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Executive brief





1. Background and key issues

2. Latest developments

The changing pesticide challenge Getting to grips with food safety challenges in Africa

Getting to grips with food safety challenges in the Caribbean

Getting to grips with food safety challenges in the Pacific

3. Implications for the ACP

Getting to grips with requirements that go beyond official standards Extending the EU's Minor Use Programme to the ACP

Enhancing cooperation in combating fraudulent pesticides

Reconciling austerity drives with development commitments

Wider trade implications of EU standards

Ensuring equitable regional standards

Deepening information sharing on evolving standards

Coordinating interventions to ensure a holistic approach

Enhancing technical capacities for testing and compliance verification Setting target time frames for approval processes

Food safety

1. Background and key issues

For those ACP countries enjoying dutyfree, quota-free access to the EU market, the implementation of food safety and SPS control measures is now the most important market access issue. In this context, establishing 'development friendly' systems for implementing EU food safety and sanitary and phytosanitary (SPS) control requirements is of considerable importance. This relates not to the standards applied, but to the dialogue structures required to operationalise these requirements in the diverse production systems operating in ACP countries. It also relates to the necessary flanking measures (in this case, dialogue structures on the application of underlying requirements and 'aid for trade' support) required to support compliance and compliance verification in ACP countries. Failure to stay abreast of evolving food safety and SPS requirements can result in the closure of markets not only in the developed economy applying the standards, but also in countries that adopt the food safety

and SPS practices of those developed countries as a benchmark for their own food safety and SPS controls. This can greatly complicate the process of finding alternative markets if import restrictions are introduced in the developed country concerned.

Critical to getting to grips with the challenge of meeting evolving food safety and SPS standards are:

- the regular access to updated information (through databases, new alerts, etc.);
- the mobilisation of the requisite technical and financial resources;
- the establishment of improved dialogues around food safety and SPS standard setting and implementation.

This applies not only to dialogue between ACP governments and the governments of the targeted developed country mar-

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kets (whether the EU, US, Australia or New Zealand, for example), but also dialogues:

- at national level, within the sectors concerned on compliance and enforcement mechanisms;
- at regional level, regarding the development of common regional standards;
- at international level along supply chains, particularly regarding the apportionment of costs in meeting private voluntary standards (PVS).

However, addressing the challenge also requires the launching of sector-specific initiatives (which could be regionally based) to assist ACP exporters in identifying evolving trends in SPS, food safety, animal welfare and general agricultural product quality policies, so that investments in meeting these market requirements can be built into routine reinvestment plans, thereby reducing the additional costs that arise from the obligation to keep up with regulatory changes.

2. Latest developments

The changing pesticide challenge

Ensuring compliance with EU standards as regards pesticide usage and pesticide residues remains an ongoingchallenge in ACP countries. Having carried out and completed a pesticides review in 2011, the EU is now focusing on the more rigorous application of the new rules and regulations which came into effect in 2011. This needs to be seen against the background of intensifying pressure from EU farmers' organisations to strengthen the enforcement of SPS and food safety controls, in order to

ensure a level playing field for competition between EU and third-country food suppliers. This has very real implications for ACP governments, both in

"Ensuring compliance with EU standards remains an ongoing challenge"

terms of establishing effective food safety and SPS compliance mechanisms, and in terms of communicating standards and requirements to producers.

For example, despite the success enjoyed in the Dominican Republic in developing organic exports to the EU (see Agritrade article 'Growing competition in differentiated product markets', 6 October 2011), in April 2011 an advisor to COLEACP (the ACP-EU interprofessional horticultural network) warned vegetable producers that 'if there is no solution found for the high levels of pesticides used' in current production for export, then the Dominican Republic is 'at risk of losing the European market'. The importance of reducing these high levels of pesticide residues was stressed. This, it was maintained, required both the deployment of technical assistance in support of smallholder producers, and also the establishment of 'a traceability system to accompany produce from the plot to the point of export' (see Agritrade article 'New pesticide regulations raise concerns for future of smallholders', 10 June 2011).

