

EU TAXATION LAW Textbook

EU taxation law is a complex and evolving legal framework that governs how taxes are imposed, collected, and regulated across the member states of the European Union (EU). As the EU seeks to promote economic integration, facilitate cross-border trade, and ensure fair taxation practices, understanding the intricacies of EU taxation law becomes essential for businesses, legal professionals, policymakers, and taxpayers alike. This article provides a comprehensive overview of the key principles, regulations, and recent developments in EU taxation law, highlighting its significance in the broader context of European economic integration.

Overview of EU Taxation Law

EU taxation law encompasses a wide array of rules and directives designed to harmonize tax policies across member states, prevent tax evasion, and foster a fair and competitive internal market. While each EU country maintains its own national tax system, certain aspects are regulated at the EU level to ensure consistency and cooperation.

Objectives of EU Taxation Law

- Facilitate free movement of goods, services, capital, and people by reducing tax barriers.
- Prevent double taxation and tax evasion through collaborative mechanisms.
- Harmonize indirect taxes such as VAT and customs duties to ensure a level playing field.
- Promote transparency and fair tax competition among member states.

Key Components of EU Taxation Law

The legal framework of EU taxation law can be categorized into several critical areas:

Value Added Tax (VAT)

VAT is a significant indirect tax within the EU, applicable to most goods and services. The EU has harmonized VAT rules through directives to ensure consistency.

- EU VAT Directive (2006/112/EC): Establishes the common framework for VAT across member states.
- Key principles include taxation at the place of supply, standard rates, reduced rates, and exemptions.

- Cross-border VAT rules streamline procedures for businesses engaged in intra-EU trade, such as the VAT MOSS system for digital services.

Customs Duties and Tariffs

EU customs law governs the movement of goods across borders within the single market and with external countries.

- Union Customs Code (UCC): Modernized customs procedures, facilitating trade and ensuring security.
- Tariff classifications and trade policies are designed to protect EU industries while complying with international trade agreements.

Corporate Taxation and Transfer Pricing

While corporate income tax remains primarily a national competence, the EU promotes coordination to prevent tax avoidance.

- Anti-Tax Avoidance Directives: Address issues like hybrid mismatches, controlled foreign company rules, and general anti-abuse measures.
- OECD BEPS Action Plan: Influences EU strategies on base erosion and profit shifting.
- Transfer Pricing Guidelines: Ensuring that intra-group transactions are conducted at arm's length to prevent profit shifting.

Tax Cooperation and Anti-Avoidance Measures

EU countries collaborate to enhance tax transparency and combat tax evasion.

- Automatic Exchange of Information: Platforms like the Common Reporting Standard (CRS) facilitate data sharing.
- Country-by-Country Reporting: Large multinationals must disclose tax-related data across jurisdictions.
- Directive on Administrative Cooperation (DAC): Strengthens cooperation among tax authorities.

Recent Developments in EU Taxation Law

The landscape of EU taxation law is constantly evolving, driven by economic, political, and social factors. Some of the notable recent developments include:

Digital Taxation Initiatives

The rise of digital economies has prompted the EU to develop new taxation rules.

- Digital Services Tax (DST): Proposed measures targeting revenues generated by digital giants.
- OECD Pillar 1 and Pillar 2: International efforts to reallocate taxing rights and establish minimum corporate tax rates, influencing EU policies.

EU's Fight Against Tax Evasion and Aggressive Tax Planning

Enhanced transparency measures aim to curb harmful tax practices.

- Implementation of Anti-Tax Avoidance Package to close loopholes.
- Expansion of the DAC series to include new reporting standards and jurisdictions.

Taxation and Sustainability

The EU integrates sustainability goals into tax policies.

- Proposals for carbon border adjustment mechanisms and eco-taxes.
- Encouragement of environmentally friendly business practices through tax incentives.

Legal Challenges and Controversies

EU taxation law often faces legal debates and challenges, including:

- Disputes over the compatibility of national tax measures with EU rules.
- Cases involving state aid, where certain tax benefits are challenged as unfair subsidies (e.g., Apple's tax arrangements in Ireland).
- Legal debates about digital taxation and the allocation of taxing rights in the digital economy.

