKC.
40. The Delegate of Côte d'Ivoire said that the choice of one tool over the other had been a question of opportunity as both methods were comparable. He was a WCO accredited expert on self-assessment of member's needs and priorities. He also had a lot of experience with the WTO instrument, and had been one of the facilitators of a number of workshops on self-assessment of member's needs in the framework of the WTO TF negotiations.
41. The Delegate of Togo congratulated Côte d'Ivoire for their accession to the RKC, and informed that his country was working towards accession possibly by June 2014. He asked if it had helped that the country had been a Contracting Party to the Kyoto Convention (1973). He also asked how they had prepared with trade stakeholders for the challenges linked to RKC implementation.
42. The Delegate of Côte d'Ivoire responded that the fact that his country had been a Contracting Party to the Kyoto Convention (1973) was a facilitating element for their customs administration; however, as the government went through the entire accession procedure, it didn't have as much impact as one would have expected. Regarding trade stakeholders, they had a consultation forum with the private sector to explain the changes and legal rights and obligations for both customs and trade.
43. The Delegate of Tunisia said that the RKC brought a lot of changes as regards the work of customs, in terms of, for example, transparency, customs procedures, rights of traders (appeal, information) or automation. She therefore asked if the implementation of the RKC in Côte d'Ivoire brought resistance from within Customs or the trade community.

44. The Delegate of Côte d'Ivoire responded that resistance to changes is inevitable. He added that the process in his country included some fora for dialogue with trade as well as seminars and workshops.

45. The Delegate from the Republic of Congo said that the accession procedure as presented by Côte d'Ivoire was very good and it was similar to the procedure foreseen in many French speaking countries. Côte d'Ivoire could thus assist the countries in the region by sharing its experience. His country was working towards accession to the RKC, and that they would follow the same model in their process of accession.

- **Presentation from Japan**

46. The Delegate of Japan gave a presentation on the implementation of the RKC and Japan's experience on supporting documents. The presentation highlighted the implementation of Chapter 3, Standard 3.16 and Transitional Standard 3.18. The presentation showed that the Japanese IT system NACCS (Nippon Automated Cargo and Port Consolidated System) covered about 98% of import/export declarations, however, till mid 2013, importers and exporters had to submit other supporting documents, e.g., Invoice, Bill of Lading, in written form. From July 2012, for low risk shipments, supporting documents were not required in principle, and as of October 2013 for high risk shipments, NACCS accepted the electronic submission of supporting documents (PDF, Word, Excel, TIFF, JPEG, etc.).

Summary of discussion

47. The Delegate of Serbia asked how Japan had promoted computerization with the private sector. The Delegate of China asked how Japan coordinated the automation and dematerialization process with other border agencies.

48. The Delegate of Japan said that the initiative had started recently and for its promotion information workshops for traders had been organized so that they were made aware and enabled to use the system properly. Regarding coordination with other border agencies, he said that the system had been established as a Single Window several years ago, which facilitated the relationship with other agencies.

Conclusion

49. The RKC/MC noted the presentations given by Côte d'Ivoire and Japan on their accession procedures and national practices for the implementation of the RKC.

VII. OTHER BUSINESS

- **Promotional activities**

50. The Chairperson introduced this item before giving the floor to the Secretariat for further details in this respect.

51. The Secretariat presented the main activities undertaken with a view to promoting the RKC. Firstly, it was pointed out that the Secretariat took advantage of any events or other opportunities offered by stakeholders in order to promote the RKC and highlight the need to accede to and implement it. The Secretariat then made reference to the WCO Website, which included an area set aside specifically for the RKC and

which was updated regularly, so as to offer Members a useful package of information about the RKC and accession thereto.

