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Proposal for a
COUNCIL REGULATION (EC)
ON COFINANCING OPERATIONS WITH EUROPEAN
NON-GOVERNMENTAL DEVELOPMENT
ORGANIZATIONS (NGDOs) IN FIELDS OF INTEREST
TO THE DEVELOPING COUNTRIES

(presented by the Commission)

EXPLANATORY MEMORANDUM

Cooperation in the field of development between the European Community and non-governmental organizations (NGOs) was introduced in 1976 with the aim of adding a further dimension to Community development policy. This led to the creation of budget heading B7-5010, which enabled the Community and European NGOs to cofinance development projects in the developing countries and awareness campaigns in Europe. This form of cooperation has become the focus for the Community contribution to the solidarity of Europe's citizens with the poor people of the Third World.

In line with its declared intention of supporting this policy of solidarity, the budgetary authority has constantly increased the funds allocated to this budget heading, from ECU 2.5 million in 1976 to ECU 174 million in 1995. On numerous occasions, most recently in May 1992, the European Parliament has confirmed the vital and unique role of the NGOs and the effectiveness of their aid to the needy in the developing world. The Council has also consistently, and most recently in November 1992, confirmed its commitment to providing full and increasing support for the NGOs' contribution to the development process, particularly in the areas in which they are most effective, such as measures undertaken with local participation to assist the poorest sections of the population.

The fact that NGOs generally have direct, long-term relations with the beneficiaries enables them accurately to identify, understand and meet their needs. The motivation and personal commitment of the European organizations and their local partners creates a development environment of which participation is a key feature. Being independent and relatively small, NGO can often respond with remarkable rapidity and flexibility at fairly low cost.

Cofinancing projects with NGOs maintains a link of solidarity between the people of Europe and the people of the Third World, even in countries where the political situation precludes direct European intervention at government level.

Moreover NGO work often focuses on people who cannot, for a variety of reasons, easily be reached by bilateral or multilateral government aid.

The proposed regulation establishes the objectives and procedures governing cooperation in the form of projects cofinanced by the Commission and European NGOs selected on the basis of competence, experience and administrative and financial management skills. These projects will be designed to provide direct assistance to meet the basic requirements of the needy in the developing world, and will include local social and economic development in rural and urban environments, human resources development and institutional support for local partners.

The Commission and selected NGOs also cofinance awareness campaigns in Europe to inform the public about development problems and to mobilize support for the people of the Third World. However, whether the projects are carried out in the developing countries or in Europe, the main criteria are the same: the reliability of the European NGO and the local partner involved and the quality of the project itself.

Most Member States have a system for cofinancing development projects with NGOs, but the Community system has certain specific features. For example, the Commission provides significantly more financing for projects proposed and implemented jointly by two or more NGOs, preferably from different Member States. Indeed, the European dimension is a major selection criteria for public awareness campaigns, with preference going to projects which target groups in several Member States, involve cooperation between NGOs from several Member States, or concern subjects with a European angle.

The draft regulation provides for an annual report to be submitted by the Commission to the Council and to Parliament as the basis for a debate on the general aims of the budget heading concerned. Given the large number of relatively small projects and the type of work involved, there is no need for the Member States to be consulted on each individual case.

To emphasize the need for continuity, no duration is specified in this proposal.

PROPOSAL FOR A COUNCIL REGULATION (EC) No
OF ...
ON COFINANCING OPERATIONS WITH EUROPEAN NON-GOVERNMENTAL
DEVELOPMENT ORGANIZATIONS (NGDOs) IN FIELDS OF INTEREST TO THE
DEVELOPING COUNTRIES

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,¹

Whereas the Commission, in its communication to the Council of 6 October 1975,² put forward guidelines on relations with non-governmental development organizations, together with general conditions and procedures for the use of funds intended for development operations by such organizations;

Whereas the budgetary authority introduced into the 1976 budget an item for cofinancing with NGDOs and has since steadily increased the volume of such funding (from ECU 2.5 million in 1976 to ECU 174 million in 1995) on the basis of the Commission's annual reports on the use of these resources;

