BREXIT BRIEF

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Introduction

The Brief seeks to provide up-to-date information on the progress and content of the UK-EU negotiations, and bring together relevant statements and policy positions from key players in Ireland, the UK and the EU.

The Brief is part of a wider communications programme covering the work of the IIEA's UK Project Group – including commentaries, speeches, texts and event reports – which are highlighted on the Institute's website. (www.iiea.com)

Section One: State of Play

The Resignation of Edwin Poots

On Thursday, 17 June 2021, Edwin Poots MLA announced his resignation as leader of the Democratic Unionist Party (DUP). Having just assumed the role 21 days earlier, he will become the shortest serving leader in the history of the party. The announcement came hours after his decision to proceed with the formal nomination of Paul Givan MLA as First Minister. The majority of the DUP parliamentary party urged him to delay the nomination amid anger following the UK Government's commitment to implementing Irish language laws as part of the New Decade, New Approach deal, which was a key concession to Sinn Fein. Former Special

Advisor to Arlene Foster MLA, Ms Emma Little-Pengally, described Mr Poots determination to continue with the nomination, as "fatal to his leadership". In his official statement, Mr Poots described recent events as "a difficult period" for the Party, as well as for Northern Ireland, as a country.

The meeting of the North-South Ministerial Council scheduled for Friday, 18 July was subsequently postponed. In response to the recent developments, Minister for Foreign Affairs, Simon Coveney, defended the UK's guarantee to pass Irish language legislation in Westminster should it not be brought to the table in Stormont, which he described as the most "appropriate" action. He added that the Northern Ireland Secretary Brandon Lewis had done "the right thing". Given the current



uncertainty within the DUP, it is unclear if Paul Givan MLA and Michelle O'Neill MLA will remain on as First Minister and Deputy First Minister, respectively. Minister Coveney, however, cautioned against the idea of a snap election, which he feared could become a quasi-referendum on the Protocol on Ireland/ Northern Ireland (the Protocol).

Brexit at the G7 Summit

The leaders of the G7, and powerful guests, gathered in Cornwall's Carbis Bay to discuss and decide on an agenda including deepening cooperation between the world's democracies in tackling the challenges of achieving global COVID-19 vaccination and fighting climate change and biodiversity loss. There were other major issues such as a new G7 China Strategy but what was described as "one, narrow, familiar and highly dangerous issue" was distracting from the significant progress elsewhere – Brexit.

In the weeks leading up to the G7 gathering the controversy surrounding the Protocol on Ireland/Northern Ireland was increasing in volume and interpersonal disputation. Trust between EU and UK appeared low with comment and invective from politicians – and some more marginal voices – in London, Belfast, Portadown, Dublin, Brussels, Paris and Washington DC. From Washington, the Biden administration sent a warning about "inflaming tensions" in Ireland and the European Union.

At Carbis Bay, Brexit and the Protocol became the subject of a series of early morning meetings and press briefings, involving Prime Minister Johnson – accompanied by Lord David Frost, repotedly wearing Union Jack socks – and a line-up of world and European leaders, featuring Presidents Biden and Macron, Chancellor Merkel, EU Presidents Michel and von der Leyen. Little progress was reported, with the US and EU arguing for practical implementation of the Protocol by the UK in line with what was agreed – "keeping their word with the Europeans" - and the UK highlighting the impact of the protocol on daily life in Northern Ireland and the "territorial integrity of the United Kingdom". The UK also made clear its preparedness to take unilateral steps to delay full implementation.

Following reported remarks by President Macron, Foreign Secretary Dominic Raab said the EU needs to stop being so 'bloody-minded' over Brexit and commented on having "serially seen senior EU figures talk about Northern Ireland as if it was some kind of different country to the UK". "It is not only offensive, it has real world effects on the communities in Northern Ireland, creates great concern, great consternation", he went on.

Commenting on the reports from Cornwall the Taoiseach, Micheál Martin, said that the controversy "really is about the fact that an agreement had been entered into, not too long ago, signed off by the British Government with the European Union". "If there's consistent, unilateral deviation from that agreement that clearly undermines the broader relationship between the EU and the UK which is in nobody's interest and therefore that's why the UK with the EU have to work very hard now in the coming weeks", he added.

