

ADMINISTRATIVE ORDER No. ______ Series of 2021

SUBJECT:

LICENSING PROCEDURES FOR MEAT IMPORTERS, REVISING THE DEPARTMENT OF AGRICULTURE ADMINISTRATIVE ORDER NO. 09, SERIES OF 2013 ENTITLED "SUPPLEMENTAL GUIDELINE TO DA-AO NO. 26 SERIES OF 2005, SECTION III: ACCREDITATION PROCEDURE FOR MEAT IMPORTERS"

WHEREAS, Section 5 of Republic Act (R.A.) No. 9296, as amended by R.A. No. 10536, otherwise known as the Meat Inspection Code of the Philippines, provides that the National Meat Inspection Service (NMIS) shall serve as the sole national controlling authority on all matters to meat inspection and hygiene;

WHEREAS, Rule 7.9 of Department of Agriculture (DA) Department Circular No. 1 Series of 2014 with subject title: Revised Implementing Rules and Regulations of RA 9296, otherwise known as "The Meat Inspection Code of the Philippines" as amended by R.A. No. 10536 vested NMIS through the Meat Import Export Assistance Division (MIEAD) with the powers and functions of evaluating foreign meat establishments intending to export and certify for export to the Philippines, accredit meat importers and exporters, inspect imported and certify for export meat, and provide technical assistance to meat exporters and importers;

WHEREAS, Department of Agriculture Administrative Order No. 26 series of 2005, provides for the rules and regulations governing the importation of meat and requires that prior to importation, the importer shall be accredited by the Department of Agriculture;

WHEREAS, Section 15b of R.A. No. 10611 "Food Safety Act of 2013" provides the Department of Health (DOH) as the responsible authority for the safety of processed and prepackaged foods, foods locally produced or imported under this category and the conduct of monitoring and epidemiological studies on food-borne illnesses;

WHEREAS, Section V.2 of the Joint Administrative Circular (JAC) No. 2 dated 29 June 2016 provides the Food and Drug Administration (DOH-FDA) as regulatory authority over establishments, manufacturing, importing, selling, offering for sale transferring, or distribution including marketing and advertising and / or promoting processed meat, thus relieving the functions of NMIS in the regulations of processed meat;

WHEREAS, Republic Act No. 11032 dated 28 May 2018 signed by President Rodrigo R. Duterte entitled "An Act of Promoting Ease of Doing Business and Efficient Delivery of Government Services, amending for the purpose Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007, and for other purposes".

A food-secure Philippines

with prosperous farmers and fisherfolk

Masaganang 🙏 Mataas na [🧻 **NOW, THEREFORE, I, WILLIAM D. DAR**, Secretary of the Department of Agriculture, and Chairperson of the NMIS Meat Inspection Board, by the power vested in me, do hereby issue this Administrative Order providing guidelines governing the licensing of importers of meat.

Section I ACRONYMS

The following are the acronyms used in this Guideline:

AC : Administrative Circular
BAI : Bureau of Animal Industry
BIR : Bureau of Internal Revenue

BOC : Bureau of Customs
BOI : Bureau of Investment

CBW : Customs Bonded Warehouse

CDA : Cooperative Development Authority

COA : Certificate of Accreditation
COMI : Certificate of Meat Inspection
CSW : Cold Storage Warehouse
CTC : Certified True Copy
DA : Department of Agriculture

DED : Deputy Executive Director

DOH-FDA : Department of Health- Food and Drug Administration

DOST-ITDI : Department of Science and Technology – Industrial Technology

Development Institute

DOT : Department of Tourism

DTI : Department of Trade and Industry

DTI-PAB : Department of Trade and Industry - Philippine Accreditation

Bureau

ED : Executive Director

eRFI : Electronic Request for Inspection

eVQMILC : Electronic Veterinary Quarantine and Meat Inspection and

laboratory Certificate

FME : Foreign Meat Establishment GIS : General Information Sheet

HACCP : Hazard Analysis Critical Control Point

IBM : Indian Buffalo Meat IU : Institutional User

IVC/IHC : International Veterinary Certificate/ International Health

Certificate

IWR : Inventory Withdrawal Receipt

LTI : License to Import
LTO : License to Operate
MCP : Meat Cutting Plant

MIEAD : Meat Import Export Assistance Division
MIEAS : Meat Import Export Assistance Section
MIIU : Meat Importer Institutional User

