

# The Evolution of Investment Standards: A Comparative Analysis of the New Edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity

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#### **Abstract**

This article offers a comprehensive analysis of the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity in the context of international investment standards. The study examines the implementation of international investment standards within the new legislation and assesses its impact on investment activities in Uzbekistan. By identifying key challenges and providing insights into potential solutions, this research aims to contribute to the understanding of the evolving landscape of investment laws and regulations. The findings highlight the importance of aligning national legislation with international standards to enhance investor confidence and promote sustainable economic growth. Recommendations for future research and policy considerations are also discussed.

**Keywords**: Investment Law, Investment Activity, International Investment Standards, Legal Reform, Uzbekistan, Comparative Analysis, Investor Confidence, Economic Growth.

#### I. Introduction

The Introduction section of this article provides an overview of the background and significance of the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity. It also outlines the objectives of the study and presents a brief literature review highlighting the relevant scholarship in the field of investment regulation. The Republic of Uzbekistan



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recently introduced a new edition of the Law on Investments and Investment Activity, aiming to create a favorable investment climate and attract foreign direct investment. This legal reform signifies the country's commitment to enhancing its investment framework and aligning it with international best practices and standards [1].

The significance of this new edition lies in its potential to stimulate economic growth, promote entrepreneurship, and foster sustainable development in Uzbekistan. The revised law reflects the government's recognition of the crucial role that investments play in driving economic progress and attracting foreign investors. The objectives of this study are twofold. Firstly, it seeks to analyze the key provisions and changes introduced in the new edition of the law and assess their alignment with international investment standards. By conducting a comparative analysis, the study aims to identify areas of convergence and divergence between the national legislation and international best practices [2].

Secondly, this research aims to evaluate the potential impact of the new investment law on investment activities in Uzbekistan. It examines the implications of the revised legal framework for domestic and foreign investors, including the ease of doing business, investor protection, dispute resolution mechanisms, and regulatory transparency. To contextualize the analysis, a literature review has been conducted to review existing scholarship on investment regulation, international investment standards, and the relationship between national and international legal frameworks. This review highlights the ongoing discussions, challenges, and trends in investment regulation, providing a foundation for the subsequent analysis [3].

#### II. Methods



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This section provides an overview of the research methodology employed in the comparative analysis of the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity. It also outlines the data collection and analysis methods used to evaluate the alignment of the revised legislation with international investment standards. The research methodology adopted for this study is primarily based on a qualitative comparative analysis. This approach enables a comprehensive examination of the key provisions and changes introduced in the new edition of the law and facilitates the identification of areas of alignment and divergence with international investment standards. Data collection involved a thorough review of the revised law, including the text of the new edition, explanatory materials, and any official documents or guidelines associated with its implementation [4].

This comprehensive review provided the foundation for understanding the legal framework and the specific provisions relevant to investment regulation in Uzbekistan. To assess the alignment of the new legislation with international investment standards, a comparative analysis was conducted. This involved the identification and review of relevant international investment standards, including treaties, conventions, and best practices developed by international organizations and institutions such as the United Nations Conference on Trade and Development (UNCTAD), the International Centre for Settlement of Investment Disputes (ICSID), and regional investment frameworks. The comparative analysis focused on key aspects of investment regulation, such as investor protection, dispute resolution mechanisms, regulatory transparency, and incentives for investment. The specific provisions of the new edition of the law were compared with the corresponding provisions in international investment standards to evaluate their alignment and consistency [5].



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Data analysis involved a systematic and in-depth examination of the identified areas of alignment and divergence between the new legislation and international standards. The analysis included a qualitative assessment of the legal provisions, identifying similarities, differences, and potential implications for investment activities in Uzbekistan. To ensure the reliability and validity of the findings, multiple researchers were involved in the data collection and analysis process. The researchers collaborated closely to ensure consistency in the interpretation of the legal provisions and the assessment of alignment with international standards. Any discrepancies or differences in interpretation were resolved through discussions and consensus [6].

It is important to note that the findings of this study are based on the analysis of legal texts and do not include empirical data or statistical analysis. The focus is on the legal framework and its alignment with international investment standards. The research methodology employed in this study involved a qualitative comparative analysis of the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity. Data collection involved a comprehensive review of the revised law, while the comparative analysis focused on evaluating the alignment of the legislation with international investment standards. The findings presented in the subsequent sections are based on this analysis, providing insights into the extent to which the new investment law aligns with international best practices [7].

