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WORKING GROUP
ON THE
COMPREHENSIVE
REVIEW OF THE RKC
-
4th Meeting
-
3 - 5 April 2019

PR0019E1a

Brussels, 26 April 2019.

REPORT OF THE 4TH MEETING OF THE WORKING GROUP ON THE COMPREHENSIVE REVIEW OF THE REVISED KYOTO CONVENTION

I. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

a) Opening Remarks by Mr. Ricardo Treviño Chapa, Deputy Secretary General, WCO

1. The Chairperson opened the meeting and invited Mr. Ricardo Treviño Chapa, the Deputy Secretary General of the WCO, to deliver his opening remarks.

2. In his opening remarks, Mr. Treviño Chapa mentioned four issues to be considered by the Working Group on the Comprehensive Review of the Revised Kyoto Convention (WGRKC). First, he underlined the importance of meeting the tight timeframe for finishing the comprehensive review by 2021, as mandated by the Council, and encouraged delegates to pick up the pace. Secondly, he suggested that delegates consider how to improve the efficiency of the work by adopting new working modes, e.g. by holding Sub-Group discussions in parallel. Reminding delegates that, under its Terms of Reference (ToR), the WGRKC had been clearly instructed to work efficiently by having three Sub-Groups working virtually and in parallel, he stated that there was room for further improvement. It was now the time to review the working methods of the WGRKC and its Sub-Groups, and the consolidation of proposals.

3. He then moved onto the third issue, stakeholder engagement, reiterating its significance for the success of the comprehensive review, and urging the WGRKC to agree on inviting stakeholders to its forthcoming 5th Meeting.

4. Fourthly, he debriefed on the new and updated proposals received from Members and external stakeholders, pointing out that some proposals were mature enough to take to the next drafting phase. He encouraged Members/Contracting Parties (CPs) to work closely together to further develop their proposals and, in particular, to incorporate proposals on the same subject as part of their joint efforts during the intersession. In this regard, he drew delegates' attention to Specific Annex

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D, Chapter 2, where there was no uniform definition of “Free Zones” among relevant international organizations, and suggested moving onto the drafting phase on this subject in the second half of 2019.

5. Agreeing with the opening remarks made by Mr. Treviño Chapa, the Delegate of the Netherlands stated that there would not be enough time to deal with all the proposals if discussions continued to be held using the current working methods. He went on to stress the necessity of including stakeholders in the discussions, since the purpose of the RKC was harmonization of border procedures, which would affect stakeholders. The Delegate also suggested that the WGRKC meeting, in particular in the next financial year, should be longer than three days in order to afford more time for discussions.

6. The Delegate of Mexico considered it necessary to maintain the current working arrangement of having three Sub-Groups working subsequently in the initial stage, in order to maintain an inclusive process and give all Members the opportunity to understand the initial package of proposals. He highlighted the importance of wrapping up the mature proposals, as well as the importance of proponents being prepared to explain their proposals in detail, especially by attending meetings. He further mentioned that in a second stage, those proposals with detailed components that have been approved in principle by the WGRKC could be further developed by the proponents and other interested Members into concrete draft proposals that eventually will be submitted for consideration of the RKC/MC.

7. The Delegate of the United States (US) mentioned that the ToR did not specify the WGRKC task of drafting the text and that it was appropriate to re-draft the ToR at the next stage. He went on to mention that discussions in small groups could not ensure the full participation of all Members. He also reminded the Working Group that the US needed national authorization to take part in drafting text.

8. The Delegate of the Netherlands stated that proposals on Free Zones, and a number of other proposals, were sufficiently mature and should be taken to the drafting phase.

9. The Deputy Secretary General said that the Secretariat would look into the possibility of four-day meetings, with due consideration to the cost of logistics. He also said that he wanted the WGRKC to keep the discussions on methodology, in particular, working in small groups in parallel, with a view to improving the Group’s efficiency.

Conclusion

10. The WGRKC took note of the opening remarks made by the Deputy Secretary General.

b) Adoption of the Agenda
Docs. PR0015E1b, PR0016E1b

11. The Chairperson presented the draft Agenda as prepared by the Secretariat (Doc. PR0015E1b, Doc. PR0016E1b). He explained the modifications to the original draft Agenda, to have three Sub-Group discussions.

12. The Delegate of Nigeria sought clarification regarding Agenda Item III: Discussion on Structure.

13. Responding to Nigeria's inquiry, the Secretariat explained that the issue of structure was a horizontal one, and that the WGRKC had decided to discuss it in the plenary meeting of the WGRKC, not in the Sub-Group I meeting.

14. The Delegate of the Netherlands suggested that the Secretariat maintain consistent numbering of proposals and concepts so that Members could prepare for meetings more easily and efficiently.

Conclusion

15. The WGRKC adopted the draft Agenda (Doc. PR0015E1b, Doc. PR0016E1b) without amendments.

II. INTERSESSIONAL DEVELOPMENTS

16. The Deputy Director of the Procedures and Facilitation Sub-Directorate, Mr. Luc De Blieck, informed delegates that two new Temporary Technical Officers, Mr. Phuntsho Dorji from Bhutan and Ms. Monica Mpairwe from Uganda, had joined the Secretariat and were working as part of the RKC review team, together with Mr. Hao Wu, Ms. Vyara Filipova, Ms. Satoko Kagawa and Mr. Moez Ahmed.

Conclusion

17. The WGRKC took note of the intersessional developments.

III. DISCUSSION ON STRUCTURE

a) Low acceptance of the Specific Annexes Doc. PR0017E

18. The Delegate of the European Union (EU) explained proposal No. 45. He said that low acceptance of Specific Annexes (SAs) was not a new issue, and it would be ideal if more CPs acceded to SAs as a result of improving the quality of each SA. He went on to say that there should be discussion on the structure of the RKC, in particular, on reducing the number of SAs, but that this could take place once the WGRKC established what should be included in the SAs.

19. Underlining the importance of resolving this issue, both in terms of the quality and of the implementation of SAs, the Delegate of Mexico said that it was premature at this stage to discuss the structure, since the WGRKC did not know what would ultimately be included in the package of recommendations that will be submitted for consideration of the RKC/MC.