He further remarked that "we've never seen the Protocol as a constitutional issue, it doesn't in any way interfere with the constitutional status of Northern Ireland as defined and articulated in the Good Friday Agreement".



Prime Minister meets European Leaders, 12 June 2021

Prime Minister Boris Johnson met European Commission President Ursula von der Leyen, and European Council President, Charles Michel, at the G7 Summit in Cornwall. The UK Government issued a brief Statement:

The Prime Minister welcomed them to the Summit and stressed the important role the EU can play in tackling global challenges. They discussed the ongoing issues with the implementation of the Northern Ireland Protocol. The Prime Minister made it clear that the UK is committed to finding practical solutions within the framework of the Protocol which protect the aims of the Belfast (Good Friday) Agreement and minimise the impact on the day to day lives of people in Northern Ireland. They agreed on the need for continued meaningful engagement to resolve the outstanding issues.

The Prime Minister also held bilateral discussions with French President Emmanuel Macron and German Chancellor Angela Merkel.

Biden-Johnson Meet before G-7 Summit, 10 June 2020

President Joe Biden and Prime Minister Boris Johnson met in Cornwall on Thursday, 10 June 2021, ahead of the G-7 Summit.

The White House issued a lengthy statement covering the wide range of issues discussed by the two leaders –setting out a global vision in a new Atlantic Charter to deepen cooperation in democracy and human rights, defence and security, science and innovation, and economic prosperity, with

renewed joint efforts to tackle the challenges posed by climate change, biodiversity loss, and emerging health threats. The Statement dealt specifically with the Northern Ireland issue, under the heading "Commitment to Northern Ireland":

Northern Ireland has taken huge strides forward since its courageous leaders put reconciliation and progress before violence and division 23 years ago. We are proud of the achievements of the Belfast/Good Friday Agreement, and we remain fully committed to its three strand approach, that: established the democratic institutions in Northern Ireland; provided for consultation, co-operation and action across the island of Ireland; and created structures for British-Irish engagement. It took a deep partnership between the U.K., Ireland, and the U.S. to support the people of Northern Ireland in bringing the Troubles to an end, and it will take a continued and ongoing partnership to advance and safeguard Northern Ireland's stability and prosperity into the future.

Today, the U.K. and U.S. reaffirm their commitment to working closely with all parties to the Agreement to protect its delicate balance and realise its vision for reconciliation, consent, equality, respect for rights, and parity of esteem. Unlocking Northern Ireland's tremendous potential is a vital part of safeguarding the stability created by the Agreement, and the U.K. and the U.S. will continue working together towards that shared goal.

UK Government Statement

The UK Government issued a Statement on the talks, making reference to the Northern Ireland issue:



The Prime Minister and President both reaffirmed their commitment to the Belfast (Good Friday) Agreement and to protecting the gains of the peace process. The leaders agreed that both the EU and the UK had a responsibility to work together and to find pragmatic solutions to allow unincumbered trade between Northern Ireland, Great Britain and the Republic of Ireland. The Prime Minister outlined his ambitions to further expand opportunities for all the people in Northern Ireland and hoped that the US would continue to work with the UK to boost prosperity there.

Trade and Cooperation Agreement Partnership Council, 9 June 2021

The UK Government issued a Statement on the meeting of the Partnership Council:

The United Kingdom and the European Union today held the first meeting of the Partnership Council in London. The meeting took place in a constructive atmosphere and marks an important milestone in our new relationship as friendly trading partners and sovereign equals.

We welcomed the final ratification of the Trade and Cooperation Agreement and highlighted the importance of this Agreement in building a mutually beneficial and stable relationship. We agreed an indicative timetable for upcoming meetings of the various Joint Committees established under the Agreement, and encouraged continuing work on the establishment of the Parliamentary Partnership Assembly and the Civil Society Forum.

We discussed the implementation of the Agreement in the areas of sanitary and phytosanitary measures and customs, fisheries, law enforcement and judicial cooperation, and the UK's participation in Union programmes.

Long term visa fees were also discussed, although the UK does not consider this formally a matter covered by the Agreement.