MIP : Meat Importer Processor

MIT : Meat Importer Trader MPP : Meat Processing Plant

NMIS : National Meat Inspection Service
OED : Office of the Executive Director

OR : Official Receipt

PAB : Philippine Accreditation Body RTD : Regional Technical Director

RTOC : Regional Technical Operation Center SEC : Securities and Exchange Commission

SPA : Special Power of Attorney
SPS : Sanitary and Phytosanitary

SPSIC : Sanitary and Phytosanitary Import Clearance

TIN : Tax Identification Number UC : Utilization Certificate

VQO : Veterinary Quarantine Officer

Section II DEFINITION OF TERMS

The following words and phrases used in these supplemental guidelines are defined as follows:

Authorized Representative refers to a person hired by a licensed meat importer to act as his agent and vested with specific authority or power defined under a Special Power of Attorney (SPA), Board's Resolution, or Secretary's Certificate.

Imported Meat By- Products refers to that portion of raw meat materials whether condemned as unfit for human consumption or used for processing that may still fit for human consumption that is imported by Licensed Customs Bonded Warehouse Meat Importer wherein duties are duly paid upon disposal or utilization.

Licensing refers to the process by which DA-NMIS approves of an application, of a person, corporation, or other juridical persons, for authority to operate as meat importer after due evaluation, validation, or on-site inspection of the meat establishment and compliance with the requirements under Philippine laws, rules and regulation and standards.

Licensed Meat Importer refers to a person or company duly licensed by DA-NMIS as eligible to import meat for its own use, processing, wholesale, and/or retail distribution.

Section III GENERAL CONDITIONS

- A. The importer shall import meat according to the classification given by NMIS as follows:
 - 1. MIT shall be allowed to import meat except Indian Buffalo Meat (IBM):
 - 2. MIP shall be allowed to import meat for their own processing but not for trading purposes;

- 3. MIIU shall be allowed to import meat except buffalo meat from India for use in their hotel, restaurant embassy, airline, shipping line and the like but not for trading purposes;
- 4. CBWMI
 - CBWMI-MPP shall be allowed to import raw materials for further processing or value adding as approved by the BOC whose importation of meat are exempted from the payment of customs duties and taxes as long as its processed meat are exported. For BOC approved;
 - ii. CBWMI-MCP shall be allowed to import raw materials for value adding as approved by the BOC whose importation of meat are exempted from payment of customs duties and taxes as long as its meat are export;
 - iii. CBWMI-IU shall be allowed to import raw materials as approved by the BOC whose importation of meat are exempted from the payment of customs duties and taxes as long as its meats are used in their hotel, restaurant, embassy, airline, shipping line and the like but not for trading purposes.
- B. The importer shall only import meat from FMEs duly accredited by DA;
- C. The importer shall be issued an SPSIC by BAI only with a valid meat importer's LTI from the NMIS;
- D. The importer shall notify the RTOC through MIEAS prior to arrival of the imported shipment at the port of entry for proper coordination and dispatching of NMIS personnel assigned at the designated CSW;
- E. The importer shall apply for eRFI for the incoming import arrivals through the DA TRADE System. The transfer of shipment from the port of entry to the NMIS accredited CSW shall be covered by an eVQMILC;
- F. The importer shall transport the imported meat upon release and clearance by Veterinary Quarantine Officer (VQO) from the seaport or airport of entry to the DA accredited CSW, in-house CSW as stated in the application of the licensed meat importer, SPS Clearance and eRFI;
- G. When there is a need to change the DA accredited CSW destination prior to actual clearance at the port, the importer shall request the concerned VQO through the DA TRADE System;
- H. When there is a need to change the DA accredited CSW destination after clearance at the port, the importer shall be guided by the NMIS Memorandum Circular No. 03-2017-005 Series of 2017 with subject title: "Transfer of Shipment of Imported Meat to another DA Accredited Cold Storage Warehouse".
- I. The licensed importer shall at no time break the BAI seal;
- J. The BAI seal shall only be broken by the duly assigned NMIS personnel at the DA accredited CSW and in-house CSW in the presence of the importer or authorized representative.
- K. The importer shall unload the shipment at the DA accredited CSW indicated in the eVQMILC or in-house CSW as indicated in the approved application for meat importer in the presence of the NMIS personnel. The policy on "NO NMIS PERSONNEL, NO UNLOADING" shall be strictly implemented;
- L. Upon arrival of the shipment to DA accredited CSW, NMIS personnel shall conduct the necessary inspection within twenty-four (24) hours;

