

Regulatory framework for urban policy in some European countries: an experience for Ukraine

Нормативно-правове регулювання міської політики у деяких європейських країнах: досвід для України

Received: March 25, 2020

Accepted: May 7, 2020

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Abstract

The purpose of the article is to analyze the regulatory framework for urban policy in some European countries in order to emulate their positive experience and to implement it in Ukrainian legislation. Methodology. The study used general scientific and special methods of legal science, in particular, analysis and synthesis method, logical method, logical and semantic method, historical and legal method, comparative and legal method. The results of the study. The foreign practice of regulatory framework for urban policy provision, the features of its development and implementation have been considered. The content of urban policy in a number of European countries (Latvia, Finland, France and the Czech Republic) has been studied and the relevant programs implemented by the European Union have been examined. Practical implications. The experience of foreign countries has shown that State urban policy is not always set out in a single document, but as a rule is presented in several legal acts or is a component of other State programs, especially in the area of regional policy. Value/originality. The authors have proven that taking into account the peculiarities of regulatory

Анотація

Метою статті є аналіз нормативно-правової бази забезпечення міської політики в деяких європейських країнах з метою перейняття їх позитивного досвіду та подальшого його впровадження до законодавства України. Методологія. У дослідженні використовувалися загальнонаукові та спеціальні методи юридичної науки, зокрема, метод аналізу та синтезу, логічний логіко-семантичний, історико-правовий, порівняльно-правовий методи та метод правового моделювання. Результати дослідження. Розглянуто зарубіжну практику законодавчого забезпечення міської політики, особливості її розробки та реалізації. Досліджено зміст та особливості міської політики у деяких європейських країнах (Латвії, Фінляндії, Франції та Чехії) та вивчено відповідні програми, що реалізуються Європейським Союзом. Практичні наслідки. Як свідчить аналіз досвіду зарубіжних країн, державна міська політика не завжди викладається в єдиному документі, а як правило представлена у кількох нормативно-правових актах чи є складовою інших державних програм, насамперед у сфері регіональної політики.

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framework for urban policy in Ukraine, it would be appropriate to adopt a separate document on urban policy that would consider the European practice and legislation of the European Union in this area, as well as the peculiarities of Ukrainian cities.

Keywords: urban policy, local government, urbanization, regional policy, spatial planning.

Introduction

Cities are the focal points of territorial and economic development of any State, because they produce the bulk of the gross national product, they are the main donors of local and State budgets, the centers for the development and implementation of high industrial and humanitarian technologies. The importance of cities is even growing in a market economy: they become the centers of market relations, as they concentrate the markets of means of production and consumer goods, knowledge, labor, currencies and securities.

At the same time, it is safe to say that the regularities of development of cities are in need of theoretical reinterpretation. This is due to the fact that cities as the generators of national processes of socio-economic stabilization and development reflect the general structural changes in the economic sphere, the formation of social needs of society, set the pace and direction of improving the entire production and territorial base. At the same time, various negative tendencies related to the extensive nature of economic development in the conditions of threatening ecological and demographic situation, miscalculations in planning and management are more clearly revealed in cities. The challenges faced by cities, in fact concern all their residents, and their solution largely depends on improving the efficiency of the city management system based on the development of local self-government, a clearer division of competencies between central and local authorities. The development of new master plans, definition of long-term goals of the territorial community, the introduction of new mechanisms and means in the management system of the urban economy based on the peculiarities of market relations are also relevant. The leaders among the countries of modern civilization, in domestic politics of which the importance of local (i.e. urban) level is rapidly growing, are the States of European Union.

Співвідношення / оригінальність Авторів довели, що з урахуванням особливостей законодавчого регулювання міської політики в Україні, доцільним видається прийняття окремого документу з міської політики, який би враховував європейську практику та законодавство Євросоюзу у цій сфері, та особливості українських міст.

Ключові слова: міська політика, місцеве самоврядування, урбанізація, регіональна політика, просторове планування.

Ukraine is also de facto a highly urbanized State. Many documents signed by Ukraine declare its willingness to follow the European model of development, so the changes in the priorities of State policy in favor of the local (city) level are needed.