As regards the substance, the UK emphasised the need to continue and deepen our close cooperation on customs and on sanitary and phytosanitary measures and encouraged pragmatism, on both sides, to minimise the barriers to trade being faced. On fisheries, the UK made clear that it will exercise regulatory autonomy within its waters, while continuing to take pragmatic steps to ease the transition to the new arrangements for EU fishermen including on licences. The UK noted the good progress in the area of law enforcement generally, but that further steps were needed before all Member States were able to deliver on the commitments in the Agreement. The UK encouraged swift progress on the UK's association to Horizon, Euratom and Copernicus. The UK also raised issues faced by touring performers and noted the ongoing work with Member States to try to resolve these issues. The co-chairs agreed to remain in regular contact.

Withdrawal Agreement Joint Committee

The Withdrawal Agreement Joint Committee met in London on 9 June 2021 under its cochairs, Lord Frost and Vice-President Sefcovic. The UK Government issued a Statement on the limited progress achieved to date:

The Withdrawal Agreement Joint Committee met in London today. Lord Frost and Vice-President Šefčovič commended the extensive technical discussions that have already taken place on the Protocol on Ireland/Northern Ireland.

The UK set out the extensive steps already taken to operate the Protocol,



both by the UK Government, the Northern Ireland Executive, and by businesses across the UK.

The UK made clear its continued commitment to constructive engagement in order to find pragmatic solutions that ensure the Protocol operates in a way that safeguards the Belfast (Good Friday) Agreement in all its dimensions, minimises its impact on the day-to-day lives of communities in Northern Ireland, and maintains the integrity of the EU's Single Market. The UK will continue to put forward detailed proposals, as we have throughout this year, and looks forward to discussing any proposals the EU may put forward.

There is an urgent need for further discussions in order to make real progress, particularly to avoid disruption to critical supplies such as medicines.

The Statement listed six policy areas where there has been some progress and seven where substantial progress has not yet been made. It highlighted three areas where significant proposals were expected from the EU – supply of medicines. Livestock movements between Great Britain and Northern Ireland and approval processes for high-risk plants intended for export to the EU.

Vice-President Šefčovič on Joint Committee and Partnership Council

Commission Vice-President Maroš Šefčovič issued a press statement following the two joint meetings in London, highlighting the issue of trust in the EU-UK relationship:

In the Joint Committee: We discussed two issues that are at the core of the Withdrawal Agreement and are, in fact, the necessary foundation of any solid relationship between the EU the UK: the implementation of the Protocol on Ireland / Northern Ireland and the issue of citizens' rights.

Today we are at a crossroad in our relationship with the UK. Trust – which should be at the heart of every partnership – needs to be restored. That is the EU approach and the EU preference. If the UK were to take further unilateral action over the coming weeks, the EU will not be shy in reacting swiftly, firmly and resolutely to ensure that the UK abides by its international law obligations. Pacta sunt servanda.

I will continue to speak regularly to businesses, civil society and politicians in Northern Ireland to hear from them about their experience. I believe we all have a duty – in Brussels, London, Belfast – to focus on politics that unites rather than divides. am calling on the UK government to work together on this. And I am positive we can find solutions – where there is a will, there is always a way.

On the Partnership Council: Secondly, the European Union and the United Kingdom launched the work of the Partnership Council under the Trade and Cooperation Agreement today. As you all know, the full implementation of the Withdrawal Agreement is a prerequisite for a close, solid relationship based on trust.

The implementation of the TCA will actually be equally – if not more important – than its negotiation. Therefore, I am glad that we agreed today on an indicative timetable for the upcoming meetings of the various Joint Committees established under this Agreement.



Let there be no doubt: the EU wants to build a strategic, enduring and mutually beneficial partnership with the United Kingdom. The TCA is the basis for this partnership.

Prior to the London meetings, Maroš Šefčovič wrote that "the prolific English hymn composer, Isaac Watts, once said: "Learning to trust is one of life's most difficult tasks." And yet it is also one of the most important tasks when it comes to building a productive, enduring and mutually beneficial partnership. As I travel to London today it is clear that this week will be a defining one for consolidating trust between the European Union and the United Kingdom".

Lord Frost in The Financial Times

Lord Frost wrote a letter to the *The Financial Times* on Sunday 6 June 2021:

We now have experience in operating the protocol. This government has put huge resources into making it work. We have a Trader Support Scheme to help those sending goods to Northern Ireland, we fund vets and health certificates, we carry out checks at Larne and Belfast. We enforce EU law in Northern Ireland as required. We take no lectures on whether we are implementing the protocol — we are. But because we are operating under the EU's legal framework we have very limited discretion to operate the rules in a way which makes sense on the ground in Northern Ireland.

As a result the balance we hoped for has not been found. We are seeing political turbulence, with the loss of First Minister Arlene Foster, the change of the UUP leadership and street protests. And there are real world impacts on lives and livelihoods.

We want an approach based on the best interests of everyone in Northern Ireland. That means putting the Good Friday Agreement first and supporting rather than undermining the political process and the institutions. This is perfectly compatible with a prudent risk-based approach to protecting the EU's single market too, and we accept our share of responsibility in that as a neighbour and exporter. But it also requires a common sense and risk-based approach from the EU as well. The EU needs a new playbook for dealing with neighbours, one that involves pragmatic solutions between friends, not the imposition of one side's rules on the other and legal purism."

The Foreign Affairs Minister, Simon Coveney, tweeted "Lord Frost continues to lay blame for difficulty with protocol at EU inflexibility. This is simply not the case. Maroš Šefčovič and EU have consistently proposed new solutions. Is this about media messaging in UK or really solving problems together?"

Trevor Ringland appointed UK Special Envoy to the US on Northern Ireland

The Secretary of State for Northern Ireland, Brandon Lewis MP announced the appointment of a Special Envoy to the United States on Northern Ireland. Trevor Ringland MBE, a former Ireland rugby international, will be the first Special Envoy to the United States on Northern Ireland and will be responsible for promoting Northern Ireland interests across the US - in the Administration, Congress and within the Irish American community. A UK Government statement on the matter said:

The creation of this new post reflects the UK Government's enduring commitment to the peace, prosperity



and stability of Northern Ireland. It will support the Government's vision for Northern Ireland, built on its promotion as an excellent place to live, work and do business. Through this new appointment the Government will seek to foster greater dialogue with key US stakeholders on the causes that matter to Northern Ireland and its people, drive inward investment into Northern Ireland and build on the ongoing partnership between the UK and US, which remains vital to safeguarding Northern Ireland's stability and prosperity.

As Special Envoy, Mr Ringland will also be tasked to work with US firms and investors with an interest in Northern Ireland to build on established links and support Northern Ireland's long term economic development.

Mr Ringland is a solicitor, former Rugby international and committed community activist. He will draw on his extensive knowledge of Northern Ireland's society and political context to support his work in the role, utilising his connections across civic society and the private sector. He will report to the Secretary of State for Northern Ireland and the Prime Minister.

The Minister for Foreign Affairs, Simon Coveney, tweeted: "I've got a lot of respect for Trevor. I wish him well in his new role."

Poots- Martin Meeting Taoiseach Statement

The Taoiseach Micheál Martin welcomed the DUP leader, Edwin Poots MLA to Government Buildings on Thursday, 3 June 2021.

In a statement following their discussions the Taoiseach said the following:

The two leaders had an open exchange of views across a number of issues including: political developments, COVID-19, North-South cooperation, and the implementation of the Protocol on Ireland/Northern Ireland. The Taoiseach highlighted the critical importance of the stability and good functioning of the NI Executive and all the Institutions of the Good Friday Agreement, in these challenging times.

Recognising and understanding the genuine concerns in unionist and loyalist communities around the Protocol, the Taoiseach said the focus needs to be on getting issues resolved and on reducing friction where we can. He made the point that an obvious way to make such an impact would be to reach agreement between the EU and UK on a temporary (SPS) veterinary agreement – which would do away with 80% of checks at NI ports.

The Taoiseach highlighted the need to use the window that is now available in the EU-UK engagement to agree a roadmap on all of the outstanding issues. The two leaders also discussed the importance of practical North-South cooperation continuing, including through the framework of the NSMC.

Edwin Poots described the meeting as "positive, frank and useful" but continued to argue that the Northern Ireland protocol was not fixable and insisted that Northern Ireland cannot be "a plaything of the European Union or indeed of the southern government." He indicated that he would attend both the next meeting of the North South Ministerial Council and the British Irish Council meeting in Fermanagh on 11 June.



Lord Frost and NI Secretary Lewis in the Belfast Telegraph, 1 June 2021

Lord Frost and Brandon Lewis contributed a lengthy article to the *Belfast Telegraph* on Tuesday, 1 June 2021 as they arrived in Belfast for a number of meetings with politicians, business interests and community groups in Northern Ireland. Below is an excerpt:

The achievements of recent years have been based on the progress enshrined in the Belfast (Good Friday) Agreement. Protecting that agreement is this Government's top priority. Our actions will always support it and we have no doubt all our friends and allies with an interest in Northern Ireland see things in the same way.

That is why we are working hard to support the stability of the Executive, following the election of two new party leaders in recent weeks, and why it is so welcome that, despite recent difficulties, all five parties remain committed to devolved government.

But bringing durable stability to Northern Ireland requires us to deal with current challenges – whether that's addressing the legacy of the past, ensuring we build back better after the pandemic, or maintaining the best possible relations between UK and Irish Governments. To that end, we look forward to the upcoming British-Irish Council where we can discuss how best to work together on some of these critical issues in the best interests of everyone in Northern Ireland.

Among the biggest of the issues facing Northern Ireland is the way the Northern Ireland Protocol is currently working. Businesses are still navigating the new trading environment and requirements. Some are doing so successfully and we have both seen the possibilities and the problems in recent weeks.

These problems really matter. The Protocol ultimately depends on the consent of the people of Northern Ireland. Its explicit purpose is to support the peace process and the Belfast (Good Friday) Agreement. It is with that overarching goal of stability in mind that the rules must be applied.

When we took action to avoid immediate disruption to lives and livelihoods in Northern Ireland in March – by extending existing grace periods for some requirements – the EU made clear that long-term solutions could still be found. We have remained focussed on intensive discussions since then and have put forward options to solve the current impasse.

A meeting of the UK-EU Joint Committee is scheduled next week to take stock. We urge the EU to work with us to embrace a commonsense approach, focused on genuine problems, not on mitigating against risks that don't exist. Only if implemented in a pragmatic and proportionate way can the Protocol support the peace process and ensure the people of Northern Ireland continue to see the benefits of prosperity and stability. If it does not do this, then it is not working.



Doug Beattie in the Irish Times, 31 May 2021

Doug Beattie, newly elected leader of the Ulster Unionist Party (UUP) contributed an article to the Irish Times on Monday 31 May 2021 setting out his views and aspirations:

The Northern Ireland Protocol is creating deeper divisions within our society, making reconciliation harder. As a unionist I cannot sit idly by and watch the Belfast Agreement be undermined with a border in the Irish Sea between Northern Ireland and the rest of the UK.

As a party we did not sit silent and watch this car crash unfold. We raised the issues and warnings when the Brexit referendum was in full flow. We pointed out concerns about the protocol as far back as October 2019.

We now have to find a way forward. We can look back and see that when the DUP had influence it opted for short-term money instead of securing our long-term future. Its DNA is all over the protocol. The Ulster Unionist Party is looking to the future and how we rectify the DUP's strategic mistakes.

The UK government was spooked by threats of a return to violence and an EU playing hardball by bringing the US into the equation. It allowed an Irish Sea border to separate our country in the form of the protocol, and in doing so upset the fine balance of the Belfast Agreement.

We have proposed solutions and suggested mitigations in order to create space so an alternative can be found. We have spoken to and will continue to speak to anyone who can deal with this issue in order to make Northern Ireland work.

We accept that for our nationalist friends and neighbours a border with infrastructure on the island would be a cause for concern. Therefore they should equally understand that a border down the Irish Sea creates the same concern for unionists.

Lord Frost in House of Lords 27 May

Lord Frost was asked which of the 24 bodies set up under the United Kingdom–European Union Trade and Cooperation Agreement met in May; and how many are anticipated to have met by the end of June. He then said the following:

My Lords, now that the trade and cooperation agreement has been ratified, its committees and other bodies can indeed begin their work. None has met so far, but we will agree the date for the first meeting of each of those bodies with the EU shortly. We expect most to meet before the summer break. We also expect to fix a date for the first partnership council meeting, which is likely to be in the first half of June.

My Lords, I agree that it is extremely important that all the bodies created under the trade and co-operation agreement should meet and work effectively. I can assure the noble Lord that there has been no lack of activity between me and my EU opposite numbers and our teams during this period, but I agree that it will produce stability when the committees are working properly. We will do everything we can to ensure that there is good transparency about meetings and what is discussed.



My Lords, the question of the Northern Ireland protocol will, I am sure, be on the agenda of the joint committee when that meets, which should be at approximately the same time—in the first half of June. We have noted the comments of the Commission president earlier this week. The protocol relies on the support of all communities in Northern Ireland, so it is disappointing that there was not more recognition by her of the impact that its operation is having there—but we continue the discussions and hope to be able to find pragmatic solutions.

My Lords, the TCA provides for a civil society forum. It has to be balanced between UK and EU business and civil society groups to discuss the implementation of the agreement. We are in touch with the EU about how this will work. We will work very much to facilitate its first meeting this year. We are engaging actively with business and civil society domestically, and I am happy to write to the noble Baroness about the detail of where that has got to.

Section Two: The Evolving Debate

British-Irish Council

The British-Irish Council met for its 35th Summit on Friday, 11 June 2021, hosted by the Northern Ireland Executive. The meeting was the last official engagement of First Minister Arlene Foster. The Summit involved the Taoiseach, Tánaiste and Minister for Foreign Affairs from the Irish Government and the Chancellor of the Duchy of Lancaster, Michael Gove and Northern Ireland Secretary Brandon Lewis from the UK Government, together with First Ministers of Scotland and

Wales, and the Chief Ministers of Jersey, Isle of Man and Guernsey, among other high-level officials. The meeting provided opportunities for bilateral talks between the Irish delegation and the UK ministers and key members of the Northern Ireland Executive, including the New DUP Leader, Edwin Poots. The Summit Communiqué stated that "Ministers provided an update and engaged on a number of topics of mutual interest, including the EU-UK relationship."

NI Business Leaders on "Blame Game"

Northern Irish businesses have called on UK and EU leaders to stop the Brexit "blame game" and deliver urgent solutions to end growing tensions over the checks on food and goods crossing the Irish Sea into the region. They stated the following:

cannot afford another missed We opportunity at the joint committee as we saw earlier this year," said the Northern Ireland business Brexit working group (NIBBWG) in reference to talks in March, which collapsed when Frost unilaterally suspended most of the checks mandated under the Northern Ireland protocol. "We need to see that not only are we being heard and understood, but that both the UK and EU are willing to work together to deal with the impact of the protocol," said the group, which represents 16 trade bodies including the Federation of Small Businesses, Logistics UK, Manufacturing NI and the Ulster Farmers' Union.

Aodhán Connolly, head of the Northern Ireland Retail Consortium and one of the lead representatives of the NIBBWG, said there was "a growing frustration" in Northern Ireland over the war of words



between the remote power bases of London and Brussels.

"There's a blame game happening on both sides that we don't want any part of. What we want is the solution. Politics is getting in the way of what should be, for all intents and purposes, a technical process," he said. "Time is ticking away. We are very grateful for all the talking that is going on and the engagement with communities here, but we want to see the fruits of that, proof that we are being listened to and that they are willing to deliver solutions.

UK Government knew Protocol was 'a bad deal'

Lord Gavin Barwell, Theresa May's former Chief of Staff, has argued that the UK government cannot argue that it underestimated the impact of the Protocol. He stated the following:

It's tempting to believe that – despite all the warnings – the government "underestimated the effect of the protocol", but I'm pretty sure it's not true. They knew it a bad deal but agreed it to get Brexit done, intending to wriggle out of it later.

A UK government impact assessment published shortly after the Protocol was agreed in 2019 did say that businesses could expect additional cost and complexity when moving goods from Great Britain to Northern Ireland.

Bonfire of EU Red Tape

The Sunday Telegraph has reported that the UK Treasury is drawing up plans "to axe swathes of pre-Brexit financial rules" which were kept in British law after departure from the European Union. Detailed scrutiny of the whole range of financial regulations has begun with the intention of "weeding out cumbersome red tape and enhancing London's role as a global trading hub." The move follows growing acceptance in government circles that the EU Commission is reluctant to offer market access to the UK financial sector at a level sufficient to make maintenance of the EU regulations worthwhile. European Commissioner for Financial Stability, Financial Services and the Capital Markets Union, Mairead McGuinness has commented that the Commission prioritises stability in decisions on access, saying "we do not like light touch".

Section Three: Background Material and Further Reading

Background Material

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