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# PortCalls

The Philippines' only shipping and transport guide

ISSN 0118-1483 WEDNESDAY January 20, 2021 VOL. 26 NO.6 P30.00



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## MICT berth expansion lifts annual capacity to 3.3M TEUs

- Annual capacity of Manila International Container Terminal raised to over 3.3 million twenty-foot equivalent units with completion of berth expansion
- The expansion added another 150 meters to Berth 7, creating a 600-meter contiguous berth with the adjacent Berth 6 to accommodate over 8,000-TEU capacity vessels
- Project is complemented by extension of the container yard by another 5.5 hectares
- Equipment replacement program and refurbishing of Berths 1 to

5 and their backup areas are also being implemented at the terminal

INTERNATIONAL Container Terminal Services, Inc. (ICTSI) has completed a berth expansion project at Manila International Container Terminal (MICT), effectively raising the annual capacity of the port operator's flagship to over 3.3 million twenty-foot equivalent units (TEU).

The expansion added another 150 meters to Berth 7, creating a 600-meter contiguous berth together with the adjacent Berth 6 to accommodate over

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## New BOC order compiles provisions on penalties under CMTA

- Customs Memorandum Order 03-2021 contains a compendium of penalties, liabilities or obligations under the Customs Modernization and Tariff Act
- Compendium comes in matrix format and has two parts: specific provisions on penalty of the CMTA and implementing customs administrative orders issued
- CMO 03-2021 takes effect on January 27

THE Bureau of Customs (BOC) has released a compendium of penalties, liabilities or obligations under the Customs Modernization and Tariff Act (CMTA).

Embodied in Customs Memorandum Order (CMO) 03-2021, the Compendium, consolidates provisions of the CMTA, or Republic Act (RA) No. 10863, and its implementing Customs Administrative Orders (CAO) specifically dealing with the imposition of penalties and liabilities, including effects of the failure by the importer, exporter, third parties, and other stakeholders to comply with obligations provided by the laws and their IRRs.

CMO 03-2021, which takes effect on January 27, seeks to establish a regime of transparency with the different penalties, liabilities, and obligations imposed by BOC, as well as to ensure “informed and diligent compliance with customs practices and procedures by stakeholders.”

The Compendium complies with BOC’s obligation to the World Trade Organization Agreement on Trade Facilitation.

It is presented in a matrix format and divided into two parts: the first refers to the specific provisions on penalty under the CMTA while the second part dwells on the implementing CAOs issued by BOC. Under the first part, the matrix is

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categorized as follows:

- Description of the penalty or specific acts, omissions, or customs clearance process where a penalty, liability or obligation is imposed
- Basis or the specific section number under the CMTA
- Penalty or the specific citation of the law
- Related CAOs to which the said legal provision is being applied
- Responsible office

The second part’s matrix is categorized as follows:

- CAO number or the specific reference to the implementing CAO

number presented in accordance with its date of issuance

- Title or the subject matter of the CAO
- Penalty or the specific section of the CAO dealing with penalty or imposition of liability for violation of the regulation
- CMTA section or specific provision which is used as legal basis for the issuance or promulgation of the CAO
- Responsible office

CMO 03-2021 states that the Compendium neither supplements nor supplants the penalty provisions of the CMTA and

its IRR.

“Thus, after determining the applicable penalty, reading the text of the actual provision in the CMTA or the particular CAO is highly encouraged to ascertain the context of the penalty being imposed,” CMO 03-2021 states.

Consistent with Section 1802 of the CMTA, the penalties, liabilities or obligations imposed pursuant to Presidential Decree No. 1464, otherwise known as the Tariff and Customs Code of the Philippines, as amended, that are not inconsistent with the CMTA provisions will remain valid unless repealed or amended. – **Roumina Pablo**

## Cold chain group left out in the cold in vaccine distribution

- Cold Chain Association of the Philippines (CCAP) said it has not been called to assist in the storage and distribution of the COVID-19 vaccines being procured by the government
- Government instead talking directly to service providers with pharma-grade cold chain capability
- CCAP reiterated it remains ready to extend its services to the government’s vaccine distribution program

THE Cold Chain Association of the Philippines (CCAP), despite manifesting its willingness to provide its services, has not been tapped by the government to assist in the storage and distribution of the COVID-19 vaccines the Philippines is procuring.