Implications for Businesses and Taxpayers

Understanding EU taxation law is crucial for entities operating within the EU or engaging in cross-border transactions. Key considerations include:

- Compliance with VAT registration, reporting, and payment obligations.
- Navigating customs procedures and tariffs for international trade.
- Implementing transfer pricing policies aligned with EU and OECD standards.
- Staying informed about evolving digital and sustainability-related tax regulations.

Conclusion

EU taxation law plays a vital role in shaping the economic landscape of Europe, fostering a fair, transparent, and efficient tax environment. Its ongoing reforms aim to address contemporary challenges such as digitalization, tax avoidance, and sustainability, ensuring that the EU remains competitive and fair in its taxation policies. For businesses, legal professionals, and policymakers, staying abreast of these developments is essential to navigate the complex legal landscape effectively. As the EU continues to adapt and innovate in taxation, understanding the core principles and recent trends will be key to leveraging opportunities and ensuring compliance within the union's integrated market.

EU Taxation Law: Navigating the Complex Framework of a Unified Market

Introduction

EU taxation law stands as a cornerstone of the European Union's efforts to create a cohesive economic space where businesses and individuals can operate seamlessly across borders. As the EU continues to evolve into a more integrated market, its tax legislation plays a crucial role in promoting fair competition, preventing tax evasion, and fostering economic growth. Despite its goals of harmonization, EU tax law is characterized by a complex mosaic of directives, regulations, and national implementations, making it an area of constant legal development and debate. This article explores the key aspects of EU taxation law, its foundational principles, recent reforms, and ongoing challenges faced by policymakers and taxpayers alike.

The Foundations of EU Taxation Law

- The Legal Basis and Objectives

EU taxation law is primarily grounded in the legal framework established by treaties, particularly the Treaty on the Functioning of the European Union (TFEU). Articles such as 113 and 115 TFEU provide the legal basis for harmonizing indirect taxes, notably VAT and excise duties, while the freedom of movement enshrined in the treaties influences direct tax regulations.

Objectives of EU Tax Law include:

- Ensuring the functioning of the internal market: Removing barriers created by divergent tax policies.
- Preventing tax evasion and avoidance: Establishing mechanisms for transparency and cooperation among member states.
- Promoting fair competition: Avoiding harmful tax practices that distort market dynamics.
- Supporting economic integration: Facilitating cross-border trade and investment through consistent taxation rules.

- Key Principles

Several core principles underpin EU tax law:

- Non-discrimination: Tax rules cannot discriminate based on nationality or origin within the EU.
- Free movement of goods, services, capital, and persons: Tax laws must not hinder these fundamental freedoms.
- Mutual recognition and cooperation: Member states recognize each other's tax measures and cooperate to prevent evasion.
- Harmonization vs. Coordination: While complete harmonization is limited, coordination aims for consistency in core areas like VAT.

Major Components of EU Taxation Law

- Value Added Tax (VAT)

The VAT system is among the most harmonized areas within EU law, designed to facilitate cross-border trade.

Key features:

- Common VAT Directive: Directive 2006/112/EC sets the rules for VAT application across member states.
- One-Stop Shop (OSS): Simplifies VAT compliance for businesses operating in multiple member states.
- Thresholds and exemptions: Member states retain some autonomy on thresholds and exemptions, leading to variations.

Challenges include:

- Combatting VAT fraud, especially carousel fraud.
 - Ensuring consistent application to prevent distortions.
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- Corporate Taxation and Transfer Pricing

While corporate income tax remains primarily under national jurisdiction, the EU seeks to prevent harmful tax competition and ensure fair taxation.

Efforts include:

- Anti-tax avoidance directives: Such as the Anti-Tax Avoidance Directive (ATAD) to curb aggressive tax planning.
- Transfer pricing guidelines: Based on OECD principles, adapted within EU laws to prevent profit shifting.
- Common Consolidated Corporate Tax Base (CCCTB): An initiative aimed at creating a unified corporate tax base, though not yet fully adopted.

- Excise Duties and Other Indirect Taxes

EU law harmonizes excise duties on products like alcohol, tobacco, and energy.

- EU Excise Directive: Sets minimum rates and rules for excise collection.
- Cross-border enforcement: Ensures compliance and prevents smuggling.

Recent Reforms and Policy Developments

- Digital Economy and Tax Challenges

The rise of digital services has posed significant challenges to traditional tax systems.