20. The Delegate of the Netherlands expressed concern regarding continuous postponement of the Agenda item, as the WGRKC were running the risk of having less time for its discussion at the end of the review process.

21. Referring by way of example to Specific Annex D, Chapter 2 (Free Zones), the Delegate of the Netherlands said that, in some current situations, SAs were no longer suitable. Agreeing to postponement of the item to the meeting in June, he also stressed that the WGRKC should, at some point, have a proper discussion on the issue of structure, and that there should be no further postponement beyond June since the WGRKC should obtain input from the next RKC/MC.

22. The Delegate of Poland agreed with the interventions made by the Netherlands and suggested that Members send proposals on structure to the Secretariat before the next meeting. She asked Secretariat to send official letters to Members/CPs to submit proposals on structure within a given deadline.

b) Reduction of Specific Annexes

23. The Delegate of Mexico inquired whether it was possible for the meeting to obtain CPs' reasons for reservations against the Recommended Practices in SAs.

24. Responding to Mexico's inquiry, the Secretariat explained that, whilst it was possible to share the reasons for reservations, explanations were usually not detailed enough to analyse the challenges and issues for each SA.

25. The Delegate of Japan invited the Group to refer to the WCO website, which indicated the Specific Annexes or Chapters therein accepted by each of the Contracting Parties. He then asked the Secretariat whether it would be possible to share the reasons given by Contracting Parties having entered reservations with respect to Recommended Practices, arguing that pursuant to Article 12 of the Body of the RKC, Contracting Parties are required to inform the Secretariat of the reasons for their reservations. In response, the Secretariat explained that the reasons for reservations are not so detailed. .

Conclusion

26. The WGRKC:

- agreed to postpone this Agenda item to the meeting of the WGRKC in June 2019;
- encouraged delegates to submit proposals on the structure of the RKC to the Secretariat before the meeting scheduled in June; and
- Asked the Secretariat to send official letters on this matter.

IV. REPORTING FROM SUB-GROUPS

a) Reporting from Sub-Group I: The RKC Body and relevant horizontal issues Doc. PR0017E

Introduction

27. The Chairperson introduced this Agenda item. Sub-Group I had held discussions on the proposals relating to the Body and relevant horizontal issues of the RKC.

28. The Chairperson invited the rapporteur of Sub-Group I to briefly report on the outcomes of the discussions.

Summary of discussion

29. The rapporteur provided a summary of the Sub-Group I discussions based on the concepts and outcomes outlined in Table I. She said that, considering the maturity of proposal No. 1 by Japan (the periodical update mechanism), Sub-Group I had agreed to place it in Track D, ready for drafting purposes. On the concept "Monitoring, Reporting and Evaluation", the rapporteur informed the Working Group that the EU,

Japan, New Zealand and Mexico and any other interested Members had agreed to work in a group to prepare a concept paper during the intersession and report back to the next meeting. As to Track B proposals, the rapporteur stated that the Secretariat had been requested to ask those proponents unable to be present to provide further information and to report back at the next meeting.

30. The rapporteur further pointed out that, to improve documentation and the review process, the meeting had decided to segregate Track C proposals and place them separately in other places (Archives). All proposals or concepts considered as relevant to other Sub-Groups should also be moved to proper Sub-Groups (in proposals table). She also flagged that, as suggested, the EU had agreed to consolidate proposal Nos 46, 47 and 48 ("Data Issues" concept) into one joint proposal, taking into consideration relevant elements/components and inputs from the Secretariat and 2015 Virtual Working Group (VWG 2015).

b) Reporting from Sub-Group II: The General Annex

Introduction

31. Sub-Group II had held discussions on the proposals related to the General Annex to the RKC.

32. The Chairperson invited the rapporteur of Sub-Group II to summarize its discussions.

Summary of discussion

33. The rapporteur informed the Working Group that Sub-Group II had fruitfully discussed the proposals, and explained the developments and outcomes as summarized in Table I.

34. Regarding Track B proposals, the rapporteur informed the Working Group that some proponents had been asked to report back at the next meeting with more information, and that the Secretariat was requested to contact the proponents who had been absent, and ask for further information and confirmation. He said that the Secretariat had been requested to forward Members' questions and comments to the relevant proponents who had been absent and to request responses.

35. The rapporteur informed the Working Group that the proponents on the concept "Authorized Economic Operators" (AEO) had agreed to consolidate their proposals into one joint proposal and work in a group comprising Australia, China, EU, India, New Zealand and South Africa. The group had been asked to report back to the next meeting. The rapporteur also stated that the concept "Customs Role in Security" was being considered as one combined proposal, in a group constituted by EU, India and Uruguay. He further flagged that Sub-Group II had discussed two proposals submitted by Uruguay and EU, relating to the concept "Use of Advance Technologies", as the 3rd WGRKC Meeting had decided to move this concept from Sub-Group I to Sub-Group II.

c) Reporting from Sub-Group III: The Specific Annexes

Introduction

36. Sub-Group III had held discussions on the proposals related to the SAs to the RKC.

37. The Chairperson invited the rapporteur of Sub-Group III to summarize the discussions.

Summary of discussion

38. The rapporteur explained that Sub-Group III had fruitfully discussed the proposals, and presented the developments and outcomes as summarized in Table I. He said that the proponents of Track B proposals present at the meeting had agreed to provide further information and inputs, and work during the intersession. The Secretariat had been requested to ask those proponents not present for more information and inputs, where applicable. All proponents and sponsoring Members had been asked to report back to the next meeting. The rapporteur also informed the Working Group that Track B proposals by Cuba, who was absent at the meeting, had been placed in Track C as no further information and inputs had so far been received.

39. The rapporteur stated that the proponents on the concept “Free Zones” had agreed to work on a combined proposal, in a group comprising China, EU and South Africa. He also informed the Working Group that the EU and Japan had agreed to work in a group on the “API/PNR” concept and combine proposals, with an open invitation to other interested Members to join. Similarly, Japan and New Zealand had agreed to further work on the combined proposals on Rules of Origin, and assist Switzerland in developing a comprehensive proposals on Specific Annex K. The rapporteur concluded by outlining a suggestion, made by the moderator of Sub-Group I, which aimed to simplify the documentation and categorization of a large number of concepts and proposals received. This suggestion was that all Track C proposals be taken out and placed in a separate table, for ease of reference and understanding of the active proposals in Tracks A and B.

