Journal of Advances and Scholarly Researches in Allied Education
Vol. 19, Issue No. 2, March-2022, ISSN 2230-7540

Issues in Trade Performance of Livestock in India: Reflection of SPS Measures and International Relations

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Abstract - India is an important member of the world trading community. It is the largest producer of some foods products in the world.In the current context of liberalization and increasing global integration of economies, it would be unfair to compare livestock sector of India with that obtaining in most of the vastly modern and technologically far advanced western block countries in terms of a produce that is globally competitive. However, despite several weaknesses in terms of adoption of improved technique, the share of livestock in gross output of agriculture and allied activities has been showing a growing trend due mainly to dependence of millions of Indian farmers on this secondary remunerative source of agricultural income. Thereby, the paper focuses on the challenges to India's live stock exchanges which is centred on the SPS measures of developed countries and are in most cases stringent or higher than international standards.

In light of this context, the article makes an effort to evaluate not only the importance of the livestock industry to the domestic economy but also the potential effects of economic reform under the WTO framework on the local market. It is believed that the free-trade framework established by the WTO presents many possibilities as well as risks for India's livestock sector. The study draws attention to a number of concerns that must be addressed in order to maintain India's livestock industry in the WTO age, when wealthy nations' livestock are lavished with care at the expense of hundreds of thousands of farmers in poor nations. The author also compares the India's position with its international counterparts in terms of live stock exchange standards and thereby based on it tries to put forward some suggestions.

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SYNOPSIS

HYPOTHESIS: The trade performance of livestock in India is not able to function well within the ambit of SPS Agreement creating hindrance in domestic economy and also resulting to international conflicts.

MATERIALS

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- http://wtocentre.iift.ac.in/Papers/SPS_Paper_CWS_August%202009_Revised.pdf
- https://ustr.gov/sites/default/files/FINAL-2014-SPS-Report-Compiled.pdf

SURVEY OF LITERATURE: The research is purely doctrinal, which is based on various sources like text books, articles, internet resources, etc.

INTRODUCTION

"Free trade is a policy imposed on the weakest by a country and evaded by the most powerful country." [1]

Global trade in livestock products is expanding rapidly and significantly due to increase in consumer demands linked to the growing educational and awareness of the consumer, internationalisation of tastes and habits, developments in science and technology and improvements in communication and transportation. Sustained economic growth and rising incomes during the past two decades have been fuelling rapid growth in the demand for livestock products in India. Animal Products plays an important role in the socio- economic life of India. Consequently, the livestock sector has emerged as one of the important drivers of agricultural growth and diversification in India.[2] It provides food, income and employment and for low income producers, the sector also serves as a store of wealth, provides draught power and organic fertiliser for crop production and as a means of transport. Consumption of livestock products in India though starting from a very low base is growing rapidly.[3]

The opening up of the Indian economy in 1991 brought about major changes in the livestock economy. The market-oriented economic policies of the country were reinforced with the signing of

Uruguay Round of Agreement in 1994 which led to the establishment of World Trade Organisation.[4] These developments have been associated with often much heated debate regarding their benefits and costs in respect of livestock trade. It is therefore appropriate to explore India's livestock trade potential in the context of these significant developments. The research documents trends, dimensions, performance and determinants of India's trade in livestock and livestock products and also examines the constraints impeding their export prospects.

The establishment of multilateral trading system under the WTO that came in existence on 1st January, 1995 led to a new trade order in the world. On one hand the WTO opened up opportunities in international trade by increased market access and worldwide reduction in import tariffs.[5] Though WTO aims at eliminating non-tariff barriers which include quota restriction, direct subsidies both for production and exports, quality issues etc. but in practice, these are being used as potent tools especially by developed countries such as the US and the EU not only to obstruct entry of goods from developing countries but also distort the free and fair operation in the international markets.[6] The Indian livestock sector is on a rising spree with its current contribution of about 26 per cent to the agricultural gross domestic product and providing employment to over 20 million people, particularly to women folk, in principal or subsidiary status.[7] The thrust of livestock development strategy in India was on achieving self-reliance in livestock products through import substitution and several initiatives were taken to develop the Indian livestock sector and India emerged asthe largestmilk producer and one of the biggest producers of other livestock commodities in the world.