- Digital Services Tax (DST): Some EU countries have introduced or proposed taxes on digital giants.
- OECD-led BEPS Project: Addressing Base Erosion and Profit Shifting globally, influencing EU policies.
- EU Digital Tax Proposal: A coordinated approach to taxing digital companies fairly across

member states.

- Tax Transparency and Anti-Avoidance Measures

The EU has intensified efforts to promote transparency:

- Automatic exchange of information: Under directives like DAC6 and the Common Reporting Standard (CRS).
- Country-by-country reporting: For large multinationals to disclose tax-related information.
- Tax rulings transparency: Ensuring that favorable tax arrangements are disclosed and scrutinized.

- Green Taxation and Environmental Policies

Increasing focus on sustainability has led to:

- Carbon taxes and levies: Variations across member states, with ongoing debates on harmonization.
- Tax incentives for green investments: To promote renewable energy and energy efficiency.

Challenges and Criticisms

Despite its progress, EU taxation law faces several challenges:

- Divergence among national systems: Variations in rates, thresholds, and exemptions complicate cross-border operations.
- Tax competition: Countries may offer preferential regimes, undermining EU-wide efforts.
- Tax avoidance and evasion: Persistent issues despite robust legal frameworks.
- Legal conflicts: Between EU directives and national sovereignty, leading to disputes and court cases.

Notable cases include:

- The European Court of Justice rulings on state aid and tax rulings.
- Disputes over digital taxation proposals and their compatibility with WTO rules.

The Future of EU Taxation Law

Looking ahead, EU policymakers aim to deepen tax integration while respecting national sovereignty. Key priorities include:

- Implementing the Pillar One and Pillar Two proposals: From the OECD/G20 Inclusive Framework, to ensure fair digital taxation and minimum global corporate tax rates.
- Harmonizing indirect taxes further: Potentially moving towards a more unified VAT system.
- Enhancing tax transparency and combating avoidance: Through digital tools and international cooperation.
- Aligning tax policy with climate goals: Using fiscal measures to support sustainability.

Conclusion

EU taxation law remains a dynamic and complex field, balancing the need for harmonization with the diversity of national systems. Its evolution reflects broader economic, technological, and political shifts within the Union. For businesses and individuals operating across borders, understanding this legal landscape is crucial for compliance and strategic planning. As the EU continues to refine its tax policies, transparency, fairness, and sustainability are set to be central themes shaping the future of taxation in Europe. Navigating these changes requires staying informed and adaptable, ensuring that the EU remains a competitive and equitable economic space for all its members.

Question What are the key principles of EU taxation law? EU taxation law is based on principles such as the prohibition of discrimination based on nationality, the free movement of goods, services, capital, and persons, and the need for taxation to be non-discriminatory and transparent within member states. How does the EU prevent double taxation among member states? The EU promotes cooperation through treaties and directives that establish rules for the elimination of double taxation, including mutual assistance in tax collection and the harmonization of certain tax rules to ensure consistency. What is the role of the EU in combating tax avoidance and evasion? The EU implements directives such as the Anti-Tax Avoidance Directive (ATAD) and promotes automatic exchange of financial account information to enhance transparency and prevent aggressive tax planning within member states. How does VAT (Value Added Tax) operate within the EU? VAT in the EU is a harmonized consumption tax applied to goods and services, with rules established by the EU VAT Directive to ensure free movement of goods and minimize distortions in cross-border trade. What are the recent developments in digital taxation within the EU? The EU is working on implementing digital services taxes and proposals like the Digital Markets Act to address challenges posed by digital companies, aiming for fair taxation aligned with their economic activities. How does EU law influence corporate taxation policies of member states? EU law sets limits on state aid and tax competition, requiring member states to avoid harmful tax practices and ensure that corporate taxation policies comply with principles of fair competition and transparency. What is

the significance of the EU's Code of Conduct for Business Taxation? The Code of Conduct aims to prevent harmful tax competition among member states by promoting transparency and fair tax practices, encouraging countries to avoid preferential tax regimes that distort competition. How are transfer pricing rules regulated under EU law? EU law aligns with OECD guidelines on transfer pricing, requiring multinational corporations to price transactions fairly and transparently to prevent profit shifting and base erosion within the internal market. What impact did the EU's Digital Services Tax proposal have on global taxation discussions? The EU's Digital Services Tax proposal has sparked international debate, prompting discussions within the OECD and G20 to develop a coordinated approach to taxing digital economies globally, reducing unilateral measures. How does EU law address tax transparency and information exchange? EU directives and regulations facilitate automatic exchange of tax information among member states, such as the Common Reporting Standard (CRS), to enhance transparency and combat tax evasion.

