

Infopoint is an SDA project providing free support to social partners relating to the 04030303 budget line, supported by the European Commission. Convention VS/2008/054 - SI2.514134



PARTICIPATION & RIGHTS LETTER



WORKER'S INFORMATION AND CONSULTATION RIGHTS IN EUROPE

AFTER THE ELECTION IS BEFORE THE ELECTION



In the context of the Action Days of the ETUC in mid-May, 350,000 people demonstrated in the streets throughout Europe for a new European Social Deal. It was a complete success. This energy and enthusiasm must now be harnessed for the upcoming confrontations because the challenges are especially daunting this year.

The culmination of the greatest economic and financial crisis since the inception of the EU has not yet been reached. More and more companies are struggling to survive. For Europe as a whole, the ranks of the unemployed are expected to swell to more than 25 million in 2010. Europe is still far from implementing an effective crisis management system. Neither the EU Commission nor the individual Member States have introduced adequate measures to cope with the social consequences of this crisis. The conservative majority in European politics are to blame. The balance between social policies of the EU and the expansion of the single market have been under massive fire – not only since the onset of the crisis. The acceptance of

Europe on the part of its citizens is on the decline. Europe is in the midst of the worst crisis of legitimacy since the EU was first founded.

Unfortunately, the European elections, too, are evidence of this. Almost 60 percent of all eligible voters in the EU didn't cast a ballot, thus demonstrating that the EU, in its current condition, is almost unable to enthuse its citizens for the process of European integration. Additionally, as a consequence of the elections, the European Parliament has undergone a shift to the right. Conservative parties and political movements with a skeptical attitude towards Europe have emerged as the victors.

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One thing is clear: in order for the nations of Europe to compete in a globalized world economy, we need a strong Europe. And a social Europe which engages its citizens and promotes their active participation. In order to achieve this, a radical change of

direction is needed in European politics

Fundamental social rights must have priority over the economic freedoms of the single domestic market.

This is why the labor unions insist that the European Treaties include a binding social progress clause or protocol requiring all EU institutions to give priority to social criteria in all decisions. This crisis must not be dealt with at the expense of European workers. We reiterated our demands at the mid-term conference of the ETUC in Paris in late May. In the "Paris Declaration," we demand a New Social Deal in the EU.



Besides the inclusion of a social progress protocol in the EU Treaties and a comprehensive economic stimulus package, it should also strengthen the European social systems by means of a comprehensive European social agenda and expand workers' rights. Furthermore, the EU Directive on the Posting of Workers must be revised. Measures must be better coordinated to combat the crisis on a European level, and clear regulations must be enacted to prevent a reversion to casino capitalism. We have presented our demands to the Commission and the EU Heads of State and Government. At the next session of the ETUC Executive Committee on July 8, we will deliberate on and pass an action plan.

We will not falter in our efforts to achieve a social Europe – even if, after the European elections, it will be more difficult than ever to successfully lobby on behalf of workers and for more participation and co-determination in Europe.

But "after" the European Parliamentary elections is also "before" the election of the new EU Commission. On October 31, the term of the Barroso Commission comes to an end. The results of the elections have given a boost to conservative elements who want to continue the work with the Barroso Commission. The time has come to unite with other progressive forces in Europe in order to fight for a new Commission desirous of political change. We expect the new Commission to change course in favor of a socially responsible, globally involved EU and sustainable economic goals.

*Reiner Hoffmann
Deputy General Secretary
European Trade Union Confederation*

NEWS FROM WORKERS PARTICIPATION. EU



FYI THE FAQ ON EWC REVISION

Wolfgang Greif, member of group II at the European economic and Social Committee has cured an interesting webpage containing frequent questions regarding the recast EWC directive.

From this specific [webpage](#) it is also possible to download the pdf versions of questions and answers both in English and in German.

WORKER PARTICIPATION AND THE ONGOING DEBATE ON EUROPEAN CORPORATE REGULATION

The crisis seems to effect no change of view regarding the idea of strengthening company control by other stakeholders than shareholders

Examining the current debate relevant for corporate regulation at EU level one can observe not more than simple continuation. This could be drawn as a result from the latest Corporate Governance and Company Law Newsletter of ETUI investigating topics as the European Private Company (SPE), the so called 14th Company Law Directive facilitating the cross border transferral of the company seat, the discussion of the European Corporate Governance Forum or the latest decision of the European Court of Justice touching the freedom of establishment (the so called Cartesio decision C-210/06).