- M. Inspection reports and unloading of shipment shall only be done through the DA TRADE System (eRFI and eVQMILC). Manual tagging shall only be a last resort during emergency situations such as but not limited to server breakdown of the system, power failure, loss of internet connection and the like. However, once the system returns to the normal function, inspection reports must be immediately accomplished through the DA TRADE System;
- N. The importer shall provide utility workers to assist the NMIS personnel in the opening and closing of the boxes during the conduct of physical inspection in order to expedite the unloading and inspection processes, which must be completed the soonest possible time to prevent contamination and temperature abuse;
- O. After the conduct of inspection, the NMIS personnel shall close the loop of the inspection report by completing the eVQMILC tagging through the DA TRADE System;
- P. The importer shall not be allowed to transfer the imported meat except IBM to another DA accredited CSW or its final destination without the accompanying COMI duly signed by NMIS personnel. Transfer of IBM shall only be allowed with the issuance of IWR as prescribed in Section 5 under "Utilization Procedures" of DA AC No. 01 Series of 2017;
- Q. The meat importer shall renew the LTI at least two months before the expiry date;
- R. The importer shall inform immediately the NMIS should there be any change in the information given in the application for licensing; and
- S. The importer shall abide by the other pertinent Philippine laws and rules and regulations of the Department of Agriculture.
- T. The importer shall be responsible for the disposal of condemned meat within two (2) months from the time the imported meat was declared condemned by NMIS personnel as well as the expenses relative to the disposition and overtime pay of assigned NMIS Personnel during the conduct of disposal.

Section IV SCOPE

This Circular shall apply to the whole hierarchy of NMIS as well as to all persons, natural or juridical, who intend to import into the Philippines.

Section V REQUIREMENTS FOR LICENSING OF MEAT IMPORTER

A. New Importer

Applicant shall present to MIES Focal the complete set of documents secured in a clear folder and in chronological order to the Regional Technical Operation Center (RTOC) accompanied with scanned copies stored in data storage (Flash drives (USB) or CD).

- 1. Notarized Accomplished Application Form with attached 2x2 colored picture of the owner (Annex A1 & A2)
- 2. Mayor's Business Permit (CTC) for the current year (certified true copy)
- 3. Certificate of Accreditation as Importer from BOC (certified true copy)

- 4. Type of Importing Company
 - a. For Single Proprietorship
 - i. Certificate of Capitalization from a reputable bank of at least Five Million Pesos (Php5,000,000.00) Philippine currency (original copy)
 - ii. DTI Registration (certified true copy)
 - b. For Corporation
 - Certificate of Good Standing from SEC for the current year (original copy)
 - ii. Current/latest annual GIS with corporation's paid up capital of at least Five Million Pesos (Php5,000.000.00) Philippine currency from SEC (certified true copy)
 - c. For Cooperative
 - i. Certificate of compliance issued by the CDA
 - ii. Paid-up Share Capital of at least Five Million Pesos (Php5,000,000.00) Philippine currency from CDA (certified true copy)
 - d. For Partnership
 - i. Certificate of Good Standing from SEC for the current year (original copy)
 - ii. Certificate of Capitalization from a reputable bank of at least Five Million Pesos (Php5,000,000.00) Philippine currency (original copy)
- 5. BIR-TIN Certificate of Registration (certified true copy)
- 6. Notarized Lease of Contract or Proof of Ownership of at least one (1) DA Accredited CSW (public commercial or in-house) (certified true copy)
- 7. Licensed chilling facility by NMIS for imported chilled meat
- 8. Additional Requirements:
 - a. For MIP
 - i. LTO of MPP from DOH-FDA
 - b. For MIT
 - List and/or target clients and address for the current year (Annex B - Template Form)
 - c. For MIIU
 - i. DOT Accreditation/Classification, if applicable
 - d. For CBWMI (MPP, MCP, IU)
 - i. List of target foreign markets or end-users
 - ii. Certificate of Authority to Operate a CBW from BOC
 - iii. For CBWMI-MPP: LTO Certificate of MPP from DOH-FDA
 - iv. For CBWMI-MCP: LTO Certificate of MCP from DA-NMIS
- 9. Schedule of Fees
 - a. License and Processing: PhP15,000.00
 - i. Processing Fee Php 3,000.00
 - ii. License Fee Php 12,000.00
 - iii. Mailing Fee This shall be based on the current/prevailing market price.
 - b. Request for Original Copy of LTI in case of loss = Php 200.00
- 10. Attendance to Quarterly Meat Importers' Orientation on NMIS meat importation procedures and other relevant policies to the owner or authorized