Related keywords: EU tax directives, VAT regulation, cross-border taxation, digital taxation, tax harmonization, tax compliance, fiscal policy, state aid rules, corporate taxation, anti-avoidance measures

foundations in taxation lso june december 2013

Foundations in Taxation LSO June December 2013: An In-Depth Analysis

Foundations in taxation LSO June December 2013 serves as a significant milestone for students and professionals aiming to grasp the fundamental principles and practical applications of taxation. This period, encapsulated within the Learning and Skills Organisation (LSO) framework, offers a comprehensive overview of core taxation concepts, legislative frameworks, and ethical considerations essential for a robust understanding of tax systems. The following article provides an in-depth exploration of key topics covered during this session, including the theoretical foundations of taxation, types of taxes, tax planning, compliance, and contemporary issues faced by tax authorities and taxpayers alike.

Theoretical Foundations of Taxation

Definition and Purpose of Taxation

- Taxation is the process by which governments impose financial charges on individuals and entities to fund public expenditure.

- The primary purposes include revenue generation, redistribution of wealth, regulation of economic activities, and influence on behavior.
- Taxation acts as a vital tool for economic development and social stability.

Principles of Taxation

Understanding the fundamental principles ensures that taxes are fair, efficient, and effective. The key principles include:

- **Equity:** Taxes should be fair to all taxpayers, considering their ability to pay.
- **Certainty:** Taxpayers should have clarity about when, how, and how much they are to pay.
- **Convenience:** The process of paying taxes should be straightforward and accessible.
- **Economy:** The cost of tax collection should be minimal relative to revenue generated.

Types of Taxation Systems

Taxation systems can be categorized based on several criteria:

- **Progressive, Proportional, and Regressive Taxation:**
 - **Progressive:** Tax rate increases with income (e.g., income tax).
 - **Proportional:** Same rate applied regardless of income level (e.g., flat tax).
 - **Regressive:** Tax rate decreases as income increases (e.g., sales tax).
- **Direct and Indirect Taxes:**
 - **Direct Taxes:** Levied directly on individuals or entities (e.g., income tax, corporate tax).
 - **Indirect Taxes:** Levied on goods and services, passed onto consumers (e.g., VAT, sales tax).

Tax Legislation and Regulatory Framework

Key Tax Laws and Regulations

The legislative environment forms the backbone of taxation systems. Key laws include:

- **Income Tax Act:** Governs taxation of individual and corporate income.
- **Value Added Tax (VAT) Act:** Regulates indirect tax on goods and services.

- **Tax Administration Act:** Defines procedures for tax collection, compliance, and enforcement.
- **Double Taxation Agreements (DTAs):** Bilateral treaties to prevent double taxation and tax evasion.

Tax Authorities and Their Roles

Effective tax administration relies on various agencies and their responsibilities:

- **Tax Collection:** Ensuring timely and efficient collection of taxes.
- **Taxpayer Education:** Informing taxpayers about their rights and obligations.
- **Compliance Enforcement:** Detecting and penalizing tax evasion and fraud.
- **Policy Implementation:** Developing and implementing tax policies aligned with national goals.

Tax Planning and Compliance

Principles of Tax Planning

Tax planning involves arranging financial affairs to minimize tax liabilities within the legal framework. Essential principles include:

- **Legality:** All arrangements must comply with existing laws.
- **Efficiency:** Methods should optimize tax benefits without undue risk.
- **Timeliness:** Planning should be done in a manner that maximizes benefits within legal timelines.

Common Tax Planning Strategies

- Utilization of tax allowances, deductions, and credits.
- Timing income and expenditure to optimize tax liabilities.
- Structuring transactions to benefit from favorable tax treatment.
- Choosing appropriate business structures (e.g., sole proprietorship, partnership, corporation).