Pesticides regulations are also reported to be affecting Kenyan exports. According to press reports, 'Kenya is finding it harder to sell fresh produce to its key markets in the European Union as major supermarkets implement new pesticide regulations'. Supermarkets often require lower levels of residues than official controls. Indeed, some supermarkets have adopted 'zero tolerance' for certain residues. This has led the Fresh Pro-

duce Exporters Association of Kenya (FPEAK) to urge producers to steer away from the use of these named pesticides. However, smallholder farmers often cannot afford the alternatives to what are seen in the Kenyan context as the most effective insecticides.

The debate continues over the relevance of the actual level of residues permitted. FPEAK, for example, is supportive of UK growers' efforts to have the maximum permitted residue level raised tenfold in certain cases. But any changes in official permitted residue levels do not resolve the problem of zero tolerance adopted by some supermarket chains. In this context,

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Kenyan horticultural sector leaders recognise the need to meet these standards if they are to enter the market components they desire.

In late 2011 an initiative emerged in the EU that is of potential relevance to ACP exporters. It arose from an EC-financed study investigating the lack of registered plant protection products for relatively minor crops. The study found that the lack of availability of specific plant protection products is undermining yields and food quality, and impacting on farmers' incomes, and that temporary derogations from the application of the new rules provided no long-term solutions. A workshop reviewing the study called for:

the establishment of an EU Minor Use Programme to ensure effective communication between the concerned authorities and the concerned agri-food chains to find appropriate solutions;



- the establishment of 'an EU database on plant protection products and their uses', to help direct producers to identify relevant permitted products;
- the 'greater use of mutual recognition of active substances authorised at member state level';
- concrete policy initiatives at the EU level to encourage greater research and development efforts by the plant protection product industry.

There would appear to be a need to launch similar initiatives to address the needs of ACP horticultural exporters, who currently find the costs of alternative plant protection products commercially non-viable (see Agritrade article 'Lack of plant protection products for minor crops to be addressed', 27 December 2011).

At the beginning of 2012, Europol, the European law enforcement agency, highlighted the growing penetration of fraudulent pesticides into mainstream use. It was estimated that some 25% of pesticides provided to farmers in some EU member states might be fake or fraudulent, violating EU food safety standards relating to the use of banned chemicals. This problem has two dimensions:

- the inadvertent purchase by reputable wholesalers of fraudulent pesticides;
- the conscious use of fraudulent pesticides by farmers simply because these are cheaper.

These are seen as a particular problem in EU member states where there is weak enforcement of pesticide regulations. According to press reporting, 'China is believed to be a prime source of illicit pesticide production', with Russia constituting an important transhipment route (see Agritrade article 'Fraudulent pesticides of growing concern in the EU', 30 January 2012).

It is unclear to what extent this is already or could become a problem in ACP countries. It can be assumed, however, that this will in large part be determined by the effectiveness of

"Whether fraudulent pesticides become a problem in ACP countries will be determined by the effectiveness of national enforcement efforts in individual ACP countries"

national enforcement efforts in individual ACP countries (involving both public authorities and private-sector industry bodies).

In addition to the increasing costs associated with the rolling out of measures following the EU's pesticide

"New cost-increasing measures emerged in certain EU member states in 2011-12"

review, new cost-increasing measures emerged in certain EU member states in 2011-12 as a result of policy changes adopted in response to the financial crisis and associated public sector budgetary pressures. At the end of November 2011, the UK Fresh Produce Consortium (FPC) claimed that 'UK growers and importers will be hit by massive hikes in statutory charges for plant health inspections of fresh produce and cut flowers' (ranging from increases of 103 to 458%).

It was maintained by FPC representatives that these increased fees could lead to a 1.9% increase in the consumer price, with imported products being disproportionately affected. FPC representatives maintained that 'plant health issues arising from fresh produce are minimal; accounting for less than one per cent of all consignments', with most problems being concentrated in a handful of countries (two of which are ACP countries) (see Agritrade article 'UK government economy measures could raise costs of horticultural imports', 7 January 2012).

It should be noted in this context that an EC report posted in March 2012 suggested that in certain areas (hormone and antibiotic residues) the incidence of non-compliance was higher in imported products than in the domestically produced products that were tested (0.76% non-compliant in the case of imported products, compared to 0.33% for EU-produced products). However, this appears to be the case only in certain products, mainly meat products. This suggests a need for better targeting of control measures as part of any economy drive, rather than simple raising the fees levied.