While there is a strong commitment from the government to promote exports of fresh and processed food products, global agricultural trade faces a number of tariff and non-tariff barriers. With the inclusion of agriculture under the General Agreement on Tariff and Trade in the Uruguay Round of the WTO negotiations and in regional and bilateral trade agreements, tariff rates have come down.[8] However, non-tariffs barriers continue to be an impediment to international trade in fresh and processed produce. The WTO data on notifications show increasing use of sanitary and phytosanitary measures by WTO member countries since the mid-1990s, which acts as barrier to trade. Sometimes these measures are implemented as consumers demand higher food safety and health standards (WTO, 2012). In India, the Agricultural and Processed Food Products Export Development Authority has prepared a list of non-tariff barriers faced by food products in export markets, which includes lack of harmonisation of standards, different maximum residue limits for pesticides, drugs and other contaminants, and definitional issues,[9] which are largely related to health and safety standards adopted by importing countries. A number of studies have shown that Indian exporters have been facing difficulties in exporting food products to key markets such as the European Union.[10]

Though dairy industry is the single largest contributor to India's GDP and involves over 80 million small farming households with its profound social impact, the opening up of the Indian market to an influx of foreign goods, however, has raised much concern about the livestock sector of India and the status of Indian dairy industry in the era of WTO regime.[11] The subsidies provided by the developed countries to their dairy farmers have helped them to lower their price of dairy products and consequently influencing the world prices. In the current context of liberalization and increasing global integration of economies, it would be unfair to compare livestock sector of India with that obtaining in most of the vastly modern and technologically far advanced western block countries in terms of a produce that is globally competitive. However, despite several weaknesses in terms of adoption of improved technique, the share of livestock in gross output of agriculture and allied activities has been showing a growing trend due mainly to dependence of millions of Indian farmers on this secondary remunerative source of agricultural income.[12]

TRADE PERFORMANCE OF LIVESTOCK IN INDIA

The performance of livestock exports has been highly encouraging, while that of its imports has shown sharp declines. There has been a consistent improvement in the exports of livestock products in the post-reform period, indicating the positive impact of the liberalization policy initiated in 1991. However, India's contribution in world trade of livestock products is insignificant, and therefore, it cannot influence the world market in either prices or supplies.[13] Having the leverage of being one of the largest producer of most of the livestock products, coupled with adoption of trade liberalization policies, India has the potential to enhance its share in the global market of livestock products. However, rising domestic demands may preclude India in emerging as a major exporter of livestock products; bovine meat could be an exception.[14]

However, India's contribution in world trade of livestock products is insignificant, and therefore, it Exports of various livestock products have been given due priority in various trade related policies that were initiated by the Government of India during the era of liberalization and opening up of the national economy to the international market. The major thrust has been on genetic up-gradation of livestock to improve the productivity and production of major livestock products. To achieve this objective, emphasis is placed on development of requisite infrastructure, feed management, and better health services, Government of India, 1999.[15] The concerted efforts made by the government in the past and in more recent times with increasingly greater significance accorded to livestock sector to achieve the desired level of growth in agricultural sector have certainly boosted the Country's exports of various livestock products to

newer heights.[16] Though over the past two decades India has been net exporter of meat and meat products with negligible dependence on import trade of these products, the scenario obtaining in terms of export trade of milk and milk products during this period is not very encouraging.

Despite the fact that India's dependence on import trade of butter, ghee from cow milk, cheese and curd animal fats, etc. has come down sharply over the past two decades in the face of rise in export trade in the same, the trade balance of India in these products remains negative due to higher value associated with imports as against export. Another interesting feature of India is the export trade in meat and meat products.[17] Among various meat and meat products exports from India, buffalo meat accounts for nearly 90 per cent share. The import trade of India over the past two decades in meat and meat products has been negligible. As a result, net export of India in meat and meat products is not only positive but significantly high, which has been growing at the rate of 14 per cent a year between 1981 and 2001.[18] In India, the food safety and health standards are administered through various regulations and ministries. One of the major regulations is the Prevention of Food Adulteration Act of 1954 under the Ministry of Health and Family Welfare, which lays down specifications for various food products and is mandatory. The Ministry of Health is also the Codex Contact Point in India.