However, there is a great distance from the declaration of intentions to the real changes, so the problem of deep awareness of the necessity and irreversibility of strengthening the role of the city in the development of the State, as well as changing the priorities of domestic policy in favor of cities' development, which makes the analysis and generalization of current trends in urban development in advanced economies extremely relevant. The problem of urban development in Ukraine has only recently begun to be actively debated both in the expert environment and by statesmen, as evidenced by the underdeveloped legislative regulation in this area.

It should be noted that not all developed countries tend to adopt a separate document on urban policy. Thus, just 15 of the 35 Member States of the Organization for Economic Cooperation and Development have a relevant program, and the vast majority prefer to use a variety of instruments within the framework of regional, social and other sectoral policies (OECD, 2017).

Literature Review

The issues of urban policy in Europe were investigated by a number of scholars. For example, Rob Atkinson (2007) states that urban areas/regions do not exist in isolation from wider economic, social and political factors originating in the national, European and global spheres; the process of globalisation has rendered the nation state redundant and that the 'national economic space' no longer exists as an independent unit.

The author shares the views of such scientists as W. Lever (1993), M. Meijer (1993), and W. Wegener (1995) and believes that there is an “urban hierarchy” within Europe and cities do compete with one another to improve their position in this hierarchy by attempting to attract investment, prestigious events and important political institutions.

P. Hall (1993), in his turn, has identified the following factors that affect Europe’s urban hierarchy: 1. Globalisation and the formation of continental trading blocs. 2. The transformation of Eastern Europe. 3. The shift to the informational economy. 4. The impact of transport technology. 5. The impact of informational technology. 6. The new role of urban promotion and boosterism. 7. The impact of demographic and social change.

Hans Thor Andersen and Ronaldvan Kempen (2003) support this position and argue that current social dynamics have aggravated social inequalities in most European countries during the last two decades. The changes have accelerated differences in living conditions between groups in the cities and between neighbourhoods within cities. Along with increasing social polarization, there are clear signs of a spatial dimension to this process. The past gives clear indications that universal programmes and urban polices of regeneration have been unable to cope with the problem of polarization. Cities and national governments seem to be aware of this, as they have developed new ways of organizing urban policy.

Martina Rotolo (2019) believes that the Urban Agenda, which was adopted on 30 May 2016 at an informal meeting of EU Ministers with responsibility for urban affairs in Amsterdam, is an integrated and coordinated approach to deal with the urban dimension of the EU. By focusing on concrete priority themes through dedicated Partnerships, the Urban Agenda seeks to improve the quality of life in urban areas. Based on the principles of subsidiarity and proportionality, it focuses on the three key pillars of EU policy-making: better regulation, better funding and better knowledge.

As Ukraine belongs to the highly urbanized states, the importance of cities and their influence on national processes is growing under market conditions. At the same time, the high level of urbanization of Ukraine has led to the fact that Ukrainian cities have accumulated most of social, environmental, technological problems of our society. These problems had been piling up

in the last decades of the Soviet era. Unfortunately, during the years of independence the situation in Ukraine has not fundamentally changed, and the accumulation of problems in Ukrainian cities continues (Vakulenko & Orlatyi, 2008). That is why the study of the regulatory framework for urban policy of the European countries is of the utmost importance for our State.

Methodology

Methodology is a conceptual statement of purpose, content, methods of the research, which provide the most objective, accurate, systematic information about processes and phenomena. There is a multilevel structure of the methodology for knowledge in modern science, according to which the methods of scientific knowledge in terms of generality and scope can be divided into four main groups.

1. General (philosophical) – applicable in all sciences and at all stages of knowledge.
2. General scientific – used in the humanities, natural sciences and engineering.
3. Partial – applied in certain sciences (internal and interdisciplinary).
4. Special – designed for one, specific (specific) science.

Research methods of the study are chosen based on its object, subject and purpose. The study used general scientific and special methods of legal science. Thus, the analysis and synthesis method as well as the logical method were used to formulate a holistic view on the importance of cities for the economic development of region and State. These methods also helped to determine the problematic issues of Ukrainian urban policy, which are the absence of a separate document on urban policy and strategic planning of sustainable urban development.

The logical-semantic method was applied to establish the meaning of the concepts of “urban policy”, “urbanization” and “smart city”.

The historical and legal method was useful in studying the history of the establishment of legislation on urban policy of some European cities (Latvia, Finland, France and the Czech Republic) and of Ukraine.