These findings are broadly consistent with the position adopted by the FPC in the UK, which has, for example, called for greater use to be made of the 'Assured Trader Scheme which recognises the high standards of reputable traders' (for details of the Assured Trader scheme, see Agritrade article 'Call for early action to ease controls on DR banana exports', 26 September 2010).

It should be noted that pesticide use is also becoming a matter of concern for purely domestic reasons. In April 2012, a report on pesticide usage in northern Ghana and review of government policy on the use of pesticides and the management of health risks highlighted the direct health threats of pesticide usage for farmers. The report included a call for the promotion of organic forms of production and a move away from high levels of pesticide usage (see Agritrade article 'Report on pesticide use in Ghana highlights health threats', 20 May 2012). This would be



consistent with evolving consumer demand, with surveys in West Africa suggesting that urban consumers are willing to pay more for 'safer food'. It would also be consistent with findings that the adoption of proper organic practices can in some regions, for some crops, actually result in increased levels of output, with lower input costs and higher net returns to farmers.

Getting to grips with food safety challenges in Africa

Across the African continent, the growing importance of promoting a coordinated

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national and regional approach to ensuring food safety is gaining recognition.

In West Africa, the government of Nigeria has formed 'a multi-disciplinary National Food Safety Management Committee that will be responsible for food safety and quality control measures'. This follows frequent cases of Nigerian food exports being rejected at the point of entry to overseas markets on health or quality grounds. The aim is to ensure that Nigerian food and agricultural products increasingly meet international standards so that producers can take advantage of available trade opportunities.

(EAC), work is under way to harmonise food safety standards. It is hoped that closer regional harmonisation of standards will help to restrict the volume of poor-quality food in circulation, while at the same time making trade easier by promoting recognition of common standards by all member states. The

process of harmonising standards is

In the East African Community

however proving difficult. A World Bank study of the dairy sector revealed that regional standards had been set at levels above those to which any regional producer could manufacture dairy products (see *Agritrade* article 'Initiatives to establish an EAC regional dairy development strategy', 6 October 2011).

This raises serious questions about the process by which regional agricultural standards are established. There are concerns that securing international recognition of regional standards is leading to the setting of standards that are incompatible with current regional production realities. This highlights the importance of not setting standards in isolation from the actual capabilities within the region.

In Southern Africa, in February 2011, beef exports from Botswana to the EU were suspended following the identification of food safety concerns by EU inspectors. While this action was unilaterally initiated by the government of Botswana, subsequent foot and mouth disease (FMD) outbreaks led to the official closure of the EU market. Speaking in May 2011, the chair of the Botswana Cattle Producers' Association (BCPA), Philip Fischer, maintained that 'Botswana's beef value chain is broken. Non-compliance with EU abattoir hygiene and animal traceability standards has lost us the EU market for at least six months.' It was claimed that 'farmers could lose up to [Pula] 450 million (€47.76 million) due to the suspension of exports to the lucrative EU market' and to the impact the EU measures could have on exports to thirdcountry markets that use EU standards as a benchmark for their own imports. Press analysis suggested that a substantial agenda of issues needed to be addressed if exports to the EU market were to be resumed, while Botswana's Minister of Agriculture argued that EU requirements were 'going to change the way we farm our animals in this country, especially under the communal grazing system' (see *Agritrade* article 'The cost of the closure of the EU market to Botswana's beef exports', 10 June 2011).

The suspension of exports of beef from Botswana to the EU on a pre-emptive basis highlighted the need to strengthen food safety and SPS control systems in ACP countries, if the export trade to the EU is to be maintained. Yet where the volume of exports is limited, given the costs associated with food safety and SPS control systems, questions arise as to the economic viability of sustaining exports to EU markets.

In terms of accessing international markets, initiatives have been taken to strengthen information sharing, to enable producers to stay abreast of evolving international standards. Thus in February 2011 the South African Bureau of Standards (SABS) and Department of Trade and Industry (DTI) launched an early warning system '[to] enable exporters to receive information about changes in the standards, regulations and technical specifications that are used by other countries'. This consists of a weekly email service drawn from obligatory WTO notifications, and is seen as complementing International Trade Centre online databases setting out private/voluntary standards (see Agritrade article 'Improving information on food safety, SPS and quality-standardrequirements', 3 April 2011).