40. The Delegate of Mexico reminded the Working Group that it had been decided to discuss how to handle Track D proposals during the WGRKC plenary session. He also specifically asked about the way forward, namely: whether to set an initial timeframe for developing proposals until all the discussions were complete; or to continue working on proposals. He added that, as the proposals had been placed in Track D, a certain amount of time should be given to further develop Track D proposals. He further noted that he had observed draft proposals under other WCO bodies were developed in small groups during the intersessional periods. However, Mexico conveyed that they remain open and flexible in exploring the best way forward.

41. The Delegate of Côte d'Ivoire sought clarification on the decision pertaining to proposal Nos 70, 71 and 72 from the rapporteur of Sub-Group I. The rapporteur clarified that proposal No. 70 had been placed in Track C, proposal No. 71 in Track B, and proposal No. 72 in Track C, since inspection of intangible goods was found to be outside the scope of the Convention.

42. The Delegate of Australia echoed the earlier suggestion by the Delegate of the Netherlands, namely, that concepts should retain the same numbering when moved from one Sub-Group to another. He gave as an example the concept “Use of Advance Technologies”, advocating that it should be kept as Concept Number 4 when moved from Sub-Group I to Sub-Group II.

43. The Delegate of the US spoke along similar lines, highlighting the importance of numbering. He recommended that due care be given to consistency as, over the period, documents would be passed on to other delegations and Members.

44. With a view to tidying up the document, the Delegate of South Africa sought clarification on the status and way forward for certain Track A proposals that had not

been discussed further or worked on at the current meeting, asking where they should be placed.

45. The Delegate of Thailand told the Working Group that many of their proposals were in Track A, which had not been developed further, and suggested that interested Members co-sponsor some of their proposals. In addition, he asked the Secretariat about the deadline for acceptance of new proposals. His concern was that it would be difficult to start the next stage of the process if there was no specific timeframe for accepting proposals.

46. In response to the question raised by the Delegates of South Africa and Thailand, the Chairperson said that new proposals should be accepted, but not after entering the legal scrubbing phase. He also suggested discussing the questions later.

47. In the context of the issue raised by South Africa concerning Track A proposals not discussed at the current meeting, the Delegate of the EU requested flexibility and time because the EU had proposals which had not been discussed further, and there was still a lot of work to do in the sponsoring group at the level of respective proponents.

48. In response to the EU's request, the Chairperson said that, since WGRKC meetings were quite close together, Contracting Parties and Members could not be made available to do everything at once, or even within a couple of weeks. He added that it might be possible to prioritize and consider the EU's suggestion for flexibility in picking up extra elements that were in Track A.

49. The Chairperson closed the Sub-Group reporting session and invited the Deputy Secretary General of the WCO to make any remarks.

50. The Deputy Secretary General welcomed the progress made at the 4th Meeting of the WGRKC and said that he was delighted to hear that there was now a proposal in Track D, considering the timeframe mandated for the present review. In response to the intervention by the Delegate of Mexico, he said that he considered it a positive step to work during the intersession and perform the drafting work in small groups. He would, however, leave this to the WGRKC to discuss.

51. The Chairperson said that it would be best to ask those proponents willing to take forward Track D proposals to prepare a first draft, and subsequently have drafting groups when several drafts were ready. He explained that a small drafting group could accordingly look into issues such as consistency and language, emphasizing again that a small drafting group would be very helpful in taking the work forward. The Chairperson went on to suggest that, as currently there was only one Track D proposal, the WGRKC could possibly test this single proposal out and observe whether the first draft could be tabled at the next meeting. This might then become the basis for taking the work forward.

52. The Delegate of the Republic of the Congo informed of the outcome of the preparatory meeting, and said that the Chairperson had mentioned that proponents might ask the Secretariat to help with drafting text if necessary.

53. In response, the Chairperson explained that it was up to proponents to ask the Secretariat for help, and reiterated his suggestion that Track D be tested out first, to observe whether it was feasible or not.

54. The Chairperson again suggested creating a small drafting group once the Working Group had a sufficient number of drafts. Highlighting the importance of

providing opportunities to Members to send in proposals for the next meeting, the Chairperson then invited delegates to discuss cut-off dates for proposals.

55. The Delegate of Mexico felt that the Track D proposal had been sufficiently discussed and was ready to take to the next stage. He said that the RKC review process should remain Member-driven, suggesting that proponents take the lead on relevant proposals. He further suggested that other Members who were interested in the proposals might work together with the proponent during the intersession. With a view to avoiding similar discussions in future regarding other proposals, he asked the Chairperson to clarify what was expected to be presented to the RKC/MC on proposal No. 1C

56. The Chairperson clarified that the issue of achieving consistency between all the drafts would be a challenge for a later stage, once the various drafts had been prepared. A mechanism would be necessary for preparing consistent texts as part of the overall package. As to proposal No. 1C, the Chairperson said that either option was possible: Members could either have a draft ready before the RKC/MC; or Members could continue their discussions and then present the proposal to the RKC/MC to confirm whether it supported the WGRKC approach. The Chairperson left it to the proponents to decide the best course of action. However, he pointed out that it was also possible for any CPs to submit proposals for inclusion in the Agenda of the RKC/MC.

57. The Delegate of Japan sought clarification as to what was expected at the meeting of the RKC/MC in June. He pointed out that, according to the Work Plan of the WGRKC and the report of its 1st Meeting in September 2018, the WGRKC timeline had already been set. Accordingly, the WGRKC was expected to submit recommendations to the RKC/MC based on the concepts with components. He said that it was not clear what was expected since, if recommendations were to be submitted to the next RKC/MC, it meant that drafting work needed to start.

58. The Chairperson reiterated that this was up to the proponents to decide. He highlighted that it would be highly welcome if a proponent of a Track D proposal wished to prepare a first draft to be presented to the RKC/MC, and other interested Members/CPs were willing to collaborate in the drafting.