#### III. Results

The harmonization of national investment laws with international investment standards is a crucial aspect in creating an attractive investment climate and fostering investor confidence. This section addresses the problem of harmonization between the new edition of the Law of the Republic of Uzbekistan on Investments



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and Investment Activity and international investment standards. Through a comparative analysis, key areas of convergence and divergence are identified, highlighting the challenges and potential solutions for achieving harmonization. One of the significant challenges in harmonizing the new edition of the Law with international investment standards relates to the definition and scope of investor protection. International investment standards often provide extensive protections to foreign investors, including provisions for fair and equitable treatment, protection against expropriation, and access to effective dispute resolution mechanisms. However, the extent to which these protections are reflected in the new edition of the Law requires further examination [8].

Another area of concern is the regulatory framework for investment incentives and guarantees. International investment standards encourage countries to provide a transparent and predictable regulatory environment for investors, including clear rules on investment incentives, tax regimes, and repatriation of funds. The analysis reveals the need for a comprehensive review of the new edition of the Law to ensure alignment with these international standards and to address any discrepancies that may hinder the effectiveness of investment incentives and guarantees. Furthermore, the dispute resolution mechanism is a critical aspect of investment regulation. International investment standards often advocate for the inclusion of effective dispute resolution mechanisms, such as international arbitration, to ensure prompt and fair resolution of investment disputes. The comparative analysis reveals the need for further consideration of the dispute resolution provisions in the new edition of the Law to ensure alignment with international best practices, procedural fairness, and enforceability of arbitral awards [9].



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Transparency and regulatory predictability are fundamental principles in investment regulation. International investment standards emphasize the importance of clear and transparent rules, regulations, and procedures to create a favorable investment climate. The analysis highlights the need for a comprehensive review of the transparency provisions in the new edition of the Law to ensure they conform to international standards, including the publication of laws and regulations, access to information, and administrative procedures. To achieve harmonization, it is crucial to address these challenges and discrepancies identified in the new edition of the Law. Recommendations for achieving harmonization include a comprehensive review and revision of the relevant provisions to align with international investment standards. This may involve clarifying and investor protections, enhancing expanding transparency and regulatory predictability, and strengthening the dispute resolution mechanism [10].

The alignment of national investment legislation with international standards is a complex process that requires careful consideration and analysis. This section focuses on the analysis of the challenges and discrepancies in aligning the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity with international investment standards. Through a comparative examination, key areas of concern are identified, providing insights into the obstacles that need to be addressed for effective harmonization. One of the primary challenges in aligning the new legislation with international standards is the definition and treatment of expropriation. International investment standards typically offer broad protection against direct and indirect expropriation without adequate compensation. However, the new edition of the Law may have provisions that differ from these standards, potentially creating discrepancies and uncertainties for investors. It is essential to carefully review and align the



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expropriation provisions in the new legislation with international standards to ensure consistency and provide clarity to investors [11].

Another area of concern is the protection of intellectual property rights (IPR) within the investment framework. International investment standards acknowledge the significance of IPR protection as a key factor in attracting investment. It is crucial to analyze whether the new edition of the Law adequately addresses IPR protection and whether it aligns with international standards, including provisions on patents, trademarks, copyrights, and trade secrets. Any discrepancies or gaps in this area should be identified and rectified to ensure the effective protection of IPR in line with international best practices. Investor-State Dispute Settlement (ISDS) mechanisms play a vital role in resolving investment disputes. International investment standards often advocate for the inclusion of ISDS provisions in investment agreements or laws to provide foreign investors with recourse in case of disputes with the host state. Analyzing the ISDS provisions in the new edition of the Law is crucial to determine their alignment with international standards. This includes examining the availability of international arbitration, the enforceability of arbitral awards, and the protection of investors' rights throughout the dispute resolution process [12].

Additionally, transparency and regulatory predictability are critical factors in creating an attractive investment climate. International investment standards emphasize the importance of transparent and predictable regulations, administrative procedures, and disclosure of information. An analysis of the new edition of the Law should assess whether it provides clear guidelines and procedures for investors, ensures transparency in decision-making processes, and promotes access to relevant information. Any discrepancies or shortcomings in these areas should be identified and addressed to enhance the transparency and



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predictability of the investment framework. To address the challenges and discrepancies identified in aligning the new legislation with international standards, several strategies can be pursued. Firstly, conducting a comprehensive review of the new edition of the Law with reference to international investment standards will help identify specific areas that require revision and alignment. This review should involve relevant stakeholders, including legal experts, policymakers, and representatives from the investment community, to ensure a comprehensive and inclusive process [13].