Whereas the Council, on 28 November 1977,³ approved the general conditions and procedures proposed by the Commission;

Whereas the European Parliament, in its resolution of 14 May 1992 on the role of NGOs in development cooperation,⁴ reaffirmed the specific and irreplaceable role of NGDOs and the usefulness and effectiveness of their development operations, emphasizing in particular the key role of NGDOs' work on behalf of marginal social groups in developing countries, the need to preserve the NGDOs' freedom of action, and the vital role of NGDOs in promoting human rights and the development of grassroots democracy;

¹ Opinion delivered on (OJ No of) and Decision of (OJ No of)

² COM(75) 504, 6.10.1975

³ R/207/78 (Working Party on Development Cooperation), 26.1.1978

⁴ OJ No C 150, 15.6.1992, p. 273

Whereas the Council, in its resolution of 27 May 1991 on cooperation with the NGOs, underlined the importance of the autonomy and independence of NGDOs; whereas it recognized, moreover, the need for complementarity between the Community system of cooperation with the NGDOs and similar efforts at national level, together with the need for flexibility in procedures and their application;

Whereas the Council, in its conclusions of 18 November 1992,⁵ noted with satisfaction the criteria applied by the Commission when selecting development and education projects for cofinancing, notably strengthening the fabric of democracy and respect for human rights in the developing countries, and particularly welcomed the fact that the Commission had made it clear that the main criterion remained the quality of the project, an approach which it backed unreservedly;

Whereas administrative procedures should be established for cofinancing operations with European NGDOs in fields of interest to the developing countries;

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community shall cofinance operations with European non-governmental development organizations (NGDOs) to meet directly the basic needs of disadvantaged people in developing countries. Such operations shall be proposed by European NGDOs and conducted in cooperation with their partners in the developing countries and shall be aimed at poverty alleviation as well as enhancing the target group's quality of life and own development capacity.

2. The Community shall also cofinance with European NGDOs public awareness and information operations in Europe about the problems facing the countries of the South in their development and their relations with the industrialized world. Such operations shall be proposed by European NGDOs and shall be designed to mobilize public support in Europe for development and for strategies and operations benefiting people in the developing countries.

3. The Community shall also cofinance operations designed to reinforce cooperation and coordination between NGDOs from the Member States, and between NGDOs from the Member States and the Community Institutions.

⁵ See 9907/92 DE/GEN 56, 9.11.1992

Article 2

1. The operations cofinanced in the developing countries under Article 1(1) of this Regulation shall, in particular, concern local social and economic development in rural and urban areas, the development of human resources and institutional support for local partners in the developing countries.

Within those fields of activity, though the quality of operation is paramount, particular attention shall be given to operations connected with:

- the strengthening of civil society and participatory development, and the promotion and defence of human rights and democracy;
- the role of women in development;
- sustainable development.

2. Public awareness and information operations under Article 1(2) of this Regulation shall be targeted at clearly-defined groups, deal with relevant issues, be founded on a balanced analysis and a sound knowledge of the issues and groups targeted, and involve a European dimension.

Though the quality of operation is paramount, special attention shall be accorded to public awareness operations which:

- highlight the interdependence of the Member States and the developing countries;
- seek to mobilize support for more equitable North-South relations;
- encourage cooperation between NGOs;
- enable partners in the developing countries to play an active part.

3. The operations designed to reinforce coordination between NGOs from the Member States and with the Commission Institutions, under Article 1(3) of this Regulation shall, in particular, concern the development of communication networks.

Article 3

1. The agents of cooperation eligible for cofinancing under this Regulation shall be NGOs satisfying the following conditions:

- they must be constituted as autonomous non-profit-making organizations in a Member State of the European Community in accordance with the laws of that country;
- they must have their headquarters in a Member State of the European Community, where all decisions relating to the cofinanced operations must be taken;
- the majority of their funding must originate in Europe.

2. In determining whether an NGDO is eligible for cofinancing, account shall be taken of:

- its capacity to mobilize solidarity and raise private funding in the European Community for its development activities;
- the priority it accords to development and its experience in that field;
- its administrative and financial management capacities.