The comparative and legal method was utilized when analyzing national legislation of Ukraine and foreign legislation of some EU Member States on the issue under consideration.

The legal modeling method was applied to draw conclusions and to develop proposals for improving legislative regulation of urban policy in Ukraine following the example of some European countries.

Results and Discussion

Urban policy in **Latvia** is regulated by such documents as: Latvia's Sustainable Development Strategy for 2030 (Saeima of the Republic of Latvia, 2010) (the main long-term document for territorial development since 2010); Lithuania's National Development Plan 2014 – 2020 (Saeima of the Republic of Latvia, 2012a) (the main medium-term territorial development plan adopted by the Parliament in 2012); Latvia's National Development Plan 2027 (NAP 2027), Lithuania's Progress Strategy "Lithuania 2030" (Saeima of the Republic of Latvia, 2012b) (envisages developments which will consolidate progress values and build on the principles of sustainable development).

NAP 2027 is the main state development plan used in talks with the European Union (EU) about the necessary funding for Latvia from EU funds. NAP 2027 is composed of four strategic goals – equal opportunities, productivity and income, social trust and regional development. Latvia's state budget may allocate 2.2 billion euros for goals outlined in NAP 2027. EU funds will serve as the most serious source of funding for NAP 2027. This money will have to be invested in areas like climate, digitization, science, innovations, infrastructure and social protection. Indicatively the largest volume of funding – 49% of total planned funding for NAP 2027 – is planned to be allocated for the section that outlines quality life environment and territorial development, including Rail Baltica project (Baltic News Network, 2020).

Regional development is a path that is mentioned as the foundation for the country's balanced growth. The plan mentions that potential development of regions and reduction of social economic differences can be accomplished by improving the business environment, using the advantages and resources unique to each region, as well as creating conditions for new jobs and services to make the attractiveness of each region's territory and ability to participate in state general growth can help secure welfare for residents (Baltic News Network, 2020).

Lithuania's Progress Strategy "Lithuania 2030" reflects a national vision and priorities for development as well as guidelines for their

implementation by 2030. It is stated in the strategy that the vision of Lithuania is a country with creatively empowered population, and its progress is in the hands of responsible, creative and open-minded people. The implementation of the vision is guided by progress-relevant values, like openness to a different views, positive initiatives, to a dialogue, cooperation, and innovations as well as creativity in generation and implementation of new ideas, treating challenges as new possibilities of building success (EACEA National Policies Platform, 2018).

Lithuania's Progress Strategy "Lithuania 2030" is aimed at creating an environment that would enable progress-related values. It is stated in the Strategy that changes will take place in the following areas:

1. Smart society: happy society that is open [openness] to the ideas of each citizen [creativity], to innovations and challenges, demonstrating solidarity, selfgovernance and political maturity [responsibility].
2. Smart economy: economy that is flexible and able to compete globally [openness], generating high added value, based on knowledge, innovations entrepreneurship [creativity] and social responsibility as well as "green" growth [responsibility].
3. Smart governance: governance that is open and participatory [openness], delivering, meeting public demands and ensuring high quality services [responsibility], as well as competent government, able to take targeted strategic decisions [creativity] (EACEA National Policies Platform, 2018).

Finland also lacks a single national urban policy program, but there are a number of urban development-oriented programs that can be considered as key elements of a national strategy for urban ordering. Key among these are urban development agreements between the government and local governments to accelerate economic development and increase the competitiveness of the cities concerned. For the first time, they began to be implemented during 2011 – 2015, and the second wave of these types of transactions took place during 2016 – 2018.

Growth agreements cover a number of important areas, including competitiveness and sustainability, land use, housing, transport and social security. At the State level, growth agreements are concluded with the largest cities of the country – Helsinki, Tampere, Turku and Oulu.

The second State program – “Innovative Cities” (2014 – 2017) was focused on urban development, envisaged the creation of new private companies, which meant more work places. The program relied on close collaboration between local governments, the pooling of resources of science, education, business and government. Program activities included the creation of new markets, the development of domestic and international cooperation to disseminate experience. The program ceased operations at the end of 2017, but significant funding was channeled to support the 6-City Strategy (6AIKA) focused on Finnish businesses planning to enter international markets. Its main purpose is to create open innovation platforms, leverage open data and interfaces, encourage open participation and strengthen customer relationships (OECD, 2015).