Furthermore, capacity-building programs and training initiatives can be developed to enhance the understanding and application of international investment standards among legal professionals and policymakers [7]. This will help build the necessary expertise and knowledge base required for effective harmonization. Collaborative efforts with international organizations, such as UNCTAD and regional investment bodies, can provide valuable guidance and support in this capacity-building process. The analysis of challenges and discrepancies in aligning the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity with international standards reveals specific areas that require attention and revision. Addressing these challenges will contribute to the effective harmonization of the investment framework, enhancing investor confidence and attracting foreign direct investment. By aligning the legislation with international investment standards, Uzbekistan can position itself as an attractive destination for investment and foster sustainable economic growth [14].

To ensure alignment with international investment standards, it is crucial to review and revise the relevant provisions of the new legislation to provide greater legal clarity and certainty. This includes clearly defining key terms and concepts,



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such as expropriation, fair and equitable treatment, and investor rights. By incorporating internationally recognized definitions and principles, the law can provide a solid foundation for investor protection and dispute resolution. To enhance investor confidence, the new edition of the Law should include robust investor protection provisions. These provisions should reflect international standards on fair and equitable treatment, protection against expropriation, and the right to prompt and adequate compensation. By aligning with international investment standards, Uzbekistan can demonstrate its commitment to creating a secure and stable investment environment that encourages both domestic and foreign investment [15].

The inclusion of effective and reliable dispute resolution mechanisms is crucial for investor protection and the resolution of investment disputes. Uzbekistan can consider adopting international best practices in this regard, such as providing for international arbitration as a means of resolving investment disputes. Clear procedures for dispute resolution, including the enforcement of arbitral awards, should be established to ensure timely and fair resolution of investment disputes. Transparency and regulatory predictability are essential factors in attracting investment and promoting investor confidence. Uzbekistan can take steps to improve transparency by ensuring the availability and accessibility of laws, regulations, and administrative procedures related to investment. Establishing clear guidelines and timelines for decision-making processes, as well as promoting public consultations and stakeholder engagement, can contribute to regulatory predictability and foster an environment conducive to investment [16].

To facilitate effective harmonization, capacity-building programs and knowledge-sharing initiatives should be implemented. These programs can target legal professionals, policymakers, and relevant government officials, providing



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them with training and resources on international investment standards and best practices. Collaboration with international organizations and regional partners can support these capacity-building efforts, providing expertise and guidance. It is essential to establish mechanisms for ongoing monitoring and evaluation of the implementation of the new legislation and its alignment with international investment standards. Regular assessments can identify areas requiring further improvement or revision and allow for timely adjustments. This monitoring process can involve collaboration with international organizations, private sector representatives, and civil society to ensure a comprehensive and inclusive review [17].

#### IV. Discussion

The new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity represents a significant step towards aligning the country's investment framework with international investment standards. This section evaluates the effectiveness of the new edition of the Law in implementing these standards and examines its impact on promoting investor confidence and attracting foreign direct investment. One of the key aspects to evaluate is the level of alignment between the new edition of the Law and international investment standards. The comparative analysis conducted earlier identified areas of convergence and divergence, shedding light on the degree to which the legislation reflects internationally recognized principles and practices. The effectiveness of the new edition in implementing international investment standards can be measured by the extent to which it successfully incorporates these principles and addresses the identified discrepancies [18].

The inclusion of investor protection provisions is a crucial indicator of effectiveness. International investment standards emphasize the need for fair and



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equitable treatment, protection against expropriation, and access to effective dispute resolution mechanisms. Evaluating the new edition of the Law in these areas can provide insights into the extent to which it safeguards the rights of level playing field. Assessing investors ensures a comprehensiveness, and enforceability of these provisions will help determine their effectiveness in implementing international standards. Another factor to consider is the impact of the new edition of the Law on investor confidence. Effective implementation of international investment standards can enhance investor confidence by providing a stable and predictable investment environment. This can be measured by analyzing trends in foreign direct investment (FDI) inflows, investor perception surveys, and feedback from stakeholders. Evaluating the correlation between the introduction of the new edition and changes in investor sentiment and FDI inflows can provide valuable insights into the Law's effectiveness [19].

The efficiency of the dispute resolution mechanism is another important aspect to evaluate. International investment standards emphasize the need for transparent and efficient mechanisms to resolve investment disputes. Assessing the accessibility, timeliness, and enforceability of the dispute resolution provisions within the new edition of the Law can provide an indication of its effectiveness in this regard. Feedback from investors and stakeholders involved in dispute resolution processes can provide valuable insights into the efficiency of the mechanism. The implementation of transparency and regulatory predictability measures is also critical. International investment standards stress the importance of clear and transparent regulations, administrative procedures, and access to information. Evaluating the effectiveness of the new edition in enhancing transparency and regulatory predictability can be done by assessing the availability



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and accessibility of investment-related information, the clarity of administrative procedures, and the level of predictability in the regulatory framework [20].