However, by accepting the project of a European Private Company (SPE) Statute based on European law with broad majority the European Parliament that the including compromise on worker participation brought this topic back on the political European agenda instead of treating it rather as a negligible technical detail to be solved.

Source: [ETUI Corporate Governance Newsletter](#)

WORKER PARTICIPATION AND THE LISBON AGENDA A FORGOTTEN RESOURCE? THE EUROPEAN PARTICIPATION INDEX (EPI)

EU countries representing strong systems of worker involvement by legal provisions at the work places, in company boards, by coverage of collective agreements and by high engagements of workers being affiliated to a trade union are closer to reach the Lisbon targets than those with weaker systems. This is the conclusions of a European comparison named European Participation Index® created by the ETUI. It was presented recently within the report titled Benchmarking Social Europe 2009 having been presented on occasion of the European Social Summit on 19.3.2009.

Countries were classified based on their overall scores on the participation index. The 'stronger participation rights' group includes nine countries: Austria, Denmark, Finland, France, Germany, Greece, Luxembourg, the Netherlands and Sweden. The 'weaker participation rights' group includes 18 countries: Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and the United Kingdom. Each of the two groups accounts for roughly half of EU27 GDP, making their importance in economic terms approximately equal. This comparison of the EU27 countries classified by strength of workers' rights regarding information, consultation and participation shows that, on the whole, countries with stronger participation rights performed better along a range of Lisbon Strategy indicators than did countries with weaker rights.

Figure 5.2: European Participation Index

Performance indicator	Countries with stronger participation rights	Countries with weaker participation rights
GDP per capita in Purchasing Power Standards (EU-27 = 100)	116,5	104,5
Labour productivity per person employed (EU-27 = 100)	113,9	103,6
Employment rate (total %)	67,6	64,7
Employment rate of older workers (percent)	46,1	44,3
Youth education attainment level - % of the population aged 20 to 24 having completed at least upper secondary education	77,8	75,8
Gross domestic expenditure on R&D (percent of GDP)	2,3	1,4
Index of greenhouse gas emissions and targets - In CO ₂ equivalents (Actual base year = 100)	92,7	103,3
Gross inland consumption of energy, divided by GDP (kilogram of oil equivalent per 1000 Euro)	170	261,7

Data source: Eurostat. Note: all data for 2006. Countries weighted by 2006 GDP.



Source: ETUC / ETUI (2009) [Benchmarking Working Europe 2009](#).
Read more about the EPI in the [chapter on worker participation](#).

NEWS FROM SES

WORKER PARTICIPATION IN EUROPEAN COMPANIES (SEs) – RECENT DEVELOPMENTS

Since its introduction in October 2004, the number of SEs has increased steadily year by year. By March 2009 some 350 companies had been founded in the form of a Societas Europaea. However, this rather impressive total should not blind observers to the fact that many SEs do not conform to the standard definition, for they are, in their overwhelming majority, SEs without any employees ('empty SEs') and/or not even a specific business purpose ('shell SEs'). This development represents a potential threat to worker involvement rights in an SE. In this regard, it has to be borne in mind that mechanisms for securing employee rights to information, consultation and participation are guaranteed only at the moment of founding of SEs. It is accordingly difficult to negotiate workers' rights at a later point in time, when the company has recruited its employees. In this respect, the existing mechanisms of the SE Directive do not represent a sufficient guarantee. The Commission has in fact acknowledged this shortcoming in its recent communication on the revision of the SE.

By March 2009 an agreement on worker involvement had been concluded in no more than 41 out of the total of roughly 300 SEs. Particularly the agreements of the larger SEs are in general in line with good 'EWC practice' and on certain points they go beyond what is legally foreseen in the SE Directive. In 21 SEs out of the 41 where agreements on worker involvement have been signed, the rights enshrined in the agreement include board-level participation, thereby adding an important dimension for workers' voice in company decisionmaking. By March 2009 around 75 employee board members originating from 9 countries (AU, BE, DK, FR, DE, IT, NL, PL, UK) representing the interests of the workforce on SE supervisory or administrative boards. A fundamental innovation introduced by the SE legislation is the transnational component of participation at board level. In a number of SEs (e.g. Allianz SE, BASF SE and MAN Diesel SE) employee representatives from several countries sit on the board and represent the interests of the whole workforce in Europe.