Tax Compliance and Filing Procedures

Adhering to compliance requirements ensures smooth operations and avoids penalties. The typical process includes:

- Registration with tax authorities.
- Maintaining accurate financial records.
- Preparing and submitting tax returns within deadlines.
- Paying taxes due on time.
- Responding to audits and inquiries promptly.

Contemporary Issues in Taxation (as of 2013)

Tax Evasion and Avoidance

Tax evasion remains a significant challenge, undermining government revenue. Strategies to combat this include:

- Strengthening audit and enforcement mechanisms.
- Enhancing transparency through information sharing.
- Implementing stricter penalties for non-compliance.

Globalization and Taxation

International economic integration complicates taxation, especially regarding:

- Transfer pricing issues.
- Tax havens and offshore banking.
- Double taxation concerns and the importance of DTAs.

Technological Advances and Tax Administration

Advances in technology during 2013 have impacted tax administration through:

- Electronic filing systems.
- Data analytics for compliance monitoring.
- Online taxpayer portals for better engagement.

Tax Reforms and Policy Debates

Reforms during this period focused on:

- Broadening the tax base.
- Adjusting rates to stimulate economic growth.
- Addressing inequalities through progressive taxation.

Conclusion

The "Foundations in Taxation LSO June December 2013" encapsulate a broad spectrum of principles, laws, and contemporary issues that underpin effective tax systems. Understanding the theoretical basis, such as the purposes and principles of taxation, is crucial for designing fair and efficient tax policies. Equally important are the legislative frameworks, compliance mechanisms, and ethical considerations that ensure transparency and accountability. As global economic dynamics evolve, so too do the challenges faced by tax authorities, necessitating adaptive strategies such as technological innovations and international cooperation. For students and professionals alike, mastering these foundational elements is vital for contributing to sustainable fiscal policies and fostering equitable economic development. The knowledge gained from this period remains relevant, offering insights into both the complexities and opportunities inherent in taxation systems worldwide.

Foundations in Taxation LSO June December 2013 stands as a pivotal resource for students and professionals seeking a comprehensive understanding of the fundamental principles, concepts, and frameworks that underpin taxation systems. This publication, often referenced in academic circles and by practitioners, offers an in-depth exploration of the core theories, legal structures, and practical applications that form the backbone of taxation law and policy. Its detailed approach makes it an essential guide for those aiming to grasp the complexities of tax systems, whether in the context of national legislations or international tax environments.

Introduction to Foundations in Taxation

The publication sets the stage by outlining the importance of taxation as a vital element of any economic system. It emphasizes the role of taxation in funding government expenditures, redistributing income, influencing economic behavior, and maintaining fiscal stability. The introductory chapters clarify the objectives of taxation, including economic efficiency, equity, simplicity, and revenue sufficiency. Understanding these foundational principles is crucial for analyzing how tax laws are formulated and implemented.

Core Principles of Taxation

Tax Equity and Fairness

The text discusses two primary notions of equity:

- Horizontal Equity: Individuals with similar income or circumstances should pay similar taxes.
- Vertical Equity: Those with greater ability to pay should contribute more.

The book explores how these principles influence tax policy, highlighting debates around progressive versus proportional taxation.

Taxability and Jurisdiction

An essential component of the foundation is understanding what constitutes taxable income and the jurisdictional scope of taxation. The material explains concepts like residence-based taxation versus source-based taxation, and how jurisdictions determine their taxing rights.

Features:

- Clarification of tax residence concepts.
- Differentiation between worldwide income and territorial tax systems.

Legal Framework and Tax Laws

The publication emphasizes the importance of statutory laws, regulations, and judicial decisions in shaping taxation. It discusses the hierarchy of tax laws and the role of administrative agencies.

Pros:

- Provides a clear overview of legal sources.
- Explains the importance of precedents in tax law interpretation.

Cons:

- Can be complex for beginners without prior legal background.

Tax Structures and Types

The book categorizes taxes into various types, such as income tax, corporate tax, value-added tax (VAT), and property tax. Each is examined in terms of its purpose, calculation methods, and policy considerations.

Income Tax

The section covers the principles of income taxation, including gross income, deductions, credits, and tax rates. It elaborates on the distinction between personal and corporate income taxation.

Features:

- Examples illustrating calculation methods.
- Discussion on tax avoidance and evasion.