Another mandatory regulation includes the Essential Commodities Act of 1955, with a number of quality control orders including the Fruit Product Order, Meat Product Order and Vegetable Oils Control Order.[19] On environmental standards, leather industry faces problems from both domestic and external front. The restrictions on the use of certain chemical dyestuffs and several other mandatory regulations in major export markets pose serious problems to the Indian leather sector. Germany along with the other European countries has already restricted the benzidine containing dyes and openly demands benzidine free leather imports.

India is an important member of the world trading community. It is the largest producer of some foods products in the world. The size of India's food market is above Rs 250 billion and its exported goods are worth Rs 1450 million.Between 1995-99 Indian exports consisting of tea, shrimps, fruits, vegetables, milk, ground nuts, and buffalo meat were not allowed in Germany, European Union, United States and Saudi Arabia on health grounds. India has a potential to export beef, poultry and dairy products. The challenge to India's dairy exports is the SPS measures of developed countries which are more stringent and in most of the cases are higher than international standards.

CHALLENGES OF SPS MEASURES IN INDIAN LIVE STOCK EXCHANGE

Further this section throw illumination on the issues and the challenges faced in following SPS measures in India in context of livestock sector. India has managed a place in the global food market and is amongst the largest producers in the world. Indian market size can be estimated above INR 250 billion and roughly export of INR 1450 million which is around 10% of the world's economy.[20] As the demand of livestock increased over Indian markets incentives came over the producers to take up effective and efficient production means resulting to greater quantity and good output. Though the processing and food producing sector has grown during past few years, there exists superfluity of issues and challenges that needs to be addressed at the time when we meet imports and exports. SPS measures are laid down by World Trade Organisation which specifies the essential policies for food safety, animal and plant health standards.[21] It allows countries to make their self-standard which has to be based on science.

Products particularly in the livestock sector needs more care and have lesser live than other products, hence while exporting them certain measures have to be taken care of which shall not derivate or deprive their quality effecting the health of its consumers at large. The compliance of food safety standards typically require upgradation of infrastructure, and processing techniques related to risk management, for example, using Hazard Analysis Critical Control Point principles as promulgated by the Codex, and certification of processes and/or products raise the costs of production for firms. Besides the limit on the ability to comply with the requirements, developing countries are also limited in their ability to demonstrate compliance! Some of the major inhibiting factors include the lack of infrastructure and testing facilities, and limited technology choices

While dealing with livestock materials certain necessary measures have to be taken while storing and transporting the same to other countries, absence of which may create an adverse effect on the quality, life and nature of the products automatically leading to wastage and decrease in the market value.[22] Therefore it is in the self-interest of the producers and the exporters to make sure that definite hygienic and other safety state of affairs are met. As the health safety awareness has been increased in the developed and the developing countries, the responsibility on the sellers have increased. After facing the reality and importance of this issue states have specified several norms of processing, testing, packaging and also standardising basic quality which has to be maintained.[23] Internationally SPS measures were laid down by WTO which has to be followed up by the states while trading. At the same time such measures may be taken as trade barriers for the states which exports goods internationally.[24]

In India several concerns while implementation of SPS standards by member countries. India holds the

opinion that measures which is not in conformity shall not unnecessarily cause interruption and hindrance in the international trade whereas it shall restrict its usage to promote legitimate objective including health standards. Here we don't have a single agency under one name whereas Sanitary and Phytosanitary policies are legislated and governed under several Acts, which are implemented by number of agencies.[25] The most ordinary grievance is that the standards are set very high, and often unreasonably so to be maintained. In India probable barriers to its exports of livestock products has recognized due to the number of SPS borders maintained by member countries as. The questions being put forward by India at the WTO Committee on SPS measures comprise highest levels for certain aflatoxins, MRLs which is in animal products for imports into the European Countries, and maintained by the European Countries the geographical BSE risk assessment needs, and requirements of import on eggs and meats maintained by Switzerland. The most important impulsion to exports of dairy goods had come after the elimination of quantitative limitations, which encouraged the exporters to affect the emerging opportunities in the market globally. Efforts have been made by the Indian Government and by the exporters to follow the SPS measures have too enhanced the export of these commodities.[26]

