

CCRM ISSUE 31

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CCRM ISSUE 31 ONLINE

CUSTOMS COMPLIANCE & RISK MANAGEMENT

JOURNAL FOR PRACTITIONERS IN EUROPE

Several themes covered in this issue:

US tariffs and EU/UK origin of goods

EU requirements for packaging and the import of packaged products

CBAM regulation simplifications: the liability burden

Export control – first steps

Discussion of the most important AI risks

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Editorial

Dear Reader,

Over the past two months, the United States has become a central focus in global economic developments. Its revised trade policy has generated significant international concern. The imposition of **new tariffs by the US** has affected a wide range of countries, particularly among democratic nations. President of the European Commission has cautioned that "uncertainty will spiral and trigger the **rise of further protectionism**." There is increasing apprehension that the global, rules-based trading system - painstakingly developed since 1947 - could be significantly undermined in a relatively short period of time.

In response to US tariffs, the EU continues to advocate for a negotiated resolution to the crisis, while also enacting counter-measures. The UK, in what might be considered a "better" position with import tariffs set at 10% (compared to the EU's 20%), has launched a consultation on the potential introduction of **retaliatory tariffs**.

Exporters are reminded that tariff rates are determined by the **origin of goods**. Consequently, for example, goods originating in the EU but exported from the UK will nonetheless remain subject to the 20% tariff. We explore this topic in greater detail in the pages of this issue. We are also broadening our coverage to include the **latest developments** in customs and trade **from the US**. This will complement our continued reporting on the EU, the UK and Ukraine.

In this issue, we begin a series of articles on **export controls**. The first article will be particularly helpful for those who are just starting to familiarise themselves with the topic. We also cover **sustainability-related issues** and invite you to read an article outlining the position of the European Association of Forwarding, Transport, Logistics, and Customs Services (CLECAT) on the Commission's Omnibus Package - specifically the proposed simplification of the Carbon Border Adjustment Mechanism. Additionally, another article focuses on the forthcoming changes in the regulation of packaging compliance with sustainability requirements.

The case law section features articles on **tariff classification** and the legality of local restrictions on the provision of **customs brokerage services**. You may also find it useful to explore country-specific insights on various topics from Israel, Brazil, Colombia and other countries.

Lastly, we have also addressed the topics of **overregulation** and **artificial intelligence**.

I hope you enjoy this issue!

Dr Ilona Mishchenko
Member of the Editorial Board

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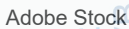
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NEWS UPDATE

EU customs and trade news: March 2025

Overview of customs-related legal acts, case law, notices published in the Official Journal of the EU (OJ); information published by the Court of Justice of the EU (CJEU), European Commission, Customs of some EU member states and EU trading partners, World Customs Organization (WCO) and World Trade Organization (WTO).

WEEK 13 (24 - 30 MAR)

News in brief: ICS2 go-live date for rail and road carriers - 1 April 2025; USA is imposing 25% tariff on imported cars and light trucks; provisional anti-dumping duty on imports of glyoxylic acid of up to 280.3 %; imports of high-pressure seamless steel cylinders subject to registration; Commission launches helpdesk to support EU SMEs to comply with sanctions; consolidated FAQs on the implementation of Council Regulations No 833/2014 and 268/2014; FAQs on LNG transshipments - Article 3r of Council Regulation 833/2014; Belarus - EU restrictive measures on 25 individuals and 7 entities; amendments to the Explanatory Notes to the EU Combined Nomenclature; Commission strengthens protection for EU steel industry; guidance on the revised PEM rules of origin; CJEU on error made by competent authorities issuing movement certificate EUR.1; conditions and procedures related to the status of authorised CBAM declarant; and more updates.

Classification

Amendments to the Explanatory Notes to the EU Combined Nomenclature

28.3.2025 [C/2025/1920 Amendments to the Explanatory Notes](#) to the EU Combined Nomenclature concern: 102 20 10 and 1102 20 90 Maize (corn) flour; 2302 Bran, sharps and other residues; 2303 Residues of starch manufacture and similar residues; 2303 10 11 and 2303 10 19 Residues from the manufacture of starch from maize; 2309 Preparations of grain used in animal feeding

Read continuation on CustomsClear (€)



NEWS UPDATE

UK customs and trade news: March 2025

News in brief: UK TRA readies itself for more new remedies; anti-dumping measure on chamois leather to be repealed; registration of imports of tin mill products; assimilated general export authorisations; notices to exporters on export controls; documents on additional duties for Russia and Belarus updated; review of duty suspensions and autonomous tariff quotas; and others.

Trade remedies

UK TRA readies itself for more new remedies

The Trade Remedies Authority (TRA) has initiated the last review of all 43 measures carried over to the UK following the country's departure from the European Union. This major achievement has been completed ahead of schedule which means that the review of all relevant EU trade measures is now either complete or underway.

In reviewing the EU's transitioned measures, the TRA has recommended to the UK government based on evidence, what trade remedy measures the UK should maintain unchanged, which measures should be revoked (and which measures should be amended to better protect the UK's economic interests).

Find out more [here](#).

Trade remedies notice 2025/6: anti-dumping duty on chamois leather originating from the People's Republic of China

The Secretary of State published a public [notice](#) 2025/6 on 13 March 2025 with effect from the day after the date of publication. This public notice gives effect to the Secretary of State's decision to accept the recommendation of the TRA to revoke the anti-dumping measure on chamois leather originating from China. The TRA has concluded that it is unlikely that injury would recur if the anti-dumping measure was no longer applied. This public notice supersedes [Taxation Notice](#) 2020/27.

[Read continuation on CustomsClear \(€\)](#)



NEWS UPDATE

US customs and trade news: March 2025

News in brief: summary (harmonised tariff threat schedule) of recent tariff-related developments in the US; tariffs on steel and aluminium have come into force; new tariffs on imports of automobiles and certain automotive parts; amendment to tariffs on Canadian and Mexican goods; tariffs on countries importing Venezuelan oil; amendment to tariffs addressing the synthetic opioid supply chain in China; investigation into imports of timber, lumber and their derivative products; 2025 Trade Policy Agenda introduced.

Investigation into imports of timber, lumber and their derivative products

On 1 March, the US President signed an [Executive Order](#) launching an investigation into how imports of timber, lumber, and their derivative products threaten America's national security and economic stability. The investigation will culminate in a report identifying vulnerabilities in the lumber supply chain and providing recommendations to enhance the resilience of America's domestic wood products industry. Find out more [here](#).

Amendment to duties to address the situation at the US southern border

Duty-free de *minimis* treatment removed by Executive Order 14194 [is now available](#) for all otherwise eligible covered articles that are products of Mexico. Such duty-free de *minimis* treatment shall cease to be available for such articles upon notification by the Secretary of Commerce to the President that adequate systems are in place to fully and expeditiously process and collect tariff revenue for covered articles otherwise eligible for de *minimis* treatment.

Amendment to duties to address the flow of illicit drugs across the US northern border

Duty-free de *minimis* treatment removed by Executive Order 14193 [is now available](#) for all otherwise eligible covered articles that are products of Canada including energy or energy resources. Such duty free de *minimis* treatment shall cease to be available for such articles upon notification by the Secretary of Commerce to the President that adequate

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Vecteezy

NEWS UPDATE

Ukraine customs and trade news: February / March 2025

News in brief: changes to customs clearance of humanitarian aid; outward processing updates on precious metals and precious metal waste; new AI developments for risk management and customs clearance; increased excise duties on tobacco products; AEO updates

Customs clearance

Important changes in the customs clearance of humanitarian aid

Government [Resolution No. 321](#) of 21.03.2025 came into force. Among other things, it regulates the [procedure for correcting mistakes](#) in declarations on the list of goods accepted as humanitarian aid after customs clearance. The new regulations apply only to vehicles imported as humanitarian aid.

To make corrections, the recipient of humanitarian aid must print or receive a paper copy of the completed declaration and correct incorrect characters in column 12 "Vehicle identification" by crossing them out. The number of corrections is limited to two characters and each correction must be signed by the recipient's manager.

Then, a free-form application to amend the declaration must be completed. Additionally, copies of the amended declaration, the vehicle registration document, and other documents containing information about the vehicle must be submitted.

It should be noted that it is impossible to amend the declaration in the following cases: if a violation of customs regulations is detected in relation to the declared vehicle; if there are no documents confirming the need for amendments; if the submitted documents do not show that the information in the declaration needs to be corrected.

New Customs Code

Ukraine aims to have a new Customs Code based on the Union Customs Code in 2026

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NEWS UPDATE

UK customs and law news: February 2025

News in brief: Customs Technical Handbooks published; trade negotiations with India relaunched; Alcohol Duty Stamp Scheme to end on 1 May 2025; special procedure authorisation by declaration enabled; information and resources compiled to help businesses prepare for the changes to the Windsor Framework; Mandatory Logistics Envelope available from 1 April 2025; UK Tariff updated; DBT national survey of registered businesses' export behaviour published.

CUSTOMS TECHNICAL HANDBOOKS

Customs Technical Handbooks are HMRC's technical guidance on customs matters. The first two have already been published. The new Safety & Security Customs Technical Handbook can be found [here](#).

[The EORI Customs Technical Handbook](#) has also been published.

HMRC will be publishing further Handbooks in the future.

TRADE NEGOTIATION RELAUNCHED WITH INDIA

Business and Trade Secretary Jonathan Reynolds relaunched trade talks with India as he travelled to New Delhi to meet with Commerce Minister Piyush Goyal. The UK-India free trade agreement will aim to deliver economic growth and bring the Indian economy within reach for more UK businesses. India is forecast to have the highest growth rate in the G20 for the next five years and is set to become the world's third-biggest economy by 2028. Find out more [here](#).

END OF THE ALCOHOL DUTY STAMP SCHEME

In the Autumn Budget 2024, the government announced the end of the Alcohol Duty Stamp Scheme (the scheme) from 1 May 2025. The scheme requires the stamping of larger retail containers of high-strength spirits, wine, and

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NEWS UPDATE

EU customs and trade news: February 2025

Overview of customs-related legal acts, case law, notices published in the Official Journal of the EU (OJ); information published by the Court of Justice of the EU (CJEU), European Commission, Customs of some EU member states and EU trading partners, World Customs Organization (WCO) and World Trade Organization (WTO).

WEEK 8 (17-23 Feb)

News in brief: Q&A on the US reciprocal tariff policy; definitive anti-dumping duty on imports of melamine; imports of certain products made subject to registration; anti-dumping proceeding concerning imports of continuous filament glass fibre products; EU-Tunisia free trade agreement - changes regarding the origin of goods; extension of certain restrictive measures against Russia; amendments concerning imports of wine originating in New Zealand; and more updates.

Tariff measures

Q&A on the US reciprocal tariff policy

18.2.2025 [European Commission published](#) Questions and Answers on the US reciprocal tariff policy. One of the Q&A: Doesn't the US have a point about an asymmetry in tariffs, such as the EU's 10% tariff on cars compared to the US's 2.5% tariff? Tariff structures vary between economies, with some EU tariffs higher than those of the US and many others lower. Both the EU and the US have equally low tariffs overall. While the EU applies a 10% Most Favored Nation (MFN) tariff on cars, it's important to note that the US imposes a 25% tariff on pickup trucks—the largest segment of the US auto market, accounting for about one-third of all vehicle sales. In fact, the best-selling vehicle in the US is a pickup truck, the Ford F-150.

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Dr Ilona Mishchenko

Associate Professor of the Maritime and Customs Law Department, National University "Odesa Law Academy", Ukraine

[About the author](#)

CASE LAW

Local rules vs EU freedoms: Italian case law on customs representatives

Rules on customs representation, as part of customs law, are an exceptional competence of the EU. However, the EU lays down general provisions and leaves considerable discretion to the Member States in this area. This article examines a recent case in which the EU Court of Justice assessed whether Italian legislation governing the activities of customs agents was compatible with EU law.

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Ingrida Sakalienė

Tariff classification specialist, Lithuania

[About the author](#)

CASE LAW

Classification of electric scooters for seniors - 10% or 0% duty?

A recent case before the Court of Justice of the European Union (CJEU) raises the issue of the classification of an electric four-wheel vehicle for seniors traveling at speeds of up to 16 km per hour. The classification as 'other vehicles similar to golf carts' and 'wheelchairs/other vehicles designed for disabled persons' was decided with a duty of 10% or 0%, respectively. Let us review the main highlights determining the classification of such goods.

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Mark Rowbotham

Customs, Excise & VAT Consultant,
PORTCULLIS ISC, United Kingdom

[About the author](#)

TOPIC SPOTLIGHT

New US tariffs and origin of goods

All products originating in the UK are now subject to a baseline US tariff of 10%. Compare this with the tariffs levied against the EU (20%) and China (54%) and it can be seen that the origin of products exported to the US is crucial. The condition is that UK exporters must ensure that the products they export to the US originate in the UK (if they originate in the EU, even though they are exported from the UK, they will be subject to a 20% import duty in the US). We provide a brief overview of the new US tariffs and what 'origin' means in this context.

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Anthony Buckley



Enrika Naujokė

More information: www.offers.customsclearance.net/event/eu-customs-law-news-overview-april-2025/



Greta Kulikauske

Senior Consultant, PwC Lithuania

[About the author](#)

TOPIC SPOTLIGHT

New EU requirements for packaging and the import of packaged products - coming soon

In addition to the numerous sustainability-related areas assigned to customs (CBAM, EUDR, forced labor prohibition regulation, CITES, etc.), customs will soon be assigned another task – the control of packaging compliance with sustainability requirements. Accordingly, importers themselves will have to be aware of one more regulation. Let's review the new regulation on packaging and packaging waste and the requirements set out in it.

On 22 January 2025, Regulation (EU) 2025/40 on packaging and packaging waste of the European Parliament and

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TOPIC SPOTLIGHT

AEO trends and challenges: non-EU perspective

In this article, we continue to share the key insights from the 25th Authors' Meeting that took place on 9 January 2025 and was dedicated to AEO trends and challenges in different countries. The first part of the overview on the EU AEO/T&C framework was presented in the article [Trusted traders \(e.g. AEO\): new trends and developments in the EU](#) (CCRM Issue 30, 2024/2025). This article reflects the key points highlighted by the meeting participants from several non-EU countries.

EDITORIAL NOTE

As you know, the AEO programme is not just an EU initiative. It was launched by the World Customs Organisation (WCO) in 2007 and then started to be implemented worldwide. At the beginning of 2025, the [programme counts](#) 89 countries with operational AEO and 7 countries with developing AEO frameworks.

Although all national AEO programmes are based on the same WCO framework, there are significant differences that we would like to familiarise you with using the examples of Israel, Brazil and Ukraine.

ISRAEL

Omer Wagner, Advocate, Israel

In Israel, about 300 companies are currently members of the AEO programme. Most of them are exporters, the rest are freight forwarders and customs brokers, some ports, bonded warehouses and airlines. Israel has a Mutual Recognition Agreement (MRA) with [7 countries](#): the USA, Mexico, Canada, Taiwan, Hong Kong, South Korea and China. Israel is currently negotiating with Serbia which, if successful, will be the first European country to conclude an MRA with Israel.

During the registration process, applicants are required to undergo a two-stage verification procedure. In the initial stage, they must complete a registration form and submit the necessary documentation to demonstrate that the

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TOPIC SPOTLIGHT

Insights into the data in the customs declaration

At the [26th Authors' Meeting](#), experts from different countries discussed key challenges in customs declaration processes. They explored issues with digital systems, regulations and emphasised the fragmented customs landscape in the EU. Some national customs practices were highlighted as creating inconsistencies in trade and customs across the EU. Speakers also addressed the growing conflict between facilitating trade and meeting stricter EU compliance rules that require more detailed data. See the article below for a summary of the discussion.

CURRENT PROBLEMS WITH AES AND NCTS

Michael Lux, Attorney at Michael Lux BV, Belgium,

Eva Cartwright, Senior Manager, Customs and Digitalisation, CLECAT, Belgium

Michael Lux, together with Eva Cartwright, discussed the current problems with the Automated Export System (AES) and the New Computerised Transit System (NCTS), two key systems used in the European Union (EU) and the Common Transit Convention (CTC) countries to manage export and transit procedures. They outlined the practical challenges faced by customs administrations, traders and customs agents in migrating to the latest versions of these system. Key issues identified:

- the fragmented customs landscape within the EU with individual national solutions instead of a common digital solution for drivers arriving at a customs office of exit or transit;
- the need to inform the customs authority of the Member State of exit about the presentation and exit of goods by electronic messages (which requires access to the IT system of that Member State and most traders don't have it);
- capacity constraints at customs offices at land borders (at seaports and airports there is always a local agent available to deal with the local customs office).

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**CLECAT**

The European Association of Freight Forwarders, Logistics service providers and Customs Agents, Belgium

[About the author](#)

PERSPECTIVE

CBAM regulation simplifications: the liability burden

Editor's note. The European Commission has recognised the problem of unnecessary red tape and has announced a far-reaching simplification of certain regulations [1]. The CBAM Regulation is one of them [2]. Which CBAM simplifications are planned and which still need to be considered? CLECAT, the European Association for Forwarding, Transport, Logistics and Customs Services, has expressed its views on this subject in a document sent to the European Parliament's Committee on the Environment, Climate and Food Safety and to the Members of the Council, which we invite you to read.

CLECAT welcomes the European Commission first Omnibus package, including the proposal for the simplification of the Carbon Border Adjustment Mechanism (CBAM).

CLECAT commends the European Commission for delivering a well-balanced simplification proposal that effectively addresses most of our sector's concerns. The proposal maintains and expands the use of default values including regional adaptations, introduces a realistic exemption threshold, enhances customs data integration and eliminates some redundant reporting steps, overall demonstrating that policymakers have listened to the logistics sector. CLECAT is equally pleased with the possibility for declarants to delegate CBAM reporting to a newly introduced CBAM declarant 'person'.

However, the proposal falls short of a crucial simplification: allowing for an Authorised Representative (to be named) to act on behalf of third-country entities. Instead, the proposal upholds the requirement that indirect customs representatives are enforced to assume the role of CBAM Declarant when carrying out customs clearance for non-EU importers.

European customs intermediaries see this as a key deterrent and an undue burden, as indirect customs representatives are involuntarily held fully liable as CBAM declarants.

We argue that CBAM-related obligations should not be imposed on European logistics service providers that operate entirely outside the scope of this regulation. Instead, the CBAM regulation should establish its own representation framework, independent of customs law, allowing market-driven choices rather than

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Omer Wagner
Advocate, Israel

[About the author](#)

COUNTRY UPDATE

Something fishy here: which is the competent jurisdiction concerning damaged imported goods?

A food consignment arrived in Israel and was found to be damaged due to a lack of refrigeration. The importer sues the foreign forwarder who transported from abroad to Israel. Will the court uphold the claim or will it decide that the claim should be adjudicated outside Israel? This will be discussed in this review in light of the court's recent decision [1].


THE STORY


Two containers of carp were imported from Canada to Israel via a Canadian freight forwarder and a German marine company. The importer was forced to destroy the shipment because it had not been kept at appropriate temperature conditions, and a lawsuit was filed against the marine company and the freight forwarder.

The German marine company asked the court not to hear the case due to a foreign exclusive jurisdiction clause in the bill of lading, and its request was granted.

The Canadian forwarder asked the court to reject the claim since the Israeli court had no jurisdiction to hear the case

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Sabine van Osenbrüggen

Senior Expert Export Control and Customs,
Siemens, Germany

[About the author](#)

EXPLAINER

Export control – first steps


Due to the many crises in the world and the associated need for security, the demand for export control is increasing once again. Furthermore, we see the states' efforts in the EU increasingly investing in their defence. As a result, more and more companies are becoming suppliers to the defence industry. Therefore, we are starting our series on export control today, as already announced in our article "[Don't let this happen to you! US export control law and re-export from the EU](#)" (CCRM Issue 30, December 2024 / January 2025).

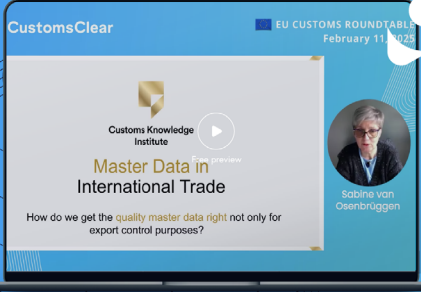
In our first article, we address the basic questions: What does export control mean? Why is export control important for countries? What is controlled and according to which criteria?

WHAT DOES EXPORT CONTROL MEAN?

Within the EU, we know the rule of freedom. Nevertheless, this freedom can be restricted for various reasons, and exports will be controlled.

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Vincent van Dijk

Senior Advisor on Norm Engineering and Rule-Based Solutions, Pharosius B.V.,
The Netherlands

[About the author](#)

POINT OF VIEW

Overregulation: how do we cope with it?

The recent cover of the weekly The Economist issue had a picture of red tape and the title “The revolt against regulation”. Some statistics from the articles on the topic: in the US, federal regulations now exceed 180,000 pages, up from 20,000 in the early 1960s; in the past five years the European Parliament has enacted more than twice as many laws as America; red tape costs the French economy close to 4% of GDP every year. In this interview with Vincent van Dijk, Senior Advisor on Norm engineering and rule-based solutions [1], we invite consideration of ‘norm engineering’ as one of potential solutions of the growing problem, which we, customs practitioners, are also witnessing in our specific field.

Customs Compliance & Risk Management journal (CCRM): What is norm engineering?

Vincent: Dealing with legal language is challenging, as rules cannot be directly articulated like everyday speech. Because legal text is also just text, it is viable for (mis)interpretation as text can be unclear or ambiguous. This is even more apparent for legal text, as it is drafted in a specific way using – often difficult – legal constructions. Therefore, legal texts are not always easily understandable for non-legal people and certainly not for implementation purposes.

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Dr Ramūnas Šablinskas

Technical product manager, CC Learning,
UAB (CustomsClear), Lithuania

[About the author](#)

POINT OF VIEW

Discussion of the most important AI risks

The EU Artificial Intelligence (AI) Act was created to manage the most important risks associated with the development and adaptation of this technology. Let's take a look at the most discussed risks associated with AI, as identified by various internet commentators, experts and members of the public.

Let's try to assess these risks according to how real they are, what damage/ impact they can cause to society and how important (for citizens) it is to manage these risks. The risks identified in the table below (the table was prepared by "10 AI dangers and risks and how to manage them", Bernard Marr's "The 15 biggest Risks of artificial intelligence").

Risk	Probability	Damage/impact	Importance
Losses of workplaces (decrease in labour demand)	10	10	10
Autonomous physical weapons, controlled	10	10	10

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10. Value
11. Origin

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Anthony Buckley
CEO of Anthony Buckley
Consulting Ltd., former
Head of Irish Customs, Ireland



Patrick Nieveler
Manager Customs & Excise
Tax at BMW, Founder & CEO of
PASSANI Academy, Germany



Dr. Momchil Antov
Associated Professor at the D. A. Tsenov
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Dr. Gediminas Valantiejus
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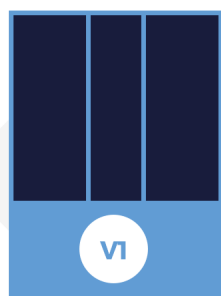
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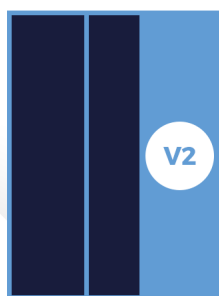
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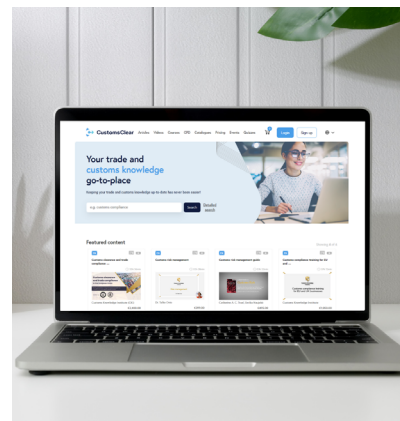
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