Indirect Taxes and Consumption Taxes

VAT and sales taxes are analyzed, with attention to their regressive nature and economic impact.

Pros:

- Insight into the administrative ease of collection.
- Emphasis on transparency and compliance issues.

Tax Policy and Planning

This segment delves into how taxation influences economic decisions and behavior. It discusses the principles of tax planning, tax incentives, and the economic effects of various tax policies.

Tax Avoidance and Evasion

The text distinguishes between legal tax avoidance and illegal tax evasion, providing case studies and legal considerations.

Features:

- Strategies used by taxpayers.
- Legal boundaries and penalties.

International Taxation

The book explores issues relating to cross-border taxation, double taxation treaties, transfer pricing, and tax havens.

Pros:

- Clear explanations of complex international tax concepts.
- Relevance to globalized economies.

Cons:

- Limited coverage of recent developments beyond 2013.

Critical Analysis of Taxation Principles

The publication offers a critical perspective on foundational principles, questioning their practical application and fairness in real-world scenarios. It discusses challenges such as tax avoidance strategies, the complexity of tax law, and the balance between revenue collection and economic growth.

Pros and Cons of Different Approaches

- Progressive Taxation
 - Pros: Promotes equity, reduces income inequality.
 - Cons: Can discourage high earners, administrative complexity.
- Flat Tax Systems
 - Pros: Simplicity, ease of administration.
 - Cons: Potentially regressive, less equitable.

Features and Strengths of the Publication

- Comprehensive Coverage: The publication covers a broad spectrum of taxation topics, from theoretical foundations to practical applications.
- Educational Value: Its detailed explanations, case studies, and examples facilitate learning and understanding.
- Legal and Policy Integration: Combines legal analysis with policy considerations, offering a holistic view.
- Structured Approach: Clear chapter divisions and logical progression aid navigation and comprehension.

Limitations:

- The depth of legal analysis might be overwhelming for non-lawyers.
- Some topics, especially international tax issues, may lack updates post-2013, limiting relevance to current developments.

Impact and Relevance

Despite being rooted in the context of 2013, the principles outlined remain foundational to understanding modern taxation. The concepts of equity, efficiency, and legality continue to underpin tax policy debates worldwide. The publication's emphasis on legal frameworks and policy considerations makes it a valuable resource for students, academics, and practitioners interested in the conceptual underpinnings of taxation.

Conclusion

Foundations in Taxation LSO June December 2013 offers an extensive and insightful exploration of the fundamental principles that govern taxation systems. Its strengths lie in its comprehensive coverage, clarity, and integration of legal and policy perspectives. While some areas could benefit from more recent updates, the core concepts remain relevant and essential for anyone seeking a deep understanding of taxation. The publication effectively balances theoretical foundations with practical implications, making it a vital reference for those involved in or studying the field of taxation. Its detailed approach not only enhances knowledge but also encourages critical thinking about the fairness, efficiency, and legality of tax systems worldwide.

QuestionAnswer What are the key principles of taxation covered in the Foundations in Taxation course for June/December 2013? The course covers principles such as equity, neutrality, certainty, convenience, and efficiency, which form the basis for understanding various tax policies and their implementation. How does the Foundations in Taxation syllabus from June/December 2013 address income tax calculation? It provides detailed guidance on determining taxable income, allowable deductions, exemptions, and the computation of income tax liability for individuals and corporations. What are the main types of taxes discussed in the June/December 2013 Foundations in Taxation syllabus? The syllabus covers direct taxes like income tax and corporate tax, as well as indirect taxes such as value-added tax (VAT) and excise duties. How are tax planning and compliance emphasized in the June/December 2013 Foundations in Taxation curriculum? The curriculum highlights the importance of legal tax planning strategies, understanding tax laws, timely filing, and maintaining proper documentation to ensure compliance and optimize tax liabilities. What are some recent developments or updates in taxation law included in the June/December 2013 Foundations in Taxation material? The material discusses changes in tax rates, new tax incentives, amendments to tax legislation, and evolving international tax treaties relevant during that period.

Related keywords: taxation fundamentals, tax laws 2013, income tax basics, taxation principles, taxation exams june 2013, taxation syllabus december 2013, tax regulations 2013, tax planning

strategies, financial accounting for taxation, tax preparation tips

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