Article 4

1. Community cofinancing for the operations referred to in Article 1 may cover both investment and operational spending in foreign or local currency, and generally any spending necessary for the smooth implementation of the cofinanced operations, including the administrative costs NGDOs or NGDO networks.

2. An NGDO with which a cofinancing contract is concluded shall notify its partners of the Community's contribution to the operation.

3. The NGDO shall systematically examine the scope for the developing-country agencies or partners ultimately benefiting from a operation to contribute in kind or financially, according to their means and the specific nature of the operation concerned.

Article 5

Community cofinancing under this Regulation shall take the form of grants.

Article 6

1. The Commission shall appraise, decide and administer the cofinancing of operations covered by this Regulation according to the budgetary and other procedures in force, and in particular those laid down in the Financial Regulation applicable to the general budget of the European Communities, taking account of the nature and specific features of NGDOs, and particularly their financial contribution to the operations in question.

2. All cofinancing contracts concluded under this Regulation shall provide for the Commission and the Court of Auditors to conduct on-the-spot checks according to the usual procedures laid down by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Communities.

Article 7

After each budget year, the Commission shall report to Parliament and the Council, summarizing the operations financed in the course of that year, evaluating the implementation of this Regulation in that period and proposing general guidelines for its future application.

The report shall set out the conclusions of any independent evaluations performed.

Article 8

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, ...

For the Council
The President

FINANCIAL STATEMENT

1. **ITEM:** B7-5010
2. **TITLE OF OPERATION:** Community contribution towards schemes concerning developing countries carried out by non-governmental organizations

Appropriations authorized 1995		appropriations requested 1996		% change	
commitments	disbursements	commitments	disbursements	commitments	disbursements
174.0	146.5	174.0 ¹	146.5 ¹	0	0

3. LEGAL BASIS

Proposal for legal basis will be presented to the Council in the very near future.

4. DESCRIPTION OF OPERATION

4.1 General objective

This operation has three general objectives:

- (1) in the developing countries:
support for initiatives identified by partners in the South aimed at meeting directly the basic requirements of the very poor;
- (2) in the EU:
support for raising European public awareness of development problems in the developing countries and in relations between developing and industrialized countries;
- (3) in the EU:
support for the strengthening of cooperation between European NGOs and between European NGOs and Community institutions through the NGO-EC Liaison Committee.

¹ The figures should in any event be corrected if increased by the amending budget resulting from EU enlargement.

4.2 Period covered and arrangements for renewal or extension:

Since the legal basis has not yet been approved by the Council, it is a renewable annual operation.

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Non-compulsory expenditure

5.2 Differentiated appropriations

5.3 Type of revenue involved: none

6. TYPE OF EXPENDITURE OR REVENUE

- **100% subsidy:** none

- **Subsidy for joint financing with other sources in the public or private sector:**

For objectives I and II: the Community contribution may not, generally speaking, exceed 50% of the total cost of the operation.

For exceptional, duly justified cases, the EC contribution may reach 75% of the total cost of the operation.

A minimum of 15% of the total cost of the operation comes as a rule from private European funds mobilized by the NGOs (through fund-raising, donations and sponsorship, etc.).

Any shortfall may be made up by the Member States' public sector, the EU's partners in the South or any other source.

For objective III: in 1995, the Commission will have cofinanced 86% of the Liaison Committee budget, the remainder having come various sources (NGOs, Fondation Roi Baudouin, etc.)

At the NGO General Assembly in April 1995 the NGOs will decide on the amount of their "contribution" to the operation of the Liaison Committee.

As a rule, from 1996 the NGOs should systematically contribute more to the financing of the Committee's budget.

- **Interest subsidy:** none

- **Other:** none

- **Should the operation prove an economic success, is there provision for all or part of the Community contribution to be reimbursed?**

For objectives II and III: no

For objective I: no, because the operations in the developing countries are intended to improve living conditions. In the case of projects targeted at economic activities, any refunds are ploughed back for the benefit of the recipients.

- **Will the proposed operation cause any change in the level of revenue?**
No

- **Re-use:**

The revenue gives rise to re-use in accordance with Article 24 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities (OJ L 356, 31.12.1977, p. 1), as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 (OJ L 70 of 16 March 1990, p. 1).