Some of the components of the Regional Innovation and Experiments Program (2016 – 2018) were also applied to urban development, since they provided: 1) measures to implement structural change; 2) concluding growth agreements between the State and selected cities; 3) creation of growth zones of national importance (Finnish Ministry of Economic Affairs and Employment, 2016a).

The Urban Policy Committee, which is responsible for urban policy in Finland, seeks to strengthen partnerships between government, cities, and urban areas in order to enhance their ability to rebuild, increase their competitiveness, social resilience and their ability to cope with climate changes. The Committee’s key objectives are to promote the implementation of urban policy set out in the Government’s program and the Government’s decisions on regional development; to coordinate ministries’ activities on urban policy; to develop forms of cooperation between government and urban areas, and to facilitate the exchange of experience within and outside the country. The Committee is chaired by the Minister for the Environment Affairs, and is composed of the representatives from other ministries, major cities (including Helsinki, Espoo, Vantaa, Tampere, Turku, Oulu, Jawaskula), and the Association of Local and Regional Authorities of Finland. Metropolitan policy, launched in 2007 under the leadership of the Ministry of Ecology, pays special attention to the urban development of the Helsinki region. Its purpose is to promote the region’s competitiveness and cooperation on land use, housing and transport (Finnish Ministry of Economic Affairs and Employment, 2016b).

France is one of the few countries with a long experience of urban policy (*Politique de la ville*), dating from 1977, when the first city contracts were concluded to meet the need for affordable housing. The focus of urban contracts has expanded over times to include other development priorities. In 1994 – 2006, urban contracts focused on a number of priorities, from home renovation to employment and transportation. In 2006 – 2014, the city’s social cohesion contracts focused on the cities, which suffer from hardship. In 2014, Paris updated its city policy by introducing city contracts between the government and inter-municipal bodies and municipalities. In 2015 – 2020, urban contracts covered a fairly broad range of issues that were primarily concerned with: 1) stimulating economic activity and employment, including the establishment of employment centers, assisting youth with employment and supporting local entrepreneurs; 2) social cohesion, including support for investment in education, medicine, law enforcement, social, cultural and sporting activities; 3) improving the living conditions of police-community relations, urban regeneration, including the restoration of housing (OECD, 2016).

Urban policy includes the following aspects: demographic considerations; support of a territorial approach (especially urban and rural communications); focus on the urban systems (from large to medium and small cities) and communication between cities; support of the efficient land use; enhancing environmental resistance, especially to climate changes; development of an effective urban management system (horizontal and vertical coordination); support for an efficient financial system of municipalities; fostering partnership and collaboration between stakeholders; ensuring inclusion (inequality, segregation, security, etc.); collection and storage of reliable and comparable data.

The contracts concluded for the period 2015 – 2020 are of special importance for the residents, who have been given the opportunity to participate in the work of public councils, through which they can exchange information and submit initiatives to the authorities that meet their needs. Besides, in 2015 – 2016, which defined 15 metropolitan territories, including three major metropolitan areas (Paris, Lyon, Marseille) with special status a metropolitan government reform, was implemented.

The Ministry of Regional Development of the **Czech Republic** developed The Principles of

Urban Policy in 2010, which were updated in 2017. The Principles of Urban Policy is a framework document which aims to coordinate the approach taken by all levels of government to urban development, to propose guidelines and activities conducive to sustainable urban development, and in light of the importance of towns for the development of the Czech Republic, to motivate the private and voluntary sector to support them. Sixty-two per cent of the population of the Czech Republic lives in towns of more than 5,000 inhabitants. Towns make a major contribution to the creation of the country's GDP and provide services that benefit their own population and inhabitants across their conurbation, but also face serious specific problems such as social inclusion, transport problems, and environmental pollution (Ministry for Regional Development of the Czech Republic, 2010).