59. The Delegate of China said that it seemed not many Members had submitted proposals, and that some Members were still considering whether to do so. China was also considering submitting proposals, and so more time and flexibility were required: the Customs Administration of China had set up an RKC review group and this entailed a tremendous amount of work, not only to coordinate among Customs units dealing with different issues, such as control, audit and supervision, but also to work with the relevant universities and academic institutions. The Delegate of China suggested that the time period for accepting new proposals continue until September or the third quarter of 2019. He further suggested a stepwise approach, e.g. mature proposal No. 1C could be presented to the RKC/MC for decision, whilst new proposals continued to be received.

60. In response, the Chairperson said that this accorded with his earlier explanation. He added that, given that not only China, but also many other Members, were struggling to deal with the whole process internally and envisaged many new proposals coming in from all sides of the globe, it was certainly not his intention to close off the possibility of further contributions. His only concern, as indicated in the past, was that careful consideration be given to accepting new contributions during the last year of the revision, as the text would then be undergoing finalization.

61. The Delegate of Sweden sought clarification on whether it was a single undertaking or package that would be presented to the RKC/MC for decision. He further asked how the RKC/MC would be able to discuss a single proposal without an overview of the whole picture.

62. The Chairperson underlined the importance of having flexibility throughout the discussion in the RKC/MC, and agreed with the Delegate of Sweden that it would be difficult to gain an overview if discussing just one point. However, it was up to the RKC/MC to set its Agenda and identify the parties allowed to suggest Agenda items.

63. The Delegate of the US welcomed the fruitful discussion on various topics, such as emerging technologies, enforcement practices relating to currencies crossing borders, and security. He highlighted that many of these concepts already existed in the WCO instruments and tools, which provided inbuilt flexibility. He further reminded the delegate that the RKC guidelines were highly relevant for making sure that the Convention was considered in the current environment, that it was up-to-date, and that the tools were implemented. He added that there were no shortcuts for amending the RKC, and that there was only the existing amendment process. The Delegate also flagged that they did not have the authority or mandate to amend the RKC textually. In conclusion, he said that the US was committed to continuing its participation in the WGRKC, and that it looked forward to the evaluation of proposals by the RKC/MC, which had suffered from not having a robust dialogue.

64. In this context, the Chairperson said that it would be helpful if the WGRKC could propose some Agenda items for the RKC/MC, and invited the Secretariat to explain the process.

65. The Secretariat explained that the RKC/MC Agenda was decided in close consultation with the Contracting Parties. Letters were sent to all CPs for submission of Agenda items six weeks in advance of the RKC/MC meeting. If the WGRKC had Agenda items for the RKC/MC, these would certainly be considered for inclusion. At the same time, as a CP to the RKC, any delegation could propose an Agenda item. The deadline for submission of Agenda items for the next RKC/MC meeting was 19 April 2019. The Secretariat said that that no Member had yet submitted an Agenda item for the RKC/MC meeting scheduled for June 2019.

66. The Delegate of Japan expressed his understanding regarding China's comments on the time-consuming process of developing proposals. He reminded the Working Group that the goal of April 2021 had already been set for submitting a complete and comprehensive RKC review to the RKC/MC. Japan suggested that the Secretariat start working backwards in order to meet that goal, for example, by considering when to stop discussions on component-based proposals, when to start drafting, and when to start legal scrubbing.

67. The Chairperson noted that the suggestion made by Japan was in line with the further revision of the Work Plan of the WGRKC, and asked the Secretariat to look into Japan's proposal when considering the revision of the Work Plan.

68. The Delegate of Poland agreed with the intervention made by Japan. She said that there had already been three deadlines to submit the proposals. The WGRKC could possibly have a final call for proposals. She explained that this did not mean that the WGRKC would not accept any more proposals, as those which were valuable would still need to be considered.

69. The Secretariat confirmed that Poland's suggestion on sending letters would be followed, informing delegates that the deadline for submitting new or joint proposals would be the last week in April, given the documentation deadline of four weeks. The

Secretariat asked Members to follow the correct format for documentation to ensure efficiency.

70. The Delegate of Thailand asked the Secretariat to develop a timeline and action plan covering a three-year period, and to share this with Members for submission to their capital.

71. The Chairperson informed the Working Group that the Work Plan was a living document, which was to be adjusted in the light of new developments. Cut-off dates for proposals might therefore need to be changed. The Chairperson said that final cut-off dates for proposals could be expected to be autumn 2019 in the revised Work Plan.

72. Referring to Australia's experience of drafting national laws, Australia indicated that drafting could involve a two-step approach: (1) developing drafting instructions; and (2) a final text, based on the drafting instructions, to change the law and produce a bill, for the purpose of clarifying the drafting of Track D proposals in terms of text and specifics.

73. The Chairperson felt that the proponents of the proposals were best placed to carry out the initial drafting work by developing a legal text covering the components. He said that he did not have a "one size fits all" solution in this respect, as it depended on the country and on the type of proposal.

74. The Delegate of Japan agreed to prepare the draft text on proposal No. 1C and submit it for the next meeting of the WGRKC in June. He confirmed submission of the draft text to the Secretariat by the end of April.

75. The Delegate of the EU sought further clarity, given the special nature of proposal No.1C, which proposed a periodical review mechanism without changing the text of the RKC. He asked whether the approach being considered would apply to the review of this Convention.

76. The Chairperson responded that it was best to see the first draft by Japan at the next meeting and take things forward from there. He also said that, since he could not take a definitive view on the way forward for many of the items discussed, it might be best to ask the Secretariat to adapt the Work Plan in line with all the suggestions made, and continue the discussion at the next meeting of the WGRKC.

<u>Conclusion</u>

77. The WGRKC:

- took note of the three Sub-Group reports and discussions;
- agreed that the sponsoring countries would work together to develop each concept further during the intersession, to produce a joint proposal/draft text;
- agreed to discuss the results of the WGRKC in the RKC/MC;
- directed the Secretariat to send an invitation letter to call for proposals, in particular on structure, as well as to revise the Work Plan of the WGRKC to accommodate the suggestions and inquires on the timeline; and
- sought further inputs and proposals by Members for the next meeting of the WGRKC.