“Makailang ulit na po kaming nakipag-usap sa gobyerno para ilahad ang aming kakayahan [“We have several times approached the government to talk about] our capabilities and our willingness to participate in this vaccine distribution program, if we are called upon,” CCAP president Anthony Dizon said during a Senate Committee on the Whole hearing on January 15.

Since the government has not responded and has given no clear direction, CCAP has not started making any action plans, but is nonetheless still ready to extend its services, Dizon said.

Health Secretary Francisco Duque III,

during the same hearing, confirmed the government has not tapped the services of CCAP, explaining they are talking directly to service providers.

“Ang kinakausap namin direktong na doon sa providers. Ready naman po kaming makipag-ugnayan sa inyong asosasyon kung meron pakayong mga pwedeng i-rekomenda,” Duque said.

“We’re talking directly with the providers. We’re ready to communicate with your association if you still have any recommendations.”

The government is dealing directly with Orca Cold Chain Solution, Royal Cargo, Maersk, Pharmaserv, Vantaztic, Inc., LBC, MetroPac Movers, Inc., Royal Cold Storage, Coolaire, Fast Logistics, and Zuellig Pharma Corp.

National Task Force Against COVID-19 chief implementer Carlito Galvez, Jr., for his part, explained they are talking to service providers capable of pharma-grade cold chain.

“Ang kinakausap po natin ay yung pharma grade, kasi kailangan po ng training diyan at ng extensive experience kasi balita po natin ay talagang very sensitive po yung pag-handle ng cold chain,” Galvez said.

“We’re talking to those that are pharma grade because we heard the handling of cold chain is really very sensitive and needs training, extensive experience.”

In response, Senator Nancy Binay said: “Yes, kaya nga, Sec. Galvez, napakahalaga na kinakausap na natin itong grupo ng cold chain ‘di ba? Kasi what if meron sa kanila na willing naman to shift to

pharma grade?” [Yes, Sec. Galvez, so isn’t it important that we are already talking to this group of cold chain? What if there are those among them willing to shift to pharma grade?”]

Binay noted that if more cold chain service providers come on board, then the government would not have to limit the vaccines that have a higher efficacy rate but require ultra-low storage to just a few cities with cold storage capable of handling the temperature requirement. At the same time, the provinces can have other vaccines, too, including those which have lower efficacy.

Galvez earlier said vaccines from US-based companies Moderna and Pfizer, which have higher efficacy rates but need storage at temperatures of between -20°C and -70°C, will only be distributed in certain areas in the country with available cold chain that can handle such temperature requirement. Vaccines from Sinovac, Johnson & Johnson, AstraZeneca, and Novavax, which do not require ultra-low temperatures, will be distributed in other areas.

Galvez, during the hearing, denied there is discrimination in the distribution of vaccines. He said they have told local government units they can connect directly with cold chain pharma operators. He noted that the city government of Manila recently announced it is establishing a cold chain facility for the vaccines it is purchasing for its residents.

Galvez said they are also exploring

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# China, PH ink \$940M contract for Subic-Clark freight railway

- \$940M contract for freight railway linking Subic and Clark signed by the Chinese and Philippine governments
- Construction of the 71-km single-track railway will take 42 months
- Project is the largest funded by China under the Build Build Build infrastructure program

CHINA and the Philippines signed a contract for the \$940-million Subic-Clark railway project, Chinese ambassador to the Philippines Huang Xilian said on his Facebook page, on Jan 16.

“This is so far the highest funded G2G (government-to-government) project between the two countries valued at approx. \$940 million and is the flagship project under the administration’s “Build, Build, Build” program,” he said.

The ambassador noted that the 71-km single-track railway will be located in south-central Luzon, connecting Subic

Bay Freeport Zone and Clark International Airport and will link the North Railway Project.

US military bases used to be housed in Subic and Clark.

Construction of the freight railway will take 42 months to complete, the ambassador said.

He added, the freight railway, once complete, “will build resilient linkages between the commercial zones along the Subic-Clark corridor.”