Till 1988 exports of eggs have dropped down but afterwards an upward shift has been witnessed due to boost up in the commercialisation of the sector of poultry in India.[27] Reduction was witnessed from 16% to 8% of the excise duty o meat products and waiving off the excise duty consequently appear to provide positive results on their production as well as exports.[28] In India egg and poultry sector has seen marvellous development and consumption has also increased barring the higher growth export of poultry. Food safety measures are a major problem in Indian export particularly to the countries developed. Particularly states like Japan, U.S.A and EU have stricter requirements of food safety hence are turning out to be the biggest challenges to them within the governance of SPS.[29]

Products of livestock are more prone to safety risk and damages, likely to affect the health. Hence SPS measures are set by the WTO for its governance but at times they stand as challenges to India.Due SPS measures refusal of poultry livestock products was accounted to be 54% and 96% during the session of 2006 April- 2007 March by Japan and U.S.A hence India became the 2nd highest refusal to the exports of livestock refusal.[30] Foremost ground of Indian consignment refusal was filthiness in the export, microbiological contamination, insanitary conditions, additives being unhealthy, etc. directly infringing the measures of SPS. Hence reasons for rejection were mainly on the grounds of microbial contamination and unhygienic. This tabular representation may further help to elaborate:

ISSUES	CASES IN U.S.A	CASES IN JAPAN
FILTHINESS IN THE EXPORT	220	2
MICROBIOLOGICAL CONTAMINATION	248	6
ADDITIVES BEING UNHEALTHY	179	19
INAPPROPRIATE INFORMATION	480	12

Whereas it can be said that share of meat products also including diary, poultry, milk etc. was approximately 5% in the overall refusals of livestock products exported from India to other states.[31] Therefore we can say that following SPS measures is a tremendously big test to India while exporting livestock whereas conformity of food safety directives is the basic need whenever a state expands its trading zones. India is still a developing country where allocation of resources rightfully is still a challenge hence conforming SPS measures tends as a challenge to India. EU has restricted Indian buffalo meat as existence of mouth and foot diseases Indian cattle. OIE guiding principles are taken as international standards for trade under animal and animal products.

India even being the largest producer of dairy products worldwide then also Indian milk products is not allowed to be traded with EU. Now Export Inspection Council manages the operation of management of food safety organism based certification to export of by-products of milk so that the quality and quantity of goods are according to the standards of importing state. Some of the laws regulating laws in India for food and safety measures are Prevention of Food Adulteration Act, 1954, Meat Food Products Order, 1973, Fruit Products Order, 1955, Milk and Milk Products Order, 1992, Agriculture Produce (Grading and Marketing) Act, 1937, Export Quality Control and Inspection Act, 1963 etc.[32] Aims of such regulations are to provide regulations over sanitary requirements, premises conditions, machinery equipments, preservatives, additives and contaminants etc. Hence we can say that no explicit provisions are there for SPS Measures but India has impliedly made provisions for the same by such regulations.[33]

Suggestions can be made that superintendence and supervision of livestock and plant diseases should be made better by introducing well equipped veterinary laboratories and centres for plant testing. Vaccines and diagnostic tools shall also be introduced and developed so as to control budding pests and diseases. Also Government should make integrated plans both at state level as well as centre to improvise phytosanitary protections in India. Along with integrated plans relevant agencies and Government departments shall conduct regular seminars and workshops so as to increase awareness.[34]

INDIAN POULTRY BAN CASE

In the year 2015 India lost poultry ban case against U.S.A at the WTO on the grounds that the imports to India of meat, poultry, eggs, pigs etc. were beyond minimal standards and were inconsistent in nature of international policies.[35] Trade conflicts take their time to wind from side to side the system but it does, in the end, work. It is done for the betterment of the users which is the wholesome concept of the trade. When at WTO, U.S.A brought up a case against India regarding the rules of India over the imports of live pigs and chicken. The hypothetical anxiety was over the likelihood of such imports bringing avian influenza in them. Where WTO's dispute found that such claims made were made a slight fewer than honest with the realism.[36] The finding of the appellate body was that India's AI methods are inconsistent as they are not based on a risk assessment factor. India's appeal was heard against the ruling the appellate body stated that there was lack of consistency The appellate body also upheld the panel's result that India's AI method are neither "based on", nor "conform to", the pertinent international standard. It also stated that the AI measures of India.

It also endorsed the panel's finding that India's AI measures violated global norms on the grounds that the prohibition was limited to just one country and not to all imports from any country with AI risk. A need was felt by WTO that in India measures are additionally trade restrictive more than the need as it is out of harm's way to import U.S.A products able to meet international standards and India's restrictions are not tailored to the quality of US exporting areas, the office of the US trade representative said in a statement.[37]

EXPORT INSTABILITY, EXPANSION AND ROLE OF WTO

Through the techniques of annual compound growth rates and coefficient of variation growth and instability in the livestock sector is found. Livestock production is highly influenced by the livestock population which stand as an essential factor. In the year 1991 the Government embarked the policy of economic reforms and also brought in several reforms in trade including removal of quantitative restrictions, reduction in tariffs, de-monopolization of imports, etc. Exports liberalisation was also done and several schemes were started to motivate trade. Liberalized international trade, increasing demand for value added livestock produce and organic food, and climate change have further highlighted the importance of livestock farming. Livestock are the best insurance against the vagaries of nature like drought, famine and other natural calamities.[38] Modern cutting edge technologies, innovative practices and policies for improved breeding, feeding, health care, management and trade will be necessary for meeting the increasing requirement of animal protein and other livestock produce.

One of the important elements of globalization is the liberalization of international trade. Increasing flows of livestock and livestock products, including capital, exchange of information, technologies, increasing standards and changes in sectoral structure towards concentration and integration are the major components of globalization in the livestock sector. Of late the distortions in global livestock trade are taking place due to subsidized production of livestock products in EU and USA. In the dairy sector, the subsidized exports of EU have adversely affected the dairy industry in India, Brazil and Jamaica. For instance, India imported over 1,30,000 tonnes of EU's highly subsidised skimmed milk powder in 1999-2000, which was the outcome of Euro 5 million export subsidies extended by them that works out to approximately 10,000 times the annual income of small-scale milk producer.[39]

Notably, in India milk is produced by small farmers belonging to remote areas and processed in plants owned by cooperatives, whereas in EU countries and New Zealand there has been different concept where there stand factory style operations of milk production and squeezing their cows poses a great threat of dumping excess production at lower rates in rest of the world. It is evident that SPS requirements have acted as a major market access barrier for India, particularly in the developed country markets. India has also suffered significant export losses from time to time on account of its inability to respond to such SPS requirements adequately. Even where it has succeeded in complying with stringent SPS requirements, compliance has always involved substantial investments.

Moreover, there is no guarantee that once suitable changes in the production processes are done, the goods would get continued or enhanced market access, as buyers do not give any such guarantee upfront. A concomitant problem is that of shifting standards. The worst affected in the whole process are the small players, who are often technically ill-equipped and financially hard-pressed to be able to comply with SPS requirements. Moreover, experience shows that installation of certain facilities required for compliance often becomes cost-effective only at a certain minimum scale of operation.[40]

Therefore, SPS requirements often have the effect of pushing small players out of business, thereby putting their livelihoods at stake. Hence, coping with SPS challenges assume enormous significance for the Indian economy as well as for the livelihoods of the people concerned. The export of bovine meat, eggs and sheep meat became more stable, while instability in the exports of remaining products increased further. The adhocism adopted in the trade of livestock products may be partly attributed for the observed volatility in their export, besides other factors. The statistical analysis showed that there was no significant association between growth in exports and instability of livestock commodities.

Article 20 of the WTO on General Agreement on Tariffs and Trade (GATT) allows governments to act

on trade in order to protect human, animal or plant life or health, provided they do not discriminate or use this as disguised protectionism. In addition, there are two specific WTO agreements dealing with food safety and animal and plant health and safety and with product standards in general. Both try to identify how to meet the need to apply standards and at the same time avoid protectionism in disguise. Article 4 of the WTO agreement states that member states shall accept the sanitary or phytosanitary measures of other Member states as equivalent, even if these measures differ from their own or from those used by other Members trading in the same product, if the exporting Member objectively demonstrates to the importing Member that its measures achieve the importing Member's appropriate level of sanitary or phytosanitary protection.

INDIA AND ITS TRADE WITH INTERNATIONAL COMPETITORS

India has been a competitive country for most of the livestock products, except poultry meat. India has the price advantage in bovine meat, mutton, pork meat and eggs. It is highly competitive in bovine meat production, and its farm gate price is even lower than the neighbouring countries like Pakistan, Bangladesh, China, Bhutan and Sri Lanka.[41] The producer price of poultry meat has been found significantly higher in India than major exporters in the world market. Further, in poultry meat production, India is in a disadvantageous position as compared to the neighbouring countries. In the case of milk, though producer price gives some leverage to India, cost of milk processing erodes its advantage, as dairy products are exported mainly in the processed form.[42]

India has a potential to export beef, poultry and dairy products. The challenge to India's dairy exports is the SPS measures of developed countries which are more stringent and in most of the cases are higher than international standards.137 The EU, Gulf countries and Indonesia has not allowed the import of meat from India on the ground that, cattle in India is infected with foot and mouth diseases. India proposed that EU standards with respect to meat are stringent than the international standards. The meat exports from India are also subjected to Bovine Spongiform Encephalopathy (BSE) detection tests though there was no case reported in India.[43]

The Indian Poultry products, poultry samples and egg powder were banned by Korea, Australia, New Zealand, Malaysia and EU on the basis of following points: (i) pasteurisation of albumen should be done at 57 degree Celsius and not by dry heat treatment which is applied in India; (ii) pesticide residue is above the prescribed limit in the products; (iii) egg processing plants do not apply hygienic practices; and (iv) veterinary certificates issued by competent authorities do not have force in foreign markets. The EU restricts the import of milk and milk products from those countries where outbreak of foot and mouth disease was reported. The import of Indian milk products was restricted though it was impossible for authorities to monitor each animal and milk producing unit.[44] These products are also restricted by other countries in spite of the fact that India has a food safety management system based on certification for export of milk and milk products. Indian marine products were also subjected to stringent sanitary and phytosanitary measures.

Since the American, Western European and Japanese markets are the most important export markets, quality and safety standards in these countries have adversely affected Indian food exports due to consignment rejections or outright bans in these markets.[45] While the first shock in marine exports was felt in 1997, when the EU banned seafood imports from India based on sub-standard processing units, other food products have also faced import barriers in the U.S. and EU.

CONCLUSION AND SUGGESTIONS

Despite constraints like rearing of livestock under sub optimal conditions due to low economic status of livestock owners, India has now become the largest producer of milk in the world. The development of Indian dairy sector is an unprecedented success story as it is based on millions of small producers. Government of India is making concerted efforts to raise the per capita availability of milk through increase in productivity of milch animals.The SPS- and TBT-related trade restrictions are poised to increase in the future since there has been a phenomenal increase in environmental notifications by member countries in the WTO in the last six years, and especially those under the provisions of Agreements of SPS and TBT. For instance, the number of SPS notifications increased by 59 percent during 1997-2000 from 300 to 468; and the number of environment related notifications under TBT more than doubled from 41 to 97 during 1995-2000.

Moreover, even voluntary standards under the SPS requirements are becoming de facto mandatory (DFID, 2000) due to their widespread practice in developed countries. However, since industrialized countries continue to provide the largest food export market for developing countries, compliance with these standards is essential. The developing countries now need to aggressively pursue equivalent issues among trading partners and increase their participation in the international standards-setting bodies to ensure efficiency of standards in global food trade.After the SPS Agreement came into force, India has tried its best to mend the institutional gaps in the sanitary and phytosanitary protection regime by enacting new laws for the protection of human, animal and plant health. It has also established various organizations and agencies at national level for regulating SPS

measures and for attaining advanced scientific information on sanitary and phytosanitary issues.

India has also used the good offices of the WTO dispute settlement system, particularly with respect to disputes involving provisions of the SPS Agreement. The jurisprudence developed by the Dispute Settlement Body in these disputes is surely going to influence the framework of sanitary and phytosanitary regime and the implementation of sanitary and phytosanitary laws in India. Monitoring and surveillance of livestock and plant diseases should be improved by establishing well equipped veterinary laboratories and plant testing centres. In addition to this improved vaccines and diagnostic tools should be developed against prevalent or emerging diseases and pests. An integrated plan should be formed and implemented by governments at the centre and states for improving sanitary and phytosanitary protection in the country.

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