[Table I] Results of the discussions in the Sub-Groups

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
[Sub-Group I: Body of the Convention]					
1. Future Proofing					
- Periodical update mechanism	JP	No. 1/No.1 C (Updated)	Track A	Track D	- No.1/No.1C to be placed in Track D – Drafting of the proposal as members of the WGRKC felt that it is well prepared; - Japan to take this proposal forward for drafting proposal to be discussed in the next WGRKC meeting and in the next RKC/MC meeting.
- Flexibility in adapting to new development	EU	No.43 (Updated)	Track A	Track A	- No.34 to be put in Track A, subject to further information, as to have more clarity to guide the discussion forward in the next meeting. - EU to work on two components: (1) Legal nature, and (2) Level of adjustment; whether it would be Instruments and/or tools being the subject of discussion.
2. Monitoring, Reporting, and Evaluation					
- Monitoring, reporting and evaluation	BT, JP, SE	No. 2, No. 3/No. 3C (Updated), SE1	**Track C (No.2) Track A**	Track A	- To place No.3/No.3C proposals in Track A; - Useful elements in No.2 to be incorporated into No.3/3C. - A joint concept paper to be developed by EU, JP and NZ, with the support of Mexico (Moderator) - The work to be done during intersession and reported to next meeting.
- Monitoring, reporting and evaluation	NZ	No. 68 (New)	New		
- Peer review mechanism	EU	No. 44/ No.44C (New)	Track A		
- National committee to follow up implementation	EG	No. 69 (New)	New	Track B	- Put No.69 in Track B - Some comments that this proposal goes too far into domestic affairs - EG to provide rational behind and more information. If no response received during inter-session then in next meeting, to be placed in Track C. - EG to work with RME mechanism group if they are interested in taking this proposal forward
- National Committee	SE	SE7			
3. Structure			Track A	Track A	Considered as Agenda for Day 3 before the Sub-Group's reporting session.
- Reduction in SAs	EU	No.45	Track A	Track A	Discussed in plenary of the WGRKC (Agenda Item III.)
- Acceptance of amendments by all CPs	EG	No.71 (New)	New	Track B	- This proposal placed in Track B. - Some mentioned better not to change the amendment procedures. - EG to reflect on the comments made by delegations and provide further inputs and comments during inter-sessional period.
4. Use of Advance Technologies	VWG	V2.5			Shifted to Sub-Group II
5. Trade Facilitation					Shifted to Track C, Table II of this report.
6. Enrichment of Definitions	JP	No.28/38	Track A	Track A	Proposal No.28/38 supported and to be discussed at a later stage in a plenary session of the WGRKC as decided in 3rd

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
					WGRKC meeting.
[Sub-Group II: General Annex]					
4. Use of Advance Technologies:					As decided, shifted from Sub-Group I
- E-seals or similar devices with tracking/tracing capabilities	EU	No. 49	Track A	Track A	
- Disruptive technology/artificial intelligence	HT	No.50	Track B	Track B	
7. Data Issues (GA Chapter 7)	**SE**	SE10			Shifted to Sub-Group II
- Flexibility in declaring/acquiring data	EU	No.46	Track A	Track A	- Proposals No. 46, 47 & 48 to be considered as one; - EU to consider relevant elements included in Secretariat's input No. 10; - To take into consideration outcome from VWG 2015 - V2.5; V4.1.
- Improved Data quality	EU	No.47	Track A		
- Interoperability and inter-connectivity (WCO Data Model/Single Window)	EU, VWG	No.48, V2.5	Track A		
- Supply Chain Security	IN, VWG	No.80C (New), V4.1	New	Track B	- Placed in Track B; - India to consult further with the Capital and provide further information for consideration in next meeting; - EU to provide some support to India and collaborate further in more depth.
8. Electronic Declarations (GA Chapter 3/Chapter 7)					
- Electronic declarations, and placing goods under Customs procedure	EU	No.51	Track A	Track A	EU proposed discussing this proposal in next meeting, with further preparation and information.
- Acceptability of electronic Goods declaration	PH	No.73 (New)	New	Track B	- This proposal No.73 to be placed in Track B. - Secretariat to forward the questions to the proponent for further information;
- Format and copies of goods declarations	PE	No.74 (New)	New	Track B	- The Secretariat to forward the questions to the proponent for further information; - Place this proposal in Track B.
- Paperless declarations	EX	EX3 (New)	New		To be discussed in next meeting.
- Copies of supporting documents	EX	EX4 (New)	New		To be discussed in next meeting.
- 24/7 Cargo and Goods declaration	EX	EX5 (New)	New		To be discussed in next meeting.
9. Advance Cargo Information (SA A/C1)					
- Advance Cargo Information	JP, TH, VWG, SE	No.13, No.14 No.13C-14C, V1.3, SE11	Track A	Track A	
- Pre-arrival processing	EX	EX6 (New)	New		To be discussed in next meeting.
- Electronic submission of ship stowage plan	PH	No.75 (New)	New	Track B	Proposal No.75 to be placed in Track B, subject to further information to be sought and response to the questions raised.
10. Advance goods declaration (GA/C3)					Shifted to Track C, Table II of this report.