Huang’s announcement came during Chinese Foreign Minister Wang Yi’s visit to the Philippines, the last leg of a Southeast Asian tour that also included Myanmar, Indonesia and Brunei.

“Glad to see the improvement in logistic efficiency and other economic activities in the region,” the ambassador said.

A statement from President Duterte’s office said Wang had “announced the finalization” of the Subic-Clark Railway Project agreement “this week.”

# BOC order sets guidance on automated bonds management system adoption

- Customs Memorandum Order No. 30-2020 provides guidelines for implementation of the Automated Bonds Management System for general transport surety bonds in all customs ports
- ABMS is a Bureau of Customs-wide system for processing bond transactions, while a GTSB is a form of security to guarantee payment of duties and taxes and other obligations to the BOC
- CMO 30-2020 applies to all transit bond accounts opened under BOC’s Electronic-to-Mobile System in all collection districts

THE guidelines for implementation in all Customs ports of the Automated Bonds Management System (ABMS) for general transport surety bonds (GTSB) have been issued by the Bureau of Customs (BOC).

Issued under Customs Memorandum Order (CMO) 30-2020, the rules apply to all transit bond accounts opened under BOC’s Electronic-to-Mobile (E2M) System in all collection districts, including sub-ports and other BOC offices.

A BOC-wide system for processing bond transactions, ABMS was established pursuant to CMO 14-2012, which provides procedures for implementing the ABMS in all customs ports.

The ABMS monitors and manages bond balances and flags those that have matured. A GTSB is a form of security to guarantee payment of duties and taxes and other obligations to BOC.

Under CMO 30-2020, all surety companies must be registered in the Client Profile Registration System (CPRS) of the E2M. The Collection Service under the Revenue Collection Monitoring Group is responsible for activating the CPRS registration, pursuant to CMO 13-2018 (Decentralization of MISTG Non-IT Functions).

Transit bond policies filed will be approved at the Bonds Division of the port.

Approved bond policies filed in the current year at the port of discharge

will expire on January 31 of the following year.

Surety companies should apply for GTSB in the port where the goods are discharged and should be used in the port it was applied for. When creating a bond account with the value-added service provider, the port must be explicitly specified. A bond policy number cannot be used if it already exists in the system, CMO 30-2020 noted.

Approved transit bond policy can be applied to multiple electronically lodged goods declaration of the importer as long as the policy bond has sufficient funds or available amount.

Only the approved bond policy can be used in the Terms of Payment upon filing of the transit administrative document (TSAD) in the E2M and bond credit as payment instrument will be used. Upon registration of the TSAD, the ABMS will change the status of the bond policy to “Charged” if there is available fund balance.

All transit shipments transferred to Free Zones from the port of discharge must be tagged Arrived in the E2M Transit System by the authorized Customs officer on the following period:

- For single containers, within 24 hours from arrival of the shipment at the Free Zone
- For multiple containers, within 24 hours from arrival of the last container of the shipment at the Free Zone

Once the TSAD is tagged Arrived at the port of destination, the ABMS will automatically revert the amount charged to the original bond balance.

Any alarm raised in the Electronic Tracking of Containerized Cargo (E-TRACC) system must be reported, pursuant to CMO 04-2020, the order which establishes E-TRACC.


The E-TRACC, launched last May, is a web-based system that tracks the inland movement of containerized cargoes during transit and transfer to other customs territories and facilities.

# Bicol airport 72% complete

- Bicol International Airport has achieved a 72.2% overall progress rate as of January
- Package 2A (construction of landside facilities and other buildings) is 88.2% complete
- Package 2B (construction of

the passenger terminal building and runway extension, as well as construction of the taxiway, drainage and other site development works) is 49.5% complete

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- Conduct sales visits regularly (daily), to qualified prospects and customers, in accordance with the SM directives, to drive the business and grow the company’s revenue, market share and profitability
- Participate in monthly sales meetings, together with the sales team, SM and Management (GM/MD) to review YTD performance, business development and other relevant topics
- Builds relationships at all levels and represent the company in a professional manner, including occasional presentations when relevant and participate in customer events, either organized by the company or industry events
- Incorporate SM instructed sales procedures/process and reporting in his/her daily work routines
- Cooperate with Ocean and Accounting Managers, to ensure smooth operation and strong company AR position
- Self manages various administrative aspects including but not limited to: Expense reporting in accordance with SM instructed budget and company travel policy. Achieves the SM instructed, growth targets (revenue, profit, volume)
- Must be capable of closing business independently, although SM, Management (GM/MD) and Corporate support are readily available