52. Over and above that work, the Secretariat was pursuing its many technical assistance activities, at both national and regional level, aimed at speeding up the accession process. With respect to this aspect, the Secretariat drew attention to its participation in some ten seminars and workshops on the RKC. These included national seminars or workshops for the Customs Administrations of Côte d'Ivoire, Lao People's Democratic Republic, Maldives, Mali and Togo.
53. Regional seminars had also taken place in Nairobi, Kenya (co-organized with the African Union (AU) Commission for several African countries), in Abidjan, Côte d'Ivoire (organized in conjunction with the West African Economic and Monetary Union (WAEMU) Commission for eight Members of that Organization), at the Royal Malaysian Customs Academy (AKMAL) in Melaka, Malaysia (for Customs administrations of South East Asian countries), in Astana, Kazakhstan (for Customs administrations of Members of the Central Asia Regional Economic Cooperation (CAREC) Program, and in Mangochi, Malawi as part of the implementation and development of the Economic Competitiveness Package (ECP).
54. Finally, the WCO Secretariat indicated that several of these activities had been carried out by the Regional Office for Capacity Building (ROCB) for the WCO's Asia/Pacific Region, with the support of accredited experts. The Secretariat consequently took this opportunity to thank the ROCB-A/P and the Customs Administrations of India, Mauritius, Japan, Niger and the Netherlands for having agreed to make their senior officers available to the Secretariat.
55. The Delegate of the Togo Customs Administration took this opportunity to thank the WCO Secretariat, once again, for having recently assisted his Administration by agreeing to organize a national seminar. This had expedited its accession process to the RKC, which he hoped would take effect in the next few days. He nevertheless wished to know whether his Administration could still call upon the Secretariat for other missions that might be requested in the context of the forthcoming implementation of the RKC, if his Administration's accession were to go ahead.
56. In response to this question, the Secretariat replied that it was always available to assist WCO Members within the confines of the available resources and by relying on accredited experts who were often made available to the WCO by its Member Customs administrations. In this connection, the Secretariat again expressed its gratitude to the Members having made their senior officers available and felt that with the support of Members, it would not find itself forced to set priorities that might penalize some Members. In short, the Secretariat would always be willing to support Togo in its implementation of the RKC.
57. The Delegate of the Tunisia Customs Administration wished to find out about the obstacles and difficulties encountered by Contracting Parties in terms of implementation and how these difficulties had been overcome. She also wished to know how the Secretariat carried out the accreditation processes for experts from Customs administrations.
58. In response to Tunisia's requests, the Secretariat stated that sharing of experience was highly recommended when using the Toolkit, especially as the latter contained a column No. 6 referring to difficulties encountered by Contracting Parties and solutions adopted to address them. The Secretariat could consequently use the results of assessments to be transmitted by Members (subject to their approval) to

contribute to the Toolkit and could possibly publish them on the WCO Members' Website. The Secretariat additionally pointed out that, since the 10th Meeting of the RKC/MC, Contracting Parties and Members had been invited to present their experiences so that the delegates in attendance could benefit from them, in the interests of their administrations. This practice would continue with more presentations from Members during future meetings of the RKC/MC.

59. The Delegate of the Mali Customs Administration then took the floor to state that his country's RKC accession process had not taken very long. He told the Committee that this accession formed part of his Administration's Strategic Plan which was built around an action plan, with activities concerning accession to and implementation of the RKC at the hub. He also pointed out that during the RKC accession process, his Administration had brought all the stakeholders on board, especially the Ministries engaged in this process. This participation had facilitated and shortened the accession process. He thanked the Secretariat for the assistance which had been provided to his Administration.

60. The Chairperson brought this item to a close by summarizing the contributions and indicating that the RKC/MC and the Secretariat had taken careful note of all the proposals made by delegates with regard to RKC promotional activities.

- **Update on the current status of the WTO Trade Facilitation Negotiations**

Background

61. The Chairperson underlined the importance of the WTO proposals in the trade facilitation negotiations being consistent and compatible with WCO instruments, such as the Revised Kyoto Convention (RKC). It was important that the RKC be recognized as an implementation tool for many of the measures proposed in the WTO Trade Facilitation negotiations.

62. The Chairperson then reminded the Management Committee that neither the WCO nor its Secretariat was a party to the WTO negotiations, which were conducted by the trade negotiators of national governments. Thus, it was important that national Customs administrations engage in the WTO negotiations process in order to ensure that Customs' interests were reflected in the negotiations and their outcomes.

Recent developments

63. The Secretariat gave an update on the developments within the WTO Negotiating Group on Trade Facilitation (NGTF), referring to a related document (PC0344) produced for the 201st/202nd Sessions of the Permanent Technical Committee which took place in the previous week. It mentioned the agreement reached in the meantime on the provisions on Customs Cooperation (Article 12 of the WTO consolidated trade facilitation negotiating text), but also the still pending issues surrounding Section II of the WTO text on special and differential treatment. It recognized that some of the references to the international standards (including the WCO Data Model) were removed from the latest versions of the negotiating text.