The principles form a comprehensive framework for the development of the urban policy concept in the Czech Republic for the period after 2013. They underline the importance of cities as centres concentrating the population, the country's economic strength and an innovative milieu. Urban development must be based on principles of sustainable development, which allows economic, social and environmental objectives to be interlinked. A prerequisite for sustainable urban development is a strategic and integrated approach to urban development programming, to the fostering of balanced relations between town and region and between town and countryside while enhancing the area's natural efficient relations, and to the application of mechanisms interconnecting activities of each level of government and other stakeholders, i.e. a multi-level, partnership-based approach to territorial governance (Ministry for Regional Development of the Czech Republic, 2010).

The Member States cooperate in many areas of urban policy within the European Union. Collaboration and various programs address issues such as sustainable urban development through cohesion policy, urban networking and sharing of experience and knowledge, support for innovative urban development and enhancement of urban research at EU level.

The basis for the EU urban policy is the EU Agenda adopted in Amsterdam in 2016 (EC, 2016). Its task is to establish close cooperation between Member States, the European Commission, cities and other actors interested in the development of urbanized regions. It represents a comprehensive and coordinated

approach to developing new ideas and proposals for the improvement of EU legislation, programs and financial instruments to better meet the needs of the cities and introduce more effective exchange of experience in specific areas of Union urban policy.

There are also 12 areas of partnership dedicated to specific urban development issues. Four such partnership programs were launched in 2016 on the inclusion of migrants and refugees, air quality, housing and urban poverty. Four more programs were started in February 2017: waste-free economy, digital transition, urban mobility and work, local economy skills. Four more projects were launched in summer of 2017: energy transition, adaptation to climate changes, innovative and responsible public procurement, sustainable use of land and natural resources. Each partnership involves, on a voluntary and equal basis, cities, Member States, the members of the European Commission and stakeholders such as NGOs and entrepreneurs. They work together to develop and implement concrete measures to successfully address the challenges facing the city and support smart, sustainable and inclusive development.

The URBACT program (EU, 2014), one of the European Territorial Cooperation programs, encourages cities to share their positive experiences with each other and, through the process of mutual learning, to improve urban development methods, enables them to participate in the networks of other European cities. In 2014 – 2020, its third phase is being implemented, aimed at contributing to the goals set by the Europe 2020 strategy. Urban Innovative Actions, which is an initiative of the European Commission, which finances the experiments of European cities to develop innovative solutions to urban problems, should also be mentioned.

As for Ukraine, the cities, including a particular category of settlement – agglomeration, were mentioned in the Concept of Administrative Reform adopted in 1998. Subsequently, the State Strategy for Regional Development until 2015, approved by the Cabinet of Ministers of Ukraine in 2006, noted the need to find the ways of financing projects for the “development and modernization of the technical and public infrastructure of major urban agglomerations and major cities (Donetsk, Dnipro, Kiev, Lviv, Odessa, Kharkiv) in order to transform them into major centers of influx of people, goods, capital and information” (Cabinet of Ministers of Ukraine, 2006).

The current State Strategy for Regional Development until 2020 (Cabinet of Ministers of Ukraine, 2014) only states that by enhancing the role of regional centers in the overall economic development, they will continue to determine the nature of further territorial differentiation of the socio-economic situation in the country. In turn, increasing the level of competitiveness of regions involves, among other things, ensuring the development of urban infrastructure (supporting the development of urban planning documentation for settlements (zoning, detailed plans of territories) and suburban areas, transport and other infrastructure projects that meet the priorities and interests of individual cities in accordance with their strategies development); supporting the integrating role of the cities as centers of economic and social development.

Some elements of urban policy are presented in the National Program for the Development of Small Cities (Law of Ukraine, 2004), which identified the main directions of socio-economic development of small cities by 2010 and contains scientific, methodological, economic, organizational and legal measures for its provision. Its main tasks are: forming a system of State support for the development of small cities, as well as creating conditions for their development at the expense of their own financial, material, labor, natural and other resources; diversification of economic activities that provide employment for the majority of the population of small towns; strengthening the financial framework of local self-government; development of micro-crediting of small business, search of effective ways of interaction of large enterprises and small business; planning and development of small towns, taking into account landscape, historical, architectural, environmental and other features; development of social infrastructure, housing and communal services, hotel and road facilities, transport complex, etc.