**Experience, Skills and Competences:**

- At least 3-years’ experience within the NVOCC industry
- Preferably roles within commercial activities e.g. customer service, sales support/inside sales
- Good working knowledge of ocean services (NVOCC) LCL and FCL
- Experience working in CRM systems and understanding of importance in utilizing such systems, to develop and grow the business
- Have a strong working / user knowledge of tools regularly utilized in the Sales & Marketing profession e.g. Word, Excel, MS office, PowerPoint, internet browser, etc.

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If the importer fails to have the valid reason, this should be sufficient ground for the bond to be forfeited. – **Roumina Pablo**

has achieved a 72.2% overall progress rate, according to the Department of Transportation (DOTr).

As of 13 January 2021, Package 2A of the airport development project, which covers construction of landside facilities and other buildings, is 88.2% done, the agency said.

Package 2B, covering construction

of the passenger terminal building and runway extension, as well as construction of the taxiway, drainage and other site development works, is also 49.5% complete.

The airport is expected to serve a total of two million passengers every year once finished.

A key infrastructure project under the *Turn to next page*



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Hansa Augsburg	21002N	27-Jan	28-Jan		5-Feb	6-Feb	7-Feb

**MBX - Manila - Nansha - Shekou - Hongkong** LCT CARGO: NORTH / FRI 0900H \* SOUTH / SAT 0900H

FEEDER VESSEL	VOY.	ETD MNL (NTH)	ETD MNL (STH)	ETA XIA	ETA NAN	ETA HKG	ETA SKU
A Roku	21001N	21-Jan	22-Jan	24-Jan	26-Jan	27-Jan	27-Jan
Jan	21003N	23-Jan	25-Jan	31-Jan	2-Feb	3-Feb	3-Feb

**PH3 - Manila - Ningbo - Shanghai** LCT: CARGO: NORTH SAT 0500H / SOUTH FRI 1000H

FEEDER VESSEL	VOY.	ETD MNL (STH)	ETD MNL (NTH)	ETA SHA WQ4	ETA NBO
Hammonia Berolina	103W	19-Jan	20-Jan	-	-
Maersk Davao	104W	26-Jan	27-Jan	-	-

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## BOC seizes P9.7B in smuggled goods in 2020

- Bureau of Customs seized an estimated P9.75 billion worth of smuggled goods in 2020
- Of the total, P5.22 billion are from seizures of cigarettes and tobacco, P1.85 billion from drugs seizures, and P1.02 billion from seized counterfeit items
- As of December 4, 2020, BOC also ordered closure of 20 customs-bonded warehouses and 40 members of customs common bonded warehouses for various violations

THE Bureau of Customs (BOC) seized an estimated P9.746 billion worth of smuggled goods in 2020, of which over half of the amount is accounted for by illicit tobacco products.

Customs Commissioner Rey Leonardo Guerrero, in a report to Finance Secretary Carlos Dominguez III, said BOC apprehended smuggled cigarettes and other tobacco products in 150 out of the 792 operations conducted in various ports in 2020.

“For the anti-smuggling effort of the BOC, the consolidated estimated value of seized shipments last year is P9.746 billion, of which P5.217 billion are from seizures of cigarettes and tobacco, P1.85 billion are from drugs seizure and P1.02 billion from counterfeit items,” Guerrero said during a recent executive committee meeting of the Department of Finance.

The confiscated tobacco products made up 53.5% of the total amount of goods seized by BOC during this period, Guerrero said.

Aside from tobacco products and illegal drugs, about P32.59 million in various types

of currencies were seized from January to December 2020.

General merchandise worth P403.89 million, vehicles and automobile accessories valued at P354.53 million, and agricultural products amounting to about P207.7 million were also apprehended.