64. It further mentioned the concerns addressed to the WCO Secretariat by a number of Latin American Customs administrations during the July NGTF in relation to what was negotiated under Article 7.7 on Trade Facilitation Measures for Authorized Operators. This concern was later expressed in a Non-paper submitted by these Members to the SAFE Working Group which met in October 2013.

65. The Secretariat also reiterated the messages coming from the Policy Commission on the role of the WCO in the future implementation of the WTO TFA and the conclusion that its role would need to be clearly defined after an Agreement has been concluded.
66. The Permanent Technical Committee had in the previous week also discussed the WTO developments and expressed a frustration surrounding the fact that the WTO and the WCO secretariats were not in a position to coordinate on resolving technical matters and issues arising.
67. One of the objectives of the ECP Toolkit and the WTO Trade Facilitation Toolkit developed in the intersession was to raise awareness of the links which exist between the trade facilitation measures currently negotiated in the WTO and the WCO instruments and tools. The Secretariat also referred to the activities on promoting WCO instruments and tools, including the WCO toolkits in the WTO events when invited, including the participation of the WCO Secretary General in the 4th Global Review of Aid for Trade in July 2013. On that occasion, 27 governments and international organizations, including the WCO, signed a Joint Statement in support of a WTO TFA and as a commitment to the continued support to the developing and least developed countries (see Annex to PC0344).
68. The delegate of Netherlands pointed out that the WTO negotiations and the TFA if concluded will have implications for the RKC

Conclusion

69. The RKC/MC took note of the presentation by the Secretariat on the current status of the WTO Trade Facilitation Negotiations. It also concluded that after the Bali Ministerial Conference, if the FTA was concluded, there will be a need to consider possible consequences for the RKC in line with the WTO TFA text.

- Presentation on the current status of the Economic Competitiveness Package (ECP)

70. The Chairperson introduced this item before giving the floor to the Secretariat for further details in this respect.
71. The Secretariat described the current status of the Economic Competitiveness Package (ECP), which was made up of the existing WCO instruments and tools which contributed to economic growth. First and foremost the RKC was recognized as forming the core of the ECP, and as the foundation for modern and efficient Customs procedures. The ECP also comprised all the other relevant WCO instruments and tools, including the SAFE Framework of Standards, the Risk Management Compendium and the Single Window Compendium.
72. During the presentation the Secretariat explained that the ECP Toolkit had been adopted to support the implementation of the future WTO Trade Facilitation Agreement, and that the scope of the ECP was broader than the current WTO Trade Facilitation text. The Secretariat also reported on progress with the implementation of the ECP Action Plan, which had been adopted by the WCO Policy Commission in December 2012, including the organization of regional workshops on the subject.
73. It was explained that the ECP would be further developed and refined by assessing Members' need for economic growth. In this context, small and medium-sized enterprises (SMEs), informal trade practices, Coordinated Border Management

(CBM), transit and Customs-Business partnership had been identified as key challenges for the ECP. The Secretariat briefly introduced the results of a discussion that had taken place on these issues at the most recent PTC session, including the development of a Transit Handbook, the CBM Compendium, a model business lens checklist for SMEs and the setting up of a virtual group on Customs-Business Partnership.

74. The Delegate of Swaziland pointed out that the usefulness of new tools should be carefully tested by Members prior to their adoption.

VIII. ADOPTION OF THE DRAFT REPORT

75. During the adoption of the report, the Delegate of the Netherlands and Convenor of the Correspondence Drafting Group suggested holding the first meeting on the 3rd December 2013 in Brussels, in the margins of the Working Group on Commercial Fraud.
76. The delegate of Spain raised the issue of the translation of the RKC toolkit into languages other than French and English, including Spanish, Arabic, Portuguese and Russian. Responding to this concern, the Secretariat said that due to budgetary constraints, translations in these languages are usually made with the help of WCO members. The Secretariat therefore hopes to have the same support in order to be able to translate the toolkit and make it available to Members in these languages.
77. The Committee adopted the report.

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MANAGEMENT COMMITTEE Revised Kyoto Convention 12th Meeting (13-14 November 2013)				
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