In some ACP countries, private-sector operators targeting premium-priced components of the EU market already go beyond the SABS/DTI initiative, by following the debates and identifying trends in standards setting (e.g. the Namibian beef exporting company Meatco). This provides a longer time frame for companies to integrate necessary investments in meeting evolving



SPS, food safety and quality standards into their routine reinvestment plans (e.g. investments in cattle transporters designed to meet future animal-welfare standards). However, this is the exception rather than the rule. Against this background, there would appear to be a need at the sector level to extend such initiatives to monitoring the evolving debates and trends in food safety, SPS and all quality-related dimensions of market requirements.

Getting to grips with food safety challenges in the Caribbean

In 2011, with new US food safety regulations imminent, it was feared in the Caribbean that a significant volume of agricultural exports to the US could be affected by shortcomings in both the attainment of the requisite standards and the shortage of testing and certification facilities. In the case of Jamaica, it was estimated that up to 80% of food product exports to the US could be adversely affected. In the course of 2012, these US regulations will require

"New US regulations have been described as a game changer for Caribbean countries"

all processed food products to undergo testing at accredited laboratories, with the US Food and Drug Administration being empowered to 'order a mandatory recall' if it perceives 'a threat to health' or to block imports from facilities or countries that refuse inspections. Some US\$100 million was set aside in 2011 under a special loan facility to assist enterprises in making the necessary investment in order to ensure compliance with the new standards.

The new US regulations were described by a major Jamaican private-sector operator as 'a game changer' in terms of the food safety challenges faced in the Caribbean (see *Agritrade* article 'Serious food safety challenges face Jamaican exports to US markets', 6 October 2011).

Addressing a workshop in October 2011 on preparing to meet the challenge of new US standards, Jamaica's Minister of Industry and Commerce pointed out that 'local laboratories are ill-equipped to handle the volume of work to be created under new food-safety laws.' The chief executive officer for the Jamaica National Agency for Accreditation, Marguerite Domville, noted that 'none of Jamaica's 83 labs is equipped to perform tests for basic elements such as salmonella, pesticide residue, vitamin C, yeast, extraneous matter, mould, and fungus.' However, three laboratories have been identified as having the potential to rapidly meet US standards, and these are in the process of being accredited by the US authorities. It was estimated in October 2011 that 'just one-fifth of Jamaican food exporters are considered sufficiently up to code to pass the stringent scrutiny that the law will impose' (see Agritrade article 'Contrary signs on impact of stricter US food safety regulation on Jamaican exports',28 November 2011).

In April 2012 at an Economic Partner-ship Agreement (EPA) implementation workshop, food safety and SPS issues were also identified as a major impediment to expanding exports from Barbados to the EU. Government representatives from the EPA Implementation Unit argued that this was not so much a problem on the EU side, but rather that the problem lay in 'the failure to enact modern legislation' in these areas, meaning that locally manufactured food products were not acceptable on the EU market.

The Caribbean Agricultural Health and Food Safety Agency (CAHFSA) was inaugurated in Suriname on 18 March

2010, however it is not yet operational. In the absence of such an agency, member states will have to follow the route of Jamaica, mobilising support on a bilateral basis to enhance capacity to maintain a presence in traditional markets for their agricultural exports as food safety regulations become more pervasive and demanding.

Press reports in 2012 noted that the EU has established a €500,000 facility to assist Jamaican exporters in getting to grips with 'new legislative requirements for existing and anticipated food safety'. Grants of up to US\$50,000 will be made for needs assessments and procedural assessments linked to food safety requirements. This facility is linked to a government-supported scheme run by the Caribbean Export Development Agency, which can provide a further US\$30,000 grant to support necessary investments. In addition, the regional financing agreement signed with the EU in March 2012 (for a total of €82.6 million) included a €46.5 million programme of support for EPA implementation, one component of which is to provide technical support for addressing SPS issues (see Agritrade article 'SPS and food safety issues are a major constraint on Barbadian exports to EU', 28 May 2012).