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation:

The breakdown of the 1996 should be as follows:

operations in the developing countries (objective I):	89%
development awareness campaigns (objective II):	10%
Liaison Committee (objective III):	1%

7.2 Itemised breakdown of cost:

Since the aim of this heading is to support the operations initiated and presented by NGOs in the EU, no breakdown of expenditure can be given beforehand.

The tables below give a breakdown of expenditure for recent years.

I. Operations in the developing countries (Objective I)

In practice, projects in the developing countries are aimed mainly at essential requirements, which include food security, health and training, often in the form of an integrated approach.

By geographical area

	1992 (%)	1993 (%)	1994 (%)
Sub-Saharan Africa	35.5	38	33
Mediterranean	4	5	5.5
Asia	15.5	18	16
Latin America	42	35	41
Caribbean	2	2.5	4
Pacific	0.5	0.5	--
Other ¹	0.5	1	0.5
TOTAL ²	100 ECU 79.9m	100 ECU 98.5m	100 ECU 106.2

¹ A number of countries in a number of geographical areas.

² These figures do not include block grants, i.e. operations for which the Community contribution may range from ECU 1 000 to ECU 15 000.

By type of activity

	1992 (%)	1993 (%)	1994 (%)
Agriculture	32.8	30.1	28
Training	25.7	25.8	25
Health	20.5	28	25
Economic activities	6.7	7.6	7.5
Migrants, refugees	0.3	0.4	0.5
Social	14	8.1	14
TOTAL ²	100 ECU 79.9m	100 ECU 98.5m	100 ECU 106.2m

II. Development education activities (objective II)

By target groups

	1992 (%)	1994 (%)
Education	22.4	19.1
General public	16.9	15.6
Youth	13.9	12.3
Decision makers/media	13.8	13.7
Development agencies	11.4	5.9
Labour associations	6.4	7.8
Agricultural associations	6.0	3.9
Associations (in general)	4.4	11.6
Other	4.8	10.1

² These figures do not include block grants, i.e. operations for which the Community contribution may range from ECU 1 000 to ECU 15 000.

By topics

	1993 (%)	1994 (%)
Development	17.6	33.5
Economics/trade	14.4	14.7
Specific regions	12.2	6.1
Images/cultures	9.8	12.9
Rights/conflicts	9.3	1.3
Agri-food	8.4	6.9
Human resources	7.3	9.7
Environment	5.9	5.1
Health/drugs	5.7	3.6
European policies	3.2	3.7
Other	6.2	2.5

III. Liaison Committee (objective III)

Not applicable

7.3 Operating expenditure on studies, experts' meetings, etc., included in Part B
None

7.4 Schedule for multiannual operations
None - or file III to be completed later

8. FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN

In the General Conditions for this budget heading auditing procedures are included, namely:

- presentation and approval of progress reports which enable Community funds to be released and final reports to be presented on the operation cofinanced.
The examination of the reports leads in some cases to the conclusion that the NGOs must refund unused sums (not that this necessarily implies fraud);
- audit by the Commission's financial department and by the Court of Auditors at the NGO headquarters and at the site of the operation;

- in the event of poor management of Community funds, the Commission may request partial or total reimbursement of its contribution.

The department responsible for management and the Delegations make a number of visits to the site so that they can check on proper implementation and the accuracy of the reports supplied by the NGOs.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 A. Specific and quantified objectives

I. Operations in the developing countries (general objective I)

The operations cofinanced in order to attain the general objective relate in particular to rural and urban development, in the socio-economic sectors, the development of human resources and support for local partners in the developing countries.

Operations may be conducted in all the developing countries, but the Commission encourages the NGOs to undertake more projects:

- in the Arab world, particularly the Maghreb, where the activity of European NGOs has so far remained generally rather limited;
- in countries where official cooperation has been suspended or is impossible for political reasons;
- in countries with rehabilitation programmes or making the transition to democracy;
- and not to neglect Africa, despite the particular difficulties often encountered there in setting up projects.