Source: ETUC / ETUI (2009) Benchmarking Working Europe 2009. Download chapter on worker participation to learn more about the implications of the European Company (SE) and other related topics such as EWC and national information and consultation rights.

Further Links:

- FAQ on the European Company, available in EN, FR and DE
- Key data on all SEs registered: ETUI European Company (SE) Factsheets

EUROPEAN BOARD-LEVEL REPRESENTATION AT MARKET RESEARCH COMPANY GfK - SE SETS NEW STANDARDS FOR A KNOWLEDGE COMPANY

Employees from GfK, a Germany market research "knowledge based" type company, are to enjoy the benefits of increased employee board-level representation following the decision by the German based company to organise itself under the European Company statute. The company currently employs 6,500 workers across 23 European countries and hitherto has not had an established works council of trade union representation. The agreement was reached with the assistance of the European Trade Union Institute. Norbert Kluge (ETUI) has summarized the key facts. More

Further Links:

The SEEurope network of the ETUI has prepared a series of case studies on the negotiations on worker involvement , e.g. lately on MAN Diesel SE and Strabag which can be downloaded.

NEWS FROM ETUC

EURO-DEMONSTRATIONS: TRADE UNION MOBILISATION WEEK



From 14 to 16 May, some 350,000 people have taken the streets of Madrid, Brussels, Berlin and Prague to support the European Trade Union Confederations' (ETUC) Action Days. The mobilisation was higher than expected.

Demonstrators are demanding more ambitious and more courageous action by Europe and national governments to help the growing armies of unemployed. They also demand that never again can the excesses of financial capitalism be allowed to wreck the world economy. Workers, through no fault of their own, are paying a very high price for the reckless and greedy excesses of the business world especially the banks; unemployment is soaring, precarious work and poverty are spreading, purchasing power is falling, and public debt is increasing. The European Trade Union Confederation (ETUC) is calling for a

New Social Deal that gives priority to workers and citizens. This social agenda will have to focus on the main concerns of European citizens: employment, purchasing power and their fundamental rights.

ETUC General Secretary, John Monks, said: *'The size of these Euro-demonstrations reveals the widespread concerns for the future. The world of financial capitalism seems to assume that after a few 'green shoots' of recovery, it will be soon business as usual for them despite their recent heart attack. But they are still on life support provided by Europe's tax payers, and never again can greed and selfishness be allowed to cause damage of amounts of trillions of euros. Tighter regulation of financial markets is needed now and more workers influence on boardrooms. Workers want life support systems for industry and jobs too, and ambitious action to help the fight against growing unemployment. That's the message from the streets across Europe this week.'*

Pictures of the demonstrations are available on the following link:
<http://www.etuc.org/r/997>

FINAL EWC DIRECTIVE RECAST TEXT PUBLISHED

On 23 April the Council adopted a revised directive on European Works Councils (EWCs) following the Parliament's first-reading agreement on the recast version during its plenary in December 2008. The recast of the directive is aimed at increasing the presence and effectiveness of EWCs across the European Union and at tightening the definitions of information and consultation of workers. Following the publication the Member States will have two years to implement the new rules at national level. On 16 May the final EWC directive recast text was published in the EU's Official Journal.

Here is the link :

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2009:122:SOM:EN:HTML>

NEWS FROM EUROPEAN INDUSTRY FEDERATIONS



EMF – EUROPEAN METALWORKERS FEDERATION

WHIRLPOOL FACING RESTRUCTURING AND CUTBACKS: WHEN EWCs PLAY A PROACTIVE ROLE IN MANAGING CRITICAL SITUATION

The 2008 announcement of redundancies worldwide and in Italy has unfortunately been confirmed recently. However, a proactive approach by the social partners allowed to minimize the damages and to set up a longer term strategy including investments for the future, beside job cuts. The parties discussed the restructuring strategy with its consequent acceptance, and agreement has been reached between the company and the trade unions without conflict arising. The positive outcome at Whirlpool was also made possible by the EWC, which coordinated the trade union representatives at the company's various European plants. Moreover, since the beginning of the dispute, the EWC had asked the company, on behalf of all its workers in Europe, to discuss its restructuring plan with the plant-level trade unions.

Read the full report on the website of [Eurofound](#) at the [dedicated webpage](#)



EFFAT- EUROPEAN FEDERATION OF FOOD, AGRICULTURE AND TOURISM TRADE UNIONS

EUROPEAN PROJECT – INFORMATION AND TRAINING OF WORKERS' REPRESENTATIVES IN THE AGRI-FOOD SECTOR. TRANSNATIONAL EXERCISE OF INFORMATION AND CONSULTATION RIGHTS IN FOUR UNDERTAKINGS CONTROLLED BY AN ITALIAN COMPANY

The project promoted by FAI-CISL in partnership with EFFAT aimed at strengthening the exercise of information and consultation rights in the agri-food sector, namely at transnational level. For this purpose, the groups of transnational companies: S. BENEDETTO, PERFETTI/VAN MELLE, BACARDI/MARTINI, CONSERVE ITALIA have been chosen as case studies to analyse how they deal with the transnational dimension of information and consultation rights after the recent evolutions of the regulatory framework and the changes stemming from company restructuring: collective redundancies, company mobility in general, EWC, ES, Merger Directive, company transfer. In order to increase the awareness of the relevant EWCs about the role they played and the opportunities provided by the new regulations in the field of industrial relations, a training course will be organised in order to improve the operational skills of the 26 representatives of workers in the agrifood sector who fulfil transnational tasks. The project aimed at improving EFFAT policies related to the exercise of information and consultation rights by taking into account the tools currently available within the four groups of undertakings. The overall goal is to provide EFFAT with viable solutions or customized policies for the EWCs.

Besides the strengthening of information and consultation rights in the 4 groups, FAI CISL would like to seize this opportunity to hammer out a broader strategy in order to improve the coordination of EWCs according to EFFAT recommendations and guidelines. The countries and the trade unions partners are: Italy: Fai-Cisl; Belgium: Effat; France: Fga-Cfdt; Spain: CCOO; Turkey: Tekgida-is; the Netherlands: FNV-Bondgenoten.

The training course took place at the Centro Studi Cisl di Fiesole (FLORENCE) from the 23 to 25 of march. The three day seminar has been based on the analysis of the transnational and intercultural dimension in order to improve the operational skills of the workers' representatives. Furthermore, working groups have been created to allow the participants to deal with specific issues. The participants who would like to establish an EWC have been gathered in the first group. The activity deployed by this group was aimed at stressing the issues hindering the launch of negotiations.

The EFFAT expert helped the participants to hammer out a strategy in order to overcome this hurdles.

A second group has been devoted to the improvement of information and consultation rights in the undertakings working in different countries. The participants pointed out the tangible problems the EWC has to face while suggesting suitable solutions. Namely, their activity was aimed at improving their ability to build common positions according to the consultation process with the company management.

The last group tried to build a transnational network of information and consultation rights. In this framework a working method has been established to coordinate the trade union activities in order to have a better access to information and valorise the national consultation and collective bargaining.

The course ended with a round table about: "information and consultation of workers in order to meet the challenge of the agrifood sector".

Further information regarding the project and the training material in English and French is available on the [FAI-CISL webpage](#).



EPSU - EUROPEAN FEDERATION OF PUBLIC SERVICE UNIONS

EPSU ETUI-REHS REPORT "BETTER DEFENDING AND PROMOTING TRADE UNION RIGHTS IN THE PUBLIC SECTOR" (PART I & II)

Designed as a campaign-oriented, practical tool, the report maps out the current situation with regard to the application of and respect for trade union rights in the public sector across Europe. It identifies persistent and existing obstacles and problems facing trade union rights, in particular concerning the freedom of association, the right to collective bargaining and the right to take collective action, as well as information and consultation rights. The analysis provided focuses on three main forums or levels, namely the European Union, the Council of Europe and the ILO.

The whole report is available on the webpage <http://www.epsu.org/a/4076>



EC BUDGET LINE 04.03.03.03: FIRST DEADLINE EXPIRED LAST 16 APRIL 2009

The first deadline for submissions of project proposals under EC budget heading 04.03.03.03 (on information, consultation and participation of workers' representatives in undertakings), expired on Thursday 16 April 2009. The evaluation committee is expected to finalise its work within a couple of months, and the European Commission will therefore give answers to applicants in mid-June.

36 applications were submitted to the Commission at this deadline. Among the applicants were a number of European trade union federations, national trade unions (sectoral federations but also confederations), as well as national trade union schools (training centres). Some "company-specific" project applications were also submitted by EWCs themselves. As in the previous years, the "INFOPOINT" project, carried out by SDA, offered an assistance (free of charge) to many trade union organisations in the preparation and setting-up of their project applications to be submitted under this budget line.

The transnational cooperation projects submitted under this budget heading responded to the necessity of promoting actions aimed at strengthening the involvement of social partners within their EWCs, and more precisely, in these times of economic crisis, at raising the profile of EWCs for a better anticipation of change in the context of corporate restructuring processes (mergers, take-overs and relocations) within multinational undertakings.

The next deadline for submission of applications is on 7 September 2009, for operations commencing no earlier than 7 November 2009 and no later than 22 December 2009. You can find the text of this call for proposals, along with the 2009 calls related to budget headings 04030301 (industrial relations and social dialogue), by clicking on the following webpage <http://ec.europa.eu/social/main.jsp?catId=630&langId=en>

Promoters are strongly advised to start preparing their dossiers in advance, so as to avoid a rush just before the deadline. To request the above-mentioned assistance, please contact the INFOPOINT experts through the following e-mail address: sda-asbl@etuc.org. You can also download a Vademecum (guide) on project setting-up, available on the SDA website

“VIRTUAL PLATFORM” OR VIRTUAL SECTION TOTALLY DEVOTED TO EWC TOPICS

This virtual section or platform has been created and developed within the framework of 2 European projects on EWCs (PONT DES CEE and PACIFIC), which Cisl Lombardia has presented on the “social dialogue” budget line 04.03.03.03, obtaining the European Commission grant.

Platform objective: The interactive “virtual platform” on European Works Councils can be found on the CGIL CISL UIL Lombardy website at the following URL: www.euronote.it/cae; it is meant to be a transnational area devoted to EWC topics, in particular those concerning information, consultation, and participation rights.

Characteristics and contents: The platform is available in 3 languages: Italian, French, and Spanish.
It is structured as follows:

Home page introducing the subject matter and a **navigation menu** made up of various sections, on the right-hand side:

EU REGULATIONS

This section contains the EU regulations concerning EWCs, information, consultation and participation rights, and the European Company (directives, regulations, resolutions, opinions), listed in chronological order.

NATIONAL TRANSPOSITION MEASURES

In this section it is possible to consult the texts of the national transposition measures (laws, agreements, common notices) of the main directives concerning the European Works Councils and the involvement of workers with reference to the European Company.

EWC AGREEMENTS

This section provides access to two databases containing more than 960 European Works Councils agreements in various companies.

OTHER DOCUMENTS AND INFORMATION

In this section you will find documents of various kinds on European Works Councils, information, consultation and participation rights, the European Company, etc.

THE PONT DES CEE PROJECT

Here it is possible to read the description of the European project in progress.

RESERVED AREA

LINKS

CONTACTS

In short, the platform is made up of two specific areas:

1. **Information area open to all:** this area will contain the available documentation on EWC-related topics (EU regulations, national transposition measures, EWC agreements, other documentation, etc.).
2. **Protected area (accessible only with username and password):** here there will be a permanent forum for discussion and exchange of information for EWC representatives and trade union executives of partner organisations and ETUC contacts for the exchange of information, answers to questions, exchange of experiences, etc.

The virtual platform is meant to be the place where it is possible to find quickly and easily all documentation concerning EWCs, considering that today much information (documentation, directive texts, etc.) is “scattered” around various websites and information sources, and there is no single place that gathers it all together in a systematic way, thus facilitating the finding of information.

PUBLICATIONS AND LINKS



QUADERNO SINDNOVA: I PERCORSI DELLA SOLIDARIETA': LAVORO, MECATI E DIRITTI NELL'UNIONE EUROPEA.

This Quaderno Sindnova analyses the antimony between the Europe of opportunity and that of social protections. The controversial sentences of the European Court of Justice – known as Laval, Viking, Ruffert, and Luxembourg – provide the starting point for a trip through the Europe of the market and labour, where first-hand witnesses demonstrate the fallacy of the idea that

European competitiveness is strengthened by weakening social protections and limiting the tools available to trade unions. With its decisions, the European Court risks slowing down a process that has always been a constructive one: the integration of organized workers on the continent. The authors identify the challenges and provocations faced by the European trade union movement, with the legitimate ambition of proposing paths that are consistent with the great message of union and solidarity among people that we have inherited from the founding fathers.

Marco Cilento is the Scientific Director of Sindnova and an advisor of the European Trade Union Confederation.

Founded in 1984 as an initiative of the CISL and private services and industry federations, Sindnova is an instrument of research, study, and information for the support of culture and the practice of worker participation in enterprises. Its constant attention to Community problems has projected Sindnova into a transnational dimension enhanced by a network of European and international correspondents and experts.

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Transfer, European Review of Labour and Research

LISBON: A FAILED STRATEGY OR STILL RELEVANT FOR THE FUTURE?

Coordinators: Jean-Yves Boulin, Christian Dufour, Philippe Pochet

This issue of Transfer assesses various aspects of the Lisbon strategy in the run-up to its review in 2010. The contributors are broadly critical not only of the capacity of the Lisbon strategy to create a full employment, knowledge-based society by fostering a real policy of innovation and growth for Europe, but also

of its effects in terms of governance. On the positive side, it is recognised that Lisbon was the first attempt to devise an all-embracing strategy for Europe rather than drawing up specific policies. “The goal of building a knowledge-based society by investing heavily in human resource development and in the technologies of the future is still a long way off”, conclude the editors.

Published by ETUI, 2009 (This issue has been produced in association with La Revue de l’IRES, France)

Price: euro 17 per issue; euro 60 per annum (4 issues). Electronic access included for annual subscriptions.

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Transfer is published in English. Each issue’s introduction and article summaries are also published in French and German.



WORKING PAPER PARADIGM SHIFT: SOCIAL JUSTICE AS A PREREQUISITE FOR SUSTAINABLE DEVELOPMENT

Christophe Degryse, Philippe Pochet

The authors argue that a new paradigm is needed for European and national policies if the challenge of sustainable development is to be answered. It will not be sufficient to simply adjust policies to short-term considerations. Rather than solely relying on economic growth, it is by promoting social cohesion and protecting the environment that a sustainable society will be created. This will require a re-examination of modes of production, distribution, transport, consumption while integrating within it as a prerequisite the notion of social justice.

Published by ETUI, 2009

[Download this working paper in English](#)

SEEUROPE NEWS ABOUT MEMBER STATES

is the website dedicated to workers' participation at board level in the European Company (SE). SEEurope is a project conducted by the ETUI-REHS and co-funded by the Hans B ckler Foundation. A specific section called Document Exchange is dedicated to files on the situation regarding Ses in different Member states, posted by other network members that you can download. You can make your own files accesible to the other network members.

For further information, please contact [Michael Stollt](#)

www.worker-participation.eu

QUICK CHECK: PRECONDITIONS FOR WORKERS TO EXPRESS THEIR VOICES ACCORDING TO INDUSTRIAL RELATIONS SYSTEMS IN THE EU MEMBER STATES?

Everybody having been involved in meetings of transnational interest representation bodies probably knows about the uncomfortable feeling of misunderstandings among representatives from different origins and backgrounds of experience. It is very unlikely that a single member has ever reflected the situation and understanding on what is interest representation of his colleague who has grown up in different environment of industrial relations. The new service on the topical ETUI website may help to perceive a basic practical and easy understandable information on key aspects of the national industrial relations systems of the EU member states, such as trade unions, collective bargaining, workplace representation, financial participation and board-level representation. The information is now also available in German and soon in French as well. Find out more about your colleagues from other countries at [worker-participation website](#).

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