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
11. Authorized Economic Operators					
- Authorized Economic Operators	BR/ AU, VWG, IN	No. 16/No. 16C, V1.4, No.76C (New)	Track A New	Track A	- All the proposals to be placed in Track A. - This concept to be further elaborated into one joint proposal by the group (AU, CN, EU, IN, NZ & ZA) and to be presented in next meeting.
- Special procedure for authorized person (TS 3.32, Chapter 3, GA, RKC)	ZA	No. 53	Track A		
- Enhanced trade facilitation for trusted trade lanes	EU	No. 54	Track A		
- Self-assessment (by traders)	EU	No. 55	Track A		
- Mutual recognition of AEO	VWG, (IN)	V4.2, (No.76C (New))	(New)		
- SAFE Framework of Standards	VWG	V1.2			
12. Perishable Goods (GA Chapter 3)	NZ, VWG	No.77 (New), V2.3	New	Track A	- Proposal No.77 to be placed in Track A. - NZ to incorporate comments and contributions from Members and improve the proposal for the next meeting.
13. Electronic payment of duties (GA Chapter 4)	TH, VWG, EX	No. 17, V2.4, EX7 (New)	Track A	Track A	
- Refund using electronic system	EX	EX8 (New)	New		To be discussed in next meeting.
14. Customs role in security (GA Chapter 6)					
- Security risk concept	UY, VWG	No.6/No.6 C(New), V1.1/V1.2	Track A	Track A	- All proposals to be placed in Track A. - The Secretariat to combine all proposals so that EU, IN and UY to work together in group for joint elaboration.
- Role of Customs in the context of Security	IN, EU	No.78C (New), No.79 (New)	New		
15. Customs control (GA Chapter 6)					
- Customs control concept	UY	No.7			
- Risk management	MM, MA, VWG, SE, PE	No.29, No.30, No.31-36, V1.6, SE12 No. 81 (New)	Track A New	Track A Track B (No. 81)	- Proposal No.81 to be placed in Track B. - The Secretariat to forward the two questions to Peru.
- Operational and Tactical Risk Management	PE	No. 82 (New)	New	Track B	Proposal No.82 to be placed in Track B.
- Risk management for expedited release	EX	EX9 (New)	New		To be discussed in next meeting.
- Customs control with technologies	HT	No.56	Track B	Track B	

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
16. Post-clearance audit (GA Chapter 6)					
- Post Clearance Audit or Audit-based Control	TH, UY, VWG, SE	No.18, No.19, V3.1, SE13	Track A	Track A	
- Audit "Support the auditing of electronic declarants records using simplified procedures"	VWG	V3.2			
17. Customs mutual assistance (GA /C3, C6)					
- Joint control and juxtaposed Customs (GA/ C3)	MM, EG	No.22, No.83 (New)	Track B New	Track B	- Egypt's proposal No. 83 to be subsumed with concept (No.29) of Coordinated Border Management - Secretariat inputs (SE 19 and SE 14) to be considered along with EG's Proposal No. 83.
- Customs mutual assistance	UY, SE	No.23, SE19	Track B	Track B	
- Global exchange/reuse of data	EU	No.57	Track A	Track A	
- Globally Networked Customs (GNC)	SE	SE14			
18. Publication and availability of information (GA/C9)					
- Publication and availability of information	TH, SE	No.24, SE20	Track A	Track A	- To be placed in Track A. - Secretariat inputs (No.20) to be considered only as inputs.
- Opportunity to comment	VWG	V4.6			
- Use of internet	VWG	V4.7			
- Enquiry Points	VWG	V4.8			
19. Advance rulings (GA Chapter 9)	TH, VWG, SE IN	No.25, V1.5, SE15, No.84C (New),	Track A	Track A	- Proposal No.84C to be placed in Track A - India, considering all the comments and discussions, to work further on the proposal and come back to the next meeting.
20. Measures to ensure consistency in applying national legislation	JP	No.27/No. 27C (Updated)	Track A	Track A	
21. Relationship with 3rd parties (Licensing and registration – Customs brokers) (GA/C8)	ZA, EX	No.58, EX1 (New)			- To be discussed in next meeting with proponents.
22. Appeal					
- Consideration of Complaint	EG	No. 85 (New)	New	Track B	- No.85 to be placed in Track B - The Secretariat to communicate with

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
					EG for further information.
[Sub-Group III: Specific Annex]					
23. Warehouse (SA D/C 1)					
- Warehouse	CU, IN,	No.59, No.86C (New)	Track A New	Track B (CU) Track A (IN)	- Categorize Cuba's proposal No.59 in Track B - India to come back to next session on the questions posed by Japan and Côte d'Ivoire - The proposal No.59 (CU) to be subsumed in No.86C (India). Hence India to develop and substantiate No.86C further, considering No.59's elements where possible;
- Regional Warehouses	PH	No.87 (New)	New	Track B	- Place this proposal No. 87 in Track B - Some members raised some questions on what is "regional". Another member supports but refers to 21st Century Integrated Supply Chain policy and requires more information – - The Secretariat to send questions raised to the proponent for clarification and input.
24. Free Zone (SA D/C 2)					
- Free Zones	ZA, HT, CU, SE, EU,	No.60/No.60C (New), No.61, No.62, SE2 (Updated) No.88/ No.88C (New)	Track A New	Track A	- Proposals No.60/60C & No.88/88C remain in Track A. - ZA and EU to take into account remarks made by the Members and to update the proposal(s) for the next meeting. - CH, ZA and EU to collaborate to work in a group on this proposal based on the combined proposals drafted by the Secretariat where the proposals 60/60C and 88/88C are combined. - The three Members are to consider Secretariat inputs (SE2) and document prepared by Secretariat on Free Zones.
- Offshore Factories	IN	No.89C (New)	New	Track B	- Proposal No.89C to be placed under Track B. - Considering several Members' reservation on proposal No. 89C, need further information from India;
25. Transit (SA E)					
- Railway	JP	No.41			
- Transit and trans-shipment	VWG	V4.3			
26. Processing of Goods for home use (SA F/Chapter 4)	ZA	No.63/No.63C	Track A New	Track A	- Proposals No.63/63C remained in Track A. - ZA at the next meeting of the WGRKC. - Request ZA to come back with more clarification and to present an example to understand it clearly.
27. Travellers, (SA J/Chapter 1)					
- API/PNR on passengers	JP, SE	No.39/No.39C (Updated), SE16,	Track A	Track A	- Proposals No. 39/39C to be placed in Track A. - The proponent (JP) is requested to work together with the EU as they