Getting to grips with food safety challenges in the Pacific

In the Pacific, food safety and SPS concerns continue to hold back trade development. For example, although Fiji is now exporting papaya to Australia, it was noted by Michael Brown, chief executive of Fijian cooperative Nature's Way, that it had taken 8 years before clearance for papaya exports to commence was granted by the Australian authorities. Mr Brown was particularly critical of 'unrealistic policies like Australia's one product per country policy



for market access approval for Pacific Islands', maintaining that this policy would take 'two lifetimes to get approval for all the products we have a market for'. He argued that 'unrealistic standards with stringent treatment requirements and inspection protocols cause unnecessary costs to local exporters.'

"Unrealistic standards with stringent treatment requirements and inspection protocols cause unnecessary costs to local exporters"

This can be seen as indicative of the more general situation faced in the Pacific, where duty-free, quota-free access is undermined by the application of non-tariff measures, notably SPS, food safety and quarantine measures. While the onus for ensuring compliance with SPS requirements falls first on the producers, processors and exporters involved in the trade, and then on the 'competent authority' in the exporting country, securing approval for exports to commence lies with the authorities of the importing country. Pacific exporters see the management of this process in Australia as overly bureaucratic and interventionist, bordering on delaying tactics in the interest of domestic Australian producers. It is widely considered that the issue needs to be addressed in order to accelerate approval processes.

It is hoped that the Pacific Horticultural and Agricultural Market Access (PHAMA) Programme, funded by the Australian Agency for International Development (AusAID), will begin to address this problem. The PHAMA programme aims to assist Pacific countries in preparing market access submissions, adopting measures to meet market access requirements, and promoting research and development linked to export development (see *Agritrade* article 'Fijian horticulture

exports expanding, but facing market access barriers', 9 August 2011).

SPS and food safety issues also affect Pacific exports to the EU, most notably in regard to exports of kava (Piper methysticum, a pepper plant used in the region to make a drink with sedative properties). Kava represents one of the few agricultural products where Pacific ACP (PACP) countries have the potential to develop non-traditional exports to the EU. As an originating product, kava enjoys full duty-free, quota-free access to the EU market, but access is blocked on SPS grounds, following claims from the German health authority (BfArM) regarding the liver toxicity of certain kava ingredients. Ten years of intense research seems so far to have produced no clear evidence of the causative role of kava ingredients in liver injury that is maintained by BfArM. Nevertheless, the import ban remains in place on food safety grounds, resulting in an annual loss of PACP export earnings of €4 million.

The 'Friends of Kava' have therefore tabled the Kava Initiative to ensure that the current ban on imports of kava into the EU is addressed as part of the comprehensive EPA process. The initiative affects provisions of the proposed agreement dealing with agriculture and SPS issues, as well as possible 'aid for trade' flanking measures. It is felt that the Kava Initiative potentially offers an opportunity to address the wider structural issues related to the establishment of an objective basis for determining the appropriateness of health-related trade restrictions adopted through the application of the precautionary principle. This is seen as adding real substance to the EPA in addressing what is now a critical constraint on export development, by providing a framework for addressing NTBs to market access in areas where PACP states have an export potential (see *Agritrade* article 'Pacific ministers move EPA process forward, but focus on red-line contentious issues', 6 September 2011).

3. Implications for the ACP

Getting to grips with requirements that go beyond official standards

There is no alternative to compliance with official standards if market access is to be maintained, for non-compliance increasingly equals exclusion.

"There is no alternative to compliance with official standards – non-compliance increasingly equals exclusion"

However, the demands placed on ACP exporters by individual retailers, over and above official standards, constitute a potential area for intensified dialogue, not only on the nature of the enhanced standards applied, but also on the apportionment of costs and benefits along supply chains. This could constitute an area for cooperation between public authorities and private-sector players across the ACP and the EU, and could be a part of the extension of the EU's evolving policies on strengthening the functioning of food and agricultural supply chains.

Extending the EU's Minor Use Programme to the ACP

Given the problems faced in ACP countries in finding commercially viable alternatives to plant protection products that are now prohibited following the EU pesticide review, a case would exist for the extension of the EU's Minor Use Programme to ACP countries.



Enhancing cooperation in combating fraudulent pesticides

It is unclear to what extent the application of fraudulent pesticides is a problem in ACP countries. However, given the basis of this problem in organised crime, there would appear to be a need to intensify EU–ACP cooperation to eliminate the trade in fraudulent pesticides.