company representative to be conducted by MIEAD CO at NMIS CO for uniform discussion and interpretation. The schedule will be announced to the concerned importer applicants and posted at the NMIS website (www.nmis.gov.ph). The NMIS will strictly implement the policy on "NO ORIENTATION, NO RELEASE OF LICENSE TO IMPORT".

11. Full disclosure of previous violations, infractions of regulations, etc.

B. Renewal

The applicant shall present to MIES Focal the updated documents as listed under Section V No. 2, 3, 4, 5, 6, 7 and 8 along with the following additional requirements to the Regional Technical Operation Center (RTOC) accompanied with scanned copies stored in data storage (Flash drives (USB) or CD):

- 1. Annual monitoring report (2^{nd} and 3^{rd} years of validity of the LTI) by the RTOC MIEAS focal
- 2. For MIP authorized to import IBM
 - a. previously issued certificates of Eligibility to import IBM issued by $\ensuremath{\mathsf{OSEC}}$
- 3. For CBWMI (MPP, MCP, IU)
 - a. Updated list of foreign markets or end-users
 - b. Annual utilization reports for the past three (3) consecutive years
 - c. Certification of the Formula of Conversion from DOST-ITDI
 - d. List of buyers of imported meat by-products, where applicable

Section VI LICENSING PROCEDURES

A. New Application for License to Import (LTI)

- 1. The application form shall be accomplished by the applicant meat importer's President / owner or authorized company representative.
- 2. Applicant shall submit the accomplished and notarized application form along with the original copies of the complete set of documents to the Regional Technical Operation Center (RTOC) accompanied with scanned copies stored in data storage (Flash drives (USB) or CD). The on-site verification shall be undertaken by MIEAS Head.
- 3. Incomplete documentary requirements shall not be accepted. RTOC shall only collect payment of processing, license and/or mailing fee if all documentary requirements are completely submitted.
- 4. The RTOC MIEAS Head shall review the original copy of the documents in reference to the submitted scanned copies and shall be saved/stored in external hard disk and kept safe and secured in the RTOC for future reference.
- 5. The application documents for endorsement to the MIEAD Central Office (CO) shall consist of the following:
 - 5.1 Application letter with the submitted data storage (Flash drives (USB) or CD) containing the scanned copies of the complete set of documents, duly authenticated by the MIEAS focal as "Reviewed and Original Copies Verified".

- 5.2 Endorsement letter of the RTOC together with proof of payment of processing, license and/or mailing fee.
- 5.3 Accomplished updated document checklist for licensing as meat importer.
- 6. Only the company's authorized representative shall be allowed to transact with NMIS and shall be required to submit a SPA for single proprietorship or a Secretary's Certificate or Board's Resolution for corporation, cooperative or partnership.
- 7. Only compliant applicants shall be endorsed to the OED for LTI signature and issuance.
- 8. The LTI shall contain the following information:
 - a. License Code Number and classification of the importer:
 - i. Meat Importer Trader NMIS License: MIT-No.- Year
 - ii. Meat Importer Processor NMIS License: MIP-No.-Year
 - iii. Meat Importer Institutional User NMIS License: MIIU-No.-Year
 - iv. Customs Bonded Warehouse Meat Importer
 - a) Meat Processing Plant NMIS License: CBWMI.MPP-No.-Year
 - b) Meat Cutting Plant NMIS License: CBWMI. MCP-No.-Year
 - c) Institutional User NMIS License: CBWMI.IU-No.-Year
 - b. The License Code Number shall be unique for every licensed meat importer. If an expired licensed meat importer wishes to re-apply for licensing, the previously assigned Licensed Code Number of the importer shall be used in LTI.
- 9. Application for LTI found by the MIEAS Head with incomplete requirements shall be returned to the applicant stating the reason/s for non-acceptance in writing by the RTD of the RTOC and furnishes copy to MIEAD CO.
- 10. Application for LTI found by the MIEAD CO with incomplete requirements shall be returned immediately to the RTOC stating the reason/s for non-acceptance in writing signed by the Executive Director of NMIS. The MIEAS Head shall inform the applicant, return the submitted incomplete documents and furnishes copy of the reason/s of non-acceptance.