The selection of projects takes account of these criteria of comparable quality. Examples of operations cofinanced include vocational training, primary health care in rural and urban areas, and income-generating operations, etc.

II. Development education operations (general objective II)

In addition to the ongoing specific objectives, in particular the incorporation of development education into the programmes of formal and informal education structures and the strengthening of the impact of consciousness-raising through inter-NGO collaboration, there are also the following specific objectives:

- involving new participants in consciousness-raising and development;
- encouraging the active participation of partners in the developing countries in order to create channels for North-South collaboration;
- countering the present negative images and perceptions of the developing countries in order to create a climate of opinion which is more favourable towards development;
- heightening consumer awareness by means of fair trade campaigns.

Examples of operations cofinanced include the role of women in development, the promotion of alternative trade and support for lobbying.

NB: In its annual report to the Council, the Commission gives a detailed list of the operations cofinanced for general objective I and general objective II.

III. Liaison Committee (general objective III)

Enabling the Liaison Committee to play its dual role:

- (1) of representing the European NGOs in the European institutions;
- (2) of acting as a forum for coordination between the EU's NGOs.

9.1 B. Target population

General objective I (operations in the developing countries)

The ultimate beneficiaries of the operations are the people of the developing countries, and in particular the very poor, who are not targeted by official cooperation.

In order to reach the very poor, the Commission cofinances operations which are proposed by the European Union's NGOs, and are initiated and conducted in conjunction with the NGOs' partners in the developing countries.

General objective II (development education activities)

These operations are aimed directly at the European public and focus either on the general public or on highly specific target groups.

The Commission cofinances operations proposed and initiated by NGOs, which in this way act as intermediaries between European public opinion and the indirect beneficiaries, i.e. people in the developing countries.

General objective III

NGOs in the European Union and the representation of the NGOs in the institutions.

9.2 Grounds for the operation

- Need for Community financial aid

General objective I (operations in the developing countries)

It is stated in a number of Council and Parliament resolutions that there is no real development policy without support for the operations initiated by the NGOs. They stress the specific, irreplaceable role of the NGOs, the usefulness and efficiency of their operations to promote development and their special role in helping the marginalized sections of the population in the developing countries (see in particular Parliament Resolution of 14.5.1992 and Council Resolution of 18 November 1992).

General objective II (development education operations)

Through support for this objective the Commission aims to facilitate and strengthen the work of the NGOs aimed at developing and consolidating solidarity between the people of Europe and the people of the developing countries. In this it is responding to the need, now largely recognized, to focus public attention on the problems posed by the growing interdependence between the North and South.

Public opinion can in this way be actively committed, in full knowledge of the facts, so that appropriate solutions can be found to the problems of the developing countries and the dangers resulting in terms of peace and social and economic progress in the world.

A number of resolutions and in particular the conclusions of the Council meeting of 18 November 1992 reaffirm the Council's commitment to giving even greater support to the NGOs' participation in the development process, in particular in development education.

The Council unreservedly supports the Commission in the philosophy underlying this approach (see point 7 of the conclusions).

- Choice of ways and means:

- * advantages over possible alternatives (comparative advantages)
- * analysis of any similar Community or national operations

The objective could in theory also be attained through public-sector contributions, but the aim is to supplement these and ensure that they are on a sufficiently large scale to promote far-reaching development with lasting effects. Experience shows that, in most cases, government representatives do not have the direct contact with the beneficiary population which is needed in order to know and really meet the requirements.

Cofinancing with NGOs has a number of important spin-off effects: a rapid, effective contribution to development efforts which the population of the developing countries make for themselves. The use of NGOs makes it possible to improve the quality of development by taking as a basis initiatives by grassroots associations and mobilizing all the energy and resources available in Europe.

In order to benefit from the comments and contributions of the various departments involved and to avoid duplication by the various forms of development financing, the department which administers cofinancing in the developing countries consults these other departments and ensures that the NGO activities are compatible with official projects.

Coordination meetings between DG I N/S, ECHO and DG VIII are held regularly to draw a demarcation line between the various budget headings.

The department which administers this heading has regular exchanges of information with its counterparts in the Member States.

Consultations of this kind are also held on development education in cases where this proves necessary.

In most Member States there are cofinancing systems for activities conducted by NGOs to promote development.

The Community system has certain specific aspects, however:

For general objective I (operations in the developing countries)

The Commission provides greater financial support for operations initiated by two or more NGOs, preferably from different Member States.

Since 1988, the Commission has set up a strategy for strengthening and financing the non-governmental sector in the South (only very few of the Member States' cofinancing systems have any such strategy).

There is a chapter on this in the General Conditions.

For general objective II (development education schemes)

The Commission gives increased financial support to operations presented by two or more NGOs from different Member States.

An important selection criterion is the European dimension of the operations, in particular because:

- they are linked with relations between the European Community and the developing countries;
- they are linked with the impact of EC policies on the developing countries;
- they reach target groups in a number of Member States;
- they provide for cooperation between NGOs from a number of Member States.

Certain Member States do not take the cofinancing of such operations into account in their cofinancing system.

- **Main factors of uncertainty which could affect the specific results of the operation**

The main factors of uncertainty which may affect the specific results of the operation are sudden changes in the economic or political situation in the beneficiary countries.

9.3 Monitoring and evaluation of the operation

Monitoring

A considerable effort has been made (despite the increasingly serious lack of personnel) to speed up the supply of reports which the NGOs are expected to produce and to check their quality more carefully. The initial results have proved very useful and the effort will be continued. Some checks were made by visiting the site, but this cannot be done with sufficient frequency owing to lack of time and funds.

In 1994 Financial Control visited Spanish and Portuguese NGOs and at the beginning of 1995 visited Chile, on which occasion it went to a project cofinanced with a Spanish NGO.

Evaluation

In addition to the evaluation (financed under heading B7-5010) of specific operations, thematic evaluation operations are conducted (financed from heading B7-5091). The evaluation is based on conventional indicators including efficiency, effectiveness, impact and durability.

General objective I (operations in developing countries)

Over the last two years (1992-94) the Commission has cofinanced four thematic evaluation operations, namely:

- institutional support for grassroots organizations in the developing countries;
- vocational training operations;
- savings and credit;
- integrated development schemes.

The Commission has summary reports for the first two evaluation operations. The final reports for the other two should become available in the course of 1995.

The results of the first two evaluation operations show that, generally speaking, the multiplier effects of the operations cofinanced are considerable and that their success is due above all to the high degree of motivation and commitment of the NGOs and their partners in the South, their independence and relatively small size and the autonomy and flexibility with which they are administered as a result. The interaction of these positive factors generally gives rise to efficiency, speed and flexibility in the design and implementation of projects in the developing countries.

The main conclusions of the evaluation operations conducted on institutional support and vocational training schemes are available from the Commission.

Lessons to be learnt for the future administration of the programmes concerned

The results of these two evaluation operations will be used in the current process of revising the General Conditions on cofinancing. This revision, which is being done in conjunction with the NGOs, has two main objectives:

- (a) to make administration easier for the Commission and the NGOs and to concentrate the checks on what is essential;
- (b) to encourage an approach towards European NGOs' programmes which backs up action programmes and strengthens NGOs in the South, particularly through multiannual programme-contracts.

At the same time, the Commission and the NGOs are taking the necessary steps to give the various people concerned the main results of the evaluation exercises.

General objective II (development education schemes)

An operation (financed under heading B7-5091) will be conducted in 1995-96 to evaluate the consciousness-raising activities. The exercise will cover some 20 operations conducted in schools in various Member States. The evaluation will provide an assessment of the various strategies for incorporating development education into school syllabuses. It will determine the extent to which these strategies give development education a lasting impact.

A similar evaluation was conducted in 1991 on projects aimed at agricultural and trade union organizations.

9.4 Coherence with financial programming

- Is the operation incorporated in the DG's financial programming for the relevant years?

Yes

- To which broader objective defined in the DG's financial programming does the objective of the proposed operation correspond?

The general objectives of this heading correspond to those of the entire development policy of the EU and in particular the following:

- food security;
- combating poverty in the developing countries;
- helping to strengthen the basic fabric of democracy;
- participatory development.

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