BOC also seized personal protective equipment, medical supplies and cosmetics, P195.57 million; jewelry and other products, P69 million; foodstuff, P212 million; used clothing, P130.59 million; electronics goods, P31.07 million; steel products, P4.76 million; alcoholic beverages, P2.43 million; chemicals, P5 million; and firearms, P300,000.

From January 1 to December 28 last year, Guerrero said BOC filed 74 criminal complaints before the Department of Justice against 268 respondents suspected of smuggling, and another 52 administrative cases before the Professional Regulation Commission.

As of December 4, 2020, BOC has also ordered the closure of 20 customs-bonded warehouses (CBWs) and 40 members of customs common bonded warehouses (CCBW) for various violations, Guerrero said.

“In 2020, the BOC already completed the inspection and investigation of a total of 150 customs bonded warehouses and 247 members of CCBWs,” Guerrero said.

## P1.5M Chinese meds, makeshift clinic discovered in Pasay raid

- CHINESE medicines worth about P1.5 million were apprehended at a storage facility in Pasay City
- The January 14 raid revealed a makeshift clinic suspected to have been used to treat COVID-19 related cases

One of the apprehended medicines was identified as Ribavirin, which is used to treat pneumonia and bronchitis, raising strong suspicion the clinic was treating COVID-related cases, BOC said in a statement.

The seized medicines are now undergoing further inventory and investigation for violation of Section 1113 (Property Subject to Seizure and Forfeiture) of Republic Act 10863, or the Customs Modernization and Tariff Act. Investigation is also underway to identify those responsible for operating the makeshift clinic.

BOC has warned the public against the use of medicines without proper Department of Health and Food and Drug Administration clearances.

It is also urging the public not to patronize fly-by-night clinics as this may lead to further health risks, and to coordinate instead with proper government agencies for treatment.

CHINESE medicines worth an estimated P1.5 million have been apprehended by government authorities in a storage facility in Pasay City.

The raid on the storage facility by customs and intelligence operatives on January 14 also revealed the existence of a makeshift clinic.

The operation was conducted by the Bureau of Customs (BOC) Manila International Container Port, Customs Intelligence and Investigation Service, and Enforcement and Security Service, in coordination with the Philippine Coast Guard and National Bureau of Investigation.

## Bicol airport 72%...

Continued from previous page

government’s Build Build Build program, BIA will pave the way for Albay province and the Bicol region’s transformation into an economic powerhouse, greatly benefiting Bicolanos for years ahead, according to DOTr.

The pre-feasibility study for BIA started in 1996, and the Notice to Proceed was given in 2003. Actual construction began only in December 2016.

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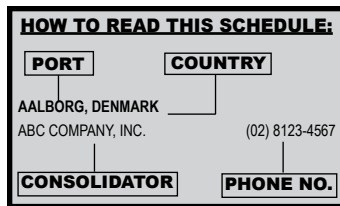
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## Cebu container pullout order exempts domestic port transfers

- Pullout of containers from the Cebu International Container Port for transfer to domestic baseports and container yards within the port zone may be conducted any time of the day, according to revised Cebu provincial government order
- This is a departure from an earlier executive order limiting all cargo pullout at CIP to nighttime only
- Port stakeholders expect delays, an increase in trucking rates and congestion once the truck ban and the new container pullout schedule are enforced
- Philippine Multimodal Transport and Logistics Association, Inc.-Cebu seeks a meeting to discuss policy, while Philippine Exporters Confederation, Inc.-Cebu eyes exemption from the container pullout rule

CONTAINERS for transfer to domestic baseports and container yards located within the Cebu port zone may now pull out from Cebu International Container Port (CIP) any time of the day, according to a revised order from the Cebu provincial government.

This exemption is contained in Executive Order (EO) 2-A signed by Cebu governor Gwendolyn Garcia on January 15. EO 2-A revises EO No. 2 series of 2021, which limits cargo pullout at CIP to nighttime only.

EO 2, issued on January 13, ordered cargo releasing and pullout at CIP to be carried out at nighttime only, from 9:00 p.m. to 5:00 a.m., starting January 15 to alleviate daytime traffic on roads leading to the pier.