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
					expressed interest in this topic. - Interested Members to work together during intersession.
- Travellers	ZA, IN, VWG, SE	No.64/64C, No.90C (New) V4.4, SE17	Track A	Track A	- Proposal No. 90C to be placed in Track A. - IN to elaborate further on the proposal and take into account the input made by the Secretariat (SE16). - Proposals No.64/64C remain in Track A. - ZA to further elaborate proposal No.64C by taking into account questions or concerns raised by Japan, Sri Lanka, Australia and, Netherlands and get back to next meeting.
- Information exchange on vehicles imported by travellers	PE	No. 91 (New)	New	Track B	- Proposal No. 91 to be put into Track B. - The Secretariat to reach out to PE for clarification and get back to next meeting.
28. Rules of Origin (SA K)					
- Self-certification system of Rules of Origin and verification procedures	JP, NZ	No.40/No. 40C (New), No.92 (New)	Track A New	Track A	- Proposal No. 40/40C remains in Track A - Proposal No.92 and No.93 to be put in Track A. - Switzerland (CH) agreed to sponsor the development of Specific Annex K - NZ and JP to work together on the proposals with CH as sponsoring group. - The sponsoring group to work together further on these proposals and to refer to the questions put forward by the Secretariat (SE3) and the document prepared by the Secretariat.
- Direct Transport Rule	NZ	No.93 (New)	New	Track A	
- Rules of Origin	SE	SE3 (Updated)	Track A		
29. Coordinated Border Management					
- Integrated/Coordinated Border Management	UY, EU, EG, SE6	No.94C (New), No. 95C (New), No. 96(new), SE6	Track A New	Track A	- All proposals to be placed in Track A and to be combined; - The Secretariat to produce a document combining all proposals. - The EU to elaborate on the proposal and take into account the questions and remarks made by Members and the input made by the Secretariat (SE6). - Proponents are also referred to the document prepared by the Secretariat.
- Single Window	TH, IN, EG, VWG, SE	No.21, No.97C (New), No. 98 (New), V2.1, SE18	Track A	Track A	- All proposals to be placed in Track A. - India to elaborate on the proposal taking into account the objections, reservations, questions and remarks made by some Members and the input made by the Secretariat (SE18). - India to come up with more substance and get back to next meeting. - India to consolidate proposal No. 21, No.98 to No. 97C including components to No. 97(C)
30. Establishment and publication of	MM, IN,	No.26, No.99C,	Track A	Track A	- The proposal No.99C to be placed in Track A.

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
average release times (TRS)	VWG, SE	V4.9, SE5			- IN to develop the proposal No. 99C further, taking into account the remarks made by the Members.
31. Partial Shipments of Goods					Shifted to Track C, Table II of this report.
32. Regime of import of goods as replenishment within guarantee period					Shifted to Track C, Table II of this report.
33. Relief Consignment (SA J, C5)	EX, VWG	EX2 (New), V2.2	New		Meeting agreed to discuss external stakeholder proposals in the next meeting.
34. Postal Traffic (SA J/Chapter 3)	UY, AU	No.100 (New), No. 101 (New)	New	Track A (AU)	- Place Australia proposal No.101 in Track A - AU to develop components on the proposal No.101. AU to capture No.100 (UY)'s concepts/elements in Australia's proposal. - This topic be put to the UPU Contact Committee and await further contributions, if any.
35. Express/Expedited shipment	VWG	V4.5			
- E-Commerce	PH, AU	No.102 (New), No. 103 (New)	New	Track A (AU) Track B (PH)	- Australia's proposal No.103 in Track A - PH proposal No. 102 to be placed in Track B for further information - AU to further substantiate with more components for discussion in next meeting. Also, AU to consider relevant elements of No.102 (PH) proposal.
- Return/refund	EX	EX10	New		The WGRKC to invite the proponents for the next meeting to discuss this proposal EX2.
36. Means of transport for commercial use					
- Rules on Empty Steel Containers	PH	No.104 (New)	New	Track B	- Proposal No.104 to be put it in Track B - The Secretariat to contact PH for further elaboration and on queries raised by ZA, and refer back

[Table II – Track C]

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
[Sub-Group I: Body of the Convention]					
2. Monitoring, Reporting, and Evaluation					
- Capacity building	BT	No. 4	Track C	Track C	
3. Structure					
- Low acceptance of SAs	BT	No.37	Track C	Track C	
- Implementation period	EG	No.70 (New)	New	Track C	- Proposal No. 70 to be placed in Track C. - Some Members commented that all elements of proposal No.70 are already covered by the RKC.
6. Trade Facilitation					

CONCEPT	Propo-nents	Proposal No.	Track (3rd WGRKC Meeting)	Track (4th WGRKC Meeting)	Outcome of the 4th WGRKC Meeting
- Trade facilitation concept	BT	No. 5	Track C	Track C	
- Alignment to WTO TFA	BT, SE	No. 9, SE8	Track C	Track C	
7. Data Issues (GA Chapter 7)					As decided, shifted to Sub-Group II
- Information technologies concept	BT	No. 8	Track C	Track C	
- Data harmonization/standardization (WCO Data Model)	MA, VWG, SE	No. 20, V2.5, SE10	Track A	Track C	
Others	BT	No.10, No.11, No.12	Track C	Track C	
[Sub-Group II: General Annex]					
4. Use of Advance Technologies	VWG	V2.5			As decided, shifted from Sub-Group I
- Advance technologies e.g. Blockchain	BT	No.42	Track C	Track C	
- Examination of intangible goods using Non-Intrusive Inspection (NII) & HR	UY	No. 72 (New)	New	Track C	To be placed in Track C as it is outside the scope of RKC.
11. Advance goods declaration (GA/C3)	UY, ZA	No. 15/No.15 C (New), No. 52/No.52 C (New)	Track A	Track C	- ZA Proposal No. 52/52C withdrawn; - UY Proposal No. 15/15C to be placed in Track C;
[Sub-Group III: Specific Annex]					
27. Travellers, (SA J/Chapter 1)					
- Exemption of duties	CU	No.65	Track B	Track C	No further developments, transfer it to Track C
33. Partial Shipments of Goods	CU	No.66	Track B	Track C	Place it in Track C
34. Regime of import of goods as replenishment within guarantee period	CU	No.67	Track B	Track C	Place it in Track C

V. STAKEHOLDER ENGAGEMENT

Doc. PR0018

Introduction

78. The Secretariat presented Meeting Document PR0018 by outlining the relevant background information and, in particular, the discussions on the engagement of external stakeholders at the 3rd Meeting of the WGRKC and the 80th Session of the Policy Commission. It was recalled that the Policy Commission had, at its 80th Session, recognized the importance of engaging external stakeholders in the comprehensive review of the RKC and encouraged the WGRKC to involve them to the greatest possible extent, at an early date.