B. Renewal of Application

- 1. For renewal of license, the procedures under Section V-A shall apply.
- 2. Licensed meat importers shall renew their license **two (2) months** before the expiry date.
- 3. On-site validation shall be done annually by MIEAS Head of the concerned RTOC.

C. Releasing of License to Import (LTI) Certificate

- 1. The LTI shall be sent by mail to the licensed meat importer's declared mailing address. If to be personally received from the Records Section, only the owner or president or company authorized representative shall be allowed to acquire the LTI.
- 2. The company name of the newly licensed meat importer shall be registered among the List of Licensed Meat Importers in the NMIS website (www.nmis.gov.ph) immediately upon release of the LTI.

3. Approved LTI certificates shall be displayed conspicuously in the place of business that is readily visible to the public.

D. Validity of the License to Import (LTI)

The Certificate of License to Import shall be **valid for three (3) years** reckoned from the date of approval.

Section VII MONITORING PROCEDURES

- A. RTOC shall conduct an on-site verification annually within the validity of the LTI of the licensed meat importer to verify the veracity of the following documents (original and updated copies):
 - 1. Mayor's Business Permit for the current year
 - 2. Annual Audited Financial Statement of the previous and/or current year, if applicable
 - 3. Valid Notarized Lease of Contract or Proof of Ownership of Licensed Cold Storage Warehouse (public commercial and in-house)
 - 4. Valid Certificate of Accreditation as Importer from BOC
 - 5. For MIP
 - a. LTO of newly established MPP from DOH-FDA
 - b. Annual utilization report for the previous year
 - c. Updated Certificate of Eligibility to Import IBM issued by OSEC (if an importer of IBM)
 - d. Updated HACCP certificates of products utilizing Indian Buffalo meat from government institution or from third party HACCP Service provider accredited by the DTI-PAB (if an importer of IBM)
 - 6. For MIT
 - a. Updated list of clients and contact details (refer to Annex B for template form)
 - 7. For MIIU
 - a. Updated DOT Accreditation/ Classification (where applicable)
 - B. For CBWMI (MPP and MCP)
 - a. Updated List of target foreign markets/end-users
 - b. Annual utilization reports for the previous year
 - c. For MPP
 - i. Valid LTO of MPP from DOH-FDA
 - d. For MCP
 - i. Valid LTO of MCP from DA-NMIS
 - e. Updated Certificate of Authority to Operate a CBW from BOC
 - f. Updated List of buyers of imported meat by-products (where applicable)
- B. RTOC MIEAS focal shall submit a monitoring report within three (3) working days after the conduct of the on-site inspection to MIEAD.
- C. For findings of non- compliance in the monitoring report, the licensed meat importer shall be given three (3) months to comply and submit the necessary requirement (CTC) to MIEAD to be endorsed by RTOC. In cases where the

licensed meat importer failed to comply the said requirement, the issued license shall be temporarily suspended until the non-compliance is resolved.

Section VIII ISSUANCE OF UTILIZATION CERTIFICATE

- A. All CBWMI shall submit monthly utilization reports to MIEAD. Refer to Annex C1 & C2 for the report template.
- B. MIEAD shall evaluate the submitted reports. Only compliant CBWMI shall be issued with a UC.
- C. For MIP with Certificate of Eligibility to Import IBM, please refer to Section 5 Utilization Procedures of DA AC No. 12, Series of 2015 with subject title: Updated Rules and Regulaltions Governing the Allocation, Importation and Utilization of Fresh Frozen Buffalo Meat from India, for the issuance of Utilization Clearance Certificate (UCC).