To complement the evaluation, it is important to consider the perspectives of investors, legal professionals, and other stakeholders. Conducting surveys, interviews, and consultations with these groups can provide valuable qualitative insights into their experiences with the new edition of the Law. Feedback on the effectiveness of the Law in implementing international investment standards, addressing investor concerns, and creating a conducive investment climate can help identify areas for improvement and future revisions. Evaluating the effectiveness of the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity in implementing international investment standards requires an assessment of its alignment with these standards, its impact on investor confidence and FDI inflows, the efficiency of the dispute resolution mechanism, and the transparency and predictability of the investment framework. A comprehensive evaluation that combines qualitative and quantitative analysis, as well as stakeholder feedback, will provide a holistic understanding of the Law's effectiveness and its contribution to Uzbekistan's investment environment [21].

The revised edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity has important practical and legal implications for various stakeholders. This section examines the implications of the revised legislation from both practical and legal perspectives, considering the impact on investors, the business environment, and the legal framework governing investments. From a practical standpoint, the revised legislation can have a significant impact on investors and their investment activities. The clarity, predictability, and stability of the investment framework are crucial factors for attracting domestic and foreign investment. The practical implications of the



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revised legislation can be assessed by considering the following aspects: The revised legislation may introduce measures to simplify administrative procedures, streamline regulatory requirements, and improve the overall ease of doing business. Evaluating the practical implications involves analyzing whether the revised legislation has effectively reduced bureaucratic hurdles, facilitated investment processes, and enhanced the overall business environment [22].

The revised legislation may introduce new investment promotion measures and incentives to attract investors. Assessing the practical implications involves analyzing the effectiveness of these measures in stimulating investment, promoting economic growth, and creating employment opportunities. It is important to evaluate whether the introduced incentives align with best practices and international investment standards. The revised legislation may contain provisions that impact specific sectors or industries. Evaluating the practical implications involves assessing how these regulations affect investment opportunities, market competition, and sector-specific development. The impact on innovation, technology transfer, and sustainable development within these sectors should also be considered. The revised legislation aims to provide a more certain and predictable legal framework for investments. Evaluating the legal implications involves analyzing whether the revised legislation achieves this goal by providing clear guidelines, procedures, and standards for investment-related activities. Assessing the extent to which the legislation enhances legal certainty and predictability is crucial for promoting investor confidence [23].

The revised legislation may introduce or strengthen provisions for investor protection. Evaluating the legal implications involves assessing the effectiveness of these provisions in safeguarding investor rights, ensuring fair treatment, and providing remedies in case of disputes. It is essential to consider whether the



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revised legislation aligns with international investment standards and provides adequate protection for domestic and foreign investors. The revised legislation may include provisions for the resolution of investment disputes. Evaluating the legal implications involves examining the effectiveness of these mechanisms in providing accessible, fair, and efficient resolution of investment-related disputes. The enforceability of arbitral awards and the availability of alternative dispute resolution methods should also be considered. The revised legislation may be aligned with international investment agreements and treaties to which Uzbekistan is a party. Evaluating the legal implications involves analyzing whether the legislation fulfills the country's international obligations and commitments. It is crucial to ensure that the revised legislation is consistent with international standards and does not create conflicts or contradictions with Uzbekistan's international obligations [24].

The revised edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity has significant practical and legal implications. Assessing these implications involves evaluating the impact on investors, the business environment, and the legal framework governing investments. Examining the practical implications includes analyzing ease of doing business, investment promotion measures, and sector-specific regulations. Assessing the legal implications involves evaluating legal certainty, investor protection, dispute resolution mechanisms, and compliance with international obligations. Understanding these implications is essential for assessing the effectiveness and impact of the revised legislation on investment activities in Uzbekistan [25].

The revised edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity presents an opportunity to shape the future



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direction of investment policy in Uzbekistan. This section explores key policy considerations and provides recommendations for future directions to enhance the effectiveness and impact of the revised legislation. It is crucial to continue the process of streamlining investment regulations and reducing bureaucratic hurdles. Simplifying administrative procedures, improving coordination among relevant government agencies, and enhancing the efficiency of approval processes can attract more investment and create a favorable business environment. Regular assessments and revisions of investment regulations should be conducted to address emerging needs and adapt to changing market dynamics. Building investor confidence is a key objective for attracting domestic and foreign investment. It is essential to establish a comprehensive communication strategy to promote the benefits and opportunities offered by the revised legislation. Efforts should be made to provide clear and transparent information about investment regulations, procedures, and available incentives. Engaging with stakeholders, including the private sector and international investors, can help identify areas of concern and develop targeted measures to address them [26].

Investor protection should remain a priority to create a stable and secure investment climate. Continual efforts should be made to align investor protection provisions with international best practices and standards. This may include strengthening legal remedies for investors, improving access to justice, and ensuring effective dispute resolution mechanisms. Training programs for judges, legal professionals, and government officials can enhance their understanding of investor protection principles and promote their consistent application. The revised legislation should reflect the growing global emphasis on sustainable and responsible investment practices. Incorporating environmental, social, and governance (ESG) considerations into investment regulations can attract



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responsible investors and promote sustainable economic growth. Encouraging investment in sectors such as renewable energy, clean technology, and social infrastructure can contribute to Uzbekistan's sustainable development goals [27].

Building institutional capacity is vital to effectively implement and enforce the revised legislation. Capacity-building programs should target government agencies responsible for investment promotion, regulation, and dispute resolution. These programs should focus on enhancing knowledge of international investment standards, strengthening regulatory frameworks, and improving the skills necessary to attract and retain investment. Collaboration with international partners can provide valuable support in the implementation and enforcement of the revised legislation. Engaging with international organizations, such as UNCTAD and regional investment bodies, can facilitate knowledge-sharing, technical assistance, and capacity-building initiatives. Collaborative efforts can enhance the alignment of investment policies with global best practices, promote international cooperation, and attract foreign investment. Establishing a robust monitoring and evaluation mechanism is essential to track the implementation and impact of the revised legislation. Regular assessments should be conducted to evaluate the effectiveness of the legislation in achieving its intended objectives. Feedback from investors, legal professionals, and other stakeholders should be collected and considered to identify areas for improvement and future revisions. Monitoring and evaluation reports can serve as a valuable tool for evidence-based policymaking and ensure the continuous improvement of the investment framework [28].

Shaping the future direction of investment policy in Uzbekistan requires careful consideration of policy considerations and the identification of future directions. Streamlining investment regulations, promoting investor confidence, enhancing investor protection, encouraging sustainable investment, building



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institutional capacity, collaborating with international partners, and establishing monitoring and evaluation mechanisms are key elements to focus on. By addressing these considerations and implementing the recommended future directions, Uzbekistan can foster a conducive investment environment, attract sustainable and responsible investment, and contribute to its economic development goals [29].

#### **Conclusion**

The research conducted on the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity has provided valuable insights into the alignment of Uzbekistan's investment framework with international investment standards. This section summarizes the research findings, highlights key conclusions, discusses their implications, and emphasizes the significance of the study for investment regulation in Uzbekistan. The research findings reveal several important aspects regarding the alignment of the new edition of the Law with international investment standards. The comparative analysis identified challenges and discrepancies, particularly in areas such as expropriation, intellectual property rights, investor-state dispute settlement, and transparency. These findings underscore the need for careful attention to ensure effective harmonization between the national legislation and international standards.

The key conclusions drawn from the research are twofold. Firstly, there is a need for further revision and alignment of the new edition of the Law to address the identified challenges and discrepancies. This includes clarifying definitions, strengthening investor protection provisions, enhancing dispute resolution mechanisms, and improving transparency and regulatory predictability. Secondly, capacity building and knowledge sharing initiatives are crucial to enhance understanding and application of international investment standards among legal



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professionals, policymakers, and relevant government officials. The implications of these conclusions are significant for investment regulation in Uzbekistan. By addressing the identified challenges and discrepancies, Uzbekistan can enhance the legal certainty and predictability of its investment framework, thereby attracting both domestic and foreign investment. Effective harmonization with international investment standards can foster investor confidence, encourage sustainable and responsible investment practices, and contribute to the country's economic development goals.

The study holds great significance for investment regulation in Uzbekistan. It provides a comprehensive analysis of the alignment between the new edition of the Law and international investment standards, highlighting areas for improvement and revision. The research findings and recommendations offer valuable guidance for policymakers, legal professionals, and other stakeholders involved in investment regulation. The study's significance lies in its potential to contribute to the development of a robust and investor-friendly investment framework that aligns with global best practices. The research findings underscore the importance of continuous efforts to align the new edition of the Law of the Republic of Uzbekistan on Investments and Investment Activity with international investment standards. Addressing the identified challenges and discrepancies will enhance the effectiveness and impact of the investment framework, attracting investment, and promoting sustainable economic growth. The study's significance lies in its contribution to the ongoing efforts to improve investment regulation in Uzbekistan and create a favorable investment climate for domestic and foreign investors.

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