79. The Secretariat reminded delegates that, in line with the decision taken at the 3rd Meeting of the WGRKC, the Working Group was invited to consider possible Agenda

items for the 5th Meeting, and to decide whether to engage external stakeholders, based on the topics for discussion at the 5th Meeting. To this end, the Working Group was to hold an open session with external stakeholders on 6 June 2019, the first opportunity to involve WCO external partners in WGRKC discussions.

Summary of discussion

80. The Chairperson then invited delegates to discuss this item.

81. The Delegate of Mexico reiterated his delegation's support for the inclusion of external stakeholders in the RKC review process. However, he reiterated the position that Mexico had expressed since the 1st Meeting of the RKCWG that the participation of external stakeholders should be managed in an orderly fashion. In this regard, they considered that the PSCG, being the group of private sector representatives officially recognised by the WCO, should have a priority and constitute the core consultative body. He highlighted the importance of carefully considering any additional external stakeholder, in case the WGRKC decides to include others, to ensure due representation. He went on to explain that the WGRKC could discuss the proposals on the table, as well as certain other agenda items, to learn their opinions on the RKC implementation.

82. Underlining the importance of external stakeholder engagement in the comprehensive review of the RKC, the Delegate of the US expressed the opinion that the dedicated session should focus on general dialogue, such as on hearing views about the challenges to implementing the RKC, and not focus on the thematic approach. He also stated that the WGRKC should deliver its message to stakeholders as to what they could contribute to its work.

83. Reiterating the importance of stakeholder engagement and reminding the delegates that the purpose of the comprehensive review of the RKC was to harmonize Customs procedures overall, the Delegate of New Zealand stated that the Private Sector Consultative Group (PSCG) could not represent broad types of industry related to the RKC. He stressed the importance of how the WGRKC structured the dialogue with external stakeholders, suggesting that there should first be orientation and explanation about its current work, and then wider business consultation.

84. The Delegates of the Netherlands, Australia and Sweden reiterated the importance of stakeholder engagement. The Delegate of the Netherlands further stated that involvement of international organizations would also be important. He reminded the delegates that the WGRKC should discuss the proposals on the table with proponents at the next meeting of the WGRKC. He added that information about the work of the WGRKC had been shared with external stakeholders during the WCO Global Conference on the Comprehensive Review of the RKC, held in November 2018, and that the WGRKC should avoid repeating the same exercise.

85. The Delegate of Côte d'Ivoire suggested that the WGRKC invite all the participants involved in the normal WCO meetings.

86. Reminding delegates that the list of external stakeholder participants was available as Annex I to Doc. PR0012E, the Delegate of Poland expressed her concern that the number of external stakeholders could exceed the number of Members and Contracting Parties, stating that this should be avoided.

87. The Deputy Secretary General stressed the importance of inviting international organizations as well as other stakeholders and stated that the Secretariat should follow ordinary invitation policy. He added that, based on his experience, it was unlikely that all listed participants would take part. He summarized the possible

Agenda items for the dedicated stakeholder session as: introduction to the ongoing work of the WGRKC; WGRKC expectations of external stakeholders; listening session on stakeholder interests regarding the review of the RKC; and possible discussion on the future work plan, for further discussion with stakeholders on specific themes.

88. The Delegate of Mexico stated that he was open to additional external stakeholders attending the PSCG, and that the Secretariat needed to keep Agenda items focused. In terms of content, he felt that it would be appropriate to explain the approach and methodology, and then to listen to their views on challenges to implementation of the RKC.

89. The Delegates of Australia and the United Kingdom (UK) suggested having the stakeholder session on the first day of the 5th Meeting of the RKC, rather than on the last day. In this regard, the Delegate of South Africa felt that the date would depend on the purpose of the discussion: if the purpose was to discuss proposals in detail, then it would be better to hold the discussion at the beginning of the meeting.

90. Reminding the Working Group that it had not yet exchanged information with external stakeholders, the Chairperson said that the WGRKC should explain its progress in general, and that it would therefore be adequate to have the fourth day for the stakeholder session.

91. The Delegate of the UK reiterated the fact that Sub-Groups had not discussed the proposals provided by external stakeholders, underlining the importance of doing so at the 5th Meeting of the WGRKC.

Conclusion

92. After due consideration of Meeting Document PR0018 and the interventions made by delegates, the WGRKC agreed that it would hold a dedicated session with external stakeholders on the fourth day of the 5th Meeting of the WGRKC. Stakeholders would include the private sector, academia, international organizations and others, based on the ordinary invitation policy implemented by the Secretariat. As to possible Agenda items for the session, the WGRKC would inform of current progress on the comprehensive review; listen to stakeholder opinions and experiences on the challenges they faced in implementing the RKC; and discuss the proposals submitted by external stakeholders.

VI. POSSIBLE AGENDA ITEMS FOR THE 5th MEETING OF THE WGRKC

Introduction

93. The Chairperson invited the Secretariat to orally explain the possible Agenda items for the 5th Meeting of the WGRKC.

94. The Secretariat began by saying that there would be three days for the plenary and Sub-Group discussions, as well as one day for stakeholder engagement. The plenary session would include an item on what was to be reported to the meeting of the Management Committee of the RKC in June.

Summary of discussion

95. The Delegate of the UK suggested that discussion on proposals from stakeholders might be arranged for Wednesday afternoon.

96. The Delegate of Japan supported the suggestion by the UK.

97. The Delegate of Côte Ivoire referred to the Track A proposals and suggested focusing on these as priorities. He highlighted the importance of proponents' explaining their proposals.

98. The Delegate of Poland pointed out that the absence of some proponents caused difficulties when it came to the discussions concerned. She suggested checking whether proponents would be absent or present in advance to the meeting.

Conclusion

99. The WGRKC took note of the delegates' suggestions.

VII. OTHER BUSINESS

100. There were no issues for discussion under this Agenda item.

VIII. CLOSING OF THE MEETING

101. The Chairperson made some concluding comments and closed the Meeting. (The list of participants is attached as Annex III to this report.)

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Working Group on the Comprehensive Review of the RKC 4 / Groupe de travail en charge de l'examen complet de la CKR 4

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