Ukraine's urban policy guidelines are partially defined by the Sustainable Development Goals (Ministry of Economic Development and Trade of Ukraine, 2017). In particular, the goal 11 "Sustainable Urban and Community Development", envisages the implementation of the goal 11.2 (ensuring the development of settlements and territories solely on the basis of integrated planning and management with public participation) and the goal 11.6 (development and implementation of local strategies aimed at economic growth, job creation, tourism development, recreation, local culture and local production). The Report states that ensuring

sustainable development of cities, settlements and communities as favorable living environment will require shifting the focus from administratively approved plans to the territorial development strategies with respect to the principles of universal design, which should be favorable for all the residents. To that end, partnership, co-ordination and inclusiveness of local self-government bodies with respect for the principles of transparency, inclusivity and scientific credibility with the simultaneous implementation of a scorecard for the further monitoring and public scrutiny are needed. In doing so, councils must decide on their development, taking into account the general plans for the development of settlements and territories.

An attempt to legislate on the status of large urban entities was made in 2017, when a Draft on urban agglomerations, which was not even considered in the first reading, was submitted to the Parliament and was withdrawn in August 2019.

At the end of 2017, the Kyiv City Council decided to create a metropolitan area to join forces with neighboring settlements to solve common problems, coordinate efforts and develop a unified territory development strategy. However, only three cities of regional importance and four villages and towns responded to its appeal, which called into question the possibility of this project being implemented (Kyiv City Council, 2017).

The Concept of Digital Economy and Society of Ukraine (Cabinet of Ministers of Ukraine, 2018) gives particular attention to urban policy modernization. This document implies the further introduction of the concept of "smart city" (a city that uses modern technology to improve the quality of life of its residents; smart city technologies are integrated into appropriate structures to improve the quality of service delivery, reduce the cost and consumption of resources, and improve communication and understanding with residents), which requires the modernization of urban infrastructure and the introduction of effective resource management (using the Internet, green technologies, smart networks); transformation of the city government system based on the integration of systems and data; definition of the economic models of urban development taking into account not only natural and industrial but also human potential (cities as centers of innovation and human development). The following initiatives are needed to activate and scale the smart-city concept: development of

a national roadmap and strategy for digital transformation of cities; support of urban digitization projects; creation of a national platform – a catalog of solutions for the concept of “smart city” in accordance with the European experience; harmonization of policies and legislation with EU requirements related to the development of digital economy, innovation, and urban governance.

To implement the Decree of the President of Ukraine of September 20, 2019 no. 713 and in accordance with the Law of Ukraine “On the Principles of State Regional Policy”, the Ministry of Communities and Territories of Ukraine, which is responsible for the development and implementation of urban policy, together with other interested bodies, started preparing the project “The National Strategy for Regional Development for 2021 – 2027”, which will be characterized by: emphasis on State support for problem areas and growth points; recognition of functional territories as objects of regional policy; State budget financing not only for infrastructure projects, but also for those which, are oriented to development; implementation of State programs and projects with obligatory consideration of spatial planning documents (General scheme, regional planning schemes, community planning schemes).

Conclusions

The modern city is not an isolated social phenomenon, but an important form of existence of modern society, in a way, the model of this society, which reflects the basic regularities of its development. It is difficult to find any significant social problem, which would not be connected with the fate of urbanization and the problems of the city. Such a role of these problems in social development makes the research of urban issues and processes of urbanization particularly relevant in relation to strategic planning.

Thus, the growing importance of cities in the context of globalization, regionalization and urbanization requires the development of appropriate State policies in this area. The experience of foreign countries has shown that State urban policy is not always set out in a single document, but as a rule is presented in several legal acts or is a component of other State programs, especially in the area of regional policy.

The issue of urban development and related urbanization is an integral part of the whole range of problems associated with Ukraine’s transition

to a sustainable development model. The processes of urbanization are nowadays contradictory to the challenges posed by the need to achieve the goals, objectives and indicators of sustainable development. The changing nature of urban development and the modern content of urbanization also play a role here.

However, the problem of cities in Ukraine has not received due attention from legislators and officials, although some aspects of it are mentioned in national regional development strategies. Therefore, it seems appropriate to adopt a separate document on urban policy that would take into account the European practice and legislation of the European Union in this area, as well as the specific features of Ukrainian cities. Strategic planning of sustainable urban with the combination of centralization and decentralization in the exercise of public power would also be effective. Such planning should take into account foreign experience, in particular, the practice of modernization and conversion of industrial areas of large cities.

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