It also implemented a truck ban in the municipalities of Consolacion and Liloan

from 5:00 a.m. to 9 a.m. and 5 p.m. to 9 p.m.

The measure was issued because “there is an urgent need to decongest” CIP during peak hours to alleviate heavy traffic in affected areas.”

The EO noted that truck and cargo vehicles usually converge at the CIP during the release of their cargoes, clogging roads leading to the pier area and “causing a ripple effect on the traffic situation all the way to the Municipality of Consolacion and the Municipality of Liloan.”

### Delays, congestion feared

Port stakeholders are anticipating delays with the implementation of the truck ban and the new container pullout schedule.

Philippine Multimodal Transport and Logistics Association, Inc.-Cebu (PMTLAI-Cebu) president Elaine Nolasco, in an email to *PortCalls*, said they expect delays in withdrawal of containers as the window provided by EO 2 to release and withdraw import containers is shorter than the previous 8:00 a.m. to 12:00 a.m.

She noted, however, that the policy is “a work in progress,” as pointed out by the Cebu governor during a meeting with stakeholders, so “there might still be changes as other sectors are still seeking audience with the governor to present their requests for consideration.”

Nolasco said PMTLAI-Cebu will seek a separate meeting with the governor to present their situation for evaluation by the provincial government.

Philippine Exporters Confederation, Inc.-Cebu president Rami Hourani, in an email to *PortCalls*, said they also “hope to work with the Governor to carve out exemptions for exporters to preserve their competitiveness.”

He noted, however, that “the Governor made her stance clear though. She refused to grant any exemptions at the inception

of the policy.”

Hourani said the policy affects exporters as they also often simultaneously import and export.

“Exporters are anxious about the simultaneous implementation of a truck ban across multiple LGUs [local government units] and the imposition of the E-TRACC [Electronic Tracking of Containerized Cargo] system (of the Bureau of Customs) that is in the early stages of being rolled out. The two together could lead to port congestion,” he continued.

He explained that both measures serve to complicate the process of removing a container from the port. “This could lead to delays in the procurement of containers and late shipments,” Hourani said.

E-TRACC, a system for tracking cargoes launched by the BOC last year, requires the outfitting of an electronic customs seal during the transfer of cargo from the port to container yards or other customs territories and facilities.

### Costs to increase

Hourani said the new cargo pullout schedule “will definitely affect exporters because they will be forced to allocate more man hours to non-daytime work,” which can lead to increased cost due to night shift differential and overtime pay.

Asked if they expect an increase in trucking rates, Hourani said that if the cost of doing business for truckers in Cebu goes up, naturally, “they would raise their prices.”

“This cost will wind up being passed on to the exporters who are forced to compete globally and may become less competitive as a result,” he noted.

Moreover, the limited container pullout time, coupled with the truck bans, “will most definitely cause an increase [in] yard usage.”

Cebu Port Authority (CPA) general

manager Leonilo Miole earlier said congestion at Cebu Port may be expected during the truck ban implementation. “As to the magnitude of the congestion, we still have to wait and see.”

On other options that can alleviate traffic without affecting the flow of trade, Hourani said “perhaps a queuing system could be put in a Memorandum of Agreement between the CIP and the Province of Cebu [so] as to spread out the instances of the pull out of a container over the day.”

He noted that while this would still disrupt business, it would also divert a good number of the containers to times when they would not cause traffic.

“This, combined with reasonable restrictions on the use of private vehicles and public transport, would be a more holistic approach.”

Hourani further pointed out that traffic “should be attributed to the sum of all the vehicles on the road and not merely to the trucks,” and that a plan to address traffic should “attempt to spread the burden of regulation to all stakeholders instead of dropping it on trucks.”

Philippine Liner Shipping Association president Mark Parco said the impact of the pullout schedule on domestic containers “remains unclear” since the “truck ban clearly controls the release of international containers.”

He pointed out that “supply chain is a network”, and that “if there is a buildup or a block in one sector or area then there is likelihood it will impact the entire network. The actual impact still remains to be seen as I am sure the authorities will implement measure to reduce any congestion.”

He said the Cebu provincial government is planning another round of consultations with stakeholders on January 20. — **Roumina Pablo**

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