Section IX SANCTIONS AND PENALTY

- A. Failure to present the required updated documentary requirements (Section VII of this Circular) during the annual conduct of the on-site inspection of the business enterprise by the RTOC during the three-year validity period of the license, the importer's license shall be put-on hold and no SPS Import Clearance shall be approved by BAI thereafter. The on-hold status shall only be lifted after the non-compliance is resolved.
- B. The LTI shall be suspended for (6) six months on the following grounds:
 - 1. Failure to submit the requirements for renewal (2) two months before the expiry date;
 - 2. Breaking of the BAI seal during arrival of shipment at the DA CSW destination without the presence and approval of NMIS Plant Officer;
 - 3. Unloading of shipment during arrival without the presence of the assigned NMIS PO at the DA CSW.
- C. The importer's license shall be revoked on the following grounds:
 - 1. Misrepresentations, false statements, dishonesty and fraud in the application for license or renewal of license;
 - 2. Willful or tolerated use by other non-licensed importer or misuse/abuse of the importer's license including the use of the name of the NMIS for extortion, illegal activities and other unlawful activities;
 - Importation contrary to the NMIS approved category/classification of the importer, diversion of shipment to eVQMILC and other deviant acts or omissions leading to loss of trust and confidence;
 - 4. Importation of meat with serious findings upon inspection by Veterinary Quarantine Officer (VQO) at the port of entry and NMIS Personnel at DA CSW;
 - 5. Other violation prescribed in any applicable rules and regulation on meat importation.
- D. A watch list of blacklisted expired license and license on- hold status shall be published and uploaded at the NMIS website.

E. In the imposition of fines and penalties of imported meat, the pertinent provisions under Chapter XIV of Republic Act No. 10536 as amended, otherwise known as The Meat Inspection Code of the Philippines. It's Implementing Rules and Regulations Sections X, XI, and XII of DA-AO No. 26, Series of 2005, Section VII of DA-AO No. 9, Series of 2010 and other DA Memoranda, Administrative Orders and Circulars on the same subject shall apply.

Section X INVESTIGATION OFFICE

- A. The MIEAS in the region or the MIEAD may, motu proprio or upon complaint by any person direct the accredited importer to show cause, within a period of five (5) working days from notice, why its license should not be revoked.
- B. The RTD of the NMIS RTOC shall lead, provide direction and monitor the conduct and progress of investigation undertaken by the MIEAS of any alleged violation by meat importer committed within their territorial jurisdiction.
- C. MIEAS staff shall serve as the secretariat and shall also be responsible for the delivery of notices to concerned persons.
- D. The MIEAS in the Region shall prepare a report of its investigation containing the factual findings and recommendation. Which shall be concurred by the RTD, and submit the same to OED.
- E. The MIEAD shall have the following:
 - 1. It shall have a monitoring and oversight functions over investigations of alleged violations of the undertaking being conducted by the MIEAS in the Region;
 - 2. It shall be in close coordination at all times with the concerned MIEAS during the conduct of investigation until its final resolution/completion; and
 - 3. It shall review all investigation reports submitted by the region MIEAS and prepare report with recommendation/s for final decision of OED.
- F. The NMIS reserves the right to pursue criminal, civil and/ or administrative/ remedies against all violators.
- G. The MIEAS in the Region and MIEAD shall maintain an official master list and updated profile of importers, importations, utilization and other pertinent database of all accredited importers.
- H. All NMIS Sections, Divisions, and field personnel are required to coordinate with the concerned investigation office and to make available all pertinent records needed during the conduct of the investigation.
- I. Decision of the NMIS Executive Director may be appealed to the DA Secretary within ten (10) working days from notice of the action.

Section XI REPEALING CLAUSE

All existing Orders, Circulars, Guidelines, Rules and Regulations inconsistent with this Circular are hereby modified, revoked or repealed accordingly.

Section XII SEPARABILITY CLAUSE

The provisions of this Order are hereby declared to be separable and in the event one or more of such provisions are held unconstitutional. The validity of the other provisions shall not be affected thereby.

Section XIII EFFECTIVITY

The approved Administrative Order shall take effect fifteen (15) days after its publication in one (1) daily newspaper of general circulation in the Philippines. Three (3) certified copies shall be submitted to the National administrative Register at the University of the Philippines Law Center.

So Ordered.

Approved this 23rd day of April 2021.

WILLIAM D. DAR, Ph.D.

Secretary

DEPARTMENT OF AGRICULTURE

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