Reconciling austerity drives with development commitments

Increases in UK inspection charges raise the question of how to strike a balance between the UK government's efforts to promote 'full cost recovery' for the services provided by the UK SPS and food safety inspection authorities, and the government's wider development policy objectives. One mechanism for getting to grips with this challenge would be the establishment of a fund to defray part of the costs of inspection charges for ACP exporters while they are building up a track record of testing and also their export volumes. Once they have increased their export volumes and have a track record of inspections, the better targeting of inspections called for by FPC representatives would allow a gradual reduction in the unit costs of inspection, within a policy of greater cost recovery.

This type of initiative could form part of a broader policy of building a comprehensive 'development dimension' into all aspects of EU food safety, SPS, animal welfare and general food quality policies. This in turn could constitute part of a new form of 'trade preference' extended to ACP countries in an era of tariff dismantling, relating not to the EU standards *per se*, but to the establishment of dialogue struc-

tures and flanking measures designed to assist ACP suppliers in cost-effectively meeting the evolving EU requirements.

Wider trade implications of EU standards

As highlighted by the case of the suspension of Botswana beef exports to the EU in 2011, the loss of access to the EU market on food safety and SPS grounds can carry far wider trade implications, as markets are also closed in third countries that use EU standards as the benchmark for their own national import policies. This dimension can transform the economic calculations behind investments in enforcement of food safety and SPS standards.

Ensuring equitable regional standards

There are important trade implications to the establishment of regional food safety and SPS standards. When establishing common regional standards, care needs to be taken not to systematically discriminate against small-scale producers or producers in smaller countries, where sector development may be at an early stage. In this context, a balance needs to be struck between the technical requirements linked to particular standards and the economic effects of new standards in the context of diverse regional production realities. Experience in the EAC suggests that broad stakeholder participation is necessary to ensure that all stakeholders in the sectors concerned can play a role in developing regional standards appropriate to diverse regional realities. This being noted, strong technical independence is nevertheless essential if the process of standard setting is to meet the international food safety and SPS challenges.

Deepening information sharing on evolving standards

The SABS/DTI and International Trade Centre initiatives highlight the scope for the use of information technology to better serve producer organisations involved in exporting. However they also highlight the need to extend such initiatives beyond monitoring of immediately pending regulations notified to the WTO, to include an analysis of the broad direction of regulatory changes in major overseas markets. Since this can be a costly exercise, such information networks may most cost-effectively be built up at the regional level, building on existing specialist agencies.

Coordinating interventions to ensure a holistic approach

There are many 'aid for trade' initiatives in progress, extending support to ACP countries seeking to meet food safety, SPS and general market requirements. While needs are often sector- and country-specific, there would appear to be a need for the establishment of more effective coordination at the regional level in monitoring the mobilisation and deployment of available support, in order to identify gaps and synergies. Given that market closure can result from non-compliance at any one of a number of levels, the promotion of a more comprehensive and systematic approach would appear to be essential.

Enhancing technical capacities for testing and compliance verification

The urgent situation faced in the Caribbean in 2011 regarding the upgrading of laboratories to meet new certification requirements highlights the



importance of investing in local capacity to ensure technically competent and cost-effective verification of compliance with the required standards. However, this is not just a technical issue, but also an economic and logistical one.

The volume of business generated for upgraded laboratories has to be sufficient to justify the investments made. In some instances, 'local' capacities may mean the establishment of testing facilities at the provincial level, in other instances the national level, and in other cases the regional level. In some cases, particularly where technical progress in measurement instrumentation drives the standards applied (rather than the inherent threat to human and animal health), it may even require a continued dependence on overseas testing in order to be economic.

A nuanced approach is required that is consistent with technical, economic and logistical constraints and requirements.

Setting target time frames for approval processes

Securing SPS approval for market entry for non-traditional exports can be a time-consuming process. In this context, there would appear to be a need alongside 'aid for trade' support for establishing mutually agreed 'target time frames' for the completion of approval processes. The financial and technical resources could then be mobilised in line with these time frames.

Indeed, the concept of establishing 'target time frames' for addressing food safety and SPS issues could be extended to the resolution of ongoing food safety and SPS